

June 16, 2022

**ELECTION CODE COMMITTEE MEETING**

**1:15 PM**

COMMITTEE MEMBERS PRESENT: Canonico, Arndt (remote), Ohlson (remote)  
OTHER COUNCILMEMBERS PRESENT: Gutowsky (remote)  
STAFF PRESENT: Rita Knoll, Ryan Malarky, Tammi Pusheck, Carrie Daggett, Anissa Hollingshead,  
Rupa Venkatesh, Logan Armstrong, and Marcus Bodig (remote)

**1. CALL MEETING TO ORDER**

**2. ROLL CALL**

(\*\*Secretary's Note: Mayor Arndt arrived at 1:30 PM).

**3. PUBLIC COMMENT**

None.

**4. PUBLIC COMMENT FOLLOW-UP**

None.

**5. CONSIDERATION AND APPROVAL OF THE MAY 31, 2022 COMMITTEE MEETING MINUTES**

Councilmember Ohlson made a motion, seconded by Chair Canonico, to approve the May 31, 2022 meeting minutes. The motion was adopted unanimously.

**6. PRESENTATION OF REDISTRICTING OPTIONS AND POSSIBLE RECOMMENDATION**

City Clerk Hollingshead stated GIS has completed an analysis of the populations in split districts. Marcus Bodig, GIS, detailed that analysis and the process used to attempt to balance the population in those blocks. He stated each split block was visually verified and all four options are still viable based on this analysis.

Councilmember Ohlson commended the work done on this topic and stated he is confident in the results. Chair Canonico concurred.

Chair Canonico asked if all four options will be forwarded to Council. Councilmember Ohlson noted the Committee does have the option to make a recommendation, however, he is fine not doing so.

Chair Canonico noted the deviation is lower in option three than four; however, those two options seem to be the better two.

Councilmember Ohlson suggested taking all four options to Council for its consideration. Chair Canonico concurred.

Councilmember Gutowsky asked what changes were made to the four options based on the GIS analysis. Bodig replied only minor tweaks were made and no changes were made to the options; staff verified the populations were still accurate and the deviations were correct. He clarified options one and two would allow the Mulberry annexation population to be split between two different districts and options three and four would place that entire population into district one.

(\*\*Secretary's Note: Mayor Arndt arrived at this point in the meeting.)

Mayor Arndt concurred with the idea of bringing all four options to the full Council.

## **7. REVIEW OF POTENTIAL CHARTER AMENDMENT BALLOT QUESTIONS**

City Attorney Daggett outlined the ordinances that will present the April to November election timing shift and the ranked choice voting questions to Council to either be placed on the ballot or modified.

Members and City Attorney Daggett discussed language additions that would clarify the term extensions would occur only one time.

Councilmember Ohlson made a motion, seconded by Mayor Arndt, that the Committee make a recommendation to Council to adopt the ordinance to submit to a vote of the registered electors of the city of Fort Collins a proposed amendment to the City Charter shifting the City's regular municipal election from each odd year April to each odd year November.

Mayor Arndt asked if adoption of this ordinance would mandate coordinated elections or still allow for the possibility of having municipal elections in November. City Attorney Daggett replied the language does not commit to a coordinated election and Council will ultimately decide if the election remains municipal or becomes coordinated. The motion was adopted unanimously.

City Clerk Hollingshead outlined the ranked choice voting ordinance. City Attorney Daggett and City Clerk Hollingshead discussed the options for dealing with a disqualified candidate in the case of ranked choice voting.

Councilmember Ohlson asked if the language could be modified between first and second reading. City Attorney Daggett replied in the affirmative.

Councilmember Ohlson asked if a candidate has ever been disqualified after being elected. City Attorney Daggett replied she is unaware of one; however, the provision does exist and the ranked choice voting method provides a different option.

Councilmember Ohlson suggested changing the language between first and second reading.

Mayor Arndt stated ranked choice voting allows for retabulation which would seem to be the logical option in the case the top vote getter is disqualified. Councilmember Ohlson and Chair Canonico agreed. City Attorney Daggett stated the language could be changed prior to first reading if so desired. Members concurred that would be the best option.

City Attorney Daggett clarified the change discussed would occur in a municipal election; however, if the election was coordinated, the County Clerk would handle the issue in accordance with the Secretary of State's rules for ranked choice voting.

Councilmember Ohlson made a motion, seconded by Mayor Arndt, to adopt the ordinance submitting to a vote of the registered electors of the city of Fort Collins a proposed amendment to the City Charter concerning the use of ranked choice voting method to elect future mayors and councilmembers of the City of Fort Collins, making changes based on the Committee discussion relating to section 7 on page 2 of this ordinance. The motion was adopted unanimously.

## **8. REVIEW OF POTENTIAL CAMPAIGN FINANCE CODE AMENDMENTS**

City Attorney Daggett outlined the changes that have been made since the last discussion of this item, including a change to address the issue of individuals providing professional services which states that services are not a contribution unless they are something for which a fee would commonly be paid. Members supported the change.

City Attorney Daggett outlined the next change which provides an exception to the definition of contribution of mailing lists that have never been sold or offered for sale. Members supported the change. City Attorney Daggett noted the language would not keep an organization from giving a candidate a mailing list that may be quite valuable if it were never for sale.

Councilmember Ohlson suggested lists from organizations should not be allowed to be given to candidates unless fair market value is paid.

Members supported moving forward with the language as currently presented unless another option is developed by the City Attorney's Office.

City Attorney Daggett commented on additional changes, including deleting a portion of the definition of contribution-in-kind, adding a requirement that the periodic reports include cumulative totals of contributions, contributions-in-kind, and expenditures, and making certain offenses criminal rather than civil, such as knowingly accepting illegal or prohibited contributions, having a candidate make a contribution that someone will reimburse, and coordinating committees.

Councilmember Ohlson stated it is nearly impossible to prove 'with intent' or 'knowingly' and stated individuals who are attempting to play by the rules should not be placed at a competitive disadvantage in a campaign. City Attorney Daggett replied 'knowingly' is not a particularly high bar and means an individual intended to do something; however, intentionally is a higher bar and willfully is even higher.

Councilmember Ohlson stated he could accept the use of the word 'knowingly.'

Councilmember Ohlson made a motion, seconded by Mayor Arndt, that the Committee recommend the adoption of the potential campaign finance code amendments in Ordinance No. 079, 2022. The motion was adopted unanimously.

## **9. REVIEW OF TIMELINE FOR PRIORITIES**

City Clerk Hollingshead outlined the upcoming Council and Committee dates and asked if the Committee would like to hold its June 27<sup>th</sup> meeting. Members agreed to keep the meeting on the calendar until staff and Chair Canonico make a determination.

## **10. OTHER BUSINESS**

## **11. ADJOURNMENT**

The meeting adjourned by unanimous consent at 2:41 PM

## **MINUTES APPROVED AT THE AUGUST 15, 2022 ELECTION CODE COMMITTEE MEETING**