



Legislation Text

File #: 16-561, **Version:** 3

Ordinance No. 16-102 amending Article 1 (General Municipal Elections) of Chapter 5 (Elections) of the Code of the City of Colorado Springs 2001, as amended, pertaining to elections

Presenter:

Sarah B. Johnson, City Clerk

Britt Haley, City Attorney's Office

Summary:

This proposed ordinance implements the updates to the Conduct of Elections provisions of the City Code needed to comply with recent changes to the Colorado Municipal Election Code of 1965 (Title 31). Those changes are summarized below.

Section	Update
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§ 5.1.111	Moves the existing mail ballot election provisions from their current position at the end of this article to earlier position in the article.
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§§ 5.1.103, 5.1.106 & 5.1.107	Aligns timelines associated with various candidate activities with recent changes to state law.
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§ 5.1.113	Moves the pre-election process provisions from the end of the article to prior to mail ballot elections portion.
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§ 5.1.113	Adds designation of a location for an accessible voting mechanism to the mail ballot plan.
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§ 5.1.119	Moves absentee voting provisions to better order in the city code, placed directly after receipt and qualification of ballots provisions. Updates provisions to align with changes to state law for military and overseas voters, and concerning post-election ballot verification.
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§ 5.1.127	Aligns certification of ballot deadlines with recently adopted state legislation. Changed the time to certify the list of candidates and ballot questions from 45 days to 61 prior to the election and changed the publication of notice of election requirement from 10 to 25 days prior to the election.
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§ 5.1.129	Aligns Mayoral runoff election provision with updated general municipal election provisions for military and overseas voters, and concerning post-election ballot verification.
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§ 5.1.201	Permits the City Clerk to appoint additional election judges.
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- § 5.1.201 Aligns election judge requirements with state law.
- § 5.1.202 Struck reduced compensation for student election judges.
- § 5.1.203 Adopts restrictions on election watchers consistent with state requirements.
- § 5.4.401 Updates a definition
- § 5.4.402 Updates provision to be consistent with recent Colorado court decisions.
- § 5.1.403B Updates initiative requirements to clarify that the initiative review committee shall make petition committees aware of initiatives that contain more than one subject.
- § 5.1.403C Updated initiative requirements to clarify that the initiative review committee shall make petition committees aware of initiatives that contain administrative matters or legislative matters.
- § 5.1.405 Requires initiative review committee members to be residents of the City of Colorado Springs.
- § 5.1.405 Strikes the rules of procedure provision for the initiative review committee.
- § 5.1.410 Clarifies provision listing factors the City Clerk uses to determine sufficiency of signature lines.
- § 5.1.411 Clarifies procedures for petition protest investigations and designates the presiding judge of the municipal court or a hearing officer appointed by the presiding judge to conduct the hearing.

Previous Council Action:

This item appeared on the September 26, 2016 Work Session Agenda.

Background:

Elections in the City of Colorado Springs are governed by the City Charter, City Ordinances and the provisions of the Colorado Municipal Election Code of 1965 (as amended). Because the City of Colorado Springs is home rule city, it may adopt provisions that are different than the requirements of the Colorado Municipal Election Code. This update addresses alignment of the City of Colorado Springs Code provisions with recent changes to state law, addresses alignment of the City Code with recent decisions of the State and Federal courts concerning election matters and updates the organization of the City Code provisions.

The proposed election code review was to make the code follow the sequence of events in an actual election. Currently, Chapter 5 Article 1 has 6 parts that require a person to flip back and forth from sections. The City Clerk is proposing we condense Article 1 to 4 parts, which places items in a correct election sequence. This results in large sections of the proposed code being shown in bold font, but are not wording changes just new to that part. It is best to read the proposed code with this memo in hand to see where we are moving whole sections and where there are actual changes. An actual change example is taking the requirement for a replacement ballot application to be notarized

to now making it just an affirmation. This saves the person from finding a notary and paying a fee or for my office to arrange for city employees who are notaries to come down and notarize the form.

State law now requires City Clerks' to mail military and overseas ballots out 45 days before an election, this required changes to shorten the candidate filing timeline, candidate withdrawal deadline and ballot certification deadline and a few other timeline changes. For example, candidate filing deadline currently runs the 90th to the 55th day before an election. I am proposing it will be the 91st to the 71st day to the day before an election, which matches Municipal Election law. Candidate withdrawal date is now 50th day before an election, I am proposing it will be the 67th day before an election. I must have ample time to prepare the ballot packets and get them mailed in time to meet the 45 day military mail-out deadline.

Financial Implications:

N/A

Board/Commission Recommendation:

N/A

Stakeholder Process:

The City Clerk holds meetings with the Pikes Peak Equality Coalition, Elections Administration Committee, during and after each municipal election cycle to discuss possible improvements to the municipal election code, which includes my suggestions and their suggestions. The Committee also met individually with each councilmember.

The City Clerk and Britt Haley, City Attorney's Office met with most City Council members after the September 26th Work Session to review the proposed code changes and answer questions.

Alternatives:

N/A

Proposed Motion:

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