

Fort Collins City Council Election Code Committee Agenda

Regular Meeting

12 p.m., Monday, August 15, 2022

CIC Conference Room at City Hall, 300 Laporte Ave, Fort Collins, CO 80521

Zoom Webinar link: <https://fcgov.zoom.us/j/93910757534>

Committee Members:

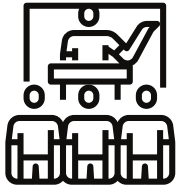
Tricia Canonico, District 3, Chair
Jeni Arndt, Mayor, Vice-Chair
Kelly Ohlson, District 5
Julie Pignataro, District 2, alternate

NOTICE:

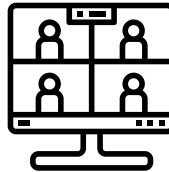
Regular meetings of the Election Code Committee are held on the 3rd Monday of each month at 12:00 p.m. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in-person meeting in the CIC Conference Room at City Hall.

Councilmembers may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

How to view this Meeting:



Meetings are open to the public and can be attended in person by anyone.



Meetings are available through the Zoom platform, electronically or by phone.

Call in: +1 720 928 9299

Meeting ID: 939 1075 7534

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There are four options for members of the public who would like to participate in or provide input regarding Council Committee meetings:

Comment in real time:



In person attendees can address the Committee in the Meeting room .



During the public participation portion of the meeting and discussion items:

The public can join the Zoom webinar and comment from the remote meeting, joining online or via phone.

Join the online meeting using the link in this agenda to log in on an internet-enabled smartphone, laptop or computer with a speaker and microphone. Using earphones with a microphone will greatly improve audio experience. To be recognized to speak during public participation portions of the meeting, click the 'Raise Hand' button.

Participate via phone using the call-in number and meeting ID below. Enter the meeting ID when prompted, and then hit the # key.

Call-in number: 720 928 9299

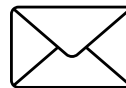
Meeting ID: 939 1075 7534

During public participation opportunities in the meeting, press *9 to indicate a desire to speak.

Submit written comments:



Email comments about any item on the agenda to cityleaders@fcgov.com



Written comments can be mailed or dropped off at the City Clerk's Office at City Hall, at 300 Laporte Ave, or by mail to PO Box 580, Fort Collins, CO 80522

2021-2022

Main Topics of Discussion in Priority Order

- 1) Redistricting
- 2) Campaign Finance Provisions
- 3) November Elections
- 4) RCV
- 5) Public Financing of Elections
- 6) Election Oversight Board
- 7) Partisan/Non-Partisan Elections

The Election Code Committee is supported by the Office of the City Clerk
cityclerk@fcgov.com 970.221.6515



Agenda

Election Code Committee Regular Meeting

August 15, 2022 – 12:00 PM

**CIC Conference Room, City Hall, 300 Laporte Ave and via Zoom at
<https://fcgov.zoom.us/j/93910757534>**

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 the minutes of the June 16 and June 27, 2022, Election Code Committee meetings.

The purpose of this item is to approve the minutes of the June 16 and June 27, 2022, meetings of the Election Code Committee.

F) Discussion / Informational Items

2. Consideration of shifts to requirements in Municipal Code for redistricting.

The purpose of this item is to allow the Committee to consider what shifts might be helpful to the requirements currently contained in City Code relating to redistricting. Since the current redistricting process has just concluded, this is an excellent time to consider what has worked well in the existing process, and where improvements might be appropriate.

3. Review of priorities set by the Election Code Committee

Since beginning its work following the April 2021 Municipal Election, the Election Code Committee has met 13 times. Beginning with its first meeting, the Committee established seven main topics of discussion and their priority for addressing. The Committee has made substantial progress on the first four of these priorities. At this time, it is appropriate to identify what additional work, if any, the committee wishes to pursue ahead of the next municipal election, currently scheduled to occur in April of 2023.

G) Review of Upcoming Calendar

H) Other Business

I) Adjournment

Next Scheduled Committee Meeting: 12 p.m., September 19, 2022

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File Attachments for Item:

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August 15, 2022



AGENDA ITEM SUMMARY

Election Code Committee

STAFF

Anissa Hollingshead, City Clerk

SUBJECT

Approval of the minutes of the June 16 and June 27, 2022, Election Code Committee meetings.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the June 16 and June 27, 2022, meetings of the Election Code Committee.

ELECTION CODE COMMITTEE MEETING

1:15 PM

COMMITTEE MEMBERS PRESENT: Canonico, Arndt (remote), Ohlson (remote)
OTHER COUNCILMEMBERS PRESENT: Gutowsky (remote)
STAFF PRESENT: Rita Knoll, Ryan Malarky, Tammi Pusheck, Carrie Daggett, Anissa Hollingshead,
Rupa Venkatesh, Logan Armstrong, and Marcus Bodig (remote)

1. CALL MEETING TO ORDER

2. ROLL CALL

(**Secretary's Note: Mayor Arndt arrived at 1:30 PM).

3. PUBLIC COMMENT

None.

4. PUBLIC COMMENT FOLLOW-UP

None.

5. CONSIDERATION AND APPROVAL OF THE MAY 31, 2022 COMMITTEE MEETING MINUTES

Councilmember Ohlson made a motion, seconded by Chair Canonico, to approve the May 31, 2022 meeting minutes. The motion was adopted unanimously.

6. PRESENTATION OF REDISTRICTING OPTIONS AND POSSIBLE RECOMMENDATION

City Clerk Hollingshead stated GIS has completed an analysis of the populations in split districts. Marcus Bodig, GIS, detailed that analysis and the process used to attempt to balance the population in those blocks. He stated each split block was visually verified and all four options are still viable based on this analysis.

Councilmember Ohlson commended the work done on this topic and stated he is confident in the results. Chair Canonico concurred.

Chair Canonico asked if all four options will be forwarded to Council. Councilmember Ohlson noted the Committee does have the option to make a recommendation, however, he is fine not doing so.

Chair Canonico noted the deviation is lower in option three than four; however, those two options seem to be the better two.

Councilmember Ohlson suggested taking all four options to Council for its consideration. Chair Canonico concurred.

Councilmember Gutowsky asked what changes were made to the four options based on the GIS analysis. Bodig replied only minor tweaks were made and no changes were made to the options; staff verified the populations were still accurate and the deviations were correct. He clarified options one and two would allow the Mulberry annexation population to be split between two different districts and options three and four would place that entire population into district one.

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

Mayor Arndt concurred with the idea of bringing all four options to the full Council.

7. REVIEW OF POTENTIAL CHARTER AMENDMENT BALLOT QUESTIONS

Section E, Item 1.

City Attorney Daggett outlined the ordinances that will present the April to November election timing shift and the ranked choice voting questions to Council to either be placed on the ballot or modified.

Members and City Attorney Daggett discussed language additions that would clarify the term extensions would occur only one time.

Councilmember Ohlson made a motion, seconded by Mayor Arndt, that the Committee make a recommendation to Council to adopt the ordinance to submit to a vote of the registered electors of the city of Fort Collins a proposed amendment to the City Charter shifting the City's regular municipal election from each odd year April to each odd year November.

Mayor Arndt asked if adoption of this ordinance would mandate coordinated elections or still allow for the possibility of having municipal elections in November. City Attorney Daggett replied the language does not commit to a coordinated election and Council will ultimately decide if the election remains municipal or becomes coordinated. The motion was adopted unanimously.

City Clerk Hollingshead outlined the ranked choice voting ordinance. City Attorney Daggett and City Clerk Hollingshead discussed the options for dealing with a disqualified candidate in the case of ranked choice voting.

Councilmember Ohlson asked if the language could be modified between first and second reading. City Attorney Daggett replied in the affirmative.

Councilmember Ohlson asked if a candidate has ever been disqualified after being elected. City Attorney Daggett replied she is unaware of one; however, the provision does exist and the ranked choice voting method provides a different option.

Councilmember Ohlson suggested changing the language between first and second reading.

Mayor Arndt stated ranked choice voting allows for retabulation which would seem to be the logical option in the case the top vote getter is disqualified. Councilmember Ohlson and Chair Canonico agreed. City Attorney Daggett stated the language could be changed prior to first reading if so desired. Members concurred that would be the best option.

City Attorney Daggett clarified the change discussed would occur in a municipal election; however, if the election was coordinated, the County Clerk would handle the issue in accordance with the Secretary of State's rules for ranked choice voting.

Councilmember Ohlson made a motion, seconded by Mayor Arndt, to adopt the ordinance submitting to a vote of the registered electors of the city of Fort Collins a proposed amendment to the City Charter concerning the use of ranked choice voting method to elect future mayors and councilmembers of the City of Fort Collins, making changes based on the Committee discussion relating to section 7 on page 2 of this ordinance. The motion was adopted unanimously.

8. REVIEW OF POTENTIAL CAMPAIGN FINANCE CODE AMENDMENTS

City Attorney Daggett outlined the changes that have been made since the last discussion of this item, including a change to address the issue of individuals providing professional services which states that services are not a contribution unless they are something for which a fee would commonly be paid. Members supported the change.

City Attorney Daggett outlined the next change which provides an exception to the definition of contribution of mailing lists that have never been sold or offered for sale. Members supported the change. City Attorney Daggett noted the language would not keep an organization from giving a candidate a mailing list that may be quite valuable if it were never for sale.

Councilmember Ohlson suggested lists from organizations should not be allowed to be given to candidates unless fair market value is paid.

Members supported moving forward with the language as currently presented unless another d developed by the City Attorney's Office.

City Attorney Daggett commented on additional changes, including deleting a portion of the definition of contribution-in-kind, adding a requirement that the periodic reports include cumulative totals of contributions, contributions-in-kind, and expenditures, and making certain offenses criminal rather than civil, such as knowingly accepting illegal or prohibited contributions, having a candidate make a contribution that someone will reimburse, and coordinating committees.

Councilmember Ohlson stated it is nearly impossible to prove 'with intent' or 'knowingly' and stated individuals who are attempting to play by the rules should not be placed at a competitive disadvantage in a campaign. City Attorney Daggett replied 'knowingly' is not a particularly high bar and means an individual intended to do something; however, intentionally is a higher bar and willfully is even higher.

Councilmember Ohlson stated he could accept the use of the word 'knowingly.'

Councilmember Ohlson made a motion, seconded by Mayor Arndt, that the Committee recommend the adoption of the potential campaign finance code amendments in Ordinance No. 079, 2022. The motion was adopted unanimously.

9. REVIEW OF TIMELINE FOR PRIORITIES

City Clerk Hollingshead outlined the upcoming Council and Committee dates and asked if the Committee would like to hold its June 27th meeting. Members agreed to keep the meeting on the calendar until staff and Chair Canonico make a determination.

10. OTHER BUSINESS

11. ADJOURNMENT

The meeting adjourned by unanimous consent at 2:41 PM

ELECTION CODE COMMITTEE MEETING

12:00 PM

COMMITTEE MEMBERS PRESENT: Arndt, Ohlson

STAFF PRESENT: Rita Knoll, Ryan Malarky, Heather Walls, Carrie Daggett, Anissa Hollingshead

1. CALL MEETING TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

None.

4. PUBLIC COMMENT FOLLOW-UP

None.

5. REVIEW OF POTENTIAL CAMPAIGN FINANCE CODE AMENDMENTS

Councilmember Ohlson reviewed the discussion of potential campaign finance code amendments from the recent Council meeting. He outlined the general consensus that individuals who may work in a certain profession should be able to donate a reasonable amount of time using their services to a campaign if they are not being paid by their employer.

City Attorney Daggett commented on the valuation of goods or services provided needing to be a reasonable fair market estimate of the value, which is covered in the current language. She stated she heard general Council support for allowing volunteer services as long as they are not services for which the individual is being paid by another entity. She outlined the language that may need to be altered to achieve the desired goals. She also discussed the language related to contributions-in-kind and noted the reason a company paying employees to do work should not be a contribution-in-kind is because the candidate or committee should be paying for that work. She confirmed with Committee members that the goal is to distinguish between individuals who are volunteering and business entities that are volunteering.

Mayor Arndt clarified the market rate needs to be part of the language.

Councilmember Ohlson asked about the mailing list issue and stated there is a loophole in the language that would allow an organization to put together a valuable mailing list and give it to a candidate or candidates and that mailing list would never have been sold or offered for sale. City Attorney Daggett offered a suggestion that would add language stating 'or were not produced by paid employees and do not incorporate mailing lists that themselves do not meet this test.'

City Attorney Daggett requested input regarding the language related to the concept of the committee or candidate needing to reasonably determine the value based on market prices or other similar information. Councilmember Ohlson commented on the need to ensure enforceability and consequences.

Nick Armstrong stated the question of market rate versus a discounted rate is an important one. He stated the real concern is related to a business having an undue influence over a candidate after they are elected. He also commented that a professional volunteer helping a candidate could be easily tracked with a volunteer log. He stated companies have the freedom to provide an offered rate and questioned who the onus falls on if that rate is discounted and how the issue is corrected.

Mayor Arndt stated the offered rate should be the market rate, not a discounted rate, regardless of whether the same rate is offered to all candidates.

City Attorney Daggett suggested a process could be set up wherein the person providing the service would complete a certification of value with a provision that anyone who falsely certifies a value is in violation. Mayor Arndt and Councilmember Ohlson supported that suggestion.

Councilmember Ohlson asked Mr. Armstrong to reiterate his comment related to market rate versus discounted rate. Mr. Armstrong replied a business offering a service or good at a discounted rate needs to be tracked and he supported the idea of requiring a certification on the part of the contributor. He suggested the contributor could offer a discounted rate and certify that same rate would be offered to every candidate in the race.

City Attorney Daggett suggested the amount of the discount should be considered a contribution if a discounted rate is offered. Councilmember Ohlson concurred.

Mayor Arndt stated a discounted rate should not be offered regardless of whether it is offered to all candidates.

City Attorney Daggett stated the certification requirement could potentially apply to any vendor that is utilized. Mayor Arndt and Councilmember Ohlson agreed that should be the case.

City Attorney Daggett noted the Code already includes a section that prohibits discounts from certain providers. She stated language related to false certification of value will need to be added. Councilmember Ohlson clarified this would apply to candidate committees, not issue committees. City Attorney Daggett replied the new certification requirement could be made to only apply to candidate and political committees.

City Attorney Daggett asked Committee members if they want to require a volunteer log as suggested by Mr. Armstrong. Councilmember Ohlson replied he would not like to add that prior to Second Reading. Mayor Arndt concurred and stated requiring a volunteer log could be somewhat onerous for a campaign.

City Attorney Daggett discussed the level of intent required for violations and noted the distinction between knowing and intent. Councilmember Ohlson stated he believed the consensus among Council was to have the easiest level. He discussed the importance of being able to reasonably prove a violation in order to associate a consequence. He stated regulations are in place, by in large, to dissuade the bad players and to put others not at a competitive disadvantage.

Committee members discussed whether to leave the word 'knowing' in this section. Councilmember Ohlson discussed instances wherein mistakes are made and quickly corrected by a candidate or campaign. He disagreed with leaving the word 'knowing' in the language as it sets a higher bar. Assistant City Attorney Malarkey noted there is a cure process included in the Code that allows for corrections to be made when violations or mistakes are found.

Councilmember Ohlson stated he does not believe 'knowingly' needs to be included given there is a cure period for mistakes. Mayor Arndt concurred and questioned why campaign signs are returned when they are found located in rights-of-way. Councilmember Ohlson concurred the inappropriately located signs should be picked up by the City and not returned. City Attorney Daggett replied staff would follow-up; however, she noted there are legal reasons for the current language. She also noted that does not mean people cannot be cited for the violation.

City Attorney Daggett stated she will create an alternate version of the ordinance that will include the discussed changes rather than changing the ordinance that was adopted on First Reading.

6. INITIAL DISCUSSION OF VOTER AND CANDIDATE EDUCATION PRIORITIES

City Clerk Hollingshead stated staff would like the Committee to discuss what it would like to see moving forward in terms of educational efforts given the conversation at the last Council meeting. Councilmember Ohlson stated he believed ranked choice voting was the main concern for educational efforts. City Clerk Hollingshead replied there is an element of voter education associated with the implementation of ranked choice voting; however, the thrust of her question was related to supporting

increasing voter turnout generally. She cited the example of tenant notification when renters sign leases. Councilmember Ohlson stated everyone should find it easy to vote and to get a ballot; however, he questioned whether there should be a focus on specific groups.

Mayor Arndt stated the more there are strict campaign finance laws, the more the central non-partisan government should be promoting elections, such as perhaps with a blue book publication. City Clerk Hollingshead noted there are a spectrum of items that could be used in terms of producing different types of education focused on the electoral process. She stated a blue book would need to be narrowly focused. Chief Deputy City Clerk Knoll noted the City Clerk's elections web page provides links to candidate pages. She stated it may be necessary to move deadlines for submitting nomination petitions in order to accomplish a blue book mailing. Mayor Arndt noted mailing a blue book to each registered voter would be quite expensive. Chief Deputy City Clerk Knoll stated a blue book could be mailed to each household with a registered voter; however, the cost would still be \$20,000-\$30,000 for a mailing. Mayor Arndt suggested the possibility of an electronic blue book version but stated there may be other ways to improve voter education.

Councilmember Ohlson suggested staff could provide a menu of options with associated estimated costs.

Members commented on voters not generally being aware of April elections. Chief Deputy City Clerk Knoll noted the City has done marketing for years for April elections focusing on print ads and social media, which does not inform enough people.

City Clerk Hollingshead stated staff will continue to work on voter outreach ideas and will keep the Committee informed so it can provide direction. She commented on finding success historically with youth engagement.

Chief Deputy City Clerk Knoll noted November elections lend themselves to having booths at summer festivals.

7. REVIEW OF TIMELINE FOR PRIORITIES

Committee members discussed upcoming items.

Mayor Arndt noted she will not be present for the next Committee meeting on July 18th.

8. OTHER BUSINESS

City Clerk Hollingshead asked members if they would like staff presentations regarding the Second Readings of the ballot questions that will be discussed at the next Council meeting. Members concurred they are comfortable without presentations unless there are specific questions from a member of the public.

Chief Deputy City Clerk Knoll stated it is likely too late to address the remaining three Committee topics (public financing of elections, election oversight board, and partisan/non-partisan elections) for this session, particularly if the election will be in April. Therefore, it may be prudent to suspend Committee meetings assuming there are no topics to address.

City Attorney Daggett noted the language in the Code about when redistricting must occur needs to be updated because it was being triggered too frequently. Councilmember Ohlson stated there needs to be some flexibility given the growth of the community and annexations.

City Attorney Daggett suggested it could be a good topic to discuss next following the more time-sensitive items.

9. ADJOURNMENT

The meeting adjourned by unanimous consent at 1:27 P.M.

File Attachments for Item:

2. Consideration of shifts to requirements in Municipal Code for redistricting.

The purpose of this item is to allow the Committee to consider what shifts might be helpful to the requirements currently contained in City Code relating to redistricting. Since the current redistricting process has just concluded, this is an excellent time to consider what has worked well in the existing process, and where improvements might be appropriate.

August 15, 2022



AGENDA ITEM SUMMARY

Election Code Committee

STAFF

Anissa Hollingshead, City Clerk
Rita Knoll, Chief Deputy City Clerk
Carrie Daggett, Legal

SUBJECT

Consideration of shifts to requirements in Municipal Code for redistricting.

EXECUTIVE SUMMARY

The purpose of this item is to allow the Committee to consider what shifts might be helpful to the requirements currently contained in City Code relating to redistricting. Since the current redistricting process has just concluded, this is an excellent time to consider what has worked well in the existing process, and where improvements might be appropriate.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. What are the Committee's thoughts on how the recent redistricting process went generally and what concerns might exist?
2. Are there thoughts around the timing for required redistricting and/or what triggers might be appropriate?

BACKGROUND / DISCUSSION

The Fort Collins Municipal Code includes provisions relating to election districts and requirements for redistricting that build upon the requirements in the City Charter. Those provisions are attached, as are some examples of provisions in some other sample cities regarding the timing or triggers for reevaluating council district boundaries.

There is not very much variety in what was found through the review completed so far. A common frequency is once every ten years after new U.S. census data becomes available. This also matches the State's pattern for reapportionment, now called redistricting. Some cities have elections every four years and reevaluate district boundaries before each election. Interestingly, all Council seats for the Colorado Springs City Council are up for election at the same time once every four years – in that model a redistricting is completed before each election.

The Committee has expressed interest in considering whether certain events should trigger a redistricting in addition to reevaluation each time a new decennial U.S. census is released. One concept noted was to have an annexation of a particular population size (likely based on the most recent census data for the census tracts in the area annexed) trigger a review of the population balance in the districts so that a redistricting could be completed if the largest and smallest districts would at that time be more than 10%

different in population. This approach could be workable, with additional consideration of how close in time the annexation might be to an election or to a general redistricting based on new census data.

Another idea that has been mentioned is the idea of using development activity as a trigger. This approach would rely on a specified method for estimating population related to completed development throughout the City in voting precincts. Under the current Code provisions, estimating population has been somewhat labor-intensive and has involved a lot of extrapolation on the Colorado State University campus, where increases in residential dwellings and related population changes have been very difficult to reliably measure given the lack of certificate of occupancy data. In order to use development-related population as a trigger, staff would need to continuously track and estimate population increases resulting from new development. If this option is of interest staff will need to complete additional evaluation of the process and resources needed for it.

It would be helpful for the Committee to discuss this and any other concepts of interest in order to provide staff direction for preparation of options for Code amendments related to the redistricting process.

ATTACHMENTS

1. Fort Collins City Charter and Municipal Code provisions relating to Redistricting and Precincting
2. Comparison of Council Districting Process in Other Communities

PROVISIONS OF FORT COLLINS HOME RULE CHARTER & MUNICIPAL CODE RELATED TO REDISTRICTING AND PRECINCTING

Fort Collins Charter, Article II. City Council. Section 1. Membership; terms.

- (a) *Composition of Council.* The Council shall consist of seven (7) members, including a Mayor and Mayor Pro Tem, elected as provided in this Article.
- (b) *Method of election.* The Mayor shall be nominated and elected from the city at large. The remaining six (6) members shall be nominated and elected by Districts. The election of District Councilmembers shall alternate between the election of representatives for Council Districts 1, 3 and 5 and the election of representatives for Council Districts 2, 4 and 6.
- (c) *Council district boundaries.* The city shall be divided into six (6) contiguous, reasonably compact districts, each of which shall consist of contiguous, undivided general election precincts and, to the extent reasonably possible, an equal number of inhabitants. The districts shall be numbered consecutively in a clockwise fashion beginning with the northeast district, which shall be District 1. The Council shall establish by ordinance the process for adjusting district boundaries and giving notice of any proposed boundary changes, and the manner of protesting such proposed changes.
- (d) *Terms.* Except as otherwise provided in Section 18 of this Article and Section 3(d) of Article IX, the term of office of the Mayor shall be two (2) years, and the term of office of all other members of the Council shall be four (4) years each; provided, however, that all such officers shall serve until their successors have been elected and have taken office. The terms of the Mayor and other members of the Council shall begin when they take the oath of office, which shall occur as the first order of business at the first regular or special Council meeting following the final certification of election results and after expiration of the recount period, or their appointment.

(Ord. No. 23, 1981, 2-17-81, approved, election 4-7-81; Ord. No. 94, 1972, 1-4-73, approved, election 2-20-73; Ord. No. 197, 1986, § 1, Parts A, B, 12-16-86, approved, election 3-3-87; Ord. No. 154, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 100, 1990, 9-4-90, approved, election 11-6-90; Ord. No. 15, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 011, 2011, § 1, 2-15-11, approved, election 4-5-11; Ord. No. 001, 2017, § 2, 1-17-17, approved, election 4-4-17)

Fort Collins Municipal Code Chapter 7 Elections Division 2 Election Precincts and Polling Places

Sec. 7-66. Established.

- (a) The City Council shall by ordinance divide the City into as many election precincts for municipal elections as it may deem expedient for the convenience of registered electors in the City, and shall designate by resolution the polling place within each precinct. Insofar as practicable, boundaries of election precincts in the City shall correspond with the election precincts established by the County. Each precinct shall be given a separate number designation as determined by the City Council. All precincts and polling places established pursuant hereto shall remain so designated until changed by the City Council. The City Council shall have the power to change or alter election precincts at any time.
- (b) If the boundaries of the City are enlarged by annexation, the territory annexed shall be included in the precinct which it adjoins with all precinct boundaries extending in a straight line from the former municipal boundary limit to the enlarged boundary limit.

(Code 1972, §§ 9-1, 9-12)

Sec. 7-67. Changes due to new precinct or boundary changes.

- (a) Changes in the boundaries of election precincts and the creation of new election precincts shall be completed not less than ninety (90) days prior to any municipal election, except in cases of precinct changes resulting from annexations.
- (b) All changes in precinct boundaries and in municipal boundaries shall be reported by the City Clerk to the County Clerk and Recorder, and a corrected map shall be transmitted to the County Clerk and Recorder as soon as possible after such changes have been effected.

Sec. 7-68. Designation of precincts and polling places.

- (a) Polling places for the several election precincts in the City shall be designated by resolution of the City Council.
- (b) In the event that circumstances require any change to any polling place after designation by the City Council, the City Clerk is authorized to provide for a substitute polling place and is directed to give proper notice of any changes in the polling places.

(Code 1972, § 9-7)

Sec. 7-69. Polling place changes by petition.

The City Council shall change any polling place upon petition of a majority of the registered electors residing within the precinct.

Sec. 7-70. Judges may change polling places.

- (a) When it becomes impossible or inconvenient to hold an election at the place designated therefor, the judges of election, after notifying the City Clerk and after having assembled at or as near as practicable to such place and before receiving any vote, may move to the nearest convenient place for holding the election and at such newly designated place forthwith proceed with the election.
- (b) Upon moving to a new polling place, the judges shall display a proclamation of the change and shall station a police officer or some other proper person at the original polling place to notify all registered electors of the new location for holding the election.

Sec. 7-71. Precinct map/amendment.

- (a) The boundaries of the election precincts as herein created in the City are hereby fixed and established as shown on the map entitled "District-Precinct Map," which map is on file in the office of the City Clerk.
- (b) Upon notice by Larimer County that its precinct boundaries have been amended, the City Clerk shall review precinct boundaries and recommend to City Council any precinct boundary changes to ensure they match Larimer County's precincts.

(Code 1972, § 9-8; Ord. No. 005, 2017 , § 3, 1-17-17)

Sec. 7-72. Rental of polling places.

The City Clerk is hereby authorized to pay as rent for the polling place in each election precinct an amount established by the City Council.

(Code 1972, § 9-6)

Secs. 7-73—7-85. Reserved.***Division 3 Election Districts¹*****Sec. 7-86. Establishment.**

Pursuant to the Charter, the City is hereby divided into six (6) Districts. From each District one (1) City Councilmember will be elected. Such Districts are designated as District No. 1, District No. 2, District No. 3, District No. 4, District No. 5 and District No. 6, and are delineated on the District-Precinct Map which is adopted by ordinance and made a part hereof by reference and is on file in the City Clerk's office.

(Code 1972, § 9-9; Ord. No. 130, 1990, 12-4-90)

Sec. 7-87. Redistricting; notice.

- (a) The City Council shall, by ordinance, amend the boundaries of the foregoing districts as necessary to comply with the provisions of Article II, Section 1(c) of the Charter. The City Clerk shall cause to be published twice, in a local newspaper of general circulation in the City, notice of the date, time and place of the City Council's consideration of any such redistricting ordinance. The first such notice shall be published no less than fourteen (14) days prior to the date of first hearing of the redistricting ordinance, and the second notice shall be published no less than ten (10) days prior to the date of the first reading of the same.
- (b) Not more than eighteen (18) months after the official decennial publication of the United States Census concerning the population of the City of Fort Collins, the City Clerk shall recommend to the City Council any district boundary changes necessary to ensure that, to the extent reasonably possible, there is no more than a ten-percent deviation between the most populous and the least populous district.
- (c) Not less than once every six (6) years after making the determination required under Subsection (b) above, the City Clerk shall again review the district boundaries to determine whether the maximum deviation between the most populous and the least populous district meets the standard described in Subsection (b) above. If the standard in Subsection (b) above is not met, the City Clerk shall recommend to the City Council any district boundary changes necessary to ensure that the districts conform to such standard.
- (d) The need to amend precinct boundaries pursuant to § 7-71(b) shall automatically cause the City Clerk to review current population deviations, regardless of how long it has been since the last review. If the deviation is found to exceed ten (10) percent, the City Clerk shall recommend that the City Council make boundary adjustments, and present the Council with possible redistricting options that to the maximum extent possible equalize the population in each district, subject to the requirements for contiguity and

¹Cross reference(s)—City Council, § 2-16 et seq.

compactness set forth in Article II, Section 1(c) of the Charter, with a maximum permissible deviation of ten (10) percent between the most populous and least populous district.

- (e) Any changes to district boundaries shall be established by ordinance no less than one hundred eighty (180) days before a regular municipal election.

(Ord. No. 26, 1998, 3-17-98; Ord. No. 063, 2011 , 6-7-11; Ord. No. 023, 2012 , § 1, 4-3-12; Ord. No. 105, 2012 , § 1, 10-16-12; Ord. No. 005, 2017 , § 4, 1-17-17)

Sec. 7-88. Protest procedure.

Any registered elector desiring to protest the manner of redistricting proposed in any such redistricting ordinance shall file a written protest with the City Clerk no later than noon on the Monday immediately preceding the date upon which the proposed redistricting ordinance is to be heard by the City Council on first reading. Such notice of protest shall be on a form available from the City Clerk, shall be signed by the protestor(s), and shall set forth (1) the name, address, and phone number of the protestor(s); (2) the title of the redistricting ordinance being protested; (3) with particularity, the grounds of the protest; and (4) any other information required by the City Clerk. Such protest shall be heard, considered and resolved by the City Council no later than the date of second reading of the proposed redistricting ordinance.

(Ord. No. 26, 1998, 3-17-98; Ord. No. 224, 1998, 12-15-98; Ord. No. 021, 2016, § 8, 3-1-16)

Secs. 7-89—7-100. Reserved.

Centennial Charter, Article II – Elective Offices

...

Section 2.3. - Council Districts.

- (a) The City is hereby divided into four (4) districts whose numeric identification and boundaries shall be the same as presently recognized for the four (4) wards of the City. Changes in the boundaries of districts may be made by Ordinance adopted by the City Council, which changes shall be effective for purposes of any regular or special municipal election only if made at least one hundred and eighty (180) days prior to any such election. Districts shall be contiguous and compact and shall have approximately the same number of voters.
- (b) No change in the boundary of any district shall operate to exclude any Councilmember from office before the expiration of the term for which the incumbent was elected or appointed.

Centennial City Code

Sec. 2-6-120. - Districts and precincts.

- (a) The City is divided into four (4) districts, numbered consecutively as 1, 2, 3 and 4. The boundaries of each district shall be depicted and set forth on the official district map of the City, a copy of which is on file in the office of the City Clerk and incorporated by reference into this Article. In determining the boundaries established for each district, whenever a common boundary between districts lies in any public street or right-of-way, the boundary of such districts shall be deemed to go to the centerline of the street.
- (b) In 2010 and then beginning with the Regular City Election held in 2013, the Election Commission shall review district boundaries within the City at least every four (4) years during the six (6) months immediately following a Regular City Election, and, if necessary, the Election Commission shall recommend to the City Council that the boundaries shall be revised or altered by ordinance in order to ensure that districts are contiguous, compact and have approximately the same number of voters.
- (c) Any district boundary changes shall be effective for a special or regular municipal election only if such changes are made at least one hundred eighty (180) days prior to such election.
- (d) No change in the boundary of any district shall operate to exclude any Council Member from office before the expiration of the term for which the incumbent was elected or appointed.

(e) For municipal elections that are not held as coordinated elections, there shall be one (1) City precinct fully contained within each of the four (4) districts.

(Ord. 2010-O-21 §2)

Colorado Springs Charter, Article II (Elective Officers)

Section 2-10.

(a) Elective Officers--Terms--Limitation of Terms for Mayor and Councilmembers.

(1) Elective Officers--Terms.

The elective officers of the City shall be a Mayor and nine (9) Councilmembers who shall be elected at the general municipal elections. The Mayor and three (3) members of Council shall be elected at large by the qualified electors of the City and one (1) member of Council shall be elected from each of the six (6) election districts of the City by the qualified electors of such district as hereafter provided commencing with the April 2013 general municipal election.⁵ The Mayor shall be elected by a majority, and not a plurality, of votes cast for the office of Mayor according to a run-off election, the procedures for which shall be established by Council. The terms of the office of Mayor and all Councilmembers whether at large or from districts shall be for a period of four (4) years. (1909; 1969; 1975; 1991; 2010; 2011)

...

(b) Districts.

At least one hundred twenty (120) and not more than one hundred fifty (150) days before any City election at which district members of Council are to be elected, the City Clerk shall divide the City into six election districts having substantially equal populations commencing with the April 2013 general municipal election. All of the area in each district shall be contiguous. The Council shall provide by ordinance the method of creating said districts and establishing their boundaries, the giving of notice of such proceedings, the manner of protesting such proceedings, and division of the City into said districts and for hearing on such protest. (1969; 1975; 1977; 1980; 2011)

Denver Charter, Article III (City Council)

- **§ 3.1.2 - Council districts; change of boundaries.**

The City and County of Denver shall be divided by ordinance into eleven Council Districts. The boundaries of these districts may be changed by ordinances, but they shall be as compact as can be, shall contain contiguous territory, and shall be divided as equally as practical so that they contain equal population, based on the most recent United States decennial census, or other official population studies or reports. Said boundaries shall be

changed, by ordinance, at least once every ten years, in accordance with the requirements hereof. Council Districts shall be comprised of whole election precincts.

(Charter 1960, B1.3, C1.15-1; amended May 17, 1916; amended September 10, 1968; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02)

Littleton Charter, Article III. Legislative Body

Sec. 20. Districts.

The four Council districts shall be contiguous, compact, as nearly rectangular as practicable and have approximately the same population. Every ten years following publication of the Federal decennial census, divisions, changes and consolidations shall be made by the Election Commission to carry out the intent of this article. Such redistricting shall be completed at least three months before the general Municipal election at which it is to become effective.

(Amended, Election of 11-5-2013; Amended, Election of 11-3-2015)

Pueblo Charter, Article 3 – City Council

• **Section 3-2. - Councilmanic Districts***

The Board of Elections shall establish four councilmanic districts before July 1, 1954. Such districts shall be contiguous and compact and have population as nearly equal as may be, as required by the Constitution of the United States. Every four years thereafter divisions, changes, and consolidations shall be made by the Board of Elections to carry out the intent of this Article. Hereafter such redistricting shall be completed at least six months before the general election at which it is to become effective.

No change in the boundary of any district shall operate to abolish any office or exclude any councilman or other city officer from office before the expiration of the term for which the incumbent was elected or appointed.

* AS AMENDED NOVEMBER 4, 1975, BY VOTE OF 7,789 TO 2,119.

Wheat Ridge Charter, Chapter IV. – Council

Sec. 4.2. - Council districts.

The city is hereby divided into four (4) districts. The districts shall be contiguous and compact, and shall be approximately equal in population.

The council shall complete the apportionment of the city into four (4) districts prior to December 31, 1978, for the purpose of the November 6, 1979, general municipal

election. Thereafter the council shall cause such changes as are necessary to carry out the intent of this section to be made no less than six (6) months prior to the general municipal election every four (4) years.

Redondo Beach, California Charter:

Sec. 7.1. Redistricting.

The City Council shall, within nine (9) months after receipt of the decennial United States census data, examine the boundaries of each council district for compliance with the population standard set forth in Section 7, and by ordinance shall modify the boundaries of districts, if necessary, to bring all district boundaries into compliance with said standard.

File Attachments for Item:

3. Review of priorities set by the Election Code Committee

Since beginning its work following the April 2021 Municipal Election, the Election Code Committee has met 13 times. Beginning with its first meeting, the Committee established seven main topics of discussion and their priority for addressing. The Committee has made substantial progress on the first four of these priorities. At this time, it is appropriate to identify what additional work, if any, the committee wishes to pursue ahead of the next municipal election, currently scheduled to occur in April of 2023.

August 15, 2022



AGENDA ITEM SUMMARY

Election Code Committee

STAFF

Anissa Hollingshead, City Clerk
Rita Knoll, Chief Deputy Clerk
Carrie Daggett, Legal

SUBJECT

Review of priorities set by the Election Code Committee

EXECUTIVE SUMMARY

Since beginning its work following the April 2021 Municipal Election, the Election Code Committee has met 13 times. Beginning with its first meeting, the Committee established seven main topics of discussion and their priority for addressing. The Committee has made substantial progress on the first four of these priorities. At this time, it is appropriate to identify what additional work, if any, the committee wishes to pursue ahead of the next municipal election, currently scheduled to occur in April of 2023.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. What is the Committee's intent relating to any continuing meetings in the current term?
2. Are there priorities the Committee intends for staff to continue working on at this time?

BACKGROUND / DISCUSSION

These are the priorities identified by the Committee at the outset of this term:

Main Topics of Discussion in Priority Order

1. Redistricting
2. Campaign Finance Provisions
3. November Elections
4. RCV
5. Public Financing of Elections
6. Election Oversight Board
7. Partisan/Non-Partisan Elections

Work on these items has been occurring since mid-2021 with the current composition of the Election Code Committee, with substantial action occurring on the first four priorities. The Committee also heard focused presentations on priority 5, the public financing of elections.

The passage by Fort Collins voters in November of 2022 of either of the ballot questions relating to the administration of municipal elections may require further work by this Committee. Implementation steps may include the need for code changes that would be properly vetted by this committee.