



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: June 14, 2022

AGENDA TITLE

Even Year Election Ballot Options Discussion

PRESENTERS

Nuria Rivera-Vandermyde, City Manager
Teresa Tate, City Attorney
Kathy Haddock, Senior Counsel
Pam Davis, Assistant City Manager
Elesha Johnson, City Clerk
John Morse, City Clerk Administrator

EXECUTIVE SUMMARY

At the May 10, 2022, meeting, council discussed potential ballot items including options for converting city candidate elections from odd- to even-numbered years. The discussion led to an additional option for such conversion and since that time other options have been presented by council members. One of the options proposed means there would be nine council members at the same time there is a directly elected mayor for a total of 10 elected officials.

This agenda item is for council to provide staff direction of which option it desires to see presented in ordinance and ballot form for conversion from odd- to even-year candidate elections.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

Until the exact ballot items are known it is not possible to determine the specific impact of items placed on the ballot. If any ballot item moves forward, this section will be completed for each ballot item.

PUBLIC FEEDBACK

Molly Fitzpatrick, the Boulder County Clerk and Recorder has provided a memorandum (**Attachment A**) describing the county's considerations with transitioning from an odd-year to even-year election.

BACKGROUND

On May 10, 2022, staff presented two options for converting city candidate elections from odd- to even-year elections.

Option 1 would keep the first directly elected mayor election in 2023 with the winner getting a three-year term to 2026, and the top four candidates in the 2023 and 2025 elections receiving three-year rather than four-year terms so that starting in 2026 city council candidates would be elected in even-numbered years for four-year terms. Council did not approve this option.

Option 2 would keep the first directly elected mayor election in 2023 with the winner getting a three-year term to 2026. The difference between Option 1 and Option 2 is that Option 2 would extend the terms of the four council members up for re-election in 2025 for one year to 2026, skip the candidate election in 2025, and extend the terms of the top four council members elected in 2023 to five years. Option 2 would also result in even-number years for four-year terms for the top council candidates to start in 2026. Council moved this option forward.

The **third option** that was proposed at the council meeting was to extend the terms of all nine existing council members for one year and skip the 2023 election. Even-year elections would start for council candidates in 2024 for four-year terms, with the first directly elected mayor in an even year starting in 2024. That option has the first direct election of the mayor occurring in a presidential election year. Delaying the directly elected mayor until 2024 is not feasible for the county to coordinate since it is a presidential election year.

Council Member Benjamin proposed a **fourth option** after the May 10th meeting that would extend all nine existing council member terms for one-year and change the first directly elected mayor election to 2026. This option eliminates an odd-year election for the first directly elected mayor without putting it in an election that is also a presidential election year and starts even-year council candidate elections in 2024 without having an intervening council of 10 members.

ANALYSIS

Options 2, 3 and 4 are charted below. In choosing an option council may want to include in its consideration the following:

- A. The ability of the county to provide public education or usability and testing of voting machines is affected by the other elections the county conducts. In the 12 months prior to a presidential election the county conducts four elections where there are significant blocks of time during which all staff and voting equipment is committed to those elections.
- B. The state funded the expense of building software and voting equipment for ranked choice voting for 2023; however, the software and equipment will not be complete for the November 2023 election. The Boulder County Clerk has a committee to work with the city to be ready to conduct a ranked choice voting election in November 2023; however, all the expense therefor will be allocated to the city. If the city started its ranked choice voting in 2025 or later, the cost of setting up software and usability testing will have been partially funded by the state.
- C. For use of ranked choice voting of the mayor, there will need to be a public education component by both the city and the county. The county will have more time for providing such education in any period other than the 12 months prior to a presidential election, and generally more time in an odd-numbered year than an even-numbered year.
- D. For a 2023 ranked choice voting election, public education materials would be occurring simultaneously with the development of the procedures, voter usability testing and accuracy testing of equipment. Ideally these things would be done consecutively rather than simultaneously.
- E. There is a potential that transitioning to even-year elections could regularly push the City of Boulder to a multi “card” (sheet) ballot in general election years. During even years, this would *increase printing cost and other associated processing costs, such as mailing a “heavier” ballot* (below in red). The previous three-year council election costs were billed as follows:

	Set up	Ballot contests	Ballot Distribution	Voter Count	Tabor Voter Count	Election Processing	Tabor Distribution	Total Each Year
2021	\$500	17	\$20,554	68,885	68,885	\$43,080	\$10,368	\$ 75,501
2020	\$666	7	\$14,751	64,920	64,920	\$41,639	\$ 1,504	\$ 58,562
2019	\$332	4	\$36,406	70,109	70,109	\$46,607	\$18,573	\$101,919

OPTION 2

Year	Elected Mayor 2023	Council members							
		Terms Expire 2025							
		Benjamin	Folkerts	Speer	Wallach	A	B	C	D
2023	xx	x	x	x	x	xx	xx	xx	xx
2024	x	x	x	x	x	x	x	x	x
2025	////////	////////	////////	////////	////////	////////	////////	////////	////////
2026	xx	xx	xx	xx	xx	x	x	x	x
2027	x	x	x	x	x	x	x	x	x
2028	xx	x	x	x	x	xx	xx	xx	xx
2029	x	x	x	x	x	x	x	x	x
2030	xx	xx	xx	xx	xx	x	x	x	x
2031	x	x	x	x	x	x	x	x	x
2032	xx	x	x	x	x	xx	xx	xx	xx
2033	x	x	x	x	x	x	x	x	x
2034	xx	xx	xx	xx	xx	x	x	x	x

xx and solid color = election year

x and shaded color = continuing term

/// and shaded color = skipped election year; continued terms

- Existing council members Benjamin, Folkerts, Speer and Wallach agree to extend, and voters approve extension of, existing terms to 2026
- Council candidates elected in 2023 get a five-year term
- No candidate elections for two years – 2024 and 2025
- First directly elected mayor gets a three-year term

- **2023 Election LAST ODD-YEAR ELECTION**
 - Four top council candidates get five-year terms
 - Directly elected mayor gets a three-year term
- **2025 No election**
- **2026 Election FIRST EVEN-YEAR ELECTION** – same cycle every two years thereafter
 - Top four council candidates get four-year terms
 - Mayor gets a two-year term

OPTION 3

Year	Elected Mayor 2024	Council members								
		Terms Expire 2025				Terms Expire 2023				
		Benjamin	Folkerts	Speer	Wallach	Winer	Brockett	Friend	Joseph	Yates
2023		x	x	x	x	/////	/////	/////	/////	/////
2024	xx	x	x	x	xx		xx	xx	xx	xx
2025		////////	////////	/////	////////		x	x	x	x
2026	xx	xx	xx	xx	x		x	x	x	x
2027	x	x	x	x	x		x	x	x	x
2028	xx	x	x	x	x		xx	xx	xx	xx
2029	x	x	x	x	x		x	x	x	x
2030	xx	xx	xx	xx	xx		x	x	x	x
2031	x	x	x	x	x		x	x	x	x
2032	xx	x	x	x	x		xx	xx	xx	xx
2033	x	x	x	x	x		x	x	x	x
2034	xx	xx	xx	xx	xx		x	x	x	x

- All nine existing council members agree to extend, and voters approve extension of existing terms
 - Brockett, Friend, Joseph, Yates, Winer to 2024
 - Benjamin, Folkerts, Speer and Wallach to 2026
- Even-year elections and directly elected mayor start in 2024
- No candidate election in 2023
- **2023** No election
- **2024 FIRST EVEN-YEAR ELECTION** – same cycle every two years thereafter

Issue:

- Okay to start even-year elections in presidential election year, but not first ranked choice voting election. Therefore, first direct election of mayor cannot be in 2024. If direct election of mayor is kept in 2023, there will be a total of 10 on council between the 2023 and 2024 elections.

OPTION 4

Year	Elected Mayor 2026	Council members								
		Terms Expire 2025				Terms Expire 2023				
		Benjamin	Folkerts	Speer	Wallach	Winer	Brockett	Friend	Joseph	Yates
2023		x	x	x	x	/////	/////	/////	/////	/////
2024		x	x	x	x		xx	xx	xx	xx
2025		////////	////////	////////	////////	x	x	x	x	x
2026	xx	xx	xx	xx	x		x	x	x	x
2027	x	X	x	x	x		x	x	x	x
2028	xx	X	x	x	x		xx	xx	xx	xx
2029	x	x	x	x	x		x	x	x	x
2030	xx	xx	xx	xx	xx		x	x	x	x
2031	x	x	x	x	x		x	x	x	x
2032	xx	x	x	x	x		xx	xx	xx	xx
2033	x	x	x	x	x		x	x	x	x
2034	xx	xx	xx	xx	xx		x	x	x	x

- All nine existing council members agree to extend, and voters approve extension of existing terms
 - Brockett, Friend, Joseph, Yates, Winer to 2024
 - Benjamin, Folkerts, Speer and Wallach to 2026
 - Even-year elections start in 2024 with top four candidates getting four-year terms and fifth getting a two-year term
 - Direct election of mayor starts in 2026 and every even-year thereafter with a two-year term
 - Starting in 2026, four council candidates get four-year terms
- **2023** No election
 - **2024 FIRST EVEN-YEAR COUNCIL CANDIDATE ELECTION**
 - Top four candidates elected get four-year terms
 - Fifth top council candidate gets a two-year term
 - **2025** No election
 - **2026 FIRST DIRECT ELECTION OF MAYOR**
 - Top four council candidates get four-year terms – same cycle every two years thereafter

Other Issues

In drafting the revisions to Charter language a few issues arose related to a council candidate that also wants to run for mayor after or during that council member's term and application of the city's term limits. Usually, a person cannot run for two offices at the same election. Boulder's matching fund program and campaign committee and disclosure laws would have to be amended to allow a candidate to run for mayor and council at the same election.

Common practice if a council member wants to run for mayor prior to the expiration of the council member's term, the council member is not required to resign the council seat unless elected mayor.

Boulder also requires that vacancies be filled by election rather than appointment. Since there will be a vacancy if a council member is elected mayor before expiration of their council term, staff proposes that the fifth highest candidate fulfill the unexpired council term of the newly elected mayor rather than require a special election to fill that vacancy.

Staff proposes following these procedures for the Charter amendments to be submitted to the voters.

NEXT STEPS

1. Council to direct staff which option to use to implement even-year candidate elections to include in the draft ordinance and ballot measures for consideration on June 21, 2022;
2. Council to confirm whether the draft ordinance and ballot language should:
 - a. prohibit a candidate from running for more than one office in an election; or
 - b. allow a council member to run for mayor without resigning their council seat unless elected mayor.

ATTACHMENT

A – June 2, 2022 Memorandum from Boulder County Clerk Molly Fitzpatrick

Boulder County Elections

Boulder County Clerk and Recorder's Office

1750 33rd Street
Boulder, CO 80301
www.BoulderCountyVotes.org
Phone: (303) 413-7740



Memorandum

To: City of Boulder City Council
From: Molly Fitzpatrick, Boulder County Clerk & Recorder
Date: June 2, 2022
Re: Transitioning odd-year coordinated elections to even-year general elections for the City of Boulder

Background

The Boulder County Clerk and Recorder's office has been asked to provide input on what the impacts would be if the City of Boulder were to transition their elections to even-numbered years (general election years). While this memo directly speaks to the City of Boulder's request, these same considerations can be considered by other jurisdictions weighing consolidation of elections.

Consideration: Impact on Cost

There is a potential that transitioning to even year elections could regularly push the City of Boulder to a multi "card" (sheet) ballot in general election years. During even years, this would increase printing cost and other associated processing costs, such as mailing a "heavier" ballot.

For example, the City of Boulder had one card double-sided ballot in both 2019 and 2021. If ballot questions and candidates were "saved" for an even-year, they would appear after federal and statewide contests. In odd-numbered years, there are no federal or statewide candidate offices for election which reduces the content on the ballot and thereby the length of the ballot. There are sometimes statewide or county ballot questions in odd numbered years, and this is not something the Clerk's office can control, but it does not typically impact the ballot going beyond one card/sheet. Note, our goal at the Elections office it to do our best to always keep our ballots to one card. You will notice we increase the size of the paper to try to always keep it to a one card, however, we occasionally do need to go to a two-card ballot for some jurisdictions when content is long.

Consideration: Impact to voters

The Clerk's office encourages any city that is interested in transitioning their coordinated elections to even-year elections to engage in a robust stakeholder process to understand the impacts on voters from

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voters as well as the groups that work to engage and educate voters. Our office would also encourage the City of Boulder or other entities exploring even-year consolidation of elections to reach out to other cities that have made the shift to find out how the process went for those jurisdictions. Additionally, while voter turnout is consistently higher in even-year general elections, we would also encourage the exploration of any academic research around ballot position/contest vote drop off due to ballot length as a consideration.

Consideration: Implementing Ranked Choice Voting

The City of Boulder has decided to implement Ranked Choice Voting (RCV) for their next election of their mayor. Beginning in the fall of 2023, the Clerk's office will be accountable for implementing 4 elections in 12 months: 2023 Coordinated Election, 2024 March Presidential Primary, 2024 June Statewide Primary, and 2024 November General Election.

There is significant planning to be done for the first RCV election including but not limited to: voter education, usability testing for voters, and extensive voting system testing for this new type of election. It will also require the development of procedures for an audit, as the current audit (risk limiting audit) software in Colorado does not support a RCV contest review.

Our office believes that implementing the first RCV contest in an odd year maximizes the ability for the Clerk's office to implement elections with the standard Boulder County voters are accustomed to and deserve: accuracy, accessibility, and transparency. We encourage the City of Boulder, when considering this move, to consider a plan that supports a first implementation of rank choice in an odd year to better support our collective success.

Summary and Recommendation

Due to these considerations, the Boulder County Clerk & Recorder's office recommends that if the City of Boulder chooses to consolidate municipal elections with even-year fall general elections, that they either hold their first ranked choice election either in 2023 and consolidate in 2024 or conduct their first ranked choice election in either 2023 or 2025 and then consolidate in 2026. Our office strongly opposes trying to consolidate elections and run a first ever ranked choice election in 2024.

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