



Election Commission Meeting Minutes - Final

Commissioners:
CJ Garbo, Chair
William Huddy, Vice Chair
Christopher Pratt
Sherry Viani

Monday, September 30, 2019

5:30 PM

Town Hall
100 N. Wilcox Street
Castle Rock, CO 80104

This meeting is open to the public. One or more Council members may also attend this meeting, during which the items listed herein will be discussed

CALL TO ORDER

Chair Garbo called the meeting to order at 5:41 pm.

ROLL CALL

Present 3 - Commissioner CJ Garbo, Commissioner Sherry Viani, and Commissioner William Huddy

Not Present 1 - Commissioner Christopher Pratt

INTRODUCTIONS

Welcome to Commissioner Viani.

APPROVAL OF MINUTES

[EC 2019-007](#) **Minutes: August 21, 2019 Election Commission Meeting**

Moved by Commissioner Huddy, seconded by Commissioner Viani, that Election Commission Minutes from August 21, 2019 be Approved as presented. The motion passed by the following vote:

Yes: 3 - Commissioner Garbo, Commissioner Viani, and Commissioner Huddy

Not Present: 1 - Commissioner Pratt

UPDATES

[EC 2019-008](#) **Discussion on Recommended Changes**

Chair Garbo clarified the documents they will be reviewing. Garbo suggested writing overall Regulations to encompass all of the relevant Election Commission regulations.

Vice Chair Huddy questioned Title 31 Election Offenses. He saw literature that was mailed out that was not identified of who it was from and asked if the Town Attorney is the prosecuting attorney. Assistant Attorney Allen stated that it depends on the election offense. It would not be unreasonable that the Election Commission could clarify this process. Currently, election offenses are reviewed by the Town Clerk and Town Attorney and then forwarded to the prosecuting attorney if deemed necessary. Huddy clarified that the Town may determine that

the offense is not prosecutable. Allen stated that prosecution is unusual in municipalities and that many violations may be sought outside of prosecution as in affixing the Town logo to mailers, putting a sign in the right of way, not reporting finances timely.

Huddy referenced the election between George Teal and Jimmy Graham where a very aggressive mailer was sent out a week before the election without identifying who it was from but had a US mail permit. He brought it to the Town's attention as a private citizen but never heard any further about it. Allen stated she will look into that occurrence. Huddy asked if the Commission could be provided updates if a report of a violation is received.

Garbo inquired if there was an election and an individual felt there was a violation, would they report it to the Town Clerk. Allen confirmed that is the process, and the Town Clerk would consult with the Town Attorney's office to determine if it should be escalated to the Town's prosecuting attorney. Allen stated if there was serious criminal activity it may be handled in a different court than municipal court. Anderson referenced Code 2.01.580 outlining the process for violations and complaints, and 2.01.700 defining election offenses. Allen stated that the Code or a Regulation could provide further clarification on how violations would be processed.

Viani asked if there was something that prompted this review. Anderson replied when the Charter was changed to elect a Mayor at Large it necessitated further changes required in the Charter and the Code to align with that change. Additionally, the Election Commission Regulations have been enacted over the years as needed and felt Chair Garbo's suggestion is valid to write an overall Regulation document that encompasses all of the relevant regulations to supersede past regulations and be a living document that could be amended as needed.

Garbo suggested the Election Commission could respond to campaign violations. Garbo further discussed exploring the creation of a regulation document.

Huddy would like more transparency and involvement of the Election Commission to receive updates on violations.

Garbo feels researching other communities may be helpful, but may not work in Castle Rock.

Anderson suggested first looking at the Election Commission regulations to see if any of them require codification and which are irrelevant. Gargo feels there should be more transparency regarding any violations being brought to the Election Commission.

Huddy asked who we are compared to. Anderson stated we would be comparing ourselves to a municipality that is Home Rule that also has their own election code.

Garbo stated the Commissioners should review the documents further before the next meeting and continue discussions at that time.

NEXT MEETING

[EC 2019-006](#)

Next Meeting

Move to hold the next meeting on November 18, 2019 at 5:30 pm.

OTHER BUSINESS

Garbo announced that he is now the new conductor of the Castle Rock Chorale and hopes to see everyone at Starlighting.

No other business.

ADJOURN

Moved by Commissioner Huddy, seconded by Commissioner Viani, to Adjourn at 6:35 pm. The motion passed by the following vote:

Yes: 3 - Commissioner Garbo, Commissioner Viani, and Commissioner Huddy

Not Present: 1 - Commissioner Pratt