

AGENDA
STUDY SESSION MEETING OF THE CITY COUNCIL
VIRTUAL MEETING
CITY OF LAKEWOOD, COLORADO
VIRTUAL MEETING
APRIL 20, 2026
7:00 PM

To watch the Council meeting live, please use either one of the following links:
City of Lakewood Website: [Lakewood.org/CouncilVideos](https://lakewood.org/CouncilVideos)
Lakewood Speaks: Lakewoodspeaks.org

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How to Connect to Provide Public Comment: Online participants may post written comments of any length to LakewoodSpeaks.org, an online forum for public comments.

ITEM 1 – CALL TO ORDER

ITEM 2 – ROLL CALL

ITEM 3 – REVISIONS TO CHAPTER 2.52 OF THE LAKEWOOD MUNICIPAL CODE

ITEM 4 – REVISIONS TO CHAPTER 2.54 OF THE LAKEWOOD MUNICIPAL CODE

ITEM 5 – STUDY SESSION ITEM

ITEM 6 – COMMITTEE REPORTS

ITEM 7 – ADJOURNMENT

STAFF MEMO

DATE OF MEETING: APRIL 20, 2026 / AGENDA ITEM NO. 3

To: Mayor and City Council
From: Alison McKenney Brown, City Attorney
Subject: **Revisions to Chapter 2.52 of the Lakewood Municipal Code**

SUMMARY STATEMENT: Draft revisions to Chapter 2.52 of the Lakewood Municipal Code are being submitted to the City Council for study and discussion.

BACKGROUND INFORMATION: Proposed revisions to Chapter 2.52 of the Lakewood Municipal Code regarding Initiatives, Referendums and Referred Measures. Chapter 2.52 was originally adopted in 1994, was amended in 2004 to reflect newly created case law relating to Initiatives and Referendums, and was most recently amended in 2019 to remove restrictions on the City Council's ability to take certain actions during the pendency of a protest or appeal of an Initiative or Referendum petition. Over the past two years, the City of Lakewood was subject to an initiative petition and four referendum petitions, and staff's experiences with these petition processes informed the proposed revisions to this code.

Grammatical and standardized changes throughout:

1. The word "City" is capitalized wherever it is intended to specifically reference Lakewood.
2. The term "submission clause" is removed from sections that are not part of the ballot title. A petition isn't about how an individual should vote, but rather is a statement of request, i.e. "the undersigned registered electors of the City of Lakewood, Colorado **do petition** . . ."
3. The term "summary" needs to be included in all references to the petition as it explains the contents of the ordinance that is the subject of the initiative or referendum.
4. Section titles have been revised to indicate whether the section refers to initiative, referendum or referred matter.
5. Paragraph Titles have been added to clarify the content where that information would be helpful.
6. Pronouns have been changed to become gender neutral.
7. References to people with disability or literacy limitations have been revised to conform to modern terminology.

2.52.010 Procedures generally. The sole change to this section is the capitalization of the word "City".

2.52.020 Definitions. *Significant substantive changes.*

Ballot issue: This definition was revised to match the definition found in 2.54.

Ballot question: This definition was revised to match the definition found in 2.54.

Ballot title: new definition. Language from charter.

Circulator: This definition was revised for clarity.

Citizen Initiated Petition: new definition. This definition was added to create an umbrella term to make it clear that any form of petition circulated by members of the electorate is included within a single concept.

City Clerk: new definition. This definition was added to avoid adding the phrase "and designee" throughout the code.

Section or Petition Section: This definition was revised for clarity to include the option of stapling a petition, referencing the mandatory requirement of a summary, and making clear that the City Clerk approves the petition

forms for both initiative and referendum petitions.

Summary: This definition was revised to acknowledge that a summary is also required for petitions other than initiatives.

Title: This definition was revised as people often confuse the concept of “title” as set by the City Clerk with “ballot title” as set by the City Council.

2.52.030 Initiative procedures.

Grammatical and standardized changes.

Revised to provide timelines for holding an appeal review of the title or summary adopted by the City Clerk.

2.52.040 Copying Fees.

Title change because the paragraph applies to both initiatives and referendums.

2.52.050 Initiative petitions – Circulation prerequisites.

Grammatical and standardized changes

2.52.060 Initiative petitions - Filing.

Grammatical and standardized changes

2.52.070 Initiative petitions – Signature requirements.

Grammatical and standardized changes

2.52.080 Initiative petitions - Requirements.

Grammatical and standardized changes

Section A. Clarifying that the warning doesn't have to be placed on affidavits or within the body of the ordinance beyond the first page.

Section B. Clarifying that the warning doesn't have to be placed on affidavits or within the body of the ordinance beyond the first page.

Section D. Adding the requirements of being eighteen, and agreeing that the circulator has read and understands the laws governing the circulation of petition to the list of requirements on each circulator's affidavit.

Section E. Adding requirement that the petition representatives will accept all notices concerning the petition.

2.52.090 Initiative petitions - Sufficiency

Grammatical and standardized changes

Section A. Limiting the information to that applicable to signature review and removing information about sufficiency review.

Section B. No changes to this provision, but it was moved so that it follows signature review.

Section C. Gathering all of the information about the initial sufficiency determination.

Section D. Gathering all of the information about the protest process into one place. Also, added a sentence recognizing that the Charter could be interpreted as not allowing for protests but clarifying that the City Council is interpreting the City's Charter as permitting protests.

Section E. Gathering all of the information about the final sufficiency determination.

2.52.100 Reserved.

This section is the result of a code provision that was removed during the 2019 revisions to Chapter 2.54.

2.52.110 Initiative petitions – Elections *Significant substantive changes.*

Grammatical and standardized changes

Subsection A. Clarifying the process for presenting an initiative to the City Council and for the actions to place a matter on the ballot.

Subsection B. New paragraph explaining the ballot title. This information is taken from the City's Charter, but it

is helpful to include the entire process in a single place.

2.52.120 Initiative petitions – Future action.

Grammatical and standardized changes

2.52.130 Referendum procedures.

Grammatical and standardized changes

2.52.140 Referendum petitions – Requirements.

Grammatical and standardized changes

Subsection B. Clarifying that the warning doesn't have to be placed on affidavits or within the body of the ordinance beyond the first page.

Section D. Adding the requirement of being eighteen, and agreeing that the circulator has read and understands the laws governing the circulation of petition to the list of requirements on each circulator's affidavit.

Section E. Adding requirement that the petition representatives will accept all notices concerning the petition.

2.52.150 Referendum petitions – Sufficiency.

Grammatical and standardized changes

Section A. Limiting the information to that applicable to signature review and removing information about sufficiency review.

Section B. No changes to this provision, but it was moved so that it follows signature review.

Section C. Gathering all of the information about the initial sufficiency determination.

Section D. Gathering all of the information about the protest process into one place. Also, added a sentence recognizing that the Charter could be interpreted as not allowing for protests but clarifying that the City Council is interpreting the City's Charter as permitting protests.

Section E. Gathering all of the information about the final sufficiency determination.

2.52.160 Reserved.

This section is the result of a code provision that was removed during the 2019 revisions to Chapter 2.54.

2.52.170 Referendum petitions – Elections. *Significant substantive changes.*

Grammatical and standardized changes

Subsection A. Clarifying the process for presenting an initiative to the City Council and for the actions to place a matter on the ballot.

Subsection B. New paragraph explaining the ballot title. This information is taken from the City's Charter, but it is helpful to include the entire process in a single place.

2.52.180 Referendum petitions – Future action.

Grammatical and standardized changes

2.52.190 Election procedures, general; Initiatives and Referendums.

Grammatical and standardized changes

Reference was added to all other applicable local election law, primarily charter, and adding Article 11 of Title 31, which is the state statute regarding initiatives and referendums.

2.52.200 Ballot.

Grammatical and standardized changes

This section is reformatted so that much of paragraph A has been put into a paragraph B. Also, the first sentence was deleted because it is confusing to refer to "title only" when a "ballot title" includes title, summary, and submission clause.

2.52.210 Filing circulation report.

Grammatical and standardized changes

2.52.220 Campaign and Political Finance in Municipal Elections. *Significant substantive changes.*

Grammatical and standardized changes

This section is amended to remove the Fair Campaign Practices Act and replace it with Chapter 2.54 of the Lakewood Municipal Code concerning Campaign and Political Finance in Municipal Elections.

2.52.230 Unlawful acts.

Grammatical and standardized changes

2.54.240 Referral by City Council. *Significant substantive changes.*

Grammatical and standardized changes

This paragraph was information taken from the Charter regarding “referred measures” but seemed to be included in the Code as if it applied to the referendum process. A referred measure is an item placed on a ballot without petition by action of the City Council. It can be an ordinance or it can be a question, such as seeking a mandate from the electorate on a topic prior to acting. Seeking a mandate is unusual as it is usually seen as a relinquishment of legislative authority but may be appropriate on topics which have engendered significant political conflict.

2.52.250 Intent.

No changes.

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: 1. Chapter 2.52 REVISED Initiative and Referendum Procedures

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

Chapter 2.52 INITIATIVE, ~~AND REFERENDUM~~ AND REFERRED MEASURE PROCEDURES

2.52.010 Procedures generally.

Pursuant to Article V, Section 1 of the Colorado Constitution, and Article XIII of the home rule charter of the City of Lakewood, there are established procedures for exercising the initiative and referendum powers reserved to the registered electors of the ~~city~~City. The City Clerk may, from time to time, issue administrative rules and regulations not inconsistent with this Chapter 2.52 as may be necessary or desirable to accomplish the purposes of this chapter.

(Ord. O-94-3 § 1 (part), 1994).

2.52.020 Definitions.

As used in this chapter, unless the context otherwise requires:

Ballot issue means a local government matter arising under Section 20 of Article X of the State Constitution (TABOR), as defined in Sections 1-41-102(4) and 1-41-103(4) of the Colorado Revised Statutes which reference actions involving new taxes/ multi-year obligations nonrecall, citizen-initiated or citizen-referred petition or legislatively referred measure which is authorized by the State Constitution, including a proposition which is in the form of a question meeting the requirements of Section 20(3)(c) of Article X of the State Constitution.

Ballot question means a local government matter including citizen initiated petitions, referred measures or other local government question(s) other than a ballot issue. proposition which is in the form of a question other than a ballot issue.

Ballot title means the language fixed by the City Council for each initiative or referendum after an election has been ordered in accordance with Charter sections 13.1(e) and 13.2(f) and as supplemented by §31-11-111 C.R.S.

Circulator means a natural person who individually circulates a petition in an effort to obtain signatures from registered electors and who is eighteen (18) years of age or older at the time of petition circulation.

Citizen Initiated Petition means either an initiative or referendum petition initiated by members of the electorate of the City regarding any ballot measure or ballot issue. "Citizen initiated petition" does not include nomination petitions as required by §31-10-302(2), C.R.S.

City Clerk means the City Clerk of the City of Lakewood or a designee of the City Clerk.

Draft means the proposed text of ~~thean~~ initiative ordinance which, if passed, becomes the actual language of ~~thean initiated~~ ordinance.

Section or Petition Section means the stapled or otherwise a-bound compilation of initiative forms approved by the City Clerk or referendum petitions which shall include pages that contain the warning required by Sections 2.52.080 or 2.52.140, respectively; and the title, the summary, and a copy of the full text of any proposed initiative measure or the number, name, summary and a copy of the full text of the ordinance which is the subject of thea_ referendum petition; succeeding pages that contain said warning, the title and summary of theany initiative measure or the number, and name and summary of thea_ referred ordinance; and ruled lines numbered consecutively for registered electors' signatures; and a final page that contains the affidavit required by Sections 2.52.080 or 2.52.140, respectively. Each petition section shall be consecutively pre-numbered by the petitioner prior to eirculation the City Clerk's approval of the petition forms.

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Submission clause means the language which is attached to the title to form a question which can be answered by "yes" or "no."

Summary means a ~~condensed statement as to the intent of the initiative measure~~ concise, true, and impartial statement created by the City Clerk that is not an argument or likely to create prejudice either for or against the measure and that fairly and accurately expresses the intent and meaning of an initiative measure or ordinance that is the subject of the referendum.

Title means a brief statement that fairly and accurately represents the true intent and meaning of the proposed text of the initiative measure or the number and name of the ordinance that is the subject of the referendum, such title shall be set by the City Clerk and affixed to any initiative or referendum petition in advance of circulation.

(Ord. 2004-21 § 1, 2004; Ord. O-94-3 § 1, 2004; Ord. O-94-3 § 1 (part), 1994).

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2.52.030 Initiative procedures.

- A. **Form of initiative.** Any initiated measure shall be in the form of an ordinance, legislative in character. No initiative petition section shall be printed or circulated unless the form and the first printer's proof of the petition section have first been approved by the City Clerk. Proponents are encouraged to write drafts in plain, non-technical language and in a clear and coherent manner using words with common and everyday meaning which are understandable to the average reader. Within ten (10) days after submission, the City Clerk, with the assistance of other ~~city~~City officials as the Clerk deems necessary, shall designate and fix a fair title, submission clause, and summary to the proposed ordinance which shall correctly and fairly express the true intent and meaning of the proposed ordinance. Titles shall be brief, shall not conflict with titles selected for any petition previously filed for the same election, and shall be in the form of a question which may be answered "FOR THE ORDINANCE" to vote in favor of the proposed measure or "AGAINST THE ORDINANCE" to vote against the proposed measure and which shall unambiguously state the subject matter of the ordinance sought to be added, amended, or repealed.
- B. **Appeal of Title or Summary.** If any registered elector submitting such initiated petition is not satisfied with the title, submission clause, or summary ~~as provided~~ fixed by the City Clerk, and claims it to be unfair, or that it does not fairly express the true meaning and intent of the proposed measure, such person may file a motion for a hearing with the City Clerk within seven (7) days after the return of the petition to the persons submitting it, which hearing shall be ~~had pursuant to rules adopted by the City Clerk and held within two (2) business days thereafter and a decision rendered within two (2) business days after the conclusion of the end of the hearing~~ within two (2) business days thereafter. If the City Clerk rules against the registered elector submitting such initiated petition, then upon the filing of a written request, a certified copy of the petition with the title, ~~submission clause~~, and summary of such proposed measure, together with a certified copy of such motion for hearing and of the ruling thereon, shall be furnished to the parties by the City Clerk and, if filed with the Clerk of the District Court for Jefferson County within five (5) days thereafter, shall be docketed as a cause there pending and disposed of as expeditiously as circumstances permit.

(Ord. O-2004-21 § 2, 2004; Ord. O-94-3 § 1 (part), 1994).

2.52.040 ~~Initiative petitions~~—Copying Fees.

The City Clerk may charge the same fees for certifying a record of any proceedings as are provided for certified copies of other papers, which fees shall be paid by the parties desiring a review of such proceedings. The Clerk of the District Court shall receive the ordinary docket fee for docketing any such cause, which shall be paid by the parties desiring a review of such proceedings.

(Ord. O-2004-21 § 3, 2004; Ord. O-94-3 § 1 (part), 1994).

2.52.050 Initiative petitions—Circulation prerequisites.

- A. No petition for any initiative measure shall be circulated, nor any signature thereto have any force or effect whatsoever, which has been signed before the title, ~~submission clause~~, and summary have been fixed and determined as provided in Section 2.52.030. No petition shall be printed, published, or otherwise circulated unless the form and the first printer's proof of the petition have been approved by the City Clerk. _
- B. Any petition which has not been submitted as required in Section 2.52.030 shall not be accepted for filing by the City Clerk.

(Ord. O-94-3 § 1 (part), 1994).

2.52.060 Initiative petitions—Filing.

No petition for any initiated ordinance within the ~~city~~City shall be of any force or effect unless filed with the City Clerk within one hundred and eighty (180) days from the date that the title ~~and submission clause and summary~~ therefor have been fixed and determined pursuant to the provisions of Section 2.52.030. The City Clerk shall not accept any petition for filing which is not timely filed under the provisions of this section.

(Ord. O-94-3 § 1 (part), 1994).

2.52.070 Initiative petitions—Signature requirements.

A petition for an initiated ordinance shall be signed by persons registered to vote in the ~~city~~City in a number at least equal to five percent of the total number of persons registered to vote in the City on the date of the last regular municipal election.

(Ord. O-94-3 § 1 (part), 1994).

2.52.080 Requirements of petitions—Initiative petitions - Requirements.

- A. Warning. At the top of each page, including signature pages, but excluding the affidavits and all but the first page of the full text of the proposed initiative measure. of every initiative petition section shall be printed the following:

WARNING:
IT IS AGAINST THE LAW:

For anyone to sign any initiative petition with any name other than ~~his or her~~their own or to knowingly sign ~~his or her~~their name more than once for the same measure or to knowingly sign such a petition when not a registered elector who is eligible to vote on the measure.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A
REGISTERED ELECTOR
AND ELIGIBLE TO VOTE ON THIS MEASURE

TO BE A REGISTERED ELECTOR,
YOU MUST BE A CITIZEN OF COLORADO
AND REGISTERED TO VOTE IN
THE CITY OF LAKEWOOD

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Do not sign this petition unless you have read or have had read to you the proposed initiative measure or the summary of the initiated measure in its entirety and understand its meaning.

- B. **Title and summary.** The title and summary shall be printed on each page of all petition sections, excluding the affidavits and all but the first page of the full text of the proposed initiative measure, following the warning required in subsection (A) of this section.
- C. **Signature procedure.** Any initiative petition circulated within the City shall be signed only by ~~the~~ registered electors by their own signature, after which the signer shall print ~~his or her~~ their name, the address at which ~~he or she~~ they resides, including street number and name, city, the county, and the date of signing. Each registered elector signing a petition shall be encouraged by the circulator of the petition to sign the petition in black ink. In the event a registered elector is ~~physically disabled or is illiterate~~ a person with a disability or literacy limitation and wishes to sign such petition, such elector shall sign or make ~~his or her~~ their mark in the space so provided. Any person, but not a circulator, may assist the ~~disabled or illiterate elector with a disability or literacy limitation~~ elector in completing the remaining information required in this subsection. The person providing assistance shall sign ~~his or her~~ their name and address and shall state that such assistance was rendered to the ~~disabled or illiterate~~ elector who is a person with a disability or literacy limitation.
- D. **Circulator's affidavit.** To each such petition shall be attached a signed, notarized affidavit of the circulator, which shall include the following: stating his or her the circulator's printed name; the address at which the circulator resides, including the street name and number, the municipality, the county, and the date the affidavit was signed; that the circulator has read and understands the laws governing the circulation of petition; that the circulator was eighteen (18) years of age or older at the time the section of the petition was circulated and signed by the listed electors; that he or she the circulator circulated the section of the petition; that each signature thereon was affixed in ~~his or her~~ the circulator's presence; that each signature thereon is the signature of the person whose name it purports to be ;; that to the best of the circulator's knowledge and belief of the affiant each of the persons signing the petition was at the time of signing a registered elector of the City; and that ~~he or she~~ the circulator has not paid or will not in the future pay, and that ~~he or she~~ the circulator believes that no other person has so paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix ~~his or her~~ their signature to such petition. Each circulator and representative of the petition signers shall sign an agreement in which each agrees to submit to the subpoena authority of the City Clerk. The City Clerk shall not accept for filing any petition section which does not have attached thereto an affidavit meeting the requirements of this section and the agreement submitting to the subpoena authority of the City Clerk. Any signature added to a section of a petition after said affidavit has been executed shall be invalid.
- E. **Additional petition requirements.** All initiative petition sections shall consist of a complete copy of what is proposed to be initiated including the title, ~~submission clause,~~ and summary as designated and fixed by the City Clerk pursuant to Section 2.52.030. Each petition section shall designate by name and mailing address two persons who shall be registered electors of the City, who shall represent the signers thereof in all matters affecting the same, and who shall be registered electors of the city and to whom all notices or information concerning the petition shall be mailed ("petition representatives"). All such petition sections, including signature pages, shall be prenumbered serially, and the circulation of any petition section described in this chapter by any medium other than personally by a circulator is prohibited. Any petition section which fails to conform to the requirements of this chapter or is circulated in a manner other than that permitted in this section shall be invalid.
- F. **Invalidation.** Any disassembly of a ~~section of the~~ petition section which has the effect of separating the affidavits from the signatures ~~pages~~ shall render that ~~section of the~~ petition section invalid and of no force and effect.
- G. **Circulation requirements.** The circulation of any petition section other than personally by a circulator is prohibited. No ~~section of a~~ petition section for any initiative measure shall be circulated by any person who is not at least eighteen [18] years of age at the time the petition section is circulated.

(Ord. O-2004-21 § 4, 2004; Ord. O-94-3 § 1 (part), 1994).

2.52.090 Sufficiency of petitions—Initiative petitions - Sufficiency.

- A. **Signature Review.** No petition for an initiated ordinance shall be filed with the City Clerk unless it contains the required number of signatures. ~~Upon filing of a petition for initiative with the City Clerk, the City Clerk shall make an initial determination of sufficiency and report the results thereof to the City Council within 20 days of the date of such filing, with a final determination of sufficiency and report to City Council to be made within 30 days following the filing. The City Clerk's determination of sufficiency shall be based upon a review of the petition to find whether signatures of individuals are insufficient in~~The City Clerk shall inspect timely filed petitions for an initiative measure, and the attached affidavits, based on a review of the following categories to determine whether signatures of individuals are insufficient to support a successful petition:
1. Address shown by signer not located within the city limits of the City of Lakewood;
 2. Any signature appearing on the petition more than once, in which event all signatures of said individual shall be deleted except one;
 3. More than one individual signature on a signature line, in which event the line shall count as one;
 4. Signature lines containing incomplete information or information which was not completed by the elector or a person qualified to assist the elector shall not be counted;
 5. Signatures of individuals who are not registered electors in the ~~city~~City.
- B. **Signature Withdrawal.** The petition may not be removed and no signature may be removed or deleted by a signer, circulator, or representative of the City Clerk until the City Clerk has made an initial sufficiency determination. Any request to remove a signature shall be made in writing to the City Clerk. A signature may only be removed between the initial and final sufficiency determination by the City Clerk.
- C. **Initial Sufficiency Determination.** ~~After examining the petition, the City Clerk shall issue a statement, in writing, to the petition representatives, with a copy to the City Council as to whether a sufficient number of valid signatures have been submitted. The initial statement of sufficiency or insufficiency shall be issued no later than twenty (20) calendar days after the petition has been filed. The City Clerk's sufficiency statement shall also be published on the City Clerk's website no later than twenty (20) calendar days after the petition has been filed.~~
- ⒸD. Protest of Initial Sufficiency Determination.** A protest to an initial sufficiency determination regarding the signatures provided on an initiative petition may be filed in the office of the City Clerk by any registered elector of the City within thirty (30) days after the petition is filed with the City Clerk. The protest shall set forth with particularity the grounds of such protest and the names protested. The City Clerk shall mail a copy of such protest to the petition representatives and publish a copy of the protest on the City Clerk's website within one (1) business day of the City Clerk's receipt thereof, and shall thereafter provide a notice fixing a time for hearing such protest not less than five (5) nor more than twenty (20) days after such notice is mailed. The provisions allowing for protests as set forth within this code are intended to conform to the intent of the City's Charter § 13.1(c) and take place in advance of the City Clerk's determination of final sufficiency.
- ~~For initiative petitions found insufficient by the City Clerk, and against which a protest has also been filed, an administrative protest hearing, as described herein, may still take place at the discretion of the protesting party or the protesting party may withdraw the protest as the insufficiency determination sought by the protest has already occurred.~~
- ~~To schedule a protest hearing, the City Clerk shall mail a copy of the protest to the petition representatives, together with a notice fixing a date and time for hearing such protest that is not less than five (5) nor more than twenty (20) days after such notice is mailed. The notice shall include the timeline set forth within this subsection so that all parties, including the hearing officer, are on notice as to the mandatory nature of such deadlines. The City Clerk, or designee, shall serve as the hearing officer. The hearing shall be summary and not subject to delay and shall be concluded within sixty (60) days after the petition is filed. No later than five~~

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(5) days after the conclusion of the hearing, the hearing officer shall issue a written determination of whether the protest is affirmed or denied. If the hearing officer affirms the protest after determining that a petition is not sufficient, the hearing officer shall identify those portions of the petition that are not sufficient and the reasons therefor.

All records and hearings shall be public under this section, all testimony shall be under oath, and the City Clerk shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents. Upon failure of any witness to obey the subpoena, the City Clerk may petition the District Court of Jefferson County and upon proper showing the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the order of the court is punishable as a contempt of court. The administrative hearing process shall be established by rule of the City Clerk, but such administrative hearing shall not allow for public comment as the issue(s) pending before the hearing officer is factual and legal in nature. At any hearing held pursuant to this section, the party protesting the finding of the City Clerk concerning the sufficiency of signatures shall have the burden of proof which shall be a preponderance of the evidence.

The decision of the City Clerk as to sufficiency or insufficiency is final. Any appeal of the decision shall be to the Jefferson County District Court. If an appeal of a decision of the City Clerk is filed with the District Court, the timeline for carrying out an election shall conform to the City's election laws as much as possible subject to any orders or rulings of such court.

E. Procedure following Final Sufficiency Determination. After the City Clerk has completed the final sufficiency review of the petitions-; the following procedures shall apply:

1. For initiative petitions found to contain an insufficient number of valid signatures, and against which no protest has been filed, the City Clerk shall mail a written notice of insufficiency, summarizing the grounds for the decision, to the representatives of the petitioners. The decision of the City Clerk concerning insufficiency shall be a final decision from which an appeal may be made to the District Court of Jefferson County.
2. For initiative petitions found insufficient, ~~and against which a protest has been filed, the provisions of subsection (D) of this section shall apply~~ following a protest hearing, the City Clerk shall mail a written notice of insufficiency, summarizing the grounds for the decision, to the protesting party and to the representatives of the petitioners.
3. For initiative petitions found sufficient, and against which no protest has been filed, the ~~provisions of Section 2-52-110 shall apply~~ City Clerk shall present the petition to the City Council for further action.
4. For initiative petitions found sufficient following a protest hearing, ~~but against which a protest has been filed, the provisions of subsection (D) of this section shall apply~~ the City Clerk shall mail a written notice of sufficiency, summarizing the grounds for the decision, to the protesting party and the representatives of the petitioners, and shall present the petition to the City Council for further action.

D. (Ord. O-2004-21 § 5, 2004; Ord. O-94-3 § 1 (part), 1994).

2.52.100 Reserved.

2.52.110 Initiative petitions — Elections.

- A. **Presentation to the City Council.** ~~If the petition is found to be sufficient pursuant to Section 2.52.090, the City Clerk shall present the petition to the City Council at its next regular meeting.~~ After final determination of petition sufficiency, the City Clerk shall present the petition to the City Council at its next regularly scheduled meeting. At that time, the City Clerk shall also determine whether the petition qualifies for a ballot issue election or a ballot question election and shall advise the City Council of such determination. Within thirty (30) days after the petition is presented by the City Clerk, the City Council shall either adopt without alteration the initiated ordinance by a majority vote of all members of City Council, or

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submit the initiated ordinance to a vote of the registered electors by resolution. If the initiated ordinance is one which may be considered at a ballot question election, it shall be submitted at a special election held not less than thirty (30) nor more than ninety (90) days after the petition is presented to the City Council, or at a regular municipal election held within that ninety (90)-day period. If the initiated ordinance is one which may only be considered at a ballot issue election, it shall be submitted at the next ballot issue election held not less than ninety (90) days after the petition is presented to the City Council.

- B. Setting the ballot title. After an election has been ordered, the City Council shall promptly fix a ballot title for the initiative measure by resolution. The ballot title shall have printed on it the ordinance title and submission clause, and on separate lines under the submission clause, the words, "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE". In fixing the ballot title, the City Council shall consider the public confusion that might be caused by misleading titles and shall, wherever practicable, avoid titles for which the general understanding of the effect of a "yes" or "no" vote would be unclear. The ballot title shall not conflict with those titles selected for any other measure that will appear on the ballot in the same election. The ballot title shall correctly and fairly express the true intent and meaning of the measure.
- C. Alternative ordinances on the same topic. Alternative ordinances may be submitted at the same election, and if two or more conflicting ordinances are approved by the people, the one which receives the greatest number of affirmative votes shall be adopted in all particulars as to which there is a conflict.
- ED. Effective date of an approved ordinance. If a majority of the registered electors voting in the election vote "for" the ordinance, it shall be adopted and take effect upon certification of the election results, or at such later date as may be set forth in the initiated ordinance.
- DE. Conformance with Charter. Notwithstanding the above provisions, the City Council shall not be deprived of the right to enact any ordinance, resolution, or other measure except as provided within the City's Charter.

(Ord. O-2019-5 § 2, 2019; Ord. O-2004-21 § 6, 2004; Ord. O-94-3 § 1 (part), 1994).

2.52.120 ~~Prohibited action by City Council~~—Initiative petitions – Future action.

No initiated ordinance adopted by the registered electors of the City may be amended or repealed by the City Council during a period of six months after the date of the election on the initiated ordinance.

(Ord. O-94-3 § 1 (part), 1994).

2.52.130 Referendum procedures.

- A. Except as provided in the City's Charter, all ordinances adopted by the City Council that are legislative in character shall be subject to referendum. Any ordinance necessary for the immediate preservation of the public peace, health, or safety; fixing the rate of general property taxation for any year; related to the issuance of securities; adopting the budget; making an appropriation for the ensuing fiscal year; calling for a special election; levying special assessments, or initiating improvement districts shall not be subject to referendum.
- B. No ordinance shall take effect and be in force before thirty (30) days after adoption by the City Council and publication by title, except that no ordinance that zones, rezones, or changes any zoned district shall take effect and be in force before forty-five (45) days after adoption by the City Council and publication by title. If, prior to the effective date of an ordinance and during business hours on a business day in which the City Clerk' Office is open, a petition signed by registered electors of the City equal in number to three percent of the total number of persons registered to vote in the City on the date of the last regular municipal election is filed with the City Clerk protesting such ordinance, the City Clerk shall begin the initial determination of sufficiency as set out in Section 2.52.150.

(Ord. O-2019-24 § 4, 2019; Ord. O-94-3 § 1 (part), 1994)

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2.52.140 Requirements of petitions—Referendum petitions - Requirements.

- A. **Warning.** At the top of each page, including signature pages, of every referendum petition section circulated within the City relating to a municipal ordinance shall be printed the following:

WARNING:
IT IS AGAINST THE LAW:

For anyone to sign any referendum petition with any name other than ~~his or her~~their own or to knowingly sign ~~his or her~~their name more than once for the same measure or to knowingly sign such a petition when not a registered elector who is eligible to vote on the measure.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A
REGISTERED ELECTOR
AND ELIGIBLE TO VOTE ON THIS MEASURE

TO BE A REGISTERED ELECTOR,
YOU MUST BE A CITIZEN OF COLORADO
AND REGISTERED TO VOTE IN
THE CITY OF LAKEWOOD

Do not sign this petition unless you have read or have had read to you the proposed referred measure in its entirety and understand its meaning.

- B. **Title and summary.** The title and summary, in that order, shall be printed on each page of all petition sections excluding the affidavits and all but the first page of the full text of the ordinance that is the subject of the referendum, following the warning required in subsection (A) of this section.
- C. **Signature procedure.** Any referendum petition circulated within the City shall be signed only by registered electors by ~~his or her~~their own signature, after which the signer shall print ~~his or her~~their name, the address at which ~~he or she~~they resides, including street number and name, city, county and the date of signing. Each registered elector signing a petition shall be encouraged by the circulator of the petition to sign the petition in black ink. In the event a registered elector is a person with a disability or literacy limitation physically disabled or is illiterate and wishes to sign such petition, such elector shall sign or make ~~his or her~~their mark in the space so provided. Any person, but not a circulator, may assist the disabled or illiterate a person with a disability or literacy limitation ~~elector~~ in completing the remaining information required in this subsection. The person providing assistance shall sign ~~his or her~~their name and address and shall state that such assistance was rendered to the disabled or illiterate ~~elector~~ who is a person with a disability or literacy limitation.
- D. **Circulator's affidavit.** ~~To each such petition shall be attached a signed, notarized affidavit of the circulator,~~ which shall include the following: the circulator's printed ~~his or her~~ name; the address at which the circulator resides, including the street name, and number, the municipality, the county, and the date the affidavit was signed; that the circulator has read and understands the laws governing the circulation of petitions; that the circulator was eighteen (18) years of age or older at the time the section of the petition was circulated and signed by the listed electors; that ~~he or she~~the circulator circulated the section of petition; that each signature thereon was affixed in ~~his or her~~the circulator's presence; that each signature thereon is the signature of the person whose name it purports to be; that to the best of the circulator's knowledge and belief, each of the persons signing the petition was at the time of signing a registered elector of the City; and that ~~he or she~~the circulator has not paid or will not in the future pay, and that ~~he or she~~the circulator believes that no other person has so paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix ~~his or her~~their signature to such petition. Each circulator and representative of the petition signers shall sign an agreement in which each agrees to submit to the subpoena authority of the City Clerk. The City Clerk shall not accept for filing any section of a petition which does not have attached thereto an affidavit meeting the

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requirements of this section and the agreement submitting to the subpoena authority of the City Clerk. Any signature added to a section of a petition after the said affidavit has been executed shall be invalid.

- E. **Additional petition requirements.** All referendum petitions shall include a complete copy of the ordinance which is the subject of the petition. Each petition shall designate by name and **mailing** address two persons who shall **be registered electors of the City, who shall** represent the signers thereof in all matters affecting the same, and ~~who shall be registered electors of the city to whom all notices or information concerning the petition shall be mailed ("petition representatives").~~ All such petition **sections, including signature pages,** shall be prenumbered serially, and the circulation of any petition **section** described in this chapter by any medium other than personally by a circulator is prohibited. Any petition **section** which fails to conform to the requirements of this chapter or is circulated in a manner other than that permitted in this section shall be invalid.
- F. **Invalidation.** Any disassembly of a section of the petition which has the effect of separating the affidavits from the signature **pages** shall render that section of the petition invalid and of no force and effect.
- G. **Circulation requirements.** The circulation of any petition section other than personally by a circulator is prohibited. No section of a petition for any referendum measure shall be circulated by any person who is not at least **eighteen** (18) years of age at the time the petition section is circulated.
- H. **Notice of intent to file a petition.** As soon as possible, but prior to filing a referendum petition, ~~the each~~ circulators shall file with the City Clerk a notice of intent to file a referendum petition.

(Ord. O-2004-21 § 7, 2004; Ord. O-94-3 § 1 (part), 1994).

2.52.150 Sufficiency of petitions—Referendum petitions - Sufficiency.

- A. **Signature review.** No petition for referendum shall be filed with the City Clerk unless it contains the required number of signatures. ~~Upon filing of a petition for referendum with the City Clerk, the City Clerk shall make an initial determination of sufficiency and report the results thereof to the City Council within 20 days of the date of such filing, with a final determination of sufficiency and report to City Council to be made within 30 days following the filing. The City Clerk's determination of sufficiency shall be based upon a review of the petition to find whether signatures of individuals are insufficient. The City Clerk shall inspect timely filed referendum petitions and the attached affidavits based on a review of in the following categories to determine whether signatures of individuals are insufficient to support a successful petition:~~
 - 1. Address shown by signer is not located within the city limits of the City of Lakewood;
 - 2. Any signature appearing on the petition more than once, in which event all signatures of said individual shall be deleted except one;
 - 3. More than one individual signature on a signature line, in which event the line shall count as one;
 - 4. Signature lines containing incomplete information or information which was not completed by the elector or a person qualified to assist the elector shall not be counted;
 - 5. Signatures of individuals who are not registered electors in the ~~city~~City.
- B. **Signature Withdrawal.** The petition may not be removed and no signature may be removed or deleted by a signer, circulator, or representative of the City Clerk until the City Clerk has made an initial sufficiency determination. Any request to remove a signature shall be made in writing to the City Clerk. A signature may only be removed between the initial and final sufficiency determination by the City Clerk.
- C. **Initial Sufficiency Determination.** ~~After examining the petition, the City Clerk shall issue a statement, in writing, to the petition representatives, with a copy to the City Council as to whether a sufficient number of valid signatures have been submitted. The initial statement of sufficiency or insufficiency shall be issued no later than twenty (20) calendar days after the petition has been filed. The City Clerk's sufficiency statement~~

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shall also be published on the City Clerk's website no later than twenty (20) calendar days after the petition has been filed.

- D. **Protest of Initial Sufficiency Determination.** A protest to an initial sufficiency determination regarding the signatures provided on a referendum petition may be filed in the office of the City Clerk by any registered elector of the City within thirty (30) days after the petition is filed with the City Clerk. The protest shall set forth with particularity the grounds of such protest and the names protested. The City Clerk shall mail a copy of such protest to the petition representatives and publish a copy of the protest on the City Clerk's website within one (1) business day of the City Clerk's receipt thereof, and shall thereafter provide a notice fixing a time for hearing such protest not less than five (5) nor more than twenty (20) days after such notice is mailed. The provisions allowing for protests as set forth within this code are intended to conform to the intent of the City's Charter § 13.2(c) and take place in advance of the City Clerk's determination of final sufficiency.

For referendum petitions found insufficient by the City Clerk, and against which a protest has also been filed, an administrative protest hearing, as described herein, may still take place at the discretion of the protesting party or the protesting party may withdraw the protest as the insufficiency determination sought by the protest has already occurred.

To schedule a protest hearing, the City Clerk shall mail a copy of the protest to the petition representatives, together with a notice fixing a date and time for hearing such protest that is not less than five (5) nor more than twenty (20) days after such notice is mailed. The notice shall include the timeline set forth within this subsection so that all parties, including the hearing officer, are on notice as to the mandatory nature of such deadlines. The City Clerk, or designee, shall serve as the hearing officer. The hearing shall be summary and not subject to delay and shall be concluded within sixty (60) days after the petition is filed. No later than five (5) days after the conclusion of the hearing, the hearing officer shall issue a written determination of whether the protest is affirmed or denied. If the hearing officer affirms the protest after determining that a petition is not sufficient, the hearing officer shall identify those portions of the petition that are not sufficient and the reasons therefor.

All records and hearings shall be public under this section, all testimony shall be under oath, and the City Clerk shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents. Upon failure of any witness to obey the subpoena, the City Clerk may petition the District Court of Jefferson County and upon proper showing the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the order of the court is punishable as a contempt of court. The administrative hearing process shall be established by rule of the City Clerk, but such administrative hearing shall not allow for public comment as the issue(s) pending before the hearing officer is factual and legal in nature. At any hearing held pursuant to this section, the party protesting the finding of the City Clerk concerning the sufficiency of signatures shall have the burden of proof which shall be a preponderance of the evidence.

The decision of the City Clerk as to sufficiency or insufficiency is final. Any appeal of the decision shall be to the Jefferson County District Court. If an appeal of a decision of the City Clerk is filed with the District Court the timeline for carrying out an election shall conform to the City's election laws as much as possible subject to any orders or rulings of such court.

- E. **Procedure following Final Sufficiency Determination.** After the City Clerk has completed the final sufficiency review of the petitions; the following procedures shall apply:
1. For referendum petitions found to contain an insufficient number of valid signatures, and against which no protest has been filed, the City Clerk shall mail a written notice of insufficiency, summarizing the grounds for the decision, to the representatives of the petitioners. The decision of the City Clerk concerning insufficiency shall be final from which an appeal may be made to the District Court of Jefferson County.

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2. For referendum petitions found insufficient following a protest hearing, and against which a protest has been filed, the provisions of subsection (D) of this section shall apply. the City Clerk shall mail a written notice of insufficiency, summarizing the grounds for the decision, to the protesting party and to the representatives of the petitioners.
 3. For referendum petitions found sufficient, and against which no protest has been filed, the provisions of Section 2.52.170 shall apply. the City Clerk shall present the petition to the City Council for further action
 4. For referendum petitions found sufficient following a protest hearing, the provisions of subsection (D) of this section shall apply. the City Clerk shall mail a written notice of sufficiency, summarizing the grounds for the decision, to the protesting party and the representatives of the petitioners, and shall present the petition to the City Council for further action.
- D. A protest to a referendum petition may be filed in the City Clerk' Office by any registered elector of the city within 30 days after the petition is filed with the City Clerk. The protest shall set forth with particularity the grounds of such protest and the names protested. The City Clerk shall mail a copy of such protest to the petition representative, together with a notice fixing a time for hearing such protest not less than five nor more than 20 days after such notice is mailed.
- E. All records and hearings shall be public under this section and all testimony shall be under oath. The City Clerk with whom such petition is filed shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents. Upon failure of any witness to obey the subpoena, the City Clerk may petition the District Court of Jefferson County and upon proper showing the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the order of the court is punishable as a contempt of court. At any hearing held pursuant to this section, the party protesting the finding of the City Clerk concerning the sufficiency of signatures shall have the burden of proof. Hearings before the City Clerk shall be had as soon as is conveniently possible. The result of such hearings shall be certified to the petition representatives and the protester.
- F. The decision of the City Clerk is final. Any appeal of the decision shall be to Jefferson County District Court.
- (Ord. O-2019-24 § 4, 2019; Ord. O-2004-21 § 8, 2004; Ord. O-94-3 § 1 (part), 1994)

2.52.160 Reserved.

2.52.170 Referendum petitions — Elections.

- A. Presentation to the City Council. After final determination of petition sufficiency, to be made not less than 30 days after the petition is filed, the City Clerk shall present the petition to the City Council at its next regularly scheduled meeting. At that time, the City Clerk shall also determine whether the petition qualifies for a ballot issue election or a ballot question election and shall advise the City Council of such determination. Upon presentation to the City Council of such petition by the City Clerk, the ordinances shall be suspended from operation. The City Council shall upon presentation of the referendum petition immediately reconsider the ordinance. If upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of the City Council, the City Council shall submit the same by resolution, without amendments or alteration, to a vote of the registered electors if the referendum red ordinance is one which may be considered at a ballot question election, it shall be submitted at a special election held not less than thirty (30) nor more than ninety (90) days after the petition is presented to the City Council, or at a regular municipal election held within that ninety (90)-day period. If the initial ordinance is one which may only be considered at a ballot issue election, it shall be submitted at the next ballot issue election held not less than ninety (90) days after the petition is presented to the City Council.
- B. Setting the ballot title. After an election has been ordered, the City Council shall promptly fix a ballot title including the ordinance title and submission clause, and on separate lines under the submission clause, the words, "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE". In fixing the ballot title, the City Council

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shall consider the public confusion that might be caused by misleading titles and shall, wherever practicable, avoid titles for which the general understanding of the effect of a “yes” or “no” vote would be unclear. The ballot title shall not conflict with those titles selected for any other measure that will appear on the ballot in the same election. The ballot title shall correctly and fairly express the true intent and meaning of the measure.

- C. Effective date of an approved ordinance. If a majority of the registered electors voting vote "FOR THE ORDINANCE", the ordinance shall be effective upon certification of the election results. If a majority of the registered electors voting vote "AGAINST THE ORDINANCE", the ordinance shall be repealed upon certification of the election results.

(Ord. O-94-3 § 1 (part), 1994).

2.52.180 Prohibited action by City Council—Referendum petitions – Future action.

No ~~referred~~ ordinance subjected to referendum that was repealed by the registered electors of the City may be subsequently adopted by the City Council during a period of six months after the date of the election on the ~~referred ordinance~~ referendum.

(Ord. O-94-3 § 1 (part), 1994).

2.52.190 Election procedures, general; Initiatives and Referendums.

Election procedures under this chapter shall ~~comply with~~ be supplemented by all applicable local election law and the Colorado Municipal Election Code, Title 31, Articles 10 and 11, of the Colorado Revised Statutes.

(Ord. O-94-3 § 1 (part), 1994).

2.52.200 Ballot.

- A. ~~Each initiative or referred measure shall appear on the official ballot by title only. All citizen initiated or referendum matters shall be indicated on the ballot by number and all City Council referred measures shall be indicated by letter. If more than one question will appear on the same ballot, they shall appear in numerical or alphabetical order by date of receipt, and the question shall be numbered or lettered accordingly. Each title shall appear on the official ballot only once. The ballot for any initiative measure or referendum shall have printed on it the ordinance title and submission clause, and on separate lines under the submission clause, the words, “FOR THE ORDINANCE” and “AGAINST THE ORDINANCE”.~~
- B. All initiative or referendum matters shall be indicated on the ballot by number and all City Council referred measures shall be indicated by letter. If more than one question will appear on the same ballot, they shall appear in numerical or alphabetical order by date of receipt, and the question shall be numbered or lettered accordingly.
- C. Any initiated ordinance approved by the people of the City shall be printed with the official acts of the next City Council meeting, and such ordinance approved by the people of the ~~city~~ City shall be published as ordinances are generally published after adoption.

(Ord. O-94-3 § 1 (part), 1994).

2.52.210 Receiving money to circulate petitions—Filing circulation report.

The proponents of any initiative ~~measure~~ or referendum petition shall file with the City Clerk the ~~name~~ assigned title of the proposed initiative ~~measure~~ or referendum petition for which petitions were circulated by

paid circulators, and the total amount paid to each circulator. The filing shall be made at the same time the petition is filed with the City Clerk.

(Ord. O-2004-21 § 9, 2004; Ord. O-94-3 § 1 (part), 1994).

2.52.220 ~~Fair Campaign Practices Act requirements~~ Campaign and Political Finance in Municipal Elections.

The provisions of ~~Chapter 2.54 of the Lakewood Municipal Code, the Fair Campaign Practices Act of 1974, C.R.S. 1-45-101 et seq.,~~ as amended, including the penalty provisions thereof, shall apply to all initiative and referendum measures ~~which are submitted to an election. In addition, a duplicate copy of all reports required to be filed by such act for initiative and referendum issues shall be filed at the same time with the City Clerk of the city.~~

(Ord. O-94-3 § 1 (part), 1994).

2.52.230 Unlawful acts.

It is unlawful:

- A. For any person willfully and knowingly to circulate or cause to be circulated, or sign or procure to be signed, any initiative or referendum petition bearing the name, device, or motto of any person, organization, association, league, or political party, purporting in any manner to be endorsed, approved, or submitted by any person, organization, association, league or political party, without the written consent, approval and authorization of such person, organization, association, league or political party;
- B. For any person to sign any name other than his or her-their own to any initiative or referendum petition, or knowingly to sign his or her-their name more than once for the same measure at one election;
- C. For any person to sign any initiative or referendum petition who is not at the time of signing the same a registered elector of the City at the time of signing the same;
- D. For any person to sign an affidavit as circulator without knowing or reasonably believing the statements made in such affidavit are true;
- E. For any person to certify that any affidavit attached to a petition was subscribed or sworn to before him or her-them unless it was in fact so subscribed and sworn to before him or her them, and unless such person so certified is duly qualified under the laws of the state to administer an oath;
- F. For any election official or other person to willfully conspire or agree or confederate, with another or others, to do any act which shall hinder, delay or in any manner interfere with the calling, holding or conducting of any election permitted under the initiative and referendum powers reserved by the people in Section 1 of Article V of the Constitution of the State and this chapter, or of registering electors therefore;
- G. For any election official to do willfully any act which shall confuse or tend to confuse the issues submitted or proposed to be submitted in any election held under this chapter, or refuse to submit any petition in the form presented for submission at any election under this chapter; or
- H. For any officer or person to willfully violate any provision of this chapter.

(Ord. O-2004-21 § 10, 2004; Ord. O-94-3 § 1 (part), 1994).

2.52.240 Referral by City Council.

The City Council shall have the power to submit any proposed or adopted ordinance or any question to a vote of the registered electors without the receipt of a petition. Such referral shall be by resolution.

A referred ordinance shall be published in full not less than ten (10) days prior to the date of the election. The election procedures for a referred ordinance/question shall conform to those applicable to a referendum petition beginning with the adoption of a resolution formally sending such referred ordinance/question to the electorate except there shall be no protest of a referred ordinance/question.

If the referred measure is an ordinance and a majority of the registered electors voting vote "for" the referred ordinance, it shall be effective upon certification of the election results. If a majority of the registered electors voting vote "against" the referred ordinance, the referred ordinance shall be repealed upon certification of the election results if it was previously adopted.

No ordinance referred to the electorate by independent action of the City Council that is rejected by the registered electors of the City may be subsequently adopted by the City Council during a period of six months after the date of the election at which such referred ordinance was not approved.

(Ord. O-94-3 § 1 (part), 1994).

2.52.250 Intent.

It is not the intention of this chapter to limit or abridge in any manner the powers reserved to the people in the initiative and referendum, but rather to properly safeguard, protect and preserve inviolate for them these modern instrumentalities of democratic government.

(Ord. O-94-3 § 1 (part), 1994).

STAFF MEMO

DATE OF MEETING: APRIL 20, 2026 / AGENDA ITEM NO. 4

To: Mayor and City Council
From: Alison McKenney Brown, City Attorney
Subject: **Revisions to Chapter 2.54 of the Lakewood Municipal Code**

SUMMARY STATEMENT: Draft revisions to Chapter 2.54 of the Lakewood Municipal Code are being provided to the City Council for study and discussion.

BACKGROUND INFORMATION:

Proposed Changes to Chapter 2.54 of the Lakewood Municipal Code regarding Campaign and Political Finance in Municipal Elections.

2.54.010 Declaration.

This section was modified for clarity by adding the citation to the State statute that allows home rule cities to adopt their own law governing Campaign and Political Finance in Municipal Elections.

2.54.020 Definitions. *Significant substantive changes.*

Ballot Issue: This definition was revised to clarify the type of matter that would be classified as a ballot issue.

Ballot question: This definition was revised to incorporate within it all local government matters that are not categorized as ballot issues.

Candidate: This definition was revised to clarify two words within the second sentence that were grammatically confusing.

A person is a candidate for election **if when** the person has publicly announced an intention to seek election to public office or **thereafter** has received a contribution or made an expenditure in support of their candidacy.

“if” changed to “when”.

Removed “thereafter” because it follows the word “or” and it appears that the intent was to create two alternative phrases. Use of “or” implies that the two phrases are not linked but use of the word “thereafter” implies that the two phrases are linked.

Candidate committee: This definition was revised to add language regarding when the establishment of the committee begins for clarification purposes.

Citizen Initiated Petition: new definition. This definition was established to create an umbrella term to make it clear that any form of petition circulated by members of the electorate is included within this single term.

Citizen Initiated Petition means any form of petition initiated by members of the electorate of the City regarding any ballot measure or ballot issue, including but not limited to initiative petitions, referendum petitions, and recall petitions. “Citizen petition” does not include

nomination petitions as required by §31-10-302(2), C.R.S.

Code: This definition was modified to remove the word “regulations” as that word isn’t within the title of this Code.

Contribution: This definition was modified for clarity but there was no intent to change the intent.

Coordination: This definition was not revised but should be reviewed for relevance as it only appears in this definition and nowhere else in the code.

Disclaimer: new definition. This definition was created because this term is used throughout this code but never defined.

Disclaimer means a notification to the public that a communication has been paid for by a candidate/candidate committee, political committee, issue committee, small donor committee, political organization, political party or any other entity identified within this Code as having a duty to include disclaimers upon communications and including all information mandated by this Code.

Disclosure: new definition. This definition is a term used within the code but never defined.

Disclosure means the mandatory duty of all candidates/candidate committees, political committees, issue committees, small donor committees, and political parties to report to the City Clerk their contributions received, including all associated information as set forth within this Code, expenditures made, and obligations entered into by the committee or party.

Electioneering communication: This definition has been corrected to address a clerical error and include ballot question and ballot issue within subsection (I) to match its inclusion in subsection (II).

Issue Committee: The revisions to this definition are meant to introduce the concept that all participants actively working in support of or in opposition to a citizen initiated petition must register as an issue committee upon the expenditure of \$200, which is well before such petition could be established as a ballot question. This concept is incorporated throughout the code where applicable.

Issue committee means any person, other than a natural person, or any group of two or more persons, including natural persons:

- (I) That has a major purpose of supporting or opposing any ballot issue, ~~or~~ ballot question, **or citizen initiated petition or referred matter**; and
- (II) That has accepted or made contributions or expenditures in excess of \$200.00 to support or oppose any ballot issue, ~~or~~ ballot question, **or citizen-initiated petition or referred matter**.

The term "Issue committee" does not include political parties, political committees, small donor committees or candidate committees. An issue committee shall be considered open and active **from the date of formation as mandated by this Code** until affirmatively closed by such committee or by action of the appropriate authority.

Limited liability company: This definition was revised to explain the references to the Colorado statutes.

Non-public information: This definition was not revised but I suggest deleting it from this code as it only appears in this definition and nowhere else in the code.

Political organization: This definition was revised to remove phrases that were appropriate to the State law but not applicable to a local law.

Referred measure (referred matter): new definition. This definition was revised to differentiate between citizen initiated petitions which includes referendums and the separate concept of

“referred measures.” Referred measures are actions of the City Council which become a ballot question or ballot issue upon referral by the City City Council of an ordinance or resolution to the electorate.

Referred measure (referred matter) includes any ballot question or ballot issue submitted by the governing body to the eligible electors of the City.

Small donor committee: typo corrected.

Spending: This definition was revised to remove phrases that were appropriate to the State law but not applicable to local law.

Termination of any committee: new definition.

Termination of any committee means that the registered agent of the committee or the candidate has submitted a statement of termination of such committee and an acknowledgement that no unexpended funds remain with such committee or the City Clerk has taken a lawful action to terminate a committee.

2.54.030 Candidates; Committees; Registration; Contribution Limits; Expenditures; Reporting.

Subsection A. Candidates and Candidate Committees. This section was reorganized for clarity but no substantive changes were made. All of the concepts included in the different subsections were sprinkled within this subsection A, especially within section (6) regarding unexpended campaign funds, rather than grouped according to topic.

Subsection B. Issue Committees. **Substantive change.** The term “initiative petition” has been changed to “citizen initiated petition”. “Citizen initiated petition” is defined within the definition section of the Code to include all forms of petitions initiated by citizens other than nomination petitions. Several provisions of this section were modified to reflect this new definition, so that “initiative” and “initiated” are recognized as two separate terms.

Subsection C. Small Donor Committees. No changes.

Subsection D. All Committees. Disclosures Required; Prohibited Contributions. Modified subsection (1)(b) to expand the duty to disclose from just candidate committees to all committees.

Subsection E. Political Organizations. Corrected typos.

Subsection H. Political Committees. Subsection (2) includes information applicable to State elections but not to local elections. **The City Council should determine what contribution limits it wishes to place upon political committees.**

2.54.040 Reporting Requirements—Where and When Filed.

Subsection A.

Subsection (A) was poorly drafted to mix concepts between sections. The redlining to this subsection is significant, but that is not because sections were deleted and added, but rather because the provisions were rearranged to put them into a more understandable order. It is too hard for candidates to sift through pages of paragraphs to find the sentences related to their topic of interest, so everything was reordered into five sections:

(A)(1) Filing Schedule;

(A)(2) Duty to File Reports;

- (A)(3) Reporting Period;
- (A)(4) Report Contents; and
- (A)(5) Reports Filed Electronically.

Subsection (A)(1) was revised to focus upon the filing schedules.

Section (A)(1)(e) as previously written was moved to a new subsection (A)(4), a section concerning report contents, rather than burying this important information between different filing schedules.

Subsection (A)(1)(e), as revised, includes a new filing schedule for issue committees formed in advance of being identified as a ballot question or ballot issue.

Subsection (A)(1)(i) and (j). These sections were revised to reflect that issue committees may be formed for citizen-initiated petitions in advance of their being identified as a ballot question or ballot issue.

Subsection (A)(2). This section was previously included in the code as subsection (A)(4).

Subsection (A)(3). This section was previously included in the code as (A)(1)(h).

Subsection (A)(4). This section was previously included in the code as (A)(1)(e).

Subsection (A)(5). This section was always focused upon electronic filing.

Subsection (A)(5)(c). This subsection was added to provide those who believe they have a duty to register with a means of seeking a written determination of whether they are so required.

2.54.050

Subsection A.

Subsection (A)(6) clarifies that the City Clerk is not the enforcement officer/monitor of this code. The City Council wanted these suggestions removed from the Code so that the City Clerk wasn't relied upon to know everything that was happening about elections within the City and independently file complaints against candidates or individuals who may/may not be operating as a committee. The City Clerk is only responsible for telling parties when their filing is incomplete or an anticipated filing has not been received.

Subsection B.

Subsection (B)(2)(b). This section was revised for clarity and to establish the party with the burden of proof at a hearing. It also clarifies when outside counsel must be utilized.

Subsection (B)(2)(c). This section was revised to clarify that a hearing officer's decision must be in writing.

Subsection C.

Subsection (C)(5). This section was revised to show that the City Clerk doesn't make complaints.

2.54.060 City Limitations on Contributions.

Subsection A.

Subsection (A)(1)(c). This definition for the referred measure, which references the State Code, expands the definition which is provided in the definition to prevent the use of local government dollars to be used in support of state referred measures as well as locally referred measures.

Subsection (A)(1)(e). Updated to include reference to issue committees formed in advance of designation as a ballot question or issue.

2.54.070 Electioneering Communications.

No revisions.

2.54.080 Miscellaneous Provisions.

No revisions.

BUDGETARY IMPACTS: Adopting the Code revisions will not directly cause budgetary impacts, but during particularly contentious election cycles the costs associated with administrative hearing officers and private attorneys serving as prosecutors will result in additional costs to the City.

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: 1. Chapter 2.54 REVISED Campaign and Political Finance in Municipal Elections

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

Chapter 2.54 CAMPAIGN AND POLITICAL FINANCE IN MUNICIPAL ELECTIONS

2.54.010 Declaration.

As a home rule City established under Article XX of the Colorado Constitution, and pursuant to § 1-45-116, C.R.S., the City of Lakewood and the Lakewood City Council find and declare that preserving openness and integrity in the political process is in the best interests of the health, safety and welfare of the citizens of Lakewood. It is therefore the intent of this Code to foster an open political process that emphasizes transparency and accountability to ensure candidates for municipal office that campaign donations do not result in corruption or the appearance of corruption. Further, in order to make informed decisions about the election-related materials they see, voters of the City of Lakewood need complete and timely reporting to the City Clerk by all persons and/or groups subject to disclosure responsibilities, as well as accurate disclaimers that inform voters who paid for the communications distributed.

(Ord. O-2024-31 § 1, 2024; Ord. O-2023-7 § 1, 2023; Ord. O-2018-22 § 2, 2018; Ord. O-2013-22 § 1, 2013)

2.54.020 Definitions.

As used in this chapter, unless the context otherwise requires:

Ballot issue means a local government matter arising under Section 20 of Article X of the State Constitution (TABOR), as defined in Sections 1-41-102(4) and 1-41-103(4) of the Colorado Revised Statutes which reference actions involving new taxes/ multi-year obligations.

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Ballot question means a local government matter including involving a citizen petition, citizen initiated petitions, referred measures or other local government question(s) or referred measure, other than a ballot issue.

Candidate means any person who seeks nomination or election to any local public office that is to be voted on at any municipal election. A person is a candidate for election if-when the person has publicly announced an intention to seek election to public office thereafter has received a contribution or made an expenditure in support of their candidacy. A person remains a candidate for purposes of this Code so long as the candidate maintains a registered candidate committee. A person who maintains a candidate committee after an election cycle, but who has not publicly announced an intention to seek election to public office in the next or any subsequent election cycle, is a candidate for purposes of this Code.

Commented [AM1]: The 2024 committee struggled with whether the conjunction in this sentence should be an "and" or "or". If the appropriate conjunction is "or" the word "thereafter" makes no sense. The purpose of the conjunction "or" is to separate the two conditions but the use of the word "thereafter" links the two phrases.

Candidate committee means a person and/or group, including the candidate, or persons with the common purpose of receiving contributions or making expenditures under the authority of a candidate. A contribution to a candidate shall be deemed a contribution to the candidate's candidate committee. A candidate shall have only one candidate committee. A candidate committee shall be considered open and active from the date of formation as mandated by this Code until affirmatively closed by the candidate or by action of the City Clerk.

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Citizen Initiated Petition means any form of petition initiated by members of the electorate of the City regarding any ballot measure or ballot issue, including but not limited to initiative petitions, referendum petitions, and recall petitions. "Citizen petition" does not include nomination petitions as required by §31-10-302(2), C.R.S.

Code means Chapter 2.54 of the Lakewood Municipal Code regarding Campaign Regulations and Political Finance in Municipal Elections.

Contribution means:

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- (I) the payment, loan, pledge, gift, or advance of money, or guarantee of a loan, made by any person or committee to any candidate committee, issue committee, political committee or small donor committee;
- (II) any payment made to a third party for the benefit of any candidate committee, issue committee, political committee or small donor committee;
- (III) the fair market value of any gift or loan of property made to any candidate committee, issue committee, political committee or small donor committee;
- (IV) anything of value given, directly or indirectly, to a candidate for the purpose of promoting the candidate's nomination, election, retention, ~~or~~ recall or election.

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The term "Contribution" includes ,with regard to a contribution- those things for which the contributor receives compensation or consideration of less than equivalent value to such contribution, including, but not limited to, items of perishable or nonpermanent value, goods, supplies, services, or participation in a campaign-related event, and any such contribution shall be recorded in an amount equal to the value in excess of such compensation or consideration as determined by the candidate committee.

Commented [AM2]: This definition may be confusing. It is trying to say that when someone gets something below value they have to divide the item into two categories: a) that part that was paid for (consideration), and b) that part received as a gift (contribution). The part received as a gift must be reported as a contribution in the amount equal to that portion gifted to the candidate. The portion paid for is reported as an expenditure.

The term Contribution also includes:

- (I) Any payment, loan, pledge, gift, advance of money, or guarantee of a loan made to any political organization;
- (II) Any payment made to a third party on behalf of and with the knowledge of the political organization; or
- (III) The fair market value of any gift or loan of property made to any political organization.

Commented [AM3]: This section is confusing at first glance because it almost mirrors the definition of "donation", but the term "donation" is limited to independent expenditures, and the information within "contribution" applies to all other forms of committees.

The term "Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate, candidate committee, political committee or small donor committee; a transfer by a membership organization of a portion of a member's dues to a small donor committee or political committee sponsored by such membership organization; or payments by a corporation or labor organization for the costs of establishing, administering and soliciting funds from its own employees or members for a political committee or small donor committee.

Coordination means one or more substantial discussions relating to the making of one or more expenditures at the request, suggestion, or direction of, or under the control of or in consultation with a candidate committee or its agent (including a consultant) acting on behalf of or with the consent of a candidate, where such expenditure relies on non-public information.

Commented [AM4]: This definition applies to something nefarious but the term "coordination" does not appear anywhere else in this code. Therefore, it could probably be removed as it isn't defining anything within the code.

Non-public information is also defined but appears nowhere else in this code other than in the definition of "coordination" and the definition of "non-public".

Corporation means a domestic corporation incorporated under and subject to the "Colorado Business Corporation Act", Articles 101 to 117 of Title 7, C.R.S., a domestic nonprofit corporation incorporated under and subject to the "Colorado Revised Nonprofit Corporation Act", Articles 121 to 137 of Title 7, C.R.S., or any corporation incorporated under and subject to the laws of another state. For purposes of this Code, "domestic corporation" shall mean a for-profit or nonprofit corporation incorporated under and subject to the laws of the State of Colorado, and "nondomestic corporation" shall mean a corporation incorporated under and subject to the laws of another state or foreign country. For purposes of this Code, "corporation" includes the parent of a subsidiary corporation or any subsidiaries of the parent, as applicable.

Disclaimer means a notification to the public that a communication has been paid for by a candidate/candidate committee, political committee, issue committee, small donor committee, political organization, political party or any other entity identified within this Code as having a duty to include disclaimers upon communications and including all information mandated by this Code.

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Disclosure means the mandatory duty of all candidates/candidate committees, political committees, issue committees, small donor committees, and political parties to report to the City Clerk their contributions received.

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including all associated information as set forth within this Code, expenditures made, and obligations entered into by the committee or party.

Donation means:

- (I) The payment, loan, pledge, gift, or advance of money, or the guarantee of a loan, made to any person and/or group for the purpose of making an independent expenditure;
- (II) Any payment made to a third party that relates to, and is made for the benefit of, any person and/or group that makes an independent expenditure;
- (III) The fair market value of any gift or loan of property that is given to any person and/or group for the purpose of making an independent expenditure; or
- (IV) Anything of value given, directly or indirectly, to any person and/or group for the purpose of making an independent expenditure.

"Donation" shall not include a transfer by a membership organization of a portion of a member's dues for an independent expenditure sponsored by such membership organization.

Earmark means a designation, instruction, or encumbrance that directs the transmission by the recipient of all or part of a donation to a third party for the purpose of making one or more independent expenditures of \$500.00 or more.

Election cycle has the same meaning as that set forth within Colorado Const. Art. XXVIII, Section 6.

Electioneering communication means any communication broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed, a website or other electronic communication transmitted by means of the internet, any signage placed in public view, or delivered by hand to personal residences or otherwise distributed that:

- (I) Unambiguously refers to any candidate, ballot question or ballot issue, either expressly advocating for/against or without expressly advocating for/against that candidate, question or issue; and
- (II) Is broadcast, printed, mailed, delivered or distributed during the timeframe in which a candidate is seeking election or a ballot question or ballot issue is pending decision before a municipal election.
- (III) No provisions of the definition of electioneering communication shall be construed to infringe on any rights granted by the United States Constitution or Colorado Constitution.

Expenditure means any purchase, payment, distribution, loan, advance, deposit, or gift of money by any person and/or group for the purpose of expressly advocating the election or defeat of a candidate or supporting or opposing a ballot issue or ballot question. An expenditure is made when the actual spending occurs or when there is a contractual agreement requiring such spending and the amount is determined. Expenditures may include reasonable expenses for child or adult dependent care to allow for active campaigning.

Foreign corporation means:

- (I) A parent corporation or the subsidiary of a parent corporation formed under the laws of a foreign country that is functionally equivalent to a domestic corporation;
- (II) A parent corporation or the subsidiary of a parent corporation in which one or more foreign person and/or groups hold a combined ownership interest that exceeds 50 percent;
- (III) A parent corporation or the subsidiary of a parent corporation in which one or more foreign person and/or groups hold a majority of the positions on the corporation's board of directors; or
- (IV) A parent corporation or the subsidiary of a parent corporation whose United States-based operations, or whose decision-making with respect to political activities, falls under the direction or control of a foreign entity, including the government of a foreign country.

Commented [AM5]: The reason why the term "donation" is limited to independent expenditures is because gifts given to any form of committee are deemed "contributions" to such committee. See note above.

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Frivolous means a claim or defense is lacking any rational argument based in law but does not include a legitimate attempt to establish a new theory of law or a good-faith effort to extend, modify, or reverse existing interpretations of law.

Group means any entity, other than a natural person, including, but not limited to, partnership, committee, association, corporation, labor organization, lobbyist, or other organization or group of persons.

Independent expenditure means an expenditure that is not controlled by or coordinated with any candidate or agent of such candidate. Expenditures that are controlled by or coordinated with a candidate or candidate's agent are deemed to be both contributions by the maker of the expenditure, and expenditures by the candidate's committee.

Independent expenditure committee means one or more persons and/or groups that make an independent expenditure in an aggregate amount of \$500.00 or more, or that collect \$500.00 or more from one or more persons and/or groups for the purpose of making an independent expenditure.

Independent Hearing Officer means an individual with an extensive knowledge of the topic of this Code who is retained by the City to hear and decide alleged violations of this Code. To encourage the expedition of hearings held pursuant to this Code, the City may retain more than a single hearing officer to create a list of hearing officers to draw from as needed or may contract with a law firm to provide an associated attorney to serve as a hearing officer when needed.

Issue committee means any person, other than a natural person, or any group of two or more persons, including natural persons:

- (I) That has a major purpose of supporting or opposing any ballot issue, ~~or~~ ballot question, citizen initiated petition or referred matter; and
- (II) That has accepted or made contributions or expenditures in excess of \$200.00 to support or oppose any ballot issue, ~~or~~ ballot question, citizen initiated petition or referred matter.

The term "Issue committee" does not include political parties, political committees, small donor committees or candidate committees. An issue committee shall be considered open and active from the date of formation as mandated by this Code until affirmatively closed by such committee or by action of the appropriate authority.

Limited liability company includes any form of domestic entity as defined in Section 7-90-102(13), C.R.S., or foreign entity as defined in Section 7-90-102(23), C.R.S.; except that, as used in this Code, "limited liability company" shall not include a domestic corporation, a domestic cooperative, a domestic nonprofit association, a domestic nonprofit corporation, a foreign corporation, a foreign cooperative, a foreign nonprofit association, a foreign nonprofit corporation, as those terms are defined in Section 7-90-102, C.R.S., a nondomestic corporation as defined in Section 1-45-103(7), C.R.S. or a foreign corporation as defined in Section 1-45-103(10.5) C.R.S. (Colo. Rev. Stat. §7-90-101, et seq., Colorado Corporations and Associations Act; Colo. Rev. Stat. §1-45-101, et seq., Election Campaign Regulations).

Media outlet means a publication or broadcast medium that transmits news, feature stories, entertainment, or other information to the public through various distribution channels, including, without limitation, newspapers; magazines; radio; the internet; and broadcast, cable, or satellite television.

Natural person means a human being.

Non-public information means confidential material in any form that is not available to the general public, including a non-public campaign plan, communications plan, campaign budget, specification of unmet and potentially unmet campaign needs, proposed or actual media buy, list or description of households or voters who will receive or have received materials under a mailing or other distribution program, polling or focus group results, or other proprietary material. "Non-public information," does not include communications dealing solely with candidate positions on legislative or policy issues or communications to or by an attorney, accountant, bookkeeper, or registered agent who provides services within the scope of their profession.

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Obligating means, in connection with a named candidate, agreeing to spend \$500.00 ~~or more,~~ for an independent expenditure, or to give, pledge, loan, or purchase one or more goods, services, or other things of value that have a fair market value of \$500.00 or more, as an independent expenditure. "Obligating" shall not require that the total amount of \$500.00 or more be finally determined at the time of the agreement to spend moneys for an independent expenditure or to give, pledge, loan, or purchase anything of value.

Person means any natural person, partnership, committee, association, corporation, labor organization, political party, or other organization or group of persons.

Political committee means any person and/or group, other than a natural person, or any group of two or more persons, including natural persons, that have accepted or made contributions or expenditures in excess of \$200.00 to support or oppose the nomination or election of one or more candidates. "Political committee" does not include political parties, issue committees or candidate committees.

Political organization means a political organization defined in Section 527(e)(1) of the federal "Internal Revenue Code of 1986", as amended, that is engaged in influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any ~~state or~~ local public office in the ~~state~~ City and that is exempt, or intends to seek any exemption, from taxation pursuant to Section 527 of the Internal Revenue Code. "Political organization" shall not be construed to have the same meaning as "political organization" as defined in § 1-1-104(24), C.R.S. ~~for purposes of the "Uniform Election Code of 1992", Articles 1 to 13 of this Title.~~

Political party means any group of registered electors who, by petition or assembly, nominate candidates for the official general election ballot. "Political party" includes affiliated party organizations at the state, county and election district levels, and all such affiliates are considered to be a single entity for the purposes of this Code.

Referred measure (referred matter) includes any ballot question or ballot issue submitted by the governing body to the eligible electors of the City.

Small donor committee means any political committee that has accepted contributions only from natural persons who each contributed no more than \$50.00 in the aggregate per year. For purposes of this Code, dues transferred by a membership organization to a small donor committee sponsored by such organization shall be treated as pro-rate contributions from individual members. "Small donor committee" does not include any entity that qualifies as a political party, political committee, issue committee, or candidate committee.

Spending means funds expended influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any ~~state or~~ local public office in the ~~state~~ City and includes, without limitation, any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything else of value by any political organization, a contract, promise, or agreement to expend funds made or entered into by any political organization, or any electioneering communication by any political organization.

Subsidiary means a business entity having more than half of its stock owned by another entity or person and/or group, or a business entity of which a majority interest is controlled by another person and/or group or entity.

Termination of any committee means that the registered agent of the committee or the candidate has submitted a statement of termination of such committee and an acknowledgement that no unexpended funds remain with such committee or the City Clerk has taken a lawful action to terminate a committee.

Unexpended campaign contributions means the balance of funds on hand in any candidate committee at the end of an election cycle, less the amount of all unpaid monetary obligations incurred prior to the election in furtherance of such candidacy.

Unexpended contributions to non-campaign committees means those contributions held by any form of committee as identified herein that are held at the time such committee seeks termination of such committee. Such funds may be donated to any charitable organization recognized by the Internal Revenue Service or returned to the contributor unless otherwise provided within this Code.

(Ord. O-2024-31 § 1, 2024; Ord. O-2023-7 § 1, 2023; Ord. O-2013-22 § 1, 2013)

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Commented [AM6]: This definition was lifted from the State FCPA without modifying it for inclusion in this local government Code.

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2.54.030 Candidates; Committees; Registration; Contribution Limits; Expenditures; Reporting.

A. Candidates and Candidate Committees.

- (1) *Affidavit of Candidacy.* Within ten days after an individual becomes a candidate and before circulating any nomination petition, such individual shall certify, by affidavit filed with the City Clerk, that the candidate is familiar with the provisions of this Code. (See definition of candidate.)
- (2) *Candidate Committee Registration.* Except as otherwise provided in this Code, all candidate committees shall register with the City Clerk within ten days after accepting any contribution or making any expenditure. Registration shall include a statement listing:
 - (a) The committee's full name, spelling out any acronyms used therein;
 - (b) A natural person authorized to act as a registered agent or representative;
 - (c) A street address and telephone number for the principal place of operations;
 - (d) The purpose or nature of interest of the committee or party;
 - (e) The name of the financial institution where the committee has opened an account.
- (3) *Contribution Limits.* During an election cycle, a candidate committee may accept no more than \$400.00 from any natural person or political committee for candidates for City Council, and no more than \$800.00 from any natural person or political committee for candidates for Mayor. No candidate committee shall accept any contribution from any entity that is prohibited from contributing by this Code.
- (4) *Reports.*
 - (a) All candidate committees shall ~~report to file disclosures with~~ the City Clerk: their contributions received, including the name, address, and amount contributed of each contributor; expenditures made; and obligations entered into by the committee.
 - (b) ~~In the case of contributions made to a~~ All candidate committees ~~additionally, the disclosure required by this section shall also include~~ the occupation and employer of each person and/or group who has made contributions totaling \$100.00 or more to such committee.
- (5) *Reimbursement.* A candidate's candidate committee may reimburse the candidate for expenditures the candidate has made on behalf of the candidate committee. Any such expenditures may be reimbursed at any time. Notwithstanding any other provision of law, any expenditure reimbursed to the candidate by the candidate's candidate committee within the election cycle during which the expenditure is made shall be treated only as an expenditure and not as a contribution to and an expenditure by the candidate's candidate committee.

Notwithstanding the date on which any such expenditure is reimbursed, the expenditure shall be reported at the time it is made in accordance with the requirements of this section.
- (6) *Unexpended contributions—Candidate committees.* A candidate committee for a former officeholder or a person not elected to office shall expend all of the unexpended campaign contributions retained by such candidate committee, for the purposes specified in this subsection (6), no later than nine years from the date such officeholder's term expired or from the date of the election at which such person was a candidate for office, whichever is later;

Unexpended campaign contributions to a candidate committee may be:

- (a) Contributed to a candidate committee established by the same candidate for a different public office, and only after the candidate committee for the original position that wishes to make such

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a contribution is affirmatively closed by the candidate no later than ten days after the date such a contribution is made;

(b) Donated to a charitable organization recognized by the internal revenue service;

(c) Returned to the contributors;

~~(d) or~~ Retained by the committee for use by the candidate in a subsequent campaign, although notwithstanding any other provision of law, any unexpended campaign contributions retained by a candidate committee for use in a subsequent election cycle shall be counted and reported as contributions.

~~(e)~~ In no event shall contributions to a candidate committee be used for personal purposes not reasonably related to supporting the election of the candidate nor shall the contributions be donated to another candidate or candidate committee. Unexpended campaign contributions held by a candidate committee cannot be donated to another person's candidate committee for any office or any issue committee. However, this provision shall not prohibit a candidate committee from donating contributions to a candidate committee for the same candidate for a different office;

~~(e)~~ A candidate committee for a former officeholder or a person not elected to office shall expend all of the unexpended campaign contributions retained by such candidate committee, for the purposes specified in this subsection (6), no later than nine years from the date such officeholder's term expired or from the date of the election at which such person was a candidate for office, whichever is later;

~~(f)~~ In addition to any use described in this subsection (6), a person elected to a public office may use unexpended campaign contributions held by the person's candidate committee for any of the following purposes:

~~(a)~~ Voter registration;

~~(b)~~ Political issue education, which includes obtaining information from or providing information to the electorate;

~~(c)~~ Postsecondary educational scholarships;

~~(d)~~ To defray reasonable and necessary expenses related to mailings and similar communications to constituents; and

~~(e)~~ Any expenses that are directly related to such person's official duties as an elected official, including, but not limited to, expenses for the purchase or lease of office equipment and supplies, room rental for public meetings, necessary travel and lodging expenses for legislative education such as seminars, conferences, and meetings on legislative issues, and telephone expenses.

~~(g)~~ Unexpended campaign contributions held by a candidate committee cannot be donated to another person's candidate committee for any office or any issue committee; and

~~(h)~~ Notwithstanding any other provision of law, any unexpended campaign contributions retained by a candidate committee for use in a subsequent election cycle shall be counted and reported as contributions.

(7) *Recall.* Any candidate or candidate committee supporting any candidate, including an incumbent, in a recall election, shall file reports of contributions and expenditures with the City Clerk 60, 30 and seven days before the recall election and 30 days after the recall election.

(8) *Disclaimer.*

(a) A candidate committee making a communication that supports or opposes any candidate and that is broadcast by television or radio, printed in a newspaper or on a billboard, or printed yard sign, directly mailed, made available by means of the internet, or delivered by hand to personal

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residences, or otherwise distributed shall state, in the communication, that it is paid for by the candidate committee making the communication.

- (b) The disclaimer required by subsection (a) of this section shall be printed on the communication clearly and legibly in a conspicuous manner.
- (c) If the communication is broadcast on radio, the disclaimer shall be spoken at the beginning or end of the communication.
- (d) (I) If the communication is broadcast on television, the disclaimer shall be written or spoken at the beginning or end of the communication. If the disclaimer is written, it shall appear for at least four seconds of any communication broadcast on television.
 - (II) The written disclaimer required by subparagraph (I) of this paragraph (d) shall appear in the communication in a conspicuous manner.
- (e) As to communications transmitted by means of the internet, the disclaimer shall be clearly visible and placed on, or adjacent to, the communication.

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B. Issue Committees.

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- (1) Registration. Subject to the provisions of this section, each issue committee shall register with the City Clerk within ten calendar days of accepting or making contributions or expenditures in excess of \$200.00 to support or oppose any ballot issue or ballot question, or circulate initiative-any citizen initiated petition for signature. If required to register under the requirements of this subsection, the registration of the issue committee shall include a statement containing the items listed below:
 - (a) The committee's full name, spelling out any acronyms used therein;
 - (b) A natural person authorized to act as a registered agent or representative;
 - (c) A street address and telephone number for the principal place of operations;
 - (d) All affiliated committees;
 - (e) The purpose or nature of interest of the committee or party;
 - (f) The name of the financial institution where the committee has opened an account.

Commented [AM7]: This term "citizen initiated petition" was included within the definitional section to make it clear that when this term is used it refers to all forms of citizen petitions other than nomination petitions.

(2) Ballot Issue or Ballot Question Determined.

- (a) Notwithstanding any other provision of law, and subject to the provisions of this section, a matter shall be considered to be a ballot issue or ballot question for the purpose of determining whether an issue committee has been formally established, thereby necessitating compliance with any disclosure, disclaimer, and reporting requirements of this Code:
 - (I) For a citizen-initiated petition, that a group has accepted contributions or has made contributions or expenditures in excess of \$200.00 either in support or in opposition to such citizen initiated petition; a title for the matter is set upon determination that the requisite number of signatures have been obtained and the petition has been determined to be sufficient;
 - (II) For a measure referred to voters by the City Council rather than by initiative/citizen initiated petition, the Council has adopted an ordinance to refer such matter to the voters of Lakewood; and

Commented [AM8]: This subsection as written in the current code is in direct conflict with the previous subsection. The intention to commence registration of an issue committee for citizen initiated petitions is relatively new. Prior to the current version of the Code, this Code provided that registration occurred at the setting of the title of a ballot issue which occurs following presentation of petitions to the city council. This subsection is rewritten to reflect this change in policy direction in respect to citizen initiated petitions.

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~~(III) For any matter not reflected in subsections (I) or (II), a title for the matter is set upon determination that the requisite number of signatures have been obtained and the petition has been determined to be sufficient by the City Council.~~

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(b) Notwithstanding the provisions of this subsection, where a matter concerns a municipal annexation brought pursuant to Article 12 of Title 31, C.R.S., the matter shall not be considered to be a ballot issue or ballot question for the purpose of determining whether an issue committee has been formally established, thereby necessitating compliance with any disclosure and reporting requirements of this Code, unless and until the first notice of the annexation election has been published in accordance with the requirements of Section 31-12-112(6), C.R.S.

(3) *Recall.* Any issue committee whose purpose is the recall of any elected official shall register with the City Clerk within ten calendar days of accepting or making contributions or expenditures in excess of \$200.00 to support or oppose the recall. Reports of contributions and expenditures shall be filed with the City Clerk 60 days, 30 days and seven days before the recall election and 30 days following the recall election.

(4) *Disclaimer.*

(a) An issue committee making an expenditure of \$200.00 or more on a communication that supports or opposes a ballot issue or ballot question ~~and~~ or a citizen initiated petition that is broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed, transmitted by means of the internet, or delivered by hand to personal residences, or posted by way of a yard sign, or otherwise distributed shall disclose, in the communication produced by the expenditure, the name of the issue committee making the expenditure.

(b) The disclaimer required by subsection (a) of this section shall be printed on the communication clearly and legibly in a conspicuous manner.

(c) If the communication is broadcast on radio, the disclaimer shall be spoken at the beginning or end of the communication.

(d) ~~(I)~~ (I) If the communication is broadcast on television, the disclaimer shall be written or spoken at the beginning or end of the communication. If the disclaimer is written, it shall appear for at least four seconds of any communication broadcast on television.

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(II) The written disclaimer required by subparagraph (I) of this paragraph (d) shall appear in the communication in a conspicuous manner.

(III) In the case of a limited liability company, the disclosure required by this section shall include, in addition to any other information required to be disclosed, each contribution from the limited liability company regardless of the dollar amount of the contribution.

(e) If the communication is transmitted by means of the internet, the disclaimer shall appear on or adjacent to the communication.

(5) *Unexpended Contributions.* Unexpended contributions to an issue committee may be donated to any charitable organization recognized by the Internal Revenue Service or returned to the contributor.

C. *Small Donor Committees.*

(1) *Registration.* Except as otherwise provided in this section, all small donor committees shall register with the City Clerk within ten days after accepting any contribution or making any expenditure. Registration shall include a statement listing:

(a) The organization's full name, spelling out any acronyms used therein;

(b) A natural person authorized to act as a registered agent or representative;

- (c) A street address and telephone number for the principal place of operations;
 - (d) All affiliated candidates and committees;
 - (e) The purpose or nature of interest of the committee or party.
- (2) *Contribution limits.* During an election cycle, only natural persons may contribute to a small donor committee in an amount not more than \$50.00 to such small donor committee.
- (3) *Contributions to candidate committees.* During an election cycle, small donor committees may contribute up to \$1,600.00 to candidates for mayor and up to \$800.00 to candidates for city council.

D. *All Committees—Disclosures Required; Prohibited Contributions.*

(1) *Disclosures.*

- (a) *Duty to Register with the City Clerk.* All individuals/entities which operate within the City of Lakewood as a candidate/candidate committee, issue committee, small donor committee, independent expenditure committee, political committee or political organization entitled to contribute or expend funds in association with any candidate, citizen initiated petition, ballot issue or ballot question shall register as a committee or organization subject to this Code.
- (b) *Duty to Disclose.* All ~~candidate~~ committees shall disclose/report to the City Clerk: 1) their contributions received, including the name; and address of each contributor; ~~and the amount each contributed of each contributor~~; 2) expenditures made; and 3) obligations entered into by the committee. Beginning January 1, 2025, the cumulative total of all contributions from each individual contributor shall also be reported.
- (c) *Contributions over \$100.00.* In the case of ~~the~~ aggregate contributions made to a political committee or ~~issue~~ committee during an election cycle, the disclosure required by this section shall also include the occupation and employer of each person and/or group who has made a contribution of \$100.00 or more to such committee.

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(2) *Prohibited Contributions.*

- (a) During an election cycle, no committee may accept any contribution from:
 - (I) A political party;
 - (II) An entity formed under and subject to the laws of a foreign country;
 - (III) A natural person who is not a citizen of the United States;
 - (IV) A foreign government; or
 - (V) Any person and/or group otherwise prohibited by law from making the contribution.
- (b) No committee may accept any contribution in currency or coin of more than \$100.00 from any contributor or fail to report each contributor of currency or coin, regardless of the amount of the contribution made in currency or coin.
- (c) No ~~candidate~~ committee shall accept any contribution from any corporation or any labor organization.
- (d) No ~~candidate~~ may accept any contribution without reporting the identity of the contributor. No candidate may solicit anonymous contributions including any solicitation commonly referred to as "pass the hat" or "fishbowl" solicitation. Website contributions may be accepted if the contributor is properly identified.

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E. *Political Organizations.*

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- (1) Any political organization shall report to the City Clerk in accordance with the requirements of this Code:
 - (a) Any contributions it receives, including the name and address of each person and/or group who has contributed more than \$20.00 ~~or more~~ to the political organization in the reporting period, and the name, address, occupation and employer of each natural person who has made a contribution of \$100.00 or more to the political organization; and
 - (b) Any spending by the political organization in any one reporting period.
 - (2) During an election cycle, no political organization shall accept a contribution in currency or coin of more than \$100.00 from any contributor or fail to report the receipt of contributors of currency or coin.
 - (3) Nothing in this section shall be construed to:
 - (a) Require any political organization to make any additional disclosure pursuant to this section to the extent the political organization is already providing disclosure as a committee in a manner that satisfies the requirements of this Code; or
 - (b) Authorize the City Clerk to require disclosure of the name of any natural person that is a member of an entity unless the natural person has made a contribution to a political organization in the amount of more than \$20.00 in a reporting period.

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F. *Independent Expenditures/Independent Expenditure Committees.*

- (1) *Registration.*
 - (a) Any person and/or group that 1) accepts a donation as an Independent Expenditure Committee that is given for the purpose of making an independent expenditure of \$500.00 or more or 2) that makes an independent expenditure of \$500.00 or more shall register with the City Clerk within two business days of the date on which an aggregate amount of donations accepted or expenditures made reaches or exceeds \$500.00.
 - (b) The registration required by paragraph (a) of this subsection (1) shall include each of the items listed in Section 2.54.030(A)(2) and:
 - (I) Any individual acting as an Independent Expenditure Committee shall provide that person's full name, spelling out any acronyms used therein; and
 - (II) The aggregate ownership interest in the Independent Expenditure Committee held by foreign nationals or foreign corporations calculated as of the time the person and/or group registers as an Independent Expenditure Committee with the City Clerk under paragraph (a) of this subsection (1) to verify compliance with 2.54.030(D)(2)(a)(IV) of this Code.
 - (c) If the person and/or group identified in subparagraph (I) of paragraph (b) of this subsection F(1) is a corporation, a subsidiary may register on behalf of its parent corporation or for other subsidiaries of the parent corporation, and the parent corporation may register on behalf of all of its subsidiaries. In each such case, the registered agent of the person and/or group registering shall serve as the registered agent for all such affiliated corporations. Registration of a subsidiary shall include the name of its parent corporation as well as any names under which the subsidiary does business.
 - (d) If the person and/or group identified in subparagraph (I) of paragraph (b) of this subsection F(1) is a labor organization, a local labor organization may register on behalf of any affiliated local, national, or international labor organization that will be making independent expenditures, and a national or international labor organization may register on behalf of any affiliated local labor organization that will be making independent expenditures. In each such case, the registered

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agent of the labor organization that is registering shall serve as the registered agent for each affiliated local, national, or international labor organization.

(2) *Reporting.*

(a) In addition to any other applicable disclosure requirements specified in this Code, any person and/or group making an independent expenditure in an aggregate amount of \$500.00 or more in any one calendar year shall report the following to the City Clerk:

- (I) The person and/or group's full name, or, if the person and/or group is a subsidiary of a parent corporation, the full name of the parent corporation, spelling out any acronyms used therein;
- (II) All names under which the person and/or group does business in the state if such names are different from the name identified pursuant to subparagraph (I) of this paragraph (a);
- (III) The address of the home office of the person and/or group, or, if the person and/or group is a subsidiary of a parent corporation, the home office of the parent corporation; and
- (IV) The name and street address in the state of its registered agent.

(b) (I) Any person and/or group who expends an aggregate amount of \$500.00 or more per calendar year for the purpose of making an independent expenditure shall report to the City Clerk, in accordance with the requirements of this section, the name and address of any person and/or group that, for the purpose of making an independent expenditure, donates more than \$250.00 per year to the person and/or group expending \$500.00 or more on an independent expenditure.

(II) If the person and/or group making the donation of \$250.00 or more is a natural person, the disclosure required by subparagraph (I) of this paragraph (b) shall also include the donor's occupation and employer.

(III) If the person and/or group making the donation of \$250.00 or more is not a natural person, the disclosure required by this paragraph (b) shall also include:

- (A) The donor's full name, or, if the donor is a subsidiary of a parent corporation, the full name of the parent corporation, spelling out any acronyms used therein;
- (B) All names under which the donor does business in the state if such names are different from the name identified pursuant to subparagraph (I) of this paragraph (b);
- (C) The address of the home office of the donor, or, if the donor is a subsidiary of a parent corporation, the home office of the parent corporation; and
- (D) The name and street address in the state of the donor's registered agent.

(c) The information required to be disclosed pursuant to paragraph (a) of this subsection (~~42~~) shall be reported in accordance with the schedule specified in this Code; except that any person and/or group making an independent expenditure of \$500.00 or more within 30 days before a municipal election shall provide such report within 48 hours after obligating moneys for the independent expenditure.

(3) *Disclaimer.*

(a) In addition to any other applicable requirements provided by law, and subject to the provisions of this section, any communication that is broadcast, printed, mailed, delivered, posted, or otherwise circulated that constitutes an independent expenditure for which the person and/or

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group making the independent expenditure exceeds \$500.00 or more on the communication shall include in the communication a statement that:

- (I) A statement that the communication has been "paid for by (full name of the person and/or group paying for the communication)";
 - (II) A statement that that the communication is "Not authorized by any candidate"; and
 - (III) The name of a natural person who is the registered agent if the person and/or group identified in subparagraph (I) of this paragraph (a) is not a natural person.
- (b) In the case of a broadcast communication, the statement required by this section shall satisfy all applicable requirements promulgated by the Federal Communications Commission for size, duration, and placement.
- (c) In the case of a non-broadcast communication, the City Clerk shall, by rule communicated and published by the City Clerk, establish size and placement requirements for the disclaimer.
- (d) As to communications transmitted by means of the internet, the disclaimer shall be clearly visible and placed on or adjacent to the communication.
- (4) *Disclosure for expenditures for candidates.* Any person and/or group, including a corporation that qualifies under Section 501(c)(4) of the Internal Revenue Code, that expends an aggregate amount of \$500.00 or more on an independent expenditure in any one calendar year shall deliver written notice to the City Clerk that shall list with specificity the name of the candidate whom the independent expenditure is intended to support or oppose. Where the independent expenditure is made within 30 days before an election, the notice required by subsection (3) shall be delivered within 48 hours after the person and/or group obligates moneys for the independent expenditure.
- (5) *Accounting.* Any person and/or group that accepts any donation that is given for the purpose of making an independent expenditure or expends any moneys on an independent expenditure in an aggregate amount more than \$20.00 in any one calendar year shall establish a separate account in a financial institution, and the title of the account shall indicate that it is used for such purposes. All such donations accepted by such person and/or group for the making of any such independent expenditures shall only be deposited into the account, and any moneys expended for the making of such independent expenditure shall only be withdrawn from the account. As long as the person and/or group uses a separate account for the purposes of this section, in any enforcement proceeding relating to the use of the person and/or group's account, no discovery may be made of information relating to the identity of the person and/or group's members and general donors and any discovery is limited to the sources, amounts, and uses of donations deposited into and expenditures withdrawn from the account.
- (6) *Donation.* Any person and/or group that expends moneys on an independent expenditure of \$500.00 or more, regardless of the medium of the communication produced by the expenditure, shall disclose to the City Clerk, in accordance with the schedule specified in in this Code, any donation given in that reporting period for the purpose of making an independent expenditure.
- (7) *Donations in excess of \$1,000.00.* Any person and/or group that donates \$1,000.00 or more to any person and/or group during any one calendar year for the purpose of making an independent expenditure shall, within 48 hours of making the donation, report to the City Clerk the names and addresses of:
- (a) The person and/or group's chief executive officer or, for entities that have do not have an official with that title, the person performing the largest number of duties of a chief executive officer;
 - (b) Any "professional lobbyist," as defined by C.R.S. 24-6-301(6), that has been paid by the person and/or group to communicate with one or more "covered officials," as defined by C.R.S. 24-6-301(1.7); and

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(c) Any person and/or group paid to communicate with the Mayor or one or more City Council members concerning the passage, defeat, or amendment of City of Lakewood ordinances, resolutions, or rules.

(8) *Disclosure by Source and Transferor of Donation.* Any earmarked donation given for the purpose of making an independent expenditure of \$500.00 or more shall be disclosed as a donation from both the original source of the donation and the person and/or group transferring the donation.

(9) *Provisional Designation of FMV.* On reports it files with the City Clerk, an independent expenditure committee that obligates \$500.00 or more for an independent expenditure shall disclose a good faith estimate of the fair market value of the expenditure if the committee does not know the actual amount of the expenditure as of the date that a report is required to be filed with the City Clerk.

(10) *Labor Organizations.* Notwithstanding any other provision of this section, any requirement contained in this section that is applicable to a corporation shall also be applicable to a labor organization.

G. *Limited Liability Companies.*

(1) *Prohibition on Contributions.*

(a) No limited liability company shall make any contribution to a **candidate committee** if one or more of the individual members of the limited liability company is:

- (I) A natural person who is not a citizen of the United States;
- (II) An entity formed under and subject to the laws of a foreign country;
- (III) A foreign government; or
- (IV) Otherwise prohibited by law from making the contribution.

(b) No limited liability company shall make any contribution to a **political committee** if one or more of the individual members of the limited liability company is:

- (I) A natural person who is not a citizen of the United States;
- (II) An entity formed under and subject to the laws of a foreign country;
- (III) A foreign government; or
- (IV) Otherwise prohibited by law from making the contribution.

(c) Notwithstanding any other provision of this subsection (G), no limited liability company shall make any contribution to a **candidate committee** if the limited liability company has elected to be treated as a corporation by the Internal Revenue Service pursuant to 26 CFR 301.7701-3 or any successor provision or the shares of the limited liability company are publicly traded. A contribution by a limited liability company with a single natural person member that does not elect to be treated as a corporation by the Internal Revenue Service pursuant to 26 CFR 301.7701-3 shall be attributed only to the single natural person member.

(2) *Disclosure.*

(a) *No minimum amount for disclosure.* The disclosure required by this section shall include, in addition to any other information required to be disclosed, each contribution from the limited liability company regardless of the dollar amount of the contribution.

(b) *Affirmation.* Any limited liability company that is authorized to make a contribution and which does make a contribution of \$100.00 or more to a candidate committee shall, in writing, affirm to the candidate committee to which it has made a contribution that it is authorized to make a contribution, which affirmation shall also state the names and addresses of all of the individual members of the limited liability company. No candidate committee shall accept a contribution

from a limited liability company unless the written affirmation satisfying the requirements of this paragraph (b) is provided before the contribution is deposited by the candidate committee. The candidate committee receiving the contribution shall retain the written affirmation for not less than one year following the date of the end of the election cycle during which the contribution is received. Any limited liability company that makes a contribution of less than \$100.00 shall not be required to identify the individual members of the limited liability company.

- (c) Any limited liability company that contributes to a candidate committee shall attribute its contribution to its members by their percentage interests. No person and/or group who is a member of a limited liability company may exceed the contribution limits imposed by this Code. Contributions to candidate committees, exploratory committees, or political committees, whether contributed from a person and/or group's own funds or by the funds attributed to that person and/or group from a limited liability company, shall be aggregated for purposes of determining that person and/or group's compliance with the applicable contribution limits.

H. *Political committees.*

- (1) *Registration.* Except as otherwise provided in this section, all political committees shall register with the City Clerk within ten days after accepting any contribution or making any expenditure. Registration shall include a statement listing:
 - (a) The organization's full name, spelling out any acronyms used therein;
 - (b) A natural person authorized to act as a registered agent or representative;
 - (c) A street address and telephone number for the principal place of operations;
 - (d) All affiliated candidates and committees;
 - (e) The purpose or nature of interest of the committee or party.
- (2) *Contribution limits.* During an election cycle, a political committee may not accept contributions in excess of the limits imposed by Article XXVIII of the Constitution of Colorado under Section 3, Contribution Limits, subsection (1)(b), and as adjusted pursuant to subsection (13) of that same section.

(Ord. O-2024-31 § 1, 2024; Ord. O-2023-7 § 1, 2023; Ord. O-2013-22 § 1, 2013)

2.54.040 Reporting Requirements—Where and When Filed.

- (A) (1) Filing Schedule. Except as otherwise provided in this Code, all reports that are required to be submitted shall be filed with the City Clerk pursuant to the following schedule:
 - (a) In the year of a regular municipal election, on April 15th, July 15th, September 15th, October 15th, the Wednesday immediately preceding Election Day, and 30 days after the regular municipal election.
 - (b) ~~In addition, such reports must be filed annually, in~~ years other than regular municipal election years, reports must be filed on the first day of the month in which the anniversary of the regular municipal election occurs.
 - (c) For incumbent members of the city council not up for re-election in a regular municipal election year, such reports may be filed annually on the first day of the month in which the anniversary of the regular municipal election occurs.
 - (d) If the reporting day falls on a weekend or legal holiday, the report shall be filed by the close of the next business day.
 - (e) ~~The reports required by this section shall also include:~~

Commented [AM10]: This section of the Colorado Constitution does not relate to local government elections. It limits political committees from making contributions to state candidates including district attorneys. I think that by referencing this portion of the State law the City has not set contribution limits upon the amount political committees may contribute to local candidates.

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- ~~(i) the balance of funds at the beginning of the reporting period;~~
- ~~(ii) the total of contributions received during the reporting period;~~
- ~~(iii) the total of expenditures made during the reporting period;~~
- ~~(iv) the total of all loans, loan repayments and loan forgiveness in the reporting period);~~
- ~~(v) the name and address of the financial institution used by the committee; and~~
- ~~(vi) the total cumulative amount from all reports for (i), (iii), and (iv).~~
- ~~(f) The reports required by this section shall be filed regardless of whether the candidate committee received any contributions or made any expenditures during the reporting period. A candidate committee for a former officeholder or a person and/or group not elected to office that has no change in the balance of funds maintained by such committee, receives no contributions, makes no expenditures, and enters into no obligations during a reporting period shall nevertheless be required to file a report under this section for such period.~~
- ~~(g) All reports shall be filed with the City Clerk.~~
- ~~(h) The reporting period for all reports required to be filed with the City Clerk shall close three calendar days prior to the mandated date of filing.~~

~~(i) After a proposed ballot question or proposed ballot issue becomes an "issue" under Section 2.54.030(B)(2)(a), issue committees shall file reports on the 90th, 60th, 30th, and 7th days before such election, as well as 30 days after such election, whether a special election or regular election. If an issue committee is formed in support of or in opposition to the circulation of a citizen initiated petition prior to such matter being identified as a ballot question or ballot issue, such committee shall file reports every thirty days from the date it registered as an issue committee until it reaches the 90th day before such regular or special election at which time it shall file reports on the 90th, 60th, 30th, and 7th days before such election, as well as 30 days after such election.~~

~~(f) Where a special election has been scheduled, reports by committees, individuals or person and/or groups who contribute or expend or spend moneys, moneys or make any other form of transaction that are reportable under the provisions of this Code must file their reports on the 60th, 30th, and 7th day before such election, as well as 30 days after such election.~~

~~(g) (2) Reserved. All committees involved in supporting or opposing a position in a recall election shall file reports of contributions and expenditures with the City Clerk 90, 60, 30, and seven days before the recall election and 30 days after the recall election.~~

~~(h) (3) All committees involved in supporting or opposing a position in a recall election, including candidate, issue and political committees, or advocating the recall of any incumbent, shall file reports of contributions and expenditures with the City Clerk 90, 60, 30, and seven days before the recall election and 30 days after the recall election. When an issue committee is formed in support of or in opposition to the circulation of a recall petition prior to such matter being identified as a ballot question or ballot issue, such committee shall file reports every thirty days from the date it registered as an issue committee until it reaches the 90th day before a regular election at which time it shall file reports in conformance with the reporting schedule for all committees. When such matter will be presented at a special election the issue committee shall file its reports on the 60th, 30th, and 7th day before the recall election and on the 30th day after the recall election.~~

~~(2) Duty to File Reports. For the purpose of meeting the filing and reporting requirements of this Code, candidates in municipal elections, their candidate committees, any political committee in support of or in opposition to such candidate, an issue committee supporting or opposing a municipal ballot issue or~~

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citizen initiated petition, and small donor committees making contributions to such candidates, as well as any independent expenditure committees that expressly advocate and any person and/or groups making electioneering communications that unambiguously refer to such candidates, shall file reports with the City Clerk.

Reports shall be filed regardless of whether the committee received any contributions or made any expenditures during the reporting period. A candidate committee for a former officeholder or a person and/or group not elected to office that has no change in the balance of funds maintained by such committee, receives no contributions, makes no expenditures, and enters into no obligations during a reporting period shall nevertheless be required to file a report under this section for such period.

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(3) Reporting Period. The reporting period for all reports required to be filed with the City Clerk shall close three calendar days prior to the mandated date of filing.

(4) Report Contents. The reports required by this section shall include:

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- (I) the balance of funds at the beginning of the reporting period;
- (II) the total of contributions received during the reporting period;
- (III) the total of expenditures made during the reporting period;
- (IV) the total of all loans, loan repayments and loan forgiveness in the reporting period;
- (V) the name and address of the financial institution used by the committee; and
- (VI) the total cumulative amount from all reports for (II), (III), and (IV).

(4) For the purpose of meeting the filing and reporting requirements of this Code, candidates in municipal elections, their candidate committees, any political committee in support of or in opposition to such candidate, an issue committee supporting or opposing a municipal ballot issue, and small donor committees making contributions to such candidates, as well as any independent expenditure committees that expressly advocate and any person and/or groups making electioneering communications that unambiguously refer to such candidates, shall file with the City Clerk.

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(5) Reports Filed Electronically.

(a) The City Clerk shall establish, operate, and maintain a system that enables electronic filing using the internet of the reports required by this Code to be filed with the City Clerk's Office. The City Clerk may require any filing under this section to be made by electronic means as determined by the City Clerk. The rules for use of the electronic filing system shall be promulgated by the City Clerk. The City Clerk shall make all filings required by this section publicly available on the City Clerk's website no later than the close of business on the third business day after the filing was received.

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(b) Any person and/or group required to file with the City Clerk's Office shall use the electronic filing system described in paragraph (a) of this subsection (5) in order to meet the filing requirements of this Code, if so required by the Clerk in accordance with paragraph (a) of this subsection (5), except insofar as an alternate method of filing may be permitted by the City Clerk. Where a person and/or group uses such electronic filing system to meet the filing requirements of this Code, the City Clerk shall acknowledge by electronic means the receipt of such filing.

(c) If a group believes it has a duty to register and file with the City but is unable to do so via the electronic filing system it shall submit a statement of intent to register to the City Clerk via written communication. The City Clerk shall respond to such statement of intent within ten (10) days explaining the reason for the electronic filing system's failure to accept such registration.

(6d) Subsection (1) of this section shall not. Nothing herein shall be construed to require the City Clerk to review electronically filed reports.

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(Ord. O-2024-31 § 1, 2024; Ord. O-2023-7 § 1, 2023; Ord. O-2019-24 § 4, 2019; Ord. O-2013-22 § 1, 2013)

2.54.050 Duties of the City Clerk—Recordkeeping—Enforcement—Sanctions.

A. *Forms—Rules—Recordkeeping.* The City Clerk shall:

- (1) Prepare forms and instructions to assist candidates and the public in complying with the reporting requirements of this Code and make such forms and instructions available to the public free of charge, and provide training sufficient to acquaint candidates and the public with all provisions of this Code;
- (2) Promulgate such rules as may be necessary to enforce and administer any provision of this Code;
- (3) Maintain a filing and indexing system consistent with the purposes of this Code;
- (4) Make the reports, complaints, and statements filed with the City Clerk's Office available ~~immediately~~ for public inspection and copying. The City Clerk may charge a reasonable fee for providing copies of reports. The City Clerk shall make all reports, complaints, and statements required by this section publicly available on the City Clerk's website no later than the close of business on the day after the filing was received. No information copied from such reports shall be sold or used by any person and/or group for the purpose of soliciting contributions or for any commercial purpose;
- (5) Keep a copy of any report or statement required to be filed by this Code for the period set forth in the City's records retention policy; and
- (6) ~~While nothing herein shall be construed to require the City Clerk to review documents for compliance with this Code, the City Clerk shall notify any candidate or committee when any party has informed the City Clerk of such candidate's or committee's failure to comply with this Code and shall notify any person and/or group under their jurisdiction who has failed to fully comply with the provisions of this Code and notify any~~ person and/or group if a complaint has been filed with the City Clerk alleging a violation of this Code. ~~Additionally, the City Clerk shall notify a candidate or committee, within three business days, of the person's or group's failure to complete the mandatory filing documents when an initial filing is incomplete.~~

B. *Enforcement.*

- (1) Any person and/or group who believes that a violation of this Code has occurred may file a written complaint with the City Clerk no later than 120 days after the date of filing of the report containing the alleged violation. The City Clerk shall, within 24 hours, notify the person or group who/which is the subject of the allegation that a complaint alleging a violation of this section has been filed. The City Clerk shall also determine within three business days of the filing of the complaint whether or not the complaint is valid. A complaint is valid if it:
 - (a) Was timely filed under this code;
 - (b) Specifically identifies one or more violations of this code; and
 - (c) Alleges/contains sufficient facts to support a factual and legal basis for the finding of violations of law as alleged.
- (2) Within the same three business day period the City Clerk shall notify the parties of the Clerk's determination and post a copy of the City Clerk's decision on the City Clerk's website. The City Clerk's decision shall be based on the complaint and any additional inquiry made by the City Clerk of identified interested parties, and whether the complaint meets the above stated qualifications. The City Clerk shall dismiss a complaint that doesn't meet the stated requirements of this section and shall notify the parties. Where a complaint is deemed to meet the requirements of this section the City Clerk shall so notify the parties. Additionally, the following provisions shall be applied to any complaint deemed to meet the requirements of this section.

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- (a) When a person and/or group can cure its non-compliance due to an inadequate report or a failure to file a required report or item thereon, the City Clerk shall accept an amended report or reports within three business days of notifying the parties that the complaint is valid.
 - (b) Unless any non-compliance is dismissed, is cured as provided herein, or results in penalties imposed by the City Clerk as provided herein, the City Clerk shall refer a complaint to an independent hearing officer within three days ~~of the City Clerk's determination following the conclusion of the time allowed for cure.~~ Within ~~five~~^{three (3)} business days of ~~determining that the complaint is valid appointing an independent hearing officer~~ the City Clerk shall announce ~~post~~ a date for a hearing ~~on the City Clerk's website.~~ The ~~Clerk~~^{Hearing Officer} shall prioritize holding such hearing within 30 days from the date that non-compliance ~~is found~~^{was determined by the City Clerk pursuant to subsection}, but such hearing date may be later due to the scheduling of the hearing officer, witnesses, and other interested parties. Any party shall be granted an extension of up to 15 days upon motion, or longer upon a showing of good cause. The City Attorney shall engage an attorney not employed by the City who is experienced in campaign finance law to represent the City in prosecuting any valid complaint referred to a hearing officer ~~which creates a conflict of interest between that department and an elected official or a candidate for elected office,~~ and that attorney shall present the case to the hearing officer and be allowed to present evidence, including witnesses, in support of the claims. The person against whom the complaint was filed shall be allowed to rebut the claims in the complaint and present evidence, including witnesses, in support thereof. The Burden of Proof shall be upon the prosecution.
 - (c) The hearing officer shall render a written decision within fifteen (15) days after the hearing. If the hearing officer determines that a violation has occurred, the decision shall include any appropriate order, sanction or relief authorized by this Code. The decision of the hearing officer shall be final, subject to review by the district court. The hearing officer is not a necessary party to the review. When final, the decision shall be enforced by the City Clerk. The failure of a hearing officer to render a decision within 15 days will result in the City Attorney's Office contacting the hearing officer and requesting a decision within five days. Failure to render a decision within 30 days following the conclusion of a hearing shall make such hearing officer ineligible to serve as a hearing officer for the City for two years.
 - (d) The hearing officer shall impose a fine in accordance with this Code. Where the hearing officer is given discretion to determine the appropriate fine amount such determination shall be made based upon the facts, evidence and any documents upon which the hearing officer relied in making the determination of the matter. Additionally, the hearing officer shall invite both parties to submit written arguments in support of the imposition of a specific fine amount.
- (3) Both the City Clerk, and a hearing officer are authorized to issue subpoenas.
 - (4) The hearing officer shall not accept as a defense to any alleged violation that the violation was unintentional or that the alleged violator was unaware of the requirements of this code.

C. *Sanctions.*

- (1) Any person and/or group who violates any provision of this Code by making prohibited contributions to any committee shall be subject to a civil penalty of two times the amount contributed, received, or spent in violation of the applicable provision. Any candidate committee that accepts prohibited contributions shall be subject to a civil penalty in the amount of two times the amount contributed. Candidates shall be personally liable for penalties imposed upon the candidate's committee.
- (2) (a) Any committee that fails to file required reports or any required disclosure on such reports shall be subject to penalties imposed by this Code:

\$10.00 per day for the first through the fifth day the information is late;

\$25.00 per day from the sixth day to the tenth day the information is late;

\$50.00 per day for eleventh through the date the required report is filed.

- (b) The City Clerk must provide notice, via email at an email address provided by the candidate or committee, of any failure to file required reports, or file complete reports, after the due date.
- (c) All fines imposed for violation of this Code shall be published on the City Clerk's website from the date of imposition until 30 days following the date upon which the fine was paid.

- (2.1) (a) As to all person and/or groups and committees other than candidate committees, a hearing officer shall impose the following penalties, in conformance with L.M.C. 2.54.050(B)(2)(d) regarding hearing officer authority to impose fines, if it is established that a disclaimer required to be used pursuant to this Code did not materially comply with the requirements of this Code:

Up to \$1,000.00 for communications received more than 75 days prior to the next regular municipal election by natural persons who are qualified to vote for the office(s) referred to in the communication;

Up to \$2,500.00 for communications received more than 30 but less than 75 days prior to the next regular municipal election by natural persons who are qualified to vote for the office(s) referred to in the communication;

Up to \$5,000.00 for communications received up to 30 days prior to the next regular municipal election by natural persons who are qualified to vote for the office(s) referred to in the communication.

- (b) The following penalties shall be imposed on candidate committees if it is established that a disclaimer required to be used pursuant to this Code was not included on the communication distributed or did not materially comply with the requirements of this Code:

\$100.00 for communications received more than 75 days prior to the next regular municipal election by natural persons who are qualified to vote for the office(s) referred to in the communication;

\$250.00 for communications received more than 30 but less than 75 days prior to the next regular municipal election by natural persons who are qualified to vote for the office(s) referred to in the communication;

\$500.00 for communications received up to 30 days prior to the next regular municipal election by natural persons who are qualified to vote for the office(s) referred to in the communication.

- (2.2) *Scope of Violation.* The intent of the concept of "violation" as used in this code is to recognize that a singular act, such as misprinting yard signs, shall be prosecuted as a single violation rather than counting each misprinted sign (or other item) as individual violations of this Code.
- (2.3) For all other violations of this code where a penalty is not specified, the penalty shall be \$250.00 per violation.
- (3) Upon imposition of a penalty pursuant to this subsection, the City Clerk shall send the person and/or group upon whom the penalty is being imposed proper notification by certified mail of the imposition of the penalty. If an electronic mail address is on file with the City Clerk, the City Clerk shall also provide such notification by electronic mail.
- (4) Any person and/or group required to file a report with the City Clerk or required to include a disclaimer on a candidate communication regulated by this Code and upon whom a penalty has been imposed pursuant to this section may appeal such penalty by filing a written appeal with the City Clerk no later than 30 days after the date on which notification of the imposition of the penalty was mailed to such person and/or group's last known address. Except as provided herein, the City Clerk shall refer the

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appeal to the hearing officer. Any hearing conducted by a hearing officer shall be conducted in accordance with any standardized procedures promulgated by the City Clerk pursuant to this Code. The hearing officer shall set aside or reduce the penalty upon a showing of good cause, and the person and/or group filing the appeal shall bear the burden of proof. The decision of the hearing officer shall be final and subject to review by the district court. If the hearing officer finds that the filing of an appeal brought pursuant to this section was frivolous, the hearing officer shall order the person and/or group filing the appeal to pay reasonable attorney fees and costs of the City Clerk in connection with such proceeding.

- (5) In connection with any complaint brought to enforce any requirement of this Code, ~~including a complaint initiated by the City Clerk~~, the hearing officer shall order disclosure of the source and amount of any undisclosed donations, spending, contributions, or expenditures.
- (6) In any action brought to enforce any provision of this Code, the membership lists of a labor organization or, in the case of a publicly held corporation, a list of the shareholders of the corporation, shall not be disclosed by means of discovery or by any other manner.
- (7) The City Clerk may reject any report if it is incomplete. The applicant shall have ten days from the date the City Clerk provides notice of the deficiency to amend the report to cure any such deficiency.
- (8) Any unpaid debt owed to the City resulting from a penalty imposed pursuant to this Chapter 2.54, shall be collected by the City of Lakewood through such remedies as the City of Lakewood may initiate. If the City of Lakewood pursues such remedies, it shall be entitled to recover its costs incurred.

(Ord. O-2024-31 § 1, 2024; Ord. O-2023-7 § 1, 2023; Ord. O-2013-22 § 1, 2013)

2.54.060 City Limitations on Contributions.

- A. (1) No agency, department, board, division, bureau, commission, or council of the City of Lakewood shall make any contribution in campaigns involving the nomination, retention, or election of any person and/or group to any public office, nor shall any such entity make any donation to any other person and/or group for the purpose of making an independent expenditure, nor shall any such entity expend any moneys from any source, or make any contributions, to urge electors to vote in favor of or against any:
- (a) Statewide ballot issue that has been submitted for the purpose of having a title designated and fixed pursuant to Section 1-40-106(1), C.R.S., or that has had a title designated and fixed pursuant to that section;
 - (b) Local ballot question or ballot issue that has been submitted for the purpose of having a title fixed pursuant to Section 31-11-111, C.R.S., or that has had a title fixed pursuant to that section;
 - (c) Referred measure, ~~as defined in Section 1-1-104(34.5), C.R.S., is any proposed or adopted ordinance or any question submitted by the City Council to a vote of the registered electors of the City without receipt of a petition in conformance with charter § 13.4;~~
 - (d) Measure for the recall of any officer that has been certified by the appropriate election official for submission to the electors for their approval or rejection; ~~or~~
 - (e) A citizen initiated petition after an issue committee is formed in support of or in opposition to the circulation of such citizen initiated petition prior to such matter being identified as a ballot question or ballot issue.
- (2) Nothing in this section shall be construed as prohibiting:
- (a) A member or employee of any such agency, department, board, division, bureau, commission, or council of the City of Lakewood from responding to questions about any such issue described in

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subparagraph (I) of this paragraph (a) if the member, employee, or public entity has not solicited the question.

- (b) .(I) _____ An agency, department, board, division, bureau, commission, or council of the City of Lakewood from expending public moneys or making contributions to dispense a factual summary, which shall include arguments both for and against the proposal, on any issue of official concern before the electorate in the jurisdiction. Such summary shall not contain a conclusion or opinion in favor of or against any particular issue. As used herein, an issue of official concern shall be limited to issues that will appear on an election ballot in the jurisdiction.
- (II) An elected official from expressing a personal opinion on any issue.
- (III) An agency, department, board, division, bureau, commission, or council of the City of Lakewood:
- (A) Passing a resolution or taking a position of advocacy on any issue described in subparagraph (I) of paragraph (a) of this subsection (1);
- (B) Reporting the passage of or distributing such resolution through established, customary means, other than paid advertising, by which information about other proceedings of such agency, department, board, division, bureau, or council of the City of Lakewood is regularly provided to the public; or
- (C) A member or an employee of an agency, department, board, division, bureau, commission, or council of the City of Lakewood from expending personal funds, making contributions, or using personal time to urge electors to vote in favor of or against any issue described in subparagraph (I) of paragraph (a) of this subsection (1).

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- B. The provisions of subsection (1) of this section shall not apply to:
- (1) An official residence furnished or paid for by the City of Lakewood;
- (2) Security officers who are required to accompany a candidate or the candidate's family;
- (3) Publicly owned motor vehicles provided for the use of the chief executive of the City of Lakewood;
- (4) Publicly owned aircraft provided for the use of the chief executive of the City of Lakewood or the executive's family for security purposes; except that, if such use is, in whole or in part, for campaign purposes, the expenses relating to the campaign shall be reported and reimbursed pursuant to subsection (3) of this section.
- C. A member or employee of any such agency, department, board, division, bureau, commission, or council of the City of Lakewood who has policy-making responsibilities may not expend public moneys expressing an opinion on any such issue described in subparagraph (I) of this paragraph.
- D. If any candidate who is also an incumbent inadvertently or unavoidably makes any expenditure which involves campaign expenses and official expenses, such expenditures shall be deemed a campaign expense only, unless the candidate, not more than ten working days after such expenditure, files with the City Clerk such information as the City Clerk may, by rule communicated and published by the City Clerk, require in order to differentiate between campaign expenses and official expenses. Such information shall be set forth on a form provided by the City Clerk. In the event that public moneys have been expended for campaign expenses and for official expenses, the candidate shall reimburse the City of Lakewood for the amount of money spent on campaign expenses.
- E. Any violation of this section shall be subject to any appropriate order or relief, including an order directing the person and/or group making a contribution or expenditure in violation of this section to reimburse the

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fund of the City of Lakewood from which such moneys were diverted for the amount of the contribution or expenditure, injunctive relief, or a restraining order to enjoin the continuance of the violation.

- F. Failure to comply with any provision of this Code shall have no effect on the validity of any election.
(Ord. O-2024-31 § 1, 2024; Ord. O-2023-7 § 1, 2023; Ord. O-2019-24 § 4, 2019; Ord. O-2013-22 § 1, 2013)

2.54.070 Electioneering Communications.

- (1) Any person and/or group, including a corporation that qualifies under section 501(c)(4) of the Internal Revenue Code, that expends \$500.00 or more per calendar year on electioneering communications shall report to the City Clerk, in accordance with the disclosure required by this section, the amount expended on the communications and the name and address of any person and/or group that contributes more than \$250.00 per year to the person and/or group expending \$500.00 or more on the communications. If the person and/or group making a contribution of more than \$250.00 is a natural person, the disclosure required by this section shall also include the person's occupation and employer.
- (2) Any person and/or group, including a corporation that qualifies under Section 501(c)(4) of the Internal Revenue Code, that contributes \$500.00 or more during any one calendar year for the purpose of making an electioneering communication shall, within 48 hours of making the donation, report to the City Clerk the names and addresses of:
 - (a) The person and/or group's chief executive officer or, for entities that have do not have an official with that title, the person performing the largest number of duties of a chief executive officer;
 - (b) Any "professional lobbyist," as defined by C.R.S. 24-6-301(6), that has been paid by the person and/or group to communicate with one or more "covered officials," as defined by C.R.S. 24-6-301(1.7); and
 - (c) Any person and/or group paid to communicate with the Mayor or one or more City Council members concerning the passage, defeat, or amendment of City of Lakewood ordinances, resolutions, or rules.
- (3) Disclaimer.
 - (a) In addition to any other applicable requirements provided by law, and subject to the provisions of this section, any electioneering communication on which the person and/or group responsible for the communication expends \$500.00 or more shall include in the communication a statement that:
 - (I) The communication has been "paid for by (full name of the person and/or group paying for the communication)";
 - (II) The communication is "Not authorized by any candidate" or "Not associated with any committee associated with such ballot question or ballot issue"; and
 - (III) The name of a natural person who is the registered agent if the person and/or group identified in subparagraph (I) of this paragraph (a) is not a natural person.
 - (b) In the case of a broadcast communication, the statement required by this section shall satisfy all applicable requirements promulgated by the Federal Communications Commission for size, duration, and placement.
 - (c) In the case of a non-broadcast communication, the City Clerk shall, by rule communicated and published by the City Clerk, establish size and placement requirements for the disclaimer.
 - (d) As to communications transmitted by means of the internet, the disclaimer shall be clearly visible and placed on or adjacent to the communication.

(Ord. O-2024-31 § 1, 2024; Ord. O-2023-7 § 1, 2023; Ord. O-2013-22 § 1, 2013)

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2.54.080 Miscellaneous Provisions.

- A. *Media outlets—Political records.* Any media outlet that is subject to the provisions of 47 U.S.C. § 315(e) shall maintain and make available for public inspection such records as the outlet is required to maintain to comply with federal law or rules.
- B. *Immunity from liability.*
- (1) Any individual volunteering their time on behalf of a candidate or candidate committee shall be immune from any liability for a fine or penalty imposed pursuant to this Code in any proceeding that is based on an act or omission of such volunteer if:
 - (a) The volunteer was acting in good faith and within the scope of such volunteer's official functions and duties for the candidate or candidate committee; and
 - (b) The violation was not caused by willful and intentional misconduct by such volunteer.
 - (2) Any media outlet shall be immune from civil liability in any court where the media outlet:
 - (a) Withdraws advertising time reserved by an independent expenditure committee that fails to register in accordance with the requirements of Section 2.54.030(F); or
 - (b) Elects to void an advertising contract and the advertisement:
 - (I) Is paid for by an independent expenditure committee that fails to register under this Code;
 - (II) Is paid for by an independent expenditure committee that is registered under Section 2.54.030 but the committee fails to file a required disclosure report through the date of the most recent required report; or
 - (III) If the independent expenditure committee otherwise fails to satisfy any requirements of this Code.
 - (3) An affected media outlet may void a contract that implicates paragraph (b) of subsection (2) of this section in the sole discretion of the media outlet.
- C. *Expenditures—Political advertising—Rates and charges.*
- (1) No candidate shall pay to any radio or television station, newspaper, periodical, or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space, materials, or services. Any such rate shall not be rebated, directly or indirectly.
 - (2) Any radio or television station, newspaper, or periodical that charges a candidate committee a lower rate for use of space, materials, or services than the rate such station, newspaper, periodical, or supplier charges another candidate committee for the same public office for comparable use of space, materials, or services shall report the difference in such rate as a contribution to the candidate committee that is charged such lower rate.
 - (3) Nothing in this Code shall be construed to prevent an adjustment in rates related to frequency, volume, production costs, and agency fees if such adjustments are offered consistently to other advertisers.
- D. *Encouraging Withdrawal from Campaign Prohibited.* No person and/or group shall offer or give any candidate or candidate committee any money or any other thing of value for the purpose of encouraging the withdrawal of the candidate's candidacy, nor shall any candidate offer to withdraw a candidacy in return for money or any other thing of value.

(Ord. O-2024-31 § 1, 2024; Ord. O-2023-7 § 1, 2023; Ord. O-2019-24 § 4, 2019; Ord. O-2013-22 § 1, 2013)

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STAFF MEMO

DATE OF MEETING: APRIL 20, 2026 / AGENDA ITEM NO. 5

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION: None

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney