



# Campaign Finance and Elections Working Group

April 17, 2018

# Campaign Finance Working Group



- December 19, 2017 - City council directed the city manager to form a working group to address concerns regarding the city's campaign finance and election laws.
- January 4, 2018 – Working Group charter described the expectations of the city council for analysis of the City Charter and Code provisions related to campaign finance, initiative and referendum provisions and other election matters.
- Meetings of the Working Group –  
January 31, February 13, March 1, March 14, April 11.

# Campaign Finance and Elections Working Group Members



- Matt Benjamin
- Ed Byrne
- Allyn Feinberg
- Mark McIntyre
- Rionda Osman-Jouchoux
- Steve Pomerance
- Evan Ravitz
- Tyler Romero
- Michael Schreiner
- John Spitzer
- Valerie Yates



# Working Group Charter

Report covers the following matters from the council approved Charter:

- Charter amendments related to Ballot Measure 2Q on the November 2017 ballot
- Initiative and referendum filing dates, petition review and signatures



# Guiding Principles of the Working Group

- Direct democracy
  - Timelines and processes should be activities embedded in the City Charter
- Focus on local processes
  - Municipal initiatives should be designed to be the best possible for Boulder voters, not simply follow state law

# Issues Covered by the Report



- Setting timelines in the charter for municipal initiative processes
- Setting numerical signature requirements for municipal initiatives, referenda, and recalls
- Clarifying the existing charter rule that municipal initiatives may not be repealed except by another vote of the citizens
- Verifying signatures on petitions in addition to verification of voter registration information
- Allowing for the use of electronic voter identification for petition “signing”



# Issues and Recommendations by Charter Provision

# Sec. 29 - Withdrawal from nomination



- **Issue:** The language in 2Q did not specify what should occur if a candidate withdraws on the 66th day before the election.
- **Recommendation:** Any person having been duly and regularly nominated as herein provided, may withdraw from such nomination by filing with the city clerk a sworn statement of such withdrawal. If a withdrawal occurs before the ballots are finalized for printing, the name of the person shall not appear on the ballot. If the withdrawal occurs after ballots are finalized for printing, the votes cast for that person shall not be counted.





## Sec. 38. - Preparation of initiative petitions

- **Issue:** Allow for electronic identity verification for petitions for municipal initiatives.
- **Recommendation:** Amend the charter to authorize the council to adopt ordinances to enable electronic petitions and electronic identity verification.

# Sec. 38A. – Signatures required for initiative, referenda and recall petitions



- **Issue:** The number of registered voters has inflated because of federal rules that make it more difficult to delete names from the voter list.
- **Recommendation:** A petition signed by registered electors of the city of at least ten percent of the average of the number of registered electors of the city who voted in the previous two municipal candidate elections shall be required for an initiative, referendum, or recall petition to be sufficient.

# Sec. 38B. - Submission of initiative form for comment



- **Issue:** Ballot measure 2Q removed the charter timelines related to municipal initiatives and provided that the timelines would be consistent with city manager rule, or failing that, with state law.
- **Recommendation:** Reinstate the timelines for municipal initiatives back into the charter so that they are not subject to a city manager rule or ordinance, and having two different timelines, one for municipal initiatives and one for charter amendments.

# Sec. 39. - Filing of petition; protest



**Issue:** Timeline should be in the charter and not left up to the city manager's discretion.

## **Recommendation:**

- Signature certification process needs a specific timeline with a specific starting date so that the clerk can plan ahead to staff up for petition review
- Actual signatures should be checked by the city clerk through the Secretary of State database

# Sec. 40. - Submission of petition to council.



**Issue:** The 60-day charter timeline for petition review by the council does not fit with the Charter requirement that allows the petition to be certified as late as 120 days before the election, because there is not enough time between signature certification and when the title needs to be set.

**Recommendation:** If the petition shall be found to be sufficient, the city clerk shall so certify and submit the measure to the council at its next regular meeting. Unless the committee of petitioners withdraws the petition, the council shall take final action, including setting the title, prior to 70 days before the November election. Title challenges shall be filed no later than seven days after setting of the ballot title.

# Sec. 44. - Referendum petition



**Issue:** The number of required signatures a referendum should be consistent with a municipal initiative.

**Recommendation:** Revise referendum procedures to be consistent with municipal initiatives, to read:

“within thirty calendar days after final passage of any measure by the council, a petition signed by at least ten percent of the average of the number of registered electors of the city who voted in the previous two municipal candidate elections be filed with the city clerk requesting that any such measure, or any part thereof, be repealed or be submitted to a vote of the electors . . . .”

# Sec. 48 - Title of Ballots



- **Issue:** Ballot measure 2Q specified that the ballot title for initiatives be determined by council, but did not require consultation with the petitioners.
- **Recommendation:** Proposed measures and charter amendments shall be submitted by ballot title. . . The ballot title shall be prepared by a committee of the council which may be a committee of the whole. *If the proposed measure is an initiative, council shall seek the input of the petitioner committee prior to setting the ballot title.*

# Sec. 54. – Repeal or amendment of initiated or referred measures



- **Issue:** The current charter language states that a citizen initiative cannot be “repealed” except by another vote of the people. The question is – what constitutes “repeal”?
- **Recommendation:** No ordinance that has been passed by vote of the people under the initiative or has received a favorable vote of the people under the referendum shall be repealed except by an ordinance submitted to a vote of the people. An ordinance passed by vote of the people under the initiative or has received a favorable vote of the people under the referendum may be amended by two-thirds of the council members present provided that the amendments do not alter or modify the basic intent of such ordinance or are necessary to come into compliance with state or federal law.





# Signature Checking

- Working Group is recommending changing the provision that the clerk compare signatures on the petition with signatures from the statewide voter registration database from being discretionary to being mandatory.



# Electronic Signature and Identity Verification

Establish a mechanism for municipal ballot measure petitions that allows for online access to read the petition and online “signing” via electronic identity verification. Benefits of online access and signing include:

- Access to and by a broader population of voters
- Heightened integrity of the petition "signing" process and greater security than current physical signing process
- The opportunity to read the full text of petition language before signing
- Improved efficiency, and reduced burden on administrative staff
- The ability to sign at any time from any place
- The ability to un-sign prior to the petition signing deadline

# Electronic Signatures and Electronic Identity Verification



- If this provision is added to the charter, the Working Group requests that the council direct the city manager to appoint a new working group that would explore how to implement on-line “signing” of petitions and make recommendations to council.

# Staff Resources



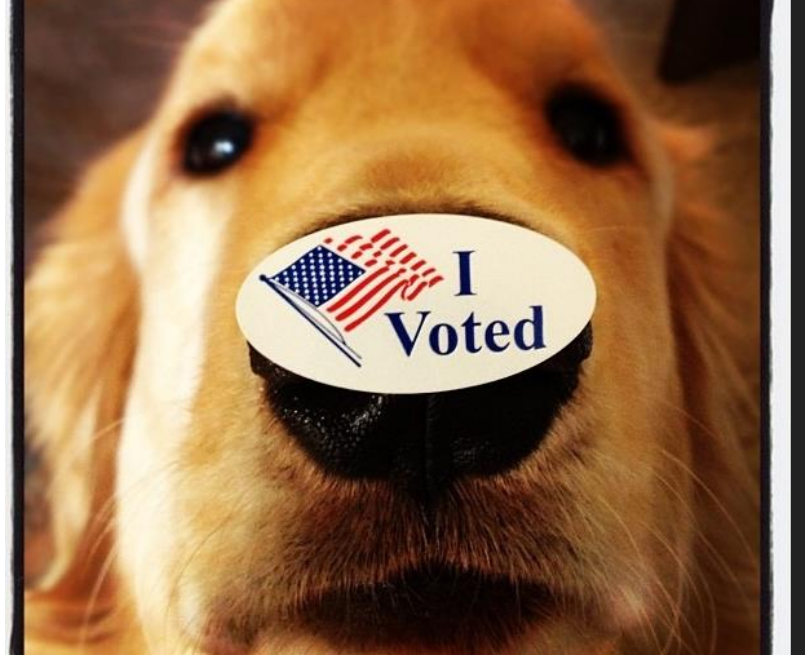
All the recommendations of the Working Group can be accomplished within staff's existing work plan except for two of the recommendations:

- Change to requiring comparison of each signature to the voter registration database requires additional temporary employees or contracting with a third party
- Formation of a second working group to enable electronic signing of petitions during 2018, before the election.



# Next Steps

- The proposed charter changes will be formally drafted and presented to the council during the summer ballot setting season
- Staff will continue to study the measures, and to the extent necessary provide the council with information related the matters are brought forward as proposed charter amendments
- Working Group continuation of review and recommendations of Boulder's campaign finance laws



state  
set of laws  
legislation. no  
making or  
rules made