

May 31, 2022

ELECTION CODE COMMITTEE MEETING

10:00 AM

COMMITTEE MEMBERS PRESENT: Canonico, Arndt, Ohlson
OTHER COUNCILMEMBERS PRESENT: Gutowsky, Francis, Peel
STAFF PRESENT: Marcus Bodig, Rita Knoll, Ryan Malarky, Tammi Pusheck, Carrie Daggett, Anissa Hollingshead

1. CALL MEETING TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

None.

4. PUBLIC COMMENT FOLLOW-UP

None.

5. CONSIDERATION AND APPROVAL OF THE MAY 9, 2022 COMMITTEE MEETING MINUTES

Councilmember Canonico made a motion, seconded by Mayor Arndt, to approve the May 9, 2022 meeting minutes. The motion was adopted unanimously.

(**Secretary's Note: Councilmember Ohlson arrived at this point in the meeting.)

6. PRESENTATION OF REDISTRICTING OPTIONS AND POSSIBLE RECOMMENDATION

City Clerk Hollingshead outlined the history of the four options for redistricting and stated, based on the previous meeting's discussion, staff has presented what was then option three developed by a resident, and a new option four which makes a slight change to option three. She stated there have been some recent issues with population counts due to the County's precincts not adhering to census block groups.

Marcus Bodig, GIS, further detailed the population count issue. Mayor Arndt asked how big of an issue has been created. Bodig replied there are 10 to 20 instances of block groups being cut out of perhaps 500 or so.

Councilmember Ohlson asked why the City and County Clerk's Offices do not coordinate on these issues. City Clerk Hollingshead replied the two redistricting processes are independent as the County must ensure it is adhering to state statute. It does not take into account the City's process with redistricting or elections in general as the County is governed by the Uniform Election Code and the City is governed by the Municipal Election Code.

Councilmember Ohlson asked about the practical impact of the population count issues on the redistricting options. City Attorney Daggett replied work has yet to be completed; however, staff is attempting to focus in on the lines between the districts to determine where the precinct lines cut across census blocks and look at what can be done to try to approximate.

Councilmember Ohlson asked if staff is requesting additional time rather than a formal recommendation. City Attorney Daggett replied in the affirmative and stated staff has yet to determine whether there will need to be changes, but would like to do those additional checks.

Chief Deputy City Clerk Knoll noted options three and four have been renumbered to one and two and reiterated the only difference between the two is a slight change to one precinct. City Attorney Daggett

discussed the population of that precinct, 362. Bodig noted it does not take much of a population change to affect the deviation.

Councilmember Gutowsky asked about the main reasons the original options one and two were not deemed acceptable. Chair Canonico replied the resident's proposed option three provided the greatest continuity with the current districts and met all the necessary criteria. It was noted the ultimate decision will be up to the full Council.

Councilmember Gutowsky stated she would like the original options one and two to still be considered and noted a large piece of Old Town that was once in her district is now gone with the resident's proposed map.

Councilmember Peel also stated she would like all of the options to remain for consideration.

Mayor Arndt suggested going back to the original options one through four to eliminate confusion.

7. REVIEW OF POTENTIAL CHARTER AMENDMENT BALLOT QUESTIONS

City Attorney Daggett outlined the changes made since the last discussion of this item and asked if the Committee wants to make a formal recommendation. Members discussed the ballot question language.

Mayor Arndt asked the City Clerk her opinion on whether the election becomes coordinated and if ranked choice voting passes. City Clerk Hollingshead replied Fort Collins seems to place a great deal of value on flexibility and autonomy and holding municipal elections would allow for more autonomy, such as paying for postage on return ballots. She stated there are areas for making a meaningful impact on voter turnout that might accomplish some of the goals that are being sought from switching to November coordinated elections. She commented on ways to increase voter turnout.

Members discussed the impact of holding municipal elections in November, but not having them be coordinated with the county. Councilmember Ohlson stated he does not like the idea of voters receiving two ballots in November at this time.

Members concurred they would support the amended charter ballot language related to November coordinated elections and ranked choice voting.

8. REVIEW OF POTENTIAL CAMPAIGN FINANCE CODE AMENDMENTS

City Attorney Daggett commented on the updates that have been made based on the discussion at the last Committee meeting. She requested input from members regarding mailing lists and how they are treated in terms of contributions. Councilmember Ohlson stated he does not believe purchased mailing lists should be able to be given to other candidates; however, the sharing of personally developed mailing lists is not a concern. Other members agreed and requested staff prepare some language related to the topic.

Members discussed contributions in kind and how contributions of services such as web design should be addressed. Councilmember Ohlson expressed concern about the number of hours certain professionals could contribute to a campaign that would greatly exceed \$75.

City Attorney Daggett stated staff would work on additional language to address the provision of services. She discussed the changes made to language regarding not allowing committee funds to be used to pay penalties.

Councilmember Ohlson commented on the effectiveness of this committee but stated he did not want all of the work done to not mean anything. He stated he believes there should be consequences for non-compliance and stated he would support penalties not being allowed to be paid from committee funds.

City Attorney Daggett noted there is an escalation factor for fines, and multiple offenses eventually result in a criminal offense. If someone is convicted, they are disqualified from serving. She stated the list of offenses and associated penalties was placed in the Code in 2020 because the Committee at that time wanted to create a predictable process. She noted this Committee could recommend changes to the dollar amounts associated with the violations and noted there are still some items that are criminal offenses.

Councilmember Ohlson opposed a minor fine penalty for blatant violations. Chair Canonico stated she would like there to be room for errors to be made without it being a fatal flaw for candidates. City Attorney Daggett noted the process that was put in place in 2020 calls for the Clerk to provide notice of a complaint and for the candidate to have 7 days to correct. If corrected, the issue is resolved. Additionally, she stated there is a provision that makes criminal knowingly violating the disclosure and filing report with intent to fraudulently misrepresent campaign contributions or expenditures on a disclosure report. Members requested staff prepare language regarding the topic.

Chair Canonico asked about penalties at the state level. Chief Deputy City Clerk Knoll replied the state has a daily penalty and there are municipalities with daily penalties; however, those are difficult to enforce.

Councilmember Ohlson commented on the biggest violation he sees being related to monies not being reported within the first three days of having committed the funds at the end of campaigns. He requested staff work on language to tighten the issue of committing funds versus spending funds. Other members agreed.

Members commented on campaign finance reports not being cumulative for total amounts raised and total amounts spent. City Attorney Daggett noted staffing resources have made review of each campaign finance report difficult and have led to public review being the primary source of complaints.

9. REVIEW OF TIMELINE FOR PRIORITIES

Chief Deputy City Clerk Knoll stated the redistricting ordinance will hopefully be heard by the full Council at the two July meetings after an additional Committee meeting.

10. OTHER BUSINESS

11. ADJOURNMENT

The meeting adjourned by unanimous consent at 11:50 AM

MINUTES APPROVED AT THE JUNE 16, 2022 ELECTION CODE COMMITTEE MEETING