REVISED MEETING SUMMARY
of the
Campaign Finance & Elections Working Group
(CFEWG)
Date: February 13, 2018
Location: 1777 Broadway, Boulder, Co

The attendees are as follows:

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

City Staff: Lynnette Beck, Tammye Burnette, David Gehr, Kathy Haddock, Joe Rigney and Rewa Ward

Election/Campaign Finance Attorney Advisor: Geoff Wilson

Number of citizen attendees: 0

1. **Welcome and Agenda Review**

The meeting commenced at 5:38 p.m. Several handouts were circulated: The Steps for a Muni Initiative (by Steve Pomerance), 2Q printed PDF presentation by Kathy Haddock and City of Boulder Petition Initiative Process before 2Q printed PDF presentation by Lynnette Beck.

Meeting facilitator, David Gehr, started the meeting by reminding the attendees of the meeting rules. Mr. Gehr then discussed the expectations for the meeting: To complete the discussion of the initiative and Charter amendment process and to go through issues that were identified at the last meeting with Kathy Haddock and Lynnette Beck and ending the meeting with a discussion of the members' ideas to develop a recommendation for the city council. Mr. Gehr proceeded to explain that he and Kathy Haddock will take the members ideas and write up a plan that will be discussed at the next meeting and potentially moved on to council for consideration.

Mr. Gehr then briefly explained a bit about what Kathy Haddock and Lynnette Beck will be presenting at the meeting.

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

Mr. Gehr requested members email staff with any glaring mistakes or changes they would like to see in the January 31st Meeting Summary as he did not want to take up meeting time to discuss the previous meeting's summary.

All action items from the January 31st meeting were included in the February 13th meeting packet. No discussion was had regarding these items.

3. Meeting Discussion

Mr. Gehr turned the floor over to Geoff Wilson who discussed what Home Rule is and how it affects Boulder; specifically, in the election context.

- Initiative and Referendum power preserved in Colorado Constitution to muni and state electors

- Home Rule Charter amendments

- Article 2 of Title 31 regarding amending charters

- Muni election code C.R.S. 31-10-101, *et seq.*

- Municipal initiatives C.R.S. 31-11-101, *et seq.*

Mr. Wilson explained that home rule is aggressive in Colorado. Municipalities can have Charters. The city has powers under Home Rule Art. 20; all matters relating to municipalities are in Sec. 6. The city can conflict with state law but not the Colorado Constitution. Campaign finance and initiative and referendum are unrestricted unless there are conflicts with Colorado Constitution.

Discussion moved to electronic signatures. Can electronic signatures be used for proposed Charter amendments? Staff could not answer this. Geoff Wilson is to look in to that possibility and provide a memo to the members at the next meeting.

Mr. Gehr turned the floor over to Lynnette Beck for her PDF presentation on 'How do I get something on the ballot?' Ms. Beck discussed the step by step process (see her handout provided to members at the meeting) that is involved with Charter and Non-Charter Amendment Initiatives. A brief discussion followed.

Mr. Gehr then turned the floor over to Kathy Haddock for her PDF presentation on '2Q What It Did.' (See her handout provided to members at the meeting.) Ms. Haddock went through each change made by 2Q and identified those options that the group had requested be discussed for change. Those options included dates for city review of initiatives forms and signature verification, title setting by council, means of signature verification and the allowance of electronic signatures. Constitutional maximums for number of signatures required on initiative petitions was also presented.

Discussion ensued once Ms. Haddock's presentation was completed. The members focused on the issue of having different processes for code and Charter change and disagreement was voiced regarding 2Q changes. The reasons for the discrepancy was discussed. Mr. Wilson explained that local power can change or do whatever it wants under Chapter 31-11, C.R.S. related to the state law on municipal initiatives, referenda and referred measures. Home Rule cities are required to comply with Chapter 31-2, C.R.S. for Charter amendments. A city's requirement cannot conflict with a state law requirement. A conflict between an ordinance and a statute exists only if the ordinance authorizes what the statute forbids, or forbids what the statute authorizes.

Ms. Beck added that 2Q changed three things: review period for form of initiatives and signatures, determination of sufficiency and protest period. Discussion continued regarding these items. Clarification was had regarding the difference between code and Charter changes; code changes can be adopted by city council and Charter amendments have to be placed on the ballot. Discussion continued regarding clerk review, timelines, city manager discretion, electronic signatures, number of signatures and title setting. Members then focused on the ability to revert back to the process the city had prior to 2Q.

Mr. Gehr took the floor and summed up the discussion. He then asked the members to vote on whether or not to have two timelines. The members' vote was 9-0 for two timelines. Kathy Haddock will write up 2 processes for discussion at the next meeting.

Discussion continued regarding title setting. A motion was cast to have council get input on Title (not summary) from Petitioner Committee, but council makes the final decision (option D from Ms. Haddock's presentation). The members' vote was 9-0 for option D.

The members then focused on signature requirements. Discussion ensued as to the number of signatures required; Mr. Wilson added that the Home Rule Matrix shows several cities have changed to a percentage of the voters from the last election rather than the registered voters. Discussion involved whether or not to use a percentage of the number of voters from the last local election or the last two local elections. Member Mark McIntyre moved to use 10% of the voters from the last local election. The members' vote was 7 for and 2 (John Spitzer and Ed Byrne) with the suggestion to use a percentage of the average number of voters from the last 2 local elections. It was stated that the members have two different ideas. Discussion continued regarding signature verification and inspection requirements by the city clerk.

Mr. Gehr ended the discussion as it was 8:20 p.m.

The meeting wall board notes included the following ideas presented:

56-day rule – drop name if you don't go on the ballot

Option –

Signature requirement/if you change the signatures for new voter # standard

Recognize that the city allows protests

Specifically allow cure period

Ballot title set by council

Charter Section 40-60-day requirement should be moved

2Q

4th Option

Put dates in Charter pre 2Q

Make time frame easy to understand and accessible to user group

5 business day review is too short at the beginning:

15 initial review

180 days to collect

10/10/10 cure period

120 before election to be complete

Negotiations with city council

Ballot

<u>Verification on signatures for voter requirements</u>

Clerk verifies a certain percentage if allowed by the Secretary of State or County Clerk

Small sample – precheck

-if standard exceeded addition verification

4. Identification of Issues
Campaign Finance

There was no time at this meeting to discuss campaign finance issues.

5. Review of Future Meeting Topics

Mr. Gehr finished the meeting by reviewing what was going to be discussed at the next meeting: Policy discussion, signature requirements and a written memo regarding what the group has so far.

6. Next Steps

The next meeting will be held on Thursday, March 1, 2018, and will be held from 5:30 p.m. to 8:00 p.m. Location is TBD.

7. Public Comment

There was no public comment.