

September 6, 2019

ELECTION CODE COMMITTEE MEETING

3:30 PM

COUNCILMEMBERS PRESENT: Troxell, Pignataro, Summers (via telephone),
STAFF PRESENT: Ryan Malarkey, Delynn Coldiron, Rita Knoll, Sara Gonzales
CITIZENS PRESENT: Marge Norskog, Jody Deschenes, Robbie Moreland, Roxanne Griffin, Dale Karchin, Suzanne Trask, David Turk, Kathryn Secor, Mike Feldhousen, Karen Wagner, Jen Rossi

1. CALL MEETING TO ORDER

Mayor Troxell called the meeting to order.

2. ELECTION OF COMMITTEE CHAIR

Councilmember Pignataro expressed interest in being the Committee Chair. Mayor Troxell and Councilmember Summers accepted the nomination.

3. CITIZEN COMMENT

Marge Norskog discussed the role of the City Clerk's Office in elections-to cover the election process and two election management tasks: to answer questions when asked and to take action if a report is not filed on time. She noted the Office was denied additional funding in 2019 to expand election management. She discussed the 18 complaints she and others filed in the April 2019 election, all of which were based on observations. Moving forward, Ms. Norskog stated small scale issue committees should be required to report the zero to \$199 spent once they reach the \$200 threshold that requires reporting. Independent expenditures under \$250 are currently exempt from "paid for by" requirements, which causes a loophole in anonymous speech. Additionally, someone convicted of a felony who has since had their voting rights restored should be able to run for Council and suggested the election software be able to accommodate online reporting by campaigns and committees and support ranked choice voting.

Robbie Moreland stated it is important that consistent oversight is given to ensure election code is being followed. She reviewed financial disclosures for the past three April elections and requested the Committee consider addressing non-itemized contributions or donations under \$20 to clarify their proper use and purpose. She requested the Committee address campaign donations from LLCs. She would like the City's Election Code to match that of the state in order to ensure that individuals no longer have an advantage over others through the use of multiple LLCs.

Karen Wagner expressed concern about low voter turnout and questioned why the Committee has gone so long without meeting. She requested the Committee have a regular monthly meeting.

Jan Rossi expressed concern there is no campaign compliance oversight.

Roxanne Griffin stated the citizens of Fort Collins have the right to know who is paying for political advertisements, including independent expenditures. Transparency plays a key role in a voter's ability to evaluate the merits of political campaign messaging. She requested the Committee consider future steps needed to ensure transparency and compliance with Election Codes.

Jody Deschenes requested the Committee address guidelines for election office employment or ineligibility thereof. She would like to help elevate the City's election process and stated there should be a higher standard of transparency. She discussed her group's three areas of focus: independent, fair, and transparent redistricting, ranked choice voting, and taking any and all measures necessary to mitigate the negative influence of money on campaigns, elections, and government. She will be submitting three resolutions related to these issues.

Councilmember Summers thanked the citizens who spoke and stated requiring "paid for by" statements on web pages and social media is a way to catch people doing misdeeds. He suggested the focus needs to

be on other issues. He stated Fort Collins' \$75 maximum contribution limit may be lowest of any city in Colorado; therefore, transparency concerns should focus more on flyers and robocalls. He would support on-line reporting but opposed ranked choice voting.

Mayor Troxell thanked the speakers and stated that, while transparency is important, he believes the complaint-based system has worked and he would be concerned about implementing changes that would dissuade candidates from participating.

Councilmember Pignataro asked if it would be appropriate for the Committee to make a decision on LLCs as all three of their names appear on the list of candidates with LLC donations. Chief Deputy City Clerk Knoll noted the Committee would be making a recommendation to Council with Council being the body that would ultimately make any changes to the Election Code.

Councilmember Pignataro asked about the scheduling of the Committee meetings. City Clerk Coldiron replied the meetings have been set for every other month for the rest of the year; however, that can be adjusted as necessary.

4. APPROVAL OF AUGUST 2, 2018 COMMITTEE MEETING MINUTES

Mayor Troxell made a motion, seconded by Councilmember Summers, to adopt the August 2, 2018 Committee meeting minutes. The motion was adopted by unanimous consent.

5. DISCUSSION ITEMS

a. Review of the scope of the Election Code Committee and past accomplishments

Assistant City Attorney Ryan Malarkey discussed the history of the Election Code Committee and various Election Code changes made by Council, after recommendation by the Committee.

Councilmember Pignataro asked how far prior to an election any Election Code changes need to be put into place. Chief Deputy City Clerk Knoll replied they would ideally be in place by September.

Mayor Troxell requested feedback on changes that were made prior to the April 2019 election. Chief Deputy City Clerk Knoll replied the additional required campaign finance reports placed a stress on the workload, as did the large number of candidates. She also noted there were additional ballot processing requirements that needed to be implemented, including signature verification and a new tabulation system.

City Clerk Coldiron commented on the relationship with the County which provides County workers in the City Clerk's Office to help with registrations and other issues. The County is also considering letting the City use its ballot box.

Chief Deputy City Clerk Knoll stated the marketing campaign appeared to have been successful in getting people to check registrations early which decreased the walk-in traffic. She discussed the changes made relating to UOCAVA voters and to extending the time for signature discrepancies to be cured.

Mayor Troxell commended the election and its transparency given the number of new processes. He stated he would be slow to act in making additional changes citing the importance of predictability and stability.

Councilmember Summers stated he could find some interesting results that would come from ranked voting at a local level.

Councilmember Pignataro asked if there are clear guidelines about impartiality for election workers. Chief Deputy City Clerk Knoll replied that had not typically been an issue; however, a complaint was received from a candidate related to contact from Ms. Deschenes which is why she was not selected for election employment. She stated staff has determined a more complex application and vetting process will occur in the future.

City Clerk Coldiron stated staff will work with Human Resources and the City Attorney's Office to formalize the election worker hiring process.

b. Overview of April 2019 election

Chief Deputy City Clerk Knoll discussed turnout numbers, noting the number of registered voters is constantly changing. Receiving 32,000 ballots for a local election is a good turnout. She reviewed the election worker roles, overseas voter numbers, signature discrepancy corrections, new processes and equipment, campaign law changes, and election cost.

Councilmember Pignataro asked if it is a requirement that ballots first go to Denver for processing through the mail. Chief Deputy City Clerk Knoll replied in the affirmative but noted there is an agreement in place with the Fort Collins post offices to hold any ballots they get on Election Day.

c. Background on recent changes to Election Code

City Clerk Coldiron reviewed changes made to the Election Code prior to the April election. She also reviewed the complaints received during the election, stating two, relating to "paid for by" requirements on flyers, yard signs, campaign websites and a Facebook page, have been forwarded for additional investigation.

Councilmember Pignataro asked why other complaints related to a Facebook pages have been dismissed while one remains. Assistant City Attorney Malarkey replied he could not make detailed comments as the investigation is ongoing.

Chief Deputy City Clerk Knoll noted Fort Collins, as a home-rule city, does not follow the majority of state laws regarding campaign finance.

Mayor Troxell opposed the severity of the penalty associated with "paid for by" violations and suggested the Committee consider alternatives. Councilmember Pignataro agreed and suggested the inclusion of additional language in candidate guidelines.

d. Review of proposed amendments to District-Precinct Map and possible recommendation to be included in September 17 Council Agenda Item

Chief Deputy City Clerk Knoll presented a draft agenda item for the September 17 Council meeting related to precinct changes made by the County. She noted the changes do not affect Council districts.

Mayor Troxell made a motion, seconded by Councilmember Summers, to recommend adoption of the amendment to the City precinct map based on the County's precinct changes. The motion was adopted unanimously.

e. Redistricting study overview

City Clerk Coldiron stated this communitywide redistricting effort was approved as part of the last budget cycle and noted the last redistricting was done in 2016. She stated redistricting must occur when there is a 10% or greater population variation between the most populous district and the least populous district, which in this case are Districts 1 and 4.

City Clerk Coldiron stated the redistricting study will result in an analysis of the current population-based methodology and ideas for others, evaluation of a possible district configuration, a robust public engagement effort, and multiple redistricting options. She noted the hired consultant will aid in the entire process and be present to answer questions. Staff would like to draft a request for proposal for the Committee to consider at its next meeting and begin work in February with Council consideration in November or December of next year.

Councilmember Pignataro asked how a consultant will be chosen. City Clerk Coldiron replied a staff committee will be formed to review the requests for proposal submissions and the Committee will be kept informed along the way.

Councilmember Summers suggested a November review by Council in order to provide additional time for potential candidates who may run in the April election. City Clerk Coldiron noted the new district boundaries will not go into effect until 2023 as census data will not be reported until 2021.

6. FUTURE TOPICS

What topics does the committee wish to explore as part of its work plan?

Councilmember Pignataro asked if Committee members could send suggestions to staff for compilation prior to the next meeting.

7. OTHER BUSINESS

None.

8. ADJOURNMENT

The meeting adjourned by unanimous consent at 5:00 PM.

MINUTES APPROVED-NOVEMBER 15, 2019