



Agenda

Election Code Committee

December 10, 2024 – 4:00 PM

Colorado River Room, 222 Laporte Avenue and via Zoom <https://fcgov.zoom.us/j/98639152564>

Remote Participation Available

- A) Call Meeting to Order
- B) Roll Call
- C) Public Participation
- D) Public Participation Follow-up
- E) Approval of Minutes

1. **Approval of Minutes.**

The purpose of this item is to approve the minutes of the October 21, 2024, Election Code Committee meeting.

F) **Discussion / Informational Items**

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

During the October 21, 2024 meeting of the Election Code Committee (ECC), staff presented drafted code changes for Sections 7-145 and 7-135. Members of the ECC provided valuable input and requested edits to both sections. Staff has provided a revised draft of the proposed changes.

3. **Enforcement of Local Campaign Regulations**

The Election Code Committee requested that staff research examples of an independent process for campaign compliance oversight, to support a Committee discussion of ways to reduce reliance on citizen complaints for enforcement.

4. **2024 Workplan Check-In and Election and Ranked Choice Voting Updates**

The purpose of this item is to provide updates on the Committee's Work Plan and to enable discussion on Work Plan items. The purpose also includes providing updates on the 2024 election and ranked choice voting efforts.

At its October 21, 2024, meeting, the Committee reviewed the remaining items on the Work Plan and Code amendments related to campaign finance enforcement and contribution limits. Changes have been made based on the discussion from that meeting and will be presented at the December 10 meeting. Discussion is also planned on possible options related to additional campaign oversight.

Discussion on possible additional Charter amendments will likely be included as part of the Charter review project that is currently underway.

G) Other Business

H) Adjournment

Next Scheduled Committee Meeting: 4:00 PM, January 27, 2025

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide advance notice. Requests for interpretation at a meeting should be made by noon the day before.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione aviso previo cuando sea posible. Las solicitudes de interpretación en una reunión deben realizarse antes del mediodía del día anterior.

December 10, 2024

AGENDA ITEM SUMMARY

Election Code Committee



STAFF

Delynn Coldiron, City Clerk

SUBJECT

Approval of Minutes.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the October 21, 2024, Election Code Committee meeting.

ATTACHMENTS

1. Draft Minutes, October 21, 2024

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.

DRAFT

December 10, 2024



AGENDA ITEM SUMMARY

Election Code Committee

STAFF

Sara Arfmann, Legal
Delynn Coldiron, City Clerk
Carrie Daggett, Legal

SUBJECT

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

EXECUTIVE SUMMARY

During the October 21, 2024 meeting of the Election Code Committee (ECC), staff presented drafted code changes for Sections 7-145 and 7-135. Members of the ECC provided valuable input and requested edits to both sections. Staff has provided a revised draft of the proposed changes.

BACKGROUND / DISCUSSION

During the last ECC meeting, drafted changes were presented for both Sections 7-145 (campaign complaint process) and 7-135 (contribution limits) and staff received feedback regarding additional changes and clarifications from the Committee and a community member. The majority of the changes made to Section 7-145 reflect the wish to make the steps for the complaint process clearer and more approachable. A subsection was added outlining the complaint process itself and headings were added to help with navigating the lengthy section. The timeline for the City Clerk to conduct the preliminary review, 3 days, was clarified, as well as that any dismissal notifications contain the reason for the dismissal.

Section 7-135 includes the requested updated contribution limits. The campaign limits in subsection (a)(1) were updated to state the limit related to the office of the Mayor was increased from \$100 to \$200, and the limit related to the office of Councilmember was increased from \$75 to \$150. Additionally, there were clarifications regarding the process for accepting electronic donations/payments, third-party transaction fees charged by an intermediary service, and changing the timing for remitting any contribution in excess of the limits. Finally, a subsection addressing cryptocurrency was added.

ATTACHMENTS

1. Revised proposed Code language for campaign complaint process
2. Revised proposed Code language for contribution limits
3. Presentation

Sec. 7-135. - Campaign contributions/expenditures.

a) *Limits.*

- 1) No person may make contributions and/or contributions in kind totaling more than ~~one~~ **two** hundred dollars (\$~~2~~**400**.) to the candidate committee of any candidate for the office of Mayor. No person may make contributions and/or contributions in kind totaling more than ~~seventy-five~~ **one hundred and fifty** dollars (~~\$75~~**\$150**.) to the candidate committee of any candidate for the office of Councilmember. These limitations shall apply to all contributions or contributions in kind, whether made directly to a candidate committee or indirectly via earmarked gifts passed through an intermediary, except that these limitations shall not apply to:
 - a. Contributions or contributions in kind made by a candidate to his or her own candidate committee;
 - b. Independent expenditures;
 - c. Monetary loans that are: (a) personally guaranteed in writing by the candidate, the candidate's immediate family or a business entity in which the candidate owns at least five (5) percent; or (b) secured by real or personal property owned by the candidate, the candidate's immediate family or a business entity in which the candidate owns at least five (5) percent; or
 - d. Contributions made to a candidate committee by another candidate committee established by the same individual as a candidate for the office of Mayor or Councilmember.
- 2) No person may make contributions and/or contributions in kind totaling more than one hundred dollars (\$100.) to a political committee.
- 3) No person shall make a contribution or contribution in kind in the name of another person or knowingly permit one's name to be used by another person to effect such a contribution or contribution in kind.
- 4) ***Inflation Adjustment.* The City Clerk will adjust the limit set forth in this Subsection (1) of this section based upon the percentage change over a two-year period in the United States Bureau of Labor Statistics Consumer Price Index Denver-Boulder-Greeley, all urban consumers, or its successor index, rounded to the nearest ten (\$10) dollars. The first adjustment will be done in the first quarter of 2027 and then every two years thereafter.**

b) *Limited Liability Company Contributions.* A limited liability company ("LLC") may make contributions or contributions in kind to candidate committees or political committees subject to the following requirements and all other applicable limits of this Section:

- 1) Any contribution from an LLC shall count against contribution limits for both the LLC itself and the individual members of the LLC as apportioned according. The amount a person contributes as an individual member of the LLC shall count towards the aggregate contribution limit for that person in Subsection (a) herein.
- 2) The LLC shall provide the candidate committee or political committee with a written statement affirming the permissibility of the contribution on a form provided by the City Clerk. The affirmation shall include:
 - a. The name and address of the LLC and each LLC member;
 - b. Information on how the contribution is attributed among the LLC members, which attribution must reflect the capital each member has

- invested in the LLC relative to the total amount of capital invested in the company, or the percentage of ownership each member has in the LLC as of the date of the contribution.
- 3) No candidate committee or political committee shall accept a contribution from an LLC unless the LLC provides the written affirmation in compliance with this Section before the contribution is deposited by the committee.
 - 4) The candidate committee or political committee receiving the contribution shall:
 - a. List both the individual LLC members' names and the name of the LLC as contributors on disclosure reports; and
 - b. Retain the affirmation statements for one (1) year after the date of the election; provider however, in the event a complaint is filed against the committee, the committee must maintain the affirmations until the final disposition of the complaint.
 - 5) As used in this Subsection (b), "limited liability company" shall have the same meaning as "domestic limited liability company" as defined in Section 7-90-102(15), C.R.S., or "foreign limited liability company" as defined in Section 7-90-102(24), C.R.S., as amended.
- c) *Joint contributions.* No person shall make a contribution jointly with another person through **an electronic payment or** the issuance of a check drawn on a jointly owned account unless: (i) the total amount of the joint contribution is less than the maximum amount that can be contributed by one (1) person under the contribution limits established in Subsection (a) of this Section or (ii) the check is signed by all owners of the account **or the electronic donation or other documentation provided by the contributor states it is from both**, in which event the amount of the total contribution shall be allocated equally among all such persons unless a different allocation is specified on the face of the check **or on a document provided by the contributor**. No candidate committee shall knowingly accept a contribution made in violation of this Subsection (c).
 - d) *Contributions in excess of limits.* ~~No later than ten (10) business days after receiving~~ **Upon receipt of** a contribution or contribution in kind in excess of the limits set forth in this Section, the committee that received the contribution shall remit the excess to the contributor or pay to the contributor the value of the contribution in kind **before the next filing deadline**.
 - e) *Electronic contributions.* **A contribution made by credit card, PayPal, or other payment intermediary service is accepted on the date the contributor authorizes the payment, or if unknown, on the date the payment intermediary service electronically transfers the contribution.**
 - f) *Third-Party transaction fees.* **If a third-party transaction fee is charged by an intermediary service, only the amount the committee receives is attributable to the committee.**
 - g) No candidate committee, issue committee, small-scale issue committee or political committee shall knowingly accept contributions or contributions in kind from any person who is not a citizen of the United States, from a foreign government or from any foreign corporation that does not have authority to transact business in this State pursuant to Article 115 of Title 7, C.R.S., or who is prohibited from contributing pursuant to the Charter of the City of Fort Collins or this Article.
 - h) No issue committee, small-scale issue committee or political committee shall make a contribution or contribution in kind to any other committee or to any candidate.
 - i) *Contributions from one (1) candidate committee to another.*

- 1) No candidate committee shall make a contribution or contribution in kind to, or accept a contribution or contribution in kind from, a candidate committee of another candidate.
 - 2) No candidate committee shall accept a contribution or contribution in kind from a candidate committee of the same candidate that was established or maintained for a federal, state or county election campaign or office.
- j) *Recordkeeping.*
- 1) All contributions and contributions in kind received by a candidate committee, small-scale issue committee, issue committee or political committee shall be documented and deposited and maintained in a financial institution in a separate account that complies with Subsection [7-134\(a\)\(7\)](#). Following any election in which the committee received contributions, the committee shall maintain all records pertaining to contributions and related accounts for one (1) year following the date the final disclosure report is due under [Section 7-136](#) or the date the committee terminates, whichever is later, unless a complaint has been filed under Subsection [7-145\(a\)](#) alleging a violation of the provisions of this Article, or the person or committee has received notice of an investigation or prosecution of a violation of this Article by the City or other law enforcement authority, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Such records shall be subject to inspection in connection with any investigation or other action to enforce the terms of this Article.
 - 2) Following any election in which the committee made any expenditure, the committee shall document all expenditures and shall maintain all records pertaining to said expenditures, including but not limited to invoices, receipts, instruments of payment, and copies of any public communications produced as a result of the expenditure, for one (1) year following the date the final disclosure report is due under [Section 7-136](#) or the date the committee terminates, whichever is later, unless a complaint has been filed under Subsection [7-145\(a\)](#) alleging a violation of the provisions of this Article, or the person or committee has received notice of an investigation or prosecution of a violation of this Article by the City or other law enforcement authority, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Documentation shall include the name and address of the vendor(s) or payee(s) providing the property, materials, or services and the amount of the expenditure. Such records shall be made available within three (3) business days upon request of the City and subject to inspection in connection with any investigation or other action to enforce the terms of this Article.
- k) *Reimbursements prohibited.* No person shall make a contribution or contribution in kind to a candidate committee, issue committee, small-scale issue committee or political committee with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution or contribution in kind made to any candidate committee, issue committee, small-scale issue committee or political committee, nor shall any person make such reimbursement. An unexpended campaign contribution returned to a contributor or compensation for a contribution in kind by a committee pursuant to [§ 7-135\(c\)](#) shall not be considered a reimbursement.

- l) A candidate committee, issue committee, small-scale issue committee or political committee shall not coordinate its expenditures or activities with, or share information with, any other committee and shall not conduct its campaign activities in a manner that has the effect of circumventing any restrictions or limitations on campaign contributions, expenditures or reporting set forth in this Article.
- m) A candidate, candidate committee or political committee shall obtain from each seller a certification of full fair market value for any purchased goods or services and from the contributor for any goods or services that constitute a contribution or contribution in kind. Any seller or contributor asked to provide a certification of value shall provide to the candidate, candidate committee or political committee a correct and undiscounted statement of value. Certification of value documentation shall be provided by a candidate, candidate committee or political committee to the City Clerk, or other appropriate City official responsible for investigating or reviewing compliance, upon request.
- n) No candidate committee, issue committee, small-scale issue committee or political committee may accept contributions made in cryptocurrency. Any such contributions received must be returned immediately upon the committee becoming aware of it.

Sec. 7-145. - Allegation of campaign violation.

- a) **Filing a Complaint:** Any candidate or registered elector of the City ("complainant") who has reasonable, good faith belief, based on factual information, that any person, candidate, candidate committee, issue committee, small-scale committee, or political committee has violated [Chapter 7](#), Article V, of this Code may file a written complaint with the City Clerk, no later than sixty (60) days after the date of the alleged violation.
 - 1) The complaint must contain:
 - a. The name of the alleged violator;
 - b. The Code provision allegedly violated;
 - c. A brief statement or description of the offense allegedly committed and the basis for the allegation;
 - d. All documentation or other factual evidence known to the complainant to support the allegation;
 - e. Identification of any witnesses or persons with relevant knowledge; and
 - f. The name, address and telephone number of the complainant.
- b) **Complaint Process:** All complaints filed under this section will be reviewed in the following manner, however if a complaint is dismissed at any stage it will end at that stage and will not proceed to the next:
 - 1) Preliminary Review for Sufficiency;
 - 2) Separation of Criminal Complaints from Civil Infractions, only Civil Infractions proceed to the next stage;
 - 3) Review for Credible Evidence;
 - 4) Investigation; and
 - 5) Referral to Municipal Court.
- c) **Preliminary Review for Sufficiency:** The City Clerk, in consultation with the City Attorney, will conduct a preliminary review to determine whether the complaint is sufficient and notify both the complainant and respondent within three (3) working days of receipt of the complaint. A sufficient complaint must comply with the following:
 - 1) Was timely filed under [§ 7-145\(a\)](#);
 - 2) Contains the information required by [§ 7-145\(a\)\(1\)](#); and
 - 3) Properly alleges a violation of Chapter 7, Article V, of this Code.
- d) **Insufficient Complaints:** If the City Clerk, in consultation with the City Attorney, determines that the complaint is insufficient, the City Clerk will:
 - 1) Notify the complainant that the complaint has been dismissed and provide a brief explanation of the determination; and
 - 2) Forward the complaint to the person who is the subject to the complaint ("respondent") and notify them that the complaint has been dismissed.
- e) **Conflict:** If the respondent to a sufficient complaint is a candidate for an elected position for municipal office or if the City Clerk, in consultation with the City Attorney, determines internal review of a sufficient complaint may raise conflict concerns, the City Attorney will retain special legal counsel to conduct the evaluation of the complaint using the process described below.
- f) **Criminal Complaints:** If the City Clerk, in consultation with the City Attorney, determines that the complaint is sufficient and alleges a criminal violation as set forth in [§ 7-143\(b\)](#), the City Clerk will forward the complaint to the respondent and to the City Attorney, who will evaluate the complaint for probable cause as provided for in this Division 2.

- g) **Civil Infractions:** For sufficient complaints that do not allege a criminal violation, the complaints will be subject to a civil infraction process as follows:
- 1) The City Clerk will forward the complaint to the respondent by electronic mail, notifying the respondent that the alleged violation may be subject to a civil infraction and of the presumptive fine in accordance with § 7-143(a).
 - 2) Upon receipt of the complaint and at any time prior to filing of the complaint with Municipal Court, the respondent may:
 - a. Pay the fine; or
 - b. Provide any responsive information to the City Clerk regarding the allegations in the complaint.
 - 3) **Review for Credible Evidence:** After providing notice to the respondent of the complaint, the City Clerk, in consultation with the City Attorney, will determine whether the complainant has provided credible evidence to support a finding that the respondent violated this Article so as to warrant further investigation. If the City Clerk determines that the complaint does not contain credible evidence or that the allegation does not warrant further investigation, the Clerk will dismiss the complaint and notify both the respondent and the complainant of the dismissal and the reason for the dismissal.
 - 4) **Cure:** Upon receipt of the complaint up until the initiation of an investigation, the respondent may provide evidence of a cure. A “cure” is defined to include evidence of substantial compliance with the applicable law. Upon receipt of evidence of a cure, the City Clerk, in consultation with the City Attorney, will determine whether the provided evidence sufficiently cures the violation. If a cure is found, the City Clerk will dismiss the complaint. The City Clerk will notify both the respondent and the complainant. When reviewing the evidence, the City Clerk, in consultation with the City Attorney, will consider the following:
 - a. The extent of the respondent's noncompliance;
 - b. The purpose of the provision violated and whether that purpose was substantially achieved despite the noncompliance; and
 - c. Whether the noncompliance may properly be viewed as a knowing attempt to mislead the electorate or election officials.
 - 5) **Investigation:** If the City Clerk, in consultation with the City Attorney, determines that the complaint contains credible evidence and warrants further investigation, the City Attorney will arrange for any necessary outside or internal investigators to assist in conducting an investigation. The City Clerk will notify the respondent and complainant that an investigation has begun, that they may be contacted for an interview or other information gathering. Any additional information that either the respondent or complainant wants to provide must be received by the City Clerk within ten (10) business days. Documentation must be received within the ten (10) working days in order to be considered during the investigation.
 - 6) **Payment of Civil Fine:** Upon receiving payment of the presumptive fine, the City Clerk will close the complaint and notify the respondent and complainant.
 - 7) Based on the outcome of the investigation the City Clerk, in consultation with the City Attorney, will determine whether a violation under [Chapter 7](#), Article 5, of this Code occurred.
 - 8) If it is determined that a violation did occur, the complaint will be filed with the Municipal Court. If the City Clerk, in consultation with the City Attorney,

determines that a violation under Chapter 7, Article 5 did not occur, the City Clerk will dismiss the complaint and notify the complainant and respondent of the dismissal and the reason for the dismissal.

- 9) **Referral to Municipal Court:** Any complaint filed with the Municipal Court under this Section will be governed by Article V of [Chapter 19](#) of this Code.
- 10) A complainant or any other nonrespondent will not be a party to the City Attorney's initial review, cure proceedings, investigation, or any proceeding in the Municipal Court. A complainant may request permission from the Municipal Judge or their designee to file an amicus curiae brief.
- 11) Any person that commits a violation of this Article will be personally liable for the penalties imposed. Any candidate will be personally liable for penalties imposed upon the candidate or the candidate's committee and may use campaign contributions to pay penalties.

Revised Proposed Changes to the Campaign Complaint Process & Contribution Limits

Sara Arfmann

Assistant City Attorney II



- Staff listened to the requested changes from the Committee and reviewed submitted edits from the community
- A new subsection (b) was added that outlines the stages of a complaint:

Complaint Process: All complaints filed under this section will be reviewed in the following manner, however if a complaint is dismissed at any stage it will end at that stage and will not proceed to the next:

- 1) Preliminary Review;
 - 2) Separation of Criminal Complaints from Civil Infractions, only Civil Infractions proceed to the next stage;
 - 3) Evidentiary Review;
 - 4) Investigation; and
 - 5) Referral to Municipal Court.
- Headings were added to assist in navigating the lengthy section
 - Clearly states that when a complaint is dismissed the reasoning for the dismissal will be included in the required notifications

- Updated contribution limits:
 - Mayor: \$100 - \$200
 - Councilmember: \$75 - \$150
- Added clarifications regarding electronic donations/payments, including a new subsection:

Electronic contributions. A contribution made by credit card, PayPal, or other payment intermediary service is accepted on the date the contributor authorizes the payment, or if unknown, on the date the payment intermediary service electronically transfers the contribution.
- Added a new subsection addressing third-party transaction fees:

Third-Party transaction fees. If a third-party transaction fee is charged by an intermediary service, only the amount the committee receives is attributable to the committee.
- Added a new subsection addressing cryptocurrency:

No candidate committee, issue committee, small-scale issue committee or political committee may accept contributions made in cryptocurrency. Any such contributions received must be returned immediately upon the committee becoming aware of it.



Questions?

December 10, 2024

AGENDA ITEM SUMMARY

Election Code Committee



STAFF

Cecilia Good, Senior Deputy City Clerk

SUBJECT

Enforcement of Local Campaign Regulations

EXECUTIVE SUMMARY

The Election Code Committee requested that staff research examples of an independent process for campaign compliance oversight, to support a Committee discussion of ways to reduce reliance on citizen complaints for enforcement.

BACKGROUND / DISCUSSION

Proactive Oversight and Enforcement

In discussion, the Committee has expressed concern about the existing campaign finance oversight mechanism and the extent to which it relies on members of the public identifying alleged violations and filing complaints to initiate review. The Committee has expressed interest in exploring ways to increase proactive oversight to reduce the dependence on private complaints for enforcement. Currently, the City Clerk's office performs only basic verification of submission timing and balance matching. Limited resources are available for candidate education and public inquiry response. In addition, reliance on City staff to review campaign submittals and compliance for candidates can put staff in a difficult position and potentially creates at least an appearance of a conflict of interest.

Staff has evaluated ways to address these limitations and recommends that the City contract with an outside service provider to independently carry out increased monitoring, review, oversight and investigation of campaign activities, including:

- Regular review of campaign finance submissions
- Investigation of potential violations
- Response to public inquiries
- Documentation of complaint resolutions

The third-party reviewer would carry out the steps necessary to inform committees and others involved in campaign activities of observed violations, work with them to facilitate cure of violations and work with a prosecutor (a special prosecutor in the case of a candidate issue) to take enforcement action for uncured violations.

Funds have not been allocated to this function and further assessment and estimation of the costs for an outside reviewer are needed.

During our review of comparable Colorado cities, two municipalities reported using specialized software for campaign finance submission to streamline the process and increase transparency. While this represents a potential operational improvement, it does not address the fundamental oversight needs identified. However, if the Committee is interested in further exploration of this as an avenue for improvement, staff can develop estimates and additional information about technology options.

Independent Bodies for Oversight

The Committee and public commenters have inquired about what models other local governments use to provide oversight of election activities by an independent appointed body. While we were unable to identify many bodies of this sort, we did identify two local government jurisdictions with established oversight processes: Santa Fe, New Mexico, and Alameda County, California.

Santa Fe has implemented an Ethics and Campaign Review Board that provides comprehensive oversight of campaign finance matters as well as ethics matters. We do not have any feedback at this time about the effectiveness of the Board and the impact it has had. We have learned that in addition to independent review authority, the Board receives and investigates complaints, carries out regular audits and provides educational resources for candidates and committees.

Alameda County maintains an Elections Commission that provides systematic review of campaign finance reports, compliance monitoring and enforcement. Again, we do not have feedback related to the efficacy of this body compared to a professional staff-driven model.

CITY FINANCIAL IMPACTS

Staff has not assessed the cost associated with resourcing an outside reviewer/investigator model. Funds are not currently provided for that function, and additional appropriation would be required. Similarly, the costs associated with forming and staffing an independent commission or board for oversight of campaign compliance have not been determined.

PUBLIC OUTREACH

The League of Women Voters was consulted for the research of this topic.

ATTACHMENTS

1. Presentation

Campaign Finance Research

**Cecilia Good,
Senior Deputy City Clerk**



- The Election Code Committee requested that staff research examples of an independent process for campaign compliance oversight
- Staff contacted municipalities across Colorado and found two examples outside of the state

- The City Clerk's Office performs basic verification of submission timing and balance matching
- Limited resources are available for candidate education and public inquiry response
- Reliance on City staff to review campaign submittals and compliance for candidates can create an appearance of a conflict of interest

Staff evaluated ways to address these limitations and recommends the City contract with an outside service provider for increased monitoring, review, oversight and investigation of campaign activities, including:

- Regular review of campaign finance submissions
- Investigation of potential violations
- Response to public inquiries
- Documentation of complaint resolutions
- Inform committees and others involved in campaign activities of observed violations
- Facilitate cure of violations
- Work with a special prosecutor to take enforcement action for uncured violations

Funds have not been allocated to this function and further assessment and estimation of the costs for an outside reviewer are needed.

- Two Colorado municipalities reported using specialized software for campaign finance submission to streamline the process and increase transparency
- This represents a potential operational improvement in receiving financial information from candidates
- It does not address the fundamental oversight needs identified

If the Committee is interested in further exploration of this as an avenue for improvement, staff can develop estimates and additional information about technology options.

- Staff identified two local government jurisdictions with established oversight bodies: Santa Fe, New Mexico, and Alameda County, California.
- Santa Fe, New Mexico
 - Implemented an Ethics and Campaign Review Board that provides comprehensive oversight of campaign finance and ethics matters
 - The Board receives and investigates complaints, carries out regular audits and provides educational resources for candidates and committees
- Alameda County, California
 - Has an Elections Commission that provides systematic review of campaign finance reports, compliance monitoring and enforcement

Staff does not have feedback related to the efficacy of these bodies compared to a professional staff-driven model.

QUESTIONS?

December 10, 2024



AGENDA ITEM SUMMARY

Election Code Committee

STAFF

Delynn Coldiron, City Clerk
Rupa Venkatesh, Assistant City Manager
Carrie Daggett, City Attorney
Sara Arfman, Assistant City Attorney

SUBJECT

2024 Workplan Check-In and Election and Ranked Choice Voting Updates

EXECUTIVE SUMMARY

The purpose of this item is to provide updates on the Committee's Work Plan and to enable discussion on Work Plan items. The purpose also includes providing updates on the 2024 election and ranked choice voting efforts.

At its October 21, 2024, meeting, the Committee reviewed the remaining items on the Work Plan and Code amendments related to campaign finance enforcement and contribution limits. Changes have been made based on the discussion from that meeting and will be presented at the December 10 meeting. Discussion is also planned on possible options related to additional campaign oversight.

Discussion on possible additional Charter amendments will likely be included as part of the Charter review project that is currently underway.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. Does this meet the Committee's expectations regarding these items?
2. Are there any additional items the Committee is interested in pursuing for this election term?

BACKGROUND / DISCUSSION

For the January 27, 2025, meeting, staff will be prepared to discuss:

- Draft code changes that would eliminate write-in candidates;
- Draft code changes that would eliminate having petition circulators read an entire petition if requested;
- Draft code changes that would enable the City to use the Secretary of State's rules related to ranked choice voting for any special elections that are not coordinated with the County; and
- Draft code changes that are needed based on the Charter changes that passed.

Code changes agreed to at the December meeting, together with a summary of items the Committee approved at the October meeting, will be reviewed at the January 27, 2025, ECC meeting. Approved items will then be prepared for Council consideration. If no work session is needed, the items could be brought forward for first reading as early as February 18, followed by second reading on March 4, 2025. An earlier meeting in January could be scheduled if the Committee desires to do so.

Additional items remaining on the Committee's Work Plan include:

1. Education for Ranked Choice Voting and Sign Code requirements
2. Additional Code Amendments
 - a. Redistricting.
3. Other Topics: "Bike Rack" Items:
 - b. Public Financing of Campaigns

Staff will provide updates on remaining items as information is available.

Election Update:

Related to the 2024 Election:

- Larimer County has certified final election results, and the report has been filed with the State Department of Legal Affairs (DOLA) as required;
- The cost of the election was estimated to be \$164,337.27. We expect to receive the finalized cost by December 6 and can report out on this at the December 10 meeting.

Candidate information for the 2025 election is being received. Here is what we have so far:

Mayor: No Candidates

District 1: Nick Armstrong (needs to provide updated information) and Christopher Bramhall-Conway

District 3: No Candidates

District 5: Amy Hoeven

Staff is working on finalizing Candidate Guidelines and other materials for the 2025 election. We are expecting to schedule a Candidate Information Session towards the end of Q1 which will include some information about the new ranked choice voting process.

Ranked Choice Voting Efforts

A core staff team has been established that includes members from the City Clerk, City Attorney and Communications teams. Many efforts are underway including developing a communications/outreach plan and associated timelines, working on branding, website and material development, event planning, etc.

Collaboration with CSU (ASCSU and Strayer Center) is already underway. The team plans to reach out to Poudre School District and Front Range Community College as well to determine how best to reach their students.

Collaboration with Larimer County is underway with a kick-off meeting scheduled for Friday, December 13.

Collaboration with the League of Women voters is planned.

Outreach is expected to start during Q1 2025. We are expecting to take a "bite, snack, meal" approach to this, similar to what the City of Boulder did.

- Site – social media posts, early website development, postcard creation, Coloradoan information;
- Snack – Candidate Information Session, postcard mailing, utility bill stuffer, continued social media posts, added information on the website, development of slides and a video;
- Meal – Full flyer mailing, cable TV information, QR code that links to a ballot for practice, fully built out website, events, mock elections, elections blue book.

We expect to have all items except for the elections blue book developed and ready to go by the Summer of 2025, prior to attending events.

Events we have identified include:

- State of the City (postcard developed and available)
- Candidate Information and Orientation Sessions (postcard and video developed and available)
- Open Streets
- Lagoon Series
- Farmer's Markets
- Library (when they have other events planned)
- Super-Issue meetings
- CSU events
- Senior Center Outreach
- Town Hall and/or similar meetings
- League of Women Voter and County events

Other events will be added as wanted/needed.

The election blue book is expected to be developed in the August/September timeframe. It is unknown at this time whether this will solely be an online resource or mailed to registered households. It is expected that a full mailing for something like this would cost approximately \$85K. Alternatively, a link to the online version could be included on the last flyer that is mailed and perhaps on the voter instructions that go out with ballots.

We plan to collaborate with the City's Equity Office and the League of Women Voters to ensure effective outreach and training to underserved populations within the community. There are a lot of great ideas being generated in this space that we plan to explore. All ranked choice voting materials will be available in English and Spanish.

Staff will continue to keep the Committee and Council apprised of related efforts.

ATTACHMENTS

1. Presentation

2024 Work Plan Check-In and Election and Ranked Choice Voting Updates

Delynn Coldiron

City Clerk



Discussed Today

Campaign Finance Enforcement
and Contribution Limit Code
Changes
Campaign Oversight Options

Code Changes (Jan 27)

Eliminate Write-In Candidates
RCV
Charter Changes – Circulation
Period
Reading Petitions

Education Efforts

Ranked Choice Voting
(update today)

Additional Code Amendments

Redistricting
Other?

Other Topics – “Bike Rack”

Public Financing of
Campaigns

Campaign Enforcement:

- Reviewed code language today.
- Will make changes based on today's discussion.
- Will prepare information for Council consideration in February.

Contribution Limits:

- Reviewed proposed code language.
- Will make changes based on today's discussion.
- Will prepare information for Council consideration in February



Outside Service Provider:

- Contracted to provide increased proactive review
- Regular review of campaign finance submissions
- Investigation of potential violations
- Response to public inquiries
- Documentation of complaint resolutions

Independent Bodies:

- Santa Fe, NM – Ethics & Campaign Review Board
- Alameda County, CA – Elections Commission

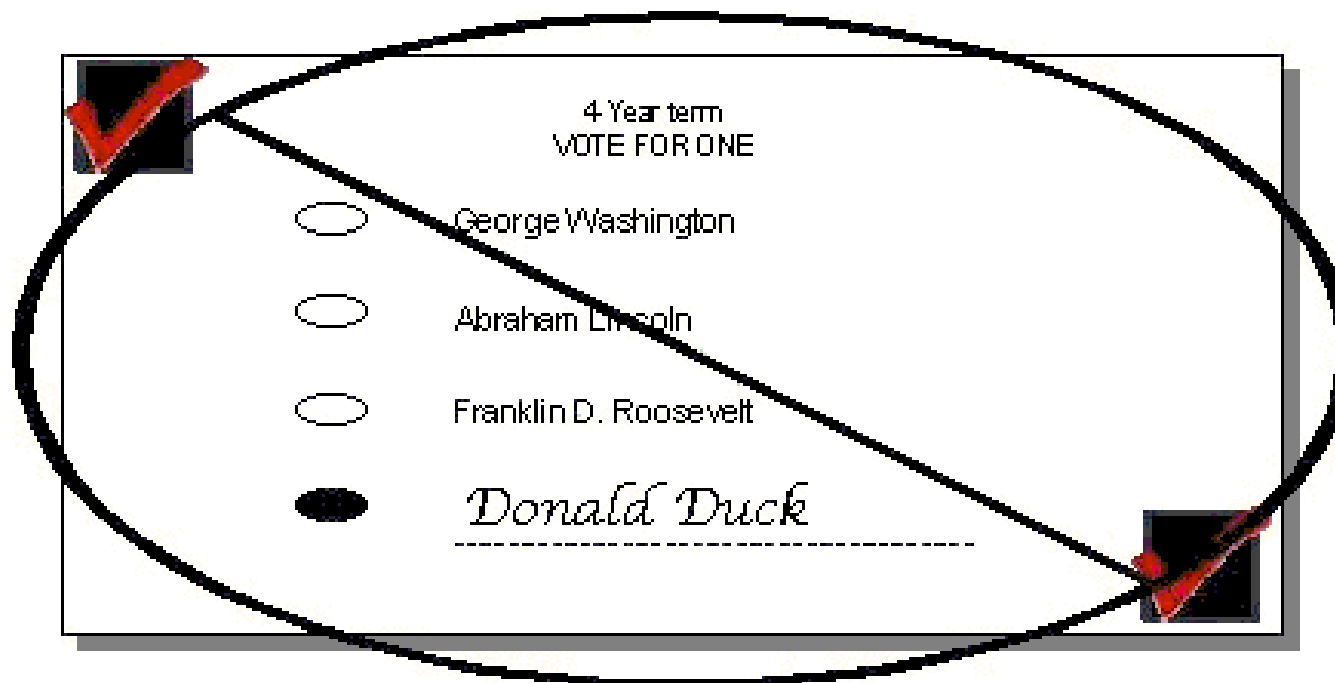
Other:

- Page 35 - Specialized software/technology enhancements



Section 7-103 – Write-in candidates:

- Currently allowed if the candidate has filed an affidavit of intent with the City Clerk.
- The affidavit must be filed no later than the 64th day prior to the election.
- The affidavit must indicate that the person desires and is qualified for the office.



Charter Changes:

- Circulation period related to initiatives – 77 days
 - Will be its own ballot question
- Other Code changes needed based on the Charter Amendments that passed



New Jersey State Bar



Getty Images

RCV

- Add provisions to Code for conducting an RCV special elections
Recommend following SOS rules

Petition Circulation:

- Eliminate the provision that circulators have to read a petition when requested to do so

Additional
Code
Amendments

- Redistricting
- Other?

Other Topics

- Public Financing
of Campaigns

Election has been certified by the County

Election report has been sent to DOLA

Election Cost: Estimated at \$164K

Website is being updated for 2025 Effort

RCV will have its own page

Receiving candidate information already!

Mayor, District 1 (2 Candidates), District 3, District 5 (1 candidate)

Ranked Choice Voting Update

- Core Team has been identified and is meeting (City Clerk, City Attorney and CPIO staff)
- Collaboration with CSU and the County is underway (Meeting scheduled with the County on December 13)
- Collaboration with League of Women Voters planned
- Website pages are being updated and prepared
- Communication Plan is being developed
- Q1 – will start outreach (Bite, Snack, Meal approach)
 - Bite – social media, website, postcard, Coloradoan information
 - Snack – Candidate Information Session, postcard mailing, utility bill stuffer, continued social media posts, added information on website, slides, video
 - Meal – Full flyer mailing, cable tv information, QR code that links to a ballot for practice, fully built out website, events, mock elections, elections blue book

RANKED-CHOICE VOTING

Candidate	1st	2nd	3rd	4th	5th
Avery	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bennie	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Charlie	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Desmond	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Evelyn	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Faye	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

League of Women Voters

- Video and postcard will be available at Candidate Information Session
- Events
 - State of the City
 - Candidate Information and Orientation Sessions
 - Open Streets
 - Lagoon Series
 - Farmer's markets
 - Library (when they have events planned)
 - Super-Issue meetings
 - Collaboration with League of Women Voters
 - CSU events (ASCSU, Strayer Center)
 - Senior Center Outreach
 - Collaboration with the Equity Office and related events



Better Ballot North Carolina



Questions?