

September 20, 2021

ELECTION CODE COMMITTEE MEETING

12:00 PM

COUNCILMEMBERS PRESENT: Arndt, Canonico, Ohlson
STAFF PRESENT: Carrie Daggett, Tammi Pusheck, Rita Knoll
CITIZENS PRESENT: None

1. CALL MEETING TO ORDER

2. PUBLIC COMMENT

Robbie Moreland commented on two outstanding election complaints and suggested an independent election oversight committee should be formed. She suggested 18 months is a sufficient amount of time to implement ranked choice voting for the April 2023 election if it is approved at the November of 2022 election.

Jody Deschanes supported Ms. Moreland's comments and addressed inaccurate comments about ranked choice voting.

3. CONSIDERATION AND APPROVAL OF THE AUGUST 27, 2021 COMMITTEE MEETING MINUTES

Vice Chair Arndt made a motion, seconded by Councilmember Ohlson to approve the August 27, 2021 meeting minutes. The motion was adopted unanimously.

4. DISCUSSION ITEMS

a. Campaign Finance Provisions

Chief Deputy City Clerk Knoll asked about the scope of the review of campaign finance provisions and whether it is separate or in conjunction with considering reverting to the state law.

Vice Chair Arndt asked about the main differences between the Colorado Fair Campaign Practices Act and the City Code. Knoll replied they were almost identical when Fort Collins wrote its Code with the exception of not addressing state candidates. She stated local provisions were written so they could all be contained in one document.

Vice Chair Arndt stated candidates need more clear guidance on PACs as one example.

City Attorney Daggett noted there are state, but not local, guidelines for independent expenditure committees.

Councilmember Ohlson stated he would like to keep big money out of City elections, and if that is not possible, there should be as much disclosure as possible regarding who is contributing.

b. Redistricting

Chair Canonico noted redistricting must be complete by October 6, 2022 for the April 2023 election.

Interim City Clerk Pusheck noted this process has already begun and funds have been budgeted for a consultant.

Councilmember Ohlson asked about the role of the consultant stating he does not recall a consultant being used for redistricting in the past. He stated the earlier in the process the redistricting can occur, the better, as candidates are contemplating running for office earlier.

Vice Chair Arndt concurred an earlier date for having district boundaries set would be beneficial.

City Attorney Daggett stated this is the first time a consultant has been used as the last redistricting process took much longer than anticipated. She stated the consultant's role will be to help prepare and present options for the best way to determine the cadence for redistricting.

Chief Deputy City Clerk Knoll stated the consultant will be familiar with many different models used in the country.

Vice Chair Arndt asked who sets precinct boundaries. Chief Deputy City Clerk Knoll replied the County sets those boundaries and the Code requires City precincts to match County precinct boundaries in order to obtain accurate voter data.

Councilmember Ohlson commented on ensuring an incumbent is not redistricted out of his or her own seat.

Chief Deputy City Clerk Knoll stated it may be difficult to have redistricting occur much earlier if census data is used. She also noted there will be a public outreach component to the consultant's work.

Vice Chair Arndt asked about the City's residency requirements for candidates. Chief Deputy City Clerk Knoll replied candidates must have been a registered voter for one year and live in the district at the point of taking office.

Chief Deputy City Clerk Knoll noted the consultant is to assist with different methodologies; however, if there is no desire to change that, a consultant may not be needed.

City Attorney Daggett clarified a candidate must be residing within the district at the time of nomination, not the time of election.

Vice Chair Arndt noted state and federal congressional maps are based on population and that seems to be the metric that makes the most sense.

Chair Canonico asked about the projected cost of the consultant. Chief Deputy City Clerk Knoll replied it was between \$80,000 and \$90,000. She stated staff can put together options based on population and the consultant may not be necessary if the methodology is not changing.

Councilmember Ohlson questioned the need for the consultant, particularly at that cost.

City Attorney Daggett noted the scope of work for a consultant has yet to be written. She stated the redistricting triggers per the Code will be outlined and may need to be adjusted.

c. November Elections

Chief Deputy City Clerk Knoll discussed time constraints and the timeline around moving elections to November. She noted there are currently no municipal elections in Larimer County in even years. She noted the topic is slated for a more detailed discussion at the next meeting.

Councilmember Ohlson stated there is no reason to change to a coordinated election in odd years and expressed support for coordinated even year elections beginning in 2024.

Chair Canonico asked if there would be anything that would prevent the extension of Council terms should an April 2023 election not occur. City Attorney Daggett replied that would need to be a topic of discussion for the Committee. She stated having the April 2023 election to fill terms could be a possibility and stated the various aspects of the timing could be built into the ballot issue approving any change to a coordinated election.

Vice Chair Arndt and Councilmember Ohlson commented on the benefits of having more voters per election which may result from changing to coordinated elections.

d. Ranked Choice Voting

Chief Deputy City Clerk Knoll stated the earliest ballot on which this item could appear would be November 2022 and the earliest it could be implemented, should voters also approve a switch to November elections, would be November of 2023. She noted the use of ranked choice voting could only occur if the County uses a system certified by the Secretary of State for use in a ranked choice voting election. She noted the November 2022 election would not be certified until about three months after preparations for the April 2023 election would occur.

Councilmember Ohlson stated he would need to see some proof that implementation could not occur by the April 2023 election and stated the consultant funding could be used to hire additional staff if necessary.

Chief Deputy City Clerk Knoll noted candidate guidelines include election information and there would be differences based on which type of election is run, including different certification dates and potentially different vendors.

Committee members and staff discussed certification dates and swearing in dates. City Attorney Daggett noted a specific swearing in date could be set, but it would need to be far enough out to allow for recounts.

Chair Arndt opposed the last timeline for swearing in and the immediately following retreat to determine Council priorities.

Councilmember Ohlson stated the Committee needs to know what resources are needed in order to implement ranked choice voting for the April 2023 election, if approved in November of 2022.

e. Public Financing of Elections

Interim City Clerk Pusheck stated interns are working on collecting data from peer cities and will be returning with information during the first quarter of 2022.

f. Election Oversight Board

Interim City Clerk Pusheck stated interns are working on collecting data from peer cities and will be returning with information during the first quarter of 2022.

g. Partisan/Non-partisan Elections

City Attorney Daggett asked if the Committee views this as an immediate issue or more of a long-term topic.

Councilmember Ohlson stated he has preferred non-partisan elections; however, he believes those have not occurred in practice in years, therefore, he would rather see partisan elections. He suggested the topic could still be placed on the same ballot with other questions.

City Attorney Daggett noted the main change with a partisan election involves the establishment of political parties to determine who candidates on the ballot would be.

Chair Canonico supported prioritizing ranked choice voting and November elections over changing to partisan elections. Councilmember Ohlson agreed with prioritizing those; however, he suggested they could potentially all move forward simultaneously.

City Attorney Daggett requested a prioritization of the seven items.

Councilmember Ohlson noted redistricting has to be done. Vice Chair Arndt stated she would like to have that done by April.

Councilmember Ohlson suggested the next priority should be campaign financing improvements, followed by November elections and ranked choice voting.

City Attorney Daggett noted the budgeting process will be starting again in March and April and having some direction on public election financing could be beneficial at that time.

Councilmember Ohlson suggested public financing and the election oversight committee would be the next priorities.

5. OTHER BUSINESS

6. ADJOURNMENT

The meeting adjourned by unanimous consent at 1:26 PM.

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