

October 18, 2021

ELECTION CODE COMMITTEE MEETING

12:00 PM

COUNCILMEMBERS PRESENT: Arndt, Canonico, Ohlson
STAFF PRESENT: Carrie Daggett, Tammi Pusheck, Ryan Malarkey, Kyle Stannert
CITIZENS PRESENT: Robbie Moreland, Owen Perkins (remote)

1. CALL MEETING TO ORDER

2. PUBLIC COMMENT

Robbie Moreland thanked staff for brining in the presenter regarding publicly funded elections. She stated the committee should consider which method would consider more candidates to run for office, which method would engage more residents to vote in municipal elections, and which method is easier to administer. She discussed a voucher program and stated it is a viable method to add to the analysis. She questioned how a group in the April election could raise \$75,000 for a candidate and still not have to disclose its donors, in violation of City Code and the state election code. She also stated she would like to see ranked choice voting on next month's agenda.

Owen Perkins, Clean Slate Now Action, supported Fort Collins looking at publicly funded elections. He stated public financing would give open access to the ballot to a more diverse field, would eliminate wealth as a factor in competing for office, would eliminate the potential for corruption or the appearance of corruption, encourages residents to be engaged in the process, and empowers residents to reclaim the concept of citizen-owned elections.

Vice Chair Arndt stated she has always supported publicly funded elections and limits of \$100 for Mayor and \$75 for Councilmembers. She questioned whether Citizens United incentivizes dark money. Mr. Perkins replied publicly financed elections cannot overturn Citizens United, which is a federal issue. He stated work can be done at the local level to incentivize the small-dollar donor and associated campaigns.

Vice Chair Arndt asked if there is any evidence that pushing the maximum donation amount down so low it has a negative effect. Mr. Perkins replied dark money tends to follow very competitive races rather than correlating to donation limits. He also noted every campaign finance reform that has taken place in recent years in Colorado has eliminated corporate contributions.

3. PUBLICLY FUNDED ELECTIONS – Katie Setty

Katie Setty, Colorado State University Political Science Department Master's Student, provided some municipal-level examples and case studies for publicly funded elections. She stated the motivations behind publicly funded elections tend to stem from two sources: a desire for increased access for candidates and voters, and a desire to limit expenditures of candidates. Ms. Setty outlined the three methods of public funding: matching funds, grants, and the voucher program. She detailed various programs of each of the first two types and discussed Seattle's unique voucher program.

Vice Chair Arndt asked about fundraising caps and the number of candidates. Ms. Setty replied there are limits in most programs which prohibit fundraising after the expenditure limit is reached.

Councilmember Ohlson stated he is very supportive of limits to campaign funding but opposed five-dollar limits. He also opposed making determinations of candidates' personal wealth as it seems to invalidate the entire public financing of elections by giving those who are self-funded a green light. Ms. Setty agreed the determination of personal wealth would be inappropriate and stated Los Angeles has a requirement that candidates must receive 100 five-dollar donations to qualify, though it also allows other donations that qualify as small donor donations.

Chair Canonico suggested the five-dollar donations could be seen as somewhat equivalent to obtaining signatures on a petition.

Kyle Stannert, City Manager's Office, stated one of the remote participants stated the five dollars is not a contribution limit, but is a minimum contribution to qualify for public finance.

Chair Canonico requested additional information regarding Seattle's voucher program. Ms. Setty replied citizens are given vouchers that represent their portion of public funding and those vouchers can be directed to candidates online or physically.

Kyle Stannert noted Mr. Perkins also stated the 20% of personal wealth means 20% of one's campaign funds is the maximum for personal contributions.

4. REDISTRICTING UPDATE

Interim City Clerk Pusheck stated staff is looking to engage the City's IT department to help find a contractor to help with redistricting.

5. NOVEMBER ELECTIONS

Interim City Clerk Pusheck noted the Committee was provided information in its packet and asked what additional information would be needed. Vice Chair Arndt asked when necessary Charter changes would go before voters should the Committee recommend this change to Council. Interim City Clerk Pusheck replied the assumption is November of 2022. City Attorney Daggett noted Council could call a special election and put items on the November ballot as well as the April regular municipal election ballot. She discussed possible permutations of a shift from April to November elections noting some type of change in term lengths would be necessary.

Councilmember Ohlson stated lengthening terms would likely be more palatable than shortening them.

City Attorney Daggett commented on other municipalities that have switched to November elections.

Councilmember Ohlson noted the Committee has consistently expressed support for even year November elections. Interim City Clerk Pusheck provided preliminary information related to various scenarios that would result from a change to November elections depending on when that change may occur.

Committee members discussed the current two-year Mayoral term versus four-year Council terms. It was noted that does allow for four seats to be up for election every two years.

Committee members commented on November elections being beneficial due to the higher number of voters despite possible ballot fatigue with longer ballots. Interim City Clerk Pusheck noted there may be some imbalance in that one group of candidates would always be on the ballot with the presidential election whereas the other group would not.

City Attorney Daggett noted the City can currently do TABOR questions during regular municipal elections, and that option would be eliminated if April elections were eliminated. She noted term limits would also need to be addressed in any ballot language.

6. FUTURE ELECTION CODE COMMITTEE DATES WITH SCHEDULING CONFLICTS

Councilmember Ohlson suggested meeting dates with holiday conflicts should be rescheduled. Other members agreed.

7. OTHER BUSINESS

Interim City Clerk Pusheck requested guidance as to what topics the Committee would like to discuss at the next couple meetings.

Committee members discussed the timing of key topics and Vice Chair Arndt suggested the development of a calendar working backward from any items that would need Charter changes and associated voter approval.

8. ADJOURNMENT

The meeting adjourned by unanimous consent at 1:13 PM.

MINUTES APPROVED AT THE NOVEMBER 15, 2021 ELECTION CODE COMMITTEE MEETING