

**MEETING SUMMARY**  
of the  
**Campaign Finance & Elections Working Group**  
**(CFEWG)**

Date: May 23, 2018

Location: West Senior Center, Boulder, Co

The attendees are as follows:

Appointed members: Matt Benjamin, Ed Byrne (absent), Allyn Feinberg, Mark McIntyre, Rionda Osman-Jouchoux, Steve Pomerance, Evan Ravitz, Tyler Romero, Michael Schreiner, John Spitzer and Valerie Yates

City Staff: Lynnette Beck, Tammye Burnette, David Gehr, Kathy Haddock, Taylor Smith and Rewa Ward

Election/Campaign Finance Attorney Advisor: Geoff Wilson

Number of citizen attendees: 0

**1. Welcome and Agenda Review**

The meeting commenced at 5:36 p.m.

Meeting facilitator, David Gehr, welcomed everyone.

**2. Review of Meeting Summary and Action Items**

No action items were discussed.

**3. Meeting Discussion**

Mr. Gehr dove right into the evening's agenda with an update regarding the ballot measure study session that was held on May 8, 2018. All of the Working Group's recommendations were moved forward by council. There were a few questions with regard to signature verification and electronic means for online petitions. Evan Ravitz voiced his concerns that council did not understand what was involved with online petitioning. Mr. Gehr assured the group that council understood as they agreed to move forward with it. The Working Group's part is completed, and it is now time to move into a different phase and Mr. Gehr proposed that the members now participate in the political process. Mr. Gehr will now be taking on the role of ballot drafter. He then proceeded to explain the ballot measure calendar. The first reading will be introduced on consent, no public hearing, on June 19. Mr. Gehr will circulate the first draft of ballot titles for comment. Changes will occur between the first and second readings. Titles will change. Decisions will be made on which ballot measures will be batched together and which ones will

be submitted as single measures. Second reading, which involves a public hearing, will occur on July 17. Mr. Gehr reminded the group that schedules can change so nothing is set in stone. The final reading, if amendments are needed, will happen sometime in early August. Mr. Gehr opened the floor to questions and comments. Steve Pomerance, Evan Ravitz, Mark McIntyre and Valerie Yates voiced their concerns on signature verification and online petitions. Mr. Gehr assured everyone that discussion and decisions regarding online petitions will be done by ordinance in 2018/2020 and that future council can decide whether or not to implement the changes. Further education on this matter as needed. Mr. Gehr again asked the members to advocate for the group's ballot measures in the political process.

Geoff Wilson indicated that one thing the group had not yet done was identify a need for a change to the status quo. He said a need for advocacy imbedded in any document submitted to council is necessary. There needs to be a clear problem statement when advocating for change. A brief discussion ensued. Mr. Gehr suggested that the Working Group form a caucus for advocacy purposes on signature verification and online petitions and requested volunteers. Steve Pomerance, Evan Ravitz and Matt Benjamin volunteered. Steve will write up the first draft and email it out to everyone before the next meeting.

Mr. Gehr added that the next Campaign Finance and Elections Working Group's report to council is due on July 17. He again reminded the group that the schedule may change, depending on the CAC (Council Agenda Committee) as they control the council meeting calendar.

Mr. Gehr turned the floor over to Kathy Haddock to present the draft "candidate" electioneering ordinance. Discussion ensued regarding each section of the draft. Changes were made to reflect the Working Group's desires resulting in the following:

*Candidate electioneering communication* means any communication that is distributed that:

- (a) Taken as a whole and in context unambiguously refers, in writing or pictorially, to any candidate, or person who becomes a candidate in that election cycle; and
  - (b) Is distributed after the first date a city council candidate nomination petition could be certified; and
  - (c) Is distributed to an audience that includes members of the electorate for the candidate.
- (1) Candidate Electioneering communication does not include:
- (a) Any communication by persons, other than committees, made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families; or
  - (b) Any communication that refers to a candidate only as part of the popular name of a bill or statute; or
  - (c) The original broadcast or distribution of any news articles, editorial endorsements, opinions, commentary writings, or letters to the

editor broadcast by a person not owned or controlled by a candidate or official candidate committee.

- (2) Distribution or broadcast of copies of articles, editorial endorsements, opinions, commentary writings, or letters to the editors shall be considered candidate electioneering communications.

*Contribution* does not include:

- (a) Services provided without compensation by individuals volunteering their time on behalf of a candidate or committee;
- (b) Provision or broadcast of a forum for candidates which is:
- i. conducted after expiration of the time during which candidates may be certified; and
  - ii. open to all candidates without discrimination; and
  - iii. in which all candidates have equal time to express their position; and
  - iv. The sponsor of the forum is not an official or unofficial candidate or issue committee; and
  - v. any broadcast of the forum includes the full statements of all participants.

*Distributing, distribution, or distributed* means any communication broadcast by television, radio, cable or satellite; *printed in a newspaper magazine or other periodical or on a billboard; directly mailed or delivered by hand to personal residences; or delivered for a fee digitally or by telephone;* or similar means of communication

*Election cycle* means the period from the day after an election until the day of the election in the following year

*Express Advocacy* means any communication that contains express words urging election or defeat, such as “vote for,” “elect,” “support,” “cast your ballot for,” “vote against,” “defeat,” “reject,” or any communication which is the functional equivalent of express advocacy because it is susceptible to no other reasonable interpretation than as an appeal to vote for or against a specific candidate.

### **13-2-\_\_\_. – Reporting of Electioneering communications.**

- (a) Once any person spends an aggregate of \$1,000 or more **on candidate electioneering communications**, the person shall file an initial report that accounts for the first \$1,000 of spending. The person shall then be required to file a report for each subsequent candidate electioneering communication, regardless of the amount. The first report shall be filed within forty-eight hours after the earlier of (i) obligating moneys for the candidate electioneering communication aggregating \$1,000, (ii) or distributing the candidate electioneering communication; and thereafter in accordance with the schedule in 13-2-8 B.R.C.
- (b) The report shall include the following:

- (1) The name of the person making the communication;
  - (2)
  - (3) The date of the expenditure of funds that were an electioneering communication;
  - (4) The method of communication;
  - (5) The name of the candidate referred to in the communication; and
  - (6)
  - (7) The amount spent on each communication.
  - (8) The name and address of any person that donated more than \$25 for the purposes of making the communication. If the amount spent was derived from regular membership dues, the report shall briefly describe the source of the funds rather than the name of individuals.
- (c) Any report filed under this section shall include a statement certifying that the reported communications were not controlled by or coordinated with any candidate or official candidate committee.
- (d) A committee registered under section 13-2-6 does not need to file an additional report under this subsection separate from regularly filed disclosure reports listing all contributions, disbursements, and expenditures under section 13-2-6.
- (e) Any communications under this section that are controlled by or coordinated with a candidate or their agents are deemed to be contributions to the official candidate committee. Such communications are subject to all contribution limits, prohibitions, and reporting requirements.
- (f) In the case where the person is a natural person, such reports shall also include the occupation and employer of such natural person. The last such report shall be filed thirty days after the applicable election.
- (g) In the case where the person is not a natural person, such reports shall also include the members of the entity making the contributions until the names of the natural persons contributing \$250 or more to the entity are disclosed.

*add electioneering communications to existing express advocacy requirement*

The group discussed adding the definition of “electioneering communications” to the city code.

The discussion turned to donations, expenditures, express advocacy, electioneering contribution limits and reporting requirements. The question was raised as to limiting contributions on electioneering communications. Geoff Wilson is to look into whether or not the city can limit contributions for electioneering communications. Discussion ensued.

John Spitzer brought up the matter of “secret” complaints and the resolution of such complaints. Mr. Gehr explained that the group will get to that topic at a later meeting.

Discussion continued regarding electioneering communication reporting requirements for each group (three – electioneering, candidate and issue committees) and if limits can be combined for all groups or do they have to be separate. A two-part structure and a three-part structure was discussed. The resulting recommendation to council is dependent upon what staff comes back with.

Mr. Gehr ended the meeting by summing up the recent discussion and that staff will come up with ideas to start the conversation at the next meeting and continue the drafting process. At the

last meeting (4.25.18) entity disclosures was discussed, Geoff Wilson is prepared to present information to the group at next meeting (6.13.18). A discussion on issue committees will be commenced at the next meeting as well. Mr. Gehr reminded the group of the deadline for materials due to council, so their problem statements should be received by him soon

#### **4. Next Steps**

The next two meetings will be held on:

June 26, 2018, from 5:30 p.m. to 8:00 p.m. at the West Senior Center, Boulder, Co.; and  
July 11, 2018, from 5:30 p.m. to 8:00 p.m. at the West Senior Center, Boulder, Co.

#### **5. Public Comment**

There was no public comment.