

October 21, 2024

ELECTION CODE COMMITTEE MEETING

4:02 PM

COMMITTEE MEMBERS PRESENT: Arndt, Pignataro (remote), Potyondy
STAFF PRESENT: Rupa Venkatesh, Sara Arfmann, Tyler Robbins, Carrie Daggett,
Delynn Coldiron

(Secretary's Note: The first 30 minutes of the audio recording were not available due to a technical issue; therefore, that section of the minutes is abbreviated and based on notes from staff.)

A. CALL MEETING TO ORDER

B. ROLL CALL

C. PUBLIC PARTICIPATION

Robbie Moreland discussed former City Clerk Anissa Hollingshead's comments on problems with three City-initiated Charter amendments. Moreland requested a discussion as to whether the concerns have merit, and if so, to outline the path forward.

Melissa Rosas discussed an error in Council's packet regarding the number of days allowed for a referendum protest, which was subsequently adopted, and asked what can be done to remedy the situation.

D. PUBLIC PARTICIPATION FOLLOW-UP

None.

E. APPROVAL OF MINUTES

1. Approval of Minutes

The purpose of this item is to approve the minutes of the September 11, 2024, Election Code Committee meeting.

Councilmember Pignataro made a motion, seconded by Councilmember Potyondy, to approve the minutes of the September 11, 2024 meeting of the Election Code Committee. Yeas: Arndt, Potyondy, and Pignataro. Nays: None.

THE MOTION CARRIED.

F. DISCUSSION/INFORMATIONAL ITEMS

2. Potential Code Changes Regarding the Campaign Complaint Process and the Campaign Contribution Limits.

Arfmann reviewed the proposed changes to the Code related to the campaign complaint enforcement process noting egregious errors could still go to court, and any criminal violation would go directly to municipal court.

Councilmember Pignataro asked about adding a flowchart to the Code. City Attorney Daggett suggested the placement of a flowchart on the website as guidance for candidates.

Councilmember Pignataro asked about clarifying the timeline for the Clerk's Office to do stage one and notify the complainant. She also requested the inclusion of a requirement to provide a reason for the dismissal of a complaint. Additionally, Councilmember Pignataro requested

clarification on the timeline for the cure option and asked about a presumptive penalty versus a fine.

Staff will return with revisions at the next meeting per the discussion.

Regarding campaign contribution limits, Arfmann outlined proposed changes to alter the limits per the committee's recommendation and include an automatic adjustment for inflation, as a starting point.

Mayor Arndt suggested rounding the increases to the nearest \$10, rounding up. Councilmembers Pignataro and Potyondy concurred.

Mayor Arndt noted Councilmember Ohlson feels strongly that if contribution limits are doubled, that would slightly exceed the impact of inflation.

Councilmember Pignataro noted inflation would increase the \$75 limit in 2000 dollars to \$140 in today's dollars, which is close to doubling.

Mayor Arndt expressed support for doubling the \$75 and \$100 limits and commented on the fact that fundraising entails reaching many voters on a personal level.

Councilmember Potyondy expressed support for doubling the limits and including inflation adjustments.

Councilmember Pignataro commented on the importance of campaign contributions to ensure candidates who may not have their own money to contribute can compete on a more even playing field. She also expressed support for doubling the limits or using inflation to calculate appropriate increases.

Mayor Arndt noted Councilmember Canonico was suggesting higher limits than this and suggested the full Council could have a discussion with \$150 and \$200 as a starting point.

Councilmember Potyondy stated Councilmember Canonico had suggested tying the limits to the state limits.

Councilmember Pignataro commented on the language around joint contributions focusing on checks and suggested including some clarification around electronic payments. Additionally, she suggested changing the deadline from 10 days to the next filing period for fixing contributions in excess of limits.

Councilmember Pignataro noted Council relies heavily on the public to bring complaints forward. City Attorney Daggett stated her experience has been that the process always involves responding to issues brought forth from the public.

Councilmember Pignataro requested staff provide information regarding hiring a consultant to help during the election to investigate violations.

Members discussed the filing forms and whether they could be modified to be simpler. City Clerk Coldiron noted there are other automated software programs that staff is beginning to research.

3. 2024 Work Plan and Election Updates.

City Clerk Coldiron outlined other possible Code changes the Committee would like to see at the December meeting, including eliminating write-in candidates. She noted the Secretary of State does allow up to two write-in candidates as part of ranked choice voting.

City Attorney Daggett noted staff discovered unclear requirements in the Code regarding write-in candidates which will need to be corrected.

Mayor Arndt asked how Boulder handled the issue with ranked choice voting. City Clerk Coldiron replied that the ranked choice voting in Boulder is just for mayor and they did not allow write-in candidates.

Councilmember Pignataro asked if there is a deadline to be a write-in candidate. City Clerk Coldiron replied in the affirmative.

Councilmember Pignataro discussed the language Code issues with write-in candidates and noted there are no secrets regarding who is running for an office. She suggested looking at eliminating write-in candidates due to concerns about fairness.

Mayor Arndt noted there are issues that arise regarding the ability to serve with write-in candidates as well.

City Clerk Coldiron stated staff will bring forth language at the next meeting.

City Clerk Coldiron outlined the current redistricting requirements and stated adjustments could be made that would no longer require redistricting automatically based on the County re-precincting every other year, which may no longer be occurring. Members discussed placing this item on hold as other issues are more important.

City Attorney Daggett stated there is a Code provision that requires petition circulators to read the entire petition if asked to do so by a petition signer and asked the Committee if they would like to look at changing or eliminating that provision.

Mayor Arndt stated the provision was not enforced, but stated she would like to ensure petition circulators have the petition with them for signers to read if desired.

Members discussed the length of the Land Use Code petition.

Councilmember Potyondy stated some type of material should be available and suggested an approved summary as a possibility. City Attorney Daggett noted part of the question on the ballot regarding the initiative and referendum processes would call for a summary to be written by the City that accurately and succinctly summarizes the measure.

Councilmember Potyondy suggested petition circulators should have the full petition available and be required to present an approved summary.

Councilmember Pignataro requested staff provide information as to the common length of petitions and stated any unenforced provision should be removed. City Attorney Daggett stated many initiatives are five or six pages long.

Councilmember Pignataro requested data to back up any possible changes.

Members opted to continue to discuss the matter at the next meeting.

City Clerk Coldiron noted the Committee will need to examine Code language changes that may be necessary if any of the ballot measures pass.

City Clerk Coldiron reported on a trip to Boulder to learn about ranked choice voting and stated a staff project team will be dedicated to work on the effort. She reviewed the education and communication offered by Boulder staff regarding ranked choice voting. Additionally, she stated staff will be meeting with Larimer County in December to begin those efforts.

4. Discussion of Issues Related to the Proposed Charter Amendments.

Mayor Arndt stated the intent of one of the Charter amendments was to remove the cure period and approve an extended signature period, and that amendment was not processed in the Council materials and came back under the Consent Agenda. She stated it was not Council's

intent to reduce the amount of time people have to collect signatures to get an item on the ballot. If the item passes, Council will need to make some revisions to get the item before voters as it was intended.

City Clerk Coldiron apologized for the error and discussed the way in which notice has been provided. She noted that Charter review efforts are underway and the correction could be placed with those on the 2025 ballot.

G. OTHER BUSINESS

None.

H. ADJOURNMENT

The meeting was adjourned by unanimous consent at 5:27 p.m.

Minutes approved at the December 10, 2024 meeting.