

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
480 S. ALLISON PARKWAY
CITY OF LAKEWOOD, COLORADO
HYBRID MEETING
JULY 27, 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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ITEM 1 – CALL TO ORDER

ITEM 2 – ROLL CALL

ITEM 3 – OPENING ITEMS

ITEM A. – PLEDGE OF ALLEGIANCE

ITEM B. – STATEMENT OF CONFLICT OF INTEREST

ITEM C. – PROCLAMATION - NATIONAL NIGHT OUT

ITEM D. – INITIAL PUBLIC COMMENT

Anyone who would like to address the Council on any matter other than an agenda item will be given the opportunity. Speakers should limit their comments to three minutes.

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

ITEM 4 – – RESOLUTIONS

ITEM A. – R-2026-52 – REAPPOINTING A MEMBER TO THE LAKEWOOD

REINVESTMENT AUTHORITY BOARD OF COMMISSIONERS IN
COMPLIANCE WITH SECTION 31-25-104 OF THE COLORADO REVISED
STATUTES

**ITEM B. – R-2026-53 – APPOINTING AN INTERIM CITY MANAGER AND
ESTABLISHING COMPENSATION FOR SUCH SERVICES**

ITEM 5 – – 1ST READING ORDINANCES

**ITEM A. – O-2026-XX – 1ST READING ORD - REVISIONS TO CHAPTER 2.54 OF
THE LAKEWOOD MUNICIPAL CODE**

**ITEM 6 – – ORDINANCE BALLOT QUESTION REFERRAL - SECTION 2.6 TERMS
OF SERVICE**

**ITEM 7 – – ORDINANCE BALLOT QUESTION REFERRAL - SECTION 12.12
LIMITATION ON PROPERTY TAXES**

**ITEM 8 – – ORDINANCE BALLOT QUESTION REFERRAL - SECTION 13.1(D)
INITIATIVE (ELECTION TIMEFRAME)**

**ITEM 9 – – ORDINANCE BALLOT QUESTION REFERRAL - SECTION 13.2(A)
REFERENDUM (SCOPE)**

ITEM 10 – –

ORDINANCE BALLOT QUESTION REFERRAL - SECTION 2.8 (COUNCIL
VACANCIES)

ITEM 11 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS

END OF CONSENT AGENDA

ITEM 12 – ITEMS REMOVED FROM CONSENT AGENDA

**ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

ITEM 13 – – 2ND READING ORDINANCES

**ITEM A. – O-2026-21 – AMENDING CHAPTER 2.52 OF THE LAKEWOOD
MUNICIPAL CODE PERTAINING TO INITIATIVE AND REFERENDUM
PROCEDURES**

ITEM B. – O-2026-22 – AUTHORIZING THE PURCHASE OF REAL PROPERTY

LOCATED AT 10160 WEST 12TH AVENUE, LAKEWOOD, COLORADO
FOR MUNICIPAL OPEN SPACE AND PARK PURPOSES, INCLUDING
ACCEPTANCE OF A DEED THEREFOR

**ITEM C. – O-2026-23 – AUTHORIZING EXECUTION OF A PERMANENT UTILITY
EASEMENT ACROSS CITY PARK PROPERTY AT 2911 AND 2951 S.
WADSWORTH BLVD. TO PUBLIC SERVICE COMPANY OF COLORADO
FOR AN UNDERGROUND ELECTRICAL LINE AND RELATED
FACILITIES**

ITEM 14 – CLOSING ITEMS

ITEM A. – GENERAL BUSINESS

ITEM B. – EXECUTIVE REPORT

ITEM C. – MAYOR AND CITY COUNCIL REPORTS

ITEM D. – ADJOURNMENT

STAFF MEMO

DATE OF MEETING: JULY 27, 2026 / AGENDA ITEM NO. 3

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

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

STAFF MEMO

DATE OF MEETING: JULY 27, 2026 / AGENDA ITEM NO. 3C

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

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

STAFF MEMO

DATE OF MEETING: JULY 27, 2026 / AGENDA ITEM NO. 3D

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

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

STAFF MEMO

DATE OF MEETING: JULY 27, 2026 / AGENDA ITEM NO. 4

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

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

STAFF MEMO

DATE OF MEETING: JULY 27, 2026 / AGENDA ITEM NO. 4A

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Reappointing Cindy Baroway to the Lakewood Reinvestment Authority**

SUMMARY STATEMENT: If approved, Resolution R-2026-52 reappoints Cindy Baroway to serve on the Lakewood Reinvestment Authority Board of Commissioners for a term of not more than four (4) years, expiring August 15, 2030.

BACKGROUND INFORMATION: On March 28, 2022, the City adopted Resolution R-2022-25 to expand the Lakewood Reinvestment Authority (LRA) Board in accordance with C.R.S. § 31-25-104(2.5), which requires the Board to have representatives from the county, school district, and special districts.

Resolution R-2022-25 also authorized the Mayor to appoint an additional commissioner, subject to City Council approval, in order to maintain an odd number of commissioners to the LRA Board.

Urban Renewal Summary. The primary purpose of urban renewal is to mitigate blight. It is a tool that has been used with success in Colorado since the late 1950s to focus local resources and improve communities. Below are the significant milestones for the Lakewood Urban Renewal Authority:

- At the November 1997 election, Lakewood residents voted in favor of creating an urban renewal authority for Lakewood and designating the Lakewood City Council as the authority's board. As a result of the election, the City Council created the LRA in January 1998, with Council as the Board, via Resolution 1998-4.
- The Urban Redevelopment Fairness Act, often referred to as HB1348 (the "Act"), went into effect in January 2016. Among other things, the Act requires urban renewal authorities that, after 2016, create new urban renewal areas, or substantially modify an existing urban renewal area, to include on their boards of commissioners one representative from the county, one school district representative and one special district representative within the new or substantially modified urban renewal area. The Act also authorizes the City to appoint an additional representative to assure an odd number of commissioners as part of the expansion of the board.
- The LRA currently manages four urban renewal areas along Colfax and Alameda Avenues. These areas were designated in various years: Alameda Corridor Phase 1 in 1998; Colfax & Wadsworth in 1999; Alameda Corridor Phase 2 in 2000; and West Colfax Corridor in 2005.
- Jefferson County, Jeffco Schools, and the appropriate Special Districts within the four urban renewal areas have appointed representatives to serve on the LRA Board.
- The final appointee has been Cindy Baroway, a Lakewood resident, Lakewood business owner, and member of the West Colfax Community Association Board.

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: Council may decide not to adopt the Resolution.

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. Resolution R-2022-55

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

R-2026-52

A RESOLUTION

REAPPOINTING A MEMBER TO THE LAKEWOOD REINVESTMENT AUTHORITY
BOARD OF COMMISSIONERS IN COMPLIANCE WITH SECTION 31-25-104 OF THE
COLORADO REVISED STATUTES

WHEREAS, on March 28, 2022, the Lakewood City Council approved Resolution 2022-25, which expanded the Lakewood Reinvestment Authority (“LRA”) board of commissioners (the “Board”) in accordance with C.R.S. § 31-25-104(2.5);

WHEREAS, because adding representatives of the county, school district, and special districts to the Board, as required by C.R.S. § 31-25-104(2.5), resulted in an even number of commissioners, Resolution 2022-25 authorized the Mayor to appoint an additional commissioner, subject to City Council approval, in order to restore an odd number of commissioners to the Board;

WHEREAS, Cindy Baroway was appointed by the City Council for a first term through the adoption of Resolution R-2022-55; and

WHEREAS, the Mayor now desires to reappoint, and the City Council desires to reappoint Cindy Baroway to the final commissioner position to the Board.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Cindy Baroway, a Lakewood resident, Lakewood business owner, and member of the West Colfax Community Association Board, is hereby reappointed by the Mayor, and such reappointment is hereby approved by the City Council, to serve on the Lakewood Reinvestment Authority Board of Commissioners for a term of not more than four (4) years, expiring August 15, 2030.

SECTION 2. This Resolution shall become effective immediately upon signature following adoption.

INTRODUCED, READ AND ADOPTED by a vote of _ for and _ against at a hybrid regular meeting of the City Council on July 27th, 2026, at 7 o'clock p.m., at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: JULY 27, 2026 / AGENDA ITEM NO. 4B

To: Mayor and City Council

From:

Subject: **Resolution Appointing an Interim City Manager**

SUMMARY STATEMENT: Section 3.2 (a) of the Lakewood City Charter provides that during any period of vacancy in the office of City Manager, the City Council shall appoint an Acting City Manager to serve during the period of vacancy.

BACKGROUND INFORMATION: City Manager Kathy Hodgson will retire at the end of July after an incredible 46 years of service to the City of Lakewood. While the search for the next City Manager continues, the City Council is directed by the City's Charter to appoint an acting City Manager to serve during the period of vacancy in the City Manager position. Deputy City Manager Ben Goldstein has agreed to serve in the role of acting City Manager during the interim period, after which he will resume his position as Deputy City Manager.

BUDGETARY IMPACTS: Mr. Goldstein will be compensated for carrying out the additional responsibilities of the City Manager position with a single lump sum supplemental payment paid out within thirty days following the conclusion of the interim period. The compensation payment shall be the difference between Mr. Goldstein's salary as the Deputy City Manager and the rate of initial compensation awarded to the newly appointed City Manager. Mr. Goldstein will resume his regular salary upon completion of the interim period. No additional compensation or benefits associated with the City Manager position will be associated with the services provided by Mr. Goldstein while serving in the role of acting City Manager or upon completion of the interim period.

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. Resolution R-2026-53

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

A RESOLUTION

APPOINTING AN INTERIM CITY MANAGER
AND ESTABLISHING COMPENSATION FOR SUCH SERVICES

WHEREAS, the City Council anticipates a period of vacancy in the office of City Manager, beginning on August 1, 2026, and concluding on the date upon which the newly appointed City Manager assumes the duties of that position in accordance with Charter 3.1;

WHEREAS, Section 3.2(a) of the Lakewood City Charter (Charter) provides that during any period of vacancy in the office of City Manager, the City Council shall appoint an Acting City Manager;

WHEREAS, Charter 3.2(c) provides that the Acting City Manager shall have all the responsibilities, duties, and authority of the City Manager during the term of vacancy (interim period) in the office of the City Manager; and

WHEREAS, Deputy City Manager Ben Goldstein has agreed to serve in the role of acting City Manager during the interim period, after which he will resume his position as Deputy City Manager.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Deputy City Manager Ben Goldstein is hereby appointed to serve in the role of acting City Manager beginning on August 1, 2026, and concluding on that date upon which the newly appointed City Manager assumes the duties and responsibilities of that position (interim period). Upon conclusion of the interim period Mr. Goldstein will resume the position of Deputy City Manager.

SECTION 2. Mr. Goldstein will be compensated for carrying out the additional responsibilities of the City Manager position with a single lump sum supplemental payment paid out within thirty days following the conclusion of the interim period. The compensation payment shall be the difference between Mr. Goldstein's salary as the Deputy City Manager and the rate of initial compensation awarded to the newly appointed City Manager. Mr. Goldstein will resume his regular salary upon completion of the interim period. No additional compensation or benefits associated with the City Manager position will be associated with the services provided by Mr. Goldstein while serving in the role of acting City Manager or upon completion of the interim period.

SECTION 3. This Resolution shall become effective immediately upon adoption.

INTRODUCED, READ AND ADOPTED by a vote of _ for and _ against at a hybrid regular meeting of the City Council on July 27, 2026, at 7 o'clock p.m., at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: JULY 27, 2026 / AGENDA ITEM NO. 5

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

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

STAFF MEMO

DATE OF MEETING: JULY 27, 2026 / AGENDA ITEM NO. 5A

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

SUMMARY STATEMENT: An ordinance to amend Chapter 2.54 of the Lakewood Municipal Code is being submitted to City Council for their consideration.

BACKGROUND INFORMATION:

Staff proposes updates to Chapter 2.54 to improve clarity, ensure consistency with state constitutional references, and enhance usability for staff, candidates, committees, and the public. The revisions incorporate feedback from the June 1 study session and include both technical corrections and substantive policy clarifications.

Attached to this agenda item are three documents:

1. A clean copy of the draft Ordinance 26-24;
2. A redline copy showing all proposed changes to the existing Chapter 2.54; and
3. A copy of the PowerPoint presentation previously provided in association with the City Council Study Session held on June 1st, which has been updated to reflect any additional proposed changes, and any remaining questions.

Revisions made after the June 1st study session:

At City Council's direction during the June 1, 2026, study session, staff conducted a subsequent comprehensive review of the proposed revisions to Chapter 2.54, and made several additional refinements. Many of these updates consist of grammatical or other minor corrections identified during the final review and are summarized below. Staff also made several substantive changes, which are discussed in this memo and marked with an asterisk (*) where they appear.

Summary of grammatical and other minor corrections made after June 1, 2026:

1. Numerals were added in parentheses following each spelled-out number (for example "one (1)") in the following subsections:
 - a. 2.54.020 definitions for "candidate committee," "earmark," "foreign corporation," "independent expenditure committee," "issue committee," "obligating," and "political committee;"
 - b. 2.54.030(A)(1), (2), (6), (6)(a), (7), and (8)(d)(I);
 - c. 2.54.030(B)(1), (3), (4)(d)(I);
 - d. 2.54.030(C)(1);
 - e. 2.54.030(E)(1)(b);
 - f. 2.54.030(F)(1)(a);
 - g. 2.54.030(F)(2)(a), (c);

- h. 2.54.030(F)(4), (5), (7), (7)(b), (7)(c);
 - i. 2.54.030(G)(1)(a), (b);
 - j. 2.54.030(G)(2)(b);
 - k. 2.54.030(H)(1);
 - l. 2.54.040(A)(1)(a), (e), (f), (g), (h);
 - m. 2.54.040(A)(3);
 - n. 2.54.050(A)(6);
 - o. 2.54.050(B)(1), (b);
 - p. 2.54.050(B)(2), (a), (b), (c);
 - q. 2.54.050(C)(1), (2)(c), 2.1(a), (b), (4), (7);
 - r. 2.54.060(D); and
 - s. 2.54.070(2), (b), (c).
2. Revised section 2.54.010 to include the word “municipal” before “election related materials;”
 3. Revised the definition of “Ballot issue” in section 2.54.020 to remove the reference to C.R.S. § 1-41-102(4) and to add “(“C.R.S.”)” after “Colorado Revised Statutes;”
 4. Revised the definition of “Ballot question” in section 2.54.020 to refer to “citizen initiated petition” rather than “citizen petition;”
 5. Revised the definition of “Citizen Initiated Petition” in section 2.54.020 to refer to a “ballot question” rather than a “ballot measure;”
 6. Revised the definition of “Disclaimer” in section 2.54.020 to break it into two sentences and reword the second sentence;
 7. Revised the definition of “Disclosure” in section 2.54.020, moving the phrase “including all associated information as set forth within this Code” to the end of the definition;
 8. Revised the definition of “Group” in section 2.54.020 to add the word “a” between the words “to” and “partnership;”
 9. Revised the definition of “Limited liability company” in section 2.54.020 to refer to the “Fair Campaign Practices Act” rather than “Election Campaign Regulations;”
 10. Revised the definition of “Referred measure” in section 2.54.020 to add the words “means and” before the word “includes;”
 11. Revised the definition of “Termination of any committee” in section 2.54.020 to replace “and” with “along with” and to add “that” before “the City Clerk;”
 12. Revised section 2.54.030(A)(4)(a) and (b) by adding the words “detailing” and “shall,” respectively;
 13. Revised subsection 2.54.030(B)(2)(a)(III) adding the word “ballot” before the word “title;”
 14. Revised subsection 2.54.030(D)(1)(a) by adding the words “the requirements of” before “this Code;”
 15. Revised subsection 2.54.040(A)(2) to read “an issue committee supporting or opposing a municipal ballot question, ballot issue, or citizen initiated petition...”
 16. Revised subsection 2.54.050(B)(2)(b) to incorporate reference to subsection 2.54.050(B)(1);
 17. Revised subsection 2.54.060(A)(1)(c) by breaking it into two parts and modifying the wording of the reference to the City Charter; and
 18. Revised subsections 2.54.060(A)(2)(b)(III)(A) and (C) by adding the words “of this section” after the words “of subsection (1)”.

Summary of substantive changes made after June 1, 2026:

1. Revised the definition of “Election cycle” in section 2.54.020 to refer to Colorado Const. Art. XXVII Section 2 rather than 6, and to clarify that constitutional references to the term “general election” shall be understood to reference a “regular election” and constitutional references to

- the term “special legislative election” shall be understood to reference a “special election;”
2. Revised the definition of “electioneering communication” in section 2.54.020 to remove “either expressly advocating for or against or without expressly advocating for or against” in subsection (I) of the definition; modified “broadcast” to “broadcasted” in subsection (II) of the definition; and added a subsection (III) to the definition, making the previous subsection (III) subsection (IV);
 3. Revised subsection 2.54.030(B)(2), adding “or Citizen Initiated Petition” to the subsection heading and within subsection 2.54.030(B)(2)(a);
 4. Revised subsection 2.54.030(B)(2)(a)(I) adding the phrase “after the City Clerk has approved the form of the petition for circulation;”
 5. Revised subsection 2.54.030(B)(2)(a)(II) adding “or resolution;”
 6. Revised subsection 2.54.040(A)(2) to incorporate “ballot issues, ballot questions, or citizen initiative petitions” after the phrase “unambiguously refer to candidates;”;
 7. Revised subsection 2.54.050(C)(2.1)(a) to clarify that the City Clerk also has the authority to impose fines if the City Clerk sits as the hearing officer.
 8. Revised subsection 2.54.050(C)(5), to keep it in the form as currently codified;
 9. Revised all references to the “City of Lakewood” in section 2.54.060, by replacing them with references to the “state or any political subdivision of the state;” and
 10. Revised subsection 2.54.060(A)(1)(e), replacing the entire subsection after the words “A citizen initiated petition.”

Section-by-Section Overview of Proposed Revisions:

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, and by adding the word “municipal” before “election related materials.”

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, and in the PowerPoint for this agenda item, staff has added a question to determine whether the City Council seeks to further modify this definition.

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 question or ballot issue, including but not limited to initiative petitions, referendum petitions, and recall petitions. “Citizen initiated 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, with no change to the intent.

Coordination: This definition was not revised but should be reviewed because “coordination” does not appear anywhere else in Chapter 2.54. However, “coordinated” is used in the definition of “Independent expenditure.” Thus, the City Council should determine whether they want to remove the defined term entirely or revise it to “Coordinated.”

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. A disclaimer must contain 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, expenditures made, and obligations entered into by the committee or party, including all associated information required by this Code.

***Election cycle:** This definition has been revised to refer to the correct section of the Colorado Constitution and to clarify that constitutional references to the term “general election” shall be understood to reference a “regular election,” and that constitutional references to the term “special legislative election” shall be understood to reference a “regular election.”

***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). A new subsection (III) has also been added to require “electioneering communications” be broadcasted, distributed, mailed, delivered or otherwise distributed to an audience that includes members of the electorate for such election.

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 contribution or 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 (2) 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 like the definition of "Coordination," the City Council should consider whether to remove it because "Non-public information" is only used within the definition of "Coordination."

Political organization: This definition was revised to remove phrases that were appropriate to the State law but not applicable to 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) means and 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 along with an acknowledgment that no unexpended funds remain with such committee or that the City Clerk has taken a lawful action to terminate a committee.

Unexpended contributions to non-campaign committees: new definition.

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.

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,” and has been added to the subsection heading*. “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, and to clarify when issue committees supporting or opposing a citizen initiated petition must register with the City Clerk.

Subsection C. Small Donor Committees. No changes other than standardized numeral additions.

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 and incorporated standardized numeral additions.

Subsection F. Independent Expenditures/Independent Expenditure Committees. Incorporated standardized numeral additions.

Subsection G. Limited Liability Companies. Incorporated standardized numeral additions.

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. Please see the PowerPoint for this agenda item for additional information.**

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 to support or oppose citizen initiated petitions.

Subsections (A)(1)(i) and (j). These sections were revised (and re-lettered) 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). The version of this section presented at the 6/1 study session was revised to show that the City Clerk doesn't make complaints, but this revision has been removed, leaving subsection (C)(5) unmodified from the currently codified version of the Code.*

2.54.060 City Limitations on Contributions.

All subsections.

Replaced all references to the "City of Lakewood" in section 2.54.060, with the "state or any political subdivision of the state" to prohibit other governmental entities from expending moneys to urge electors to vote in favor of or against any candidate or item at a municipal election.*

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 government dollars in support of state referred measures as well as locally referred measures.

Subsection (A)(1)(e). New subsection added to incorporate citizen initiated petitions and petitions for charter amendments.

2.54.070 Electioneering Communications.

Section 2.54.070(3)(a)(II) has been updated to align with the revised definition of "electioneering communication" in Section 2.54.020. The update adds new disclaimer language to make clear the communication is not associated with any committee associated with a ballot question or ballot issue.

2.54.080 Miscellaneous Provisions.

No revisions.

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: Staff recommends adopting the proposed modifications to enhance the clarity of Chapter 2.54.

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council. This item was also the subject of a City Council study session on June 1, 2026

NEXT STEPS: None

ATTACHMENTS:

1. Ordinance Amending Chapter 2.54
2. Chapter 2.54 Redlines

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

O-2026-24

AN ORDINANCE

AMENDING CHAPTER 2.54 OF THE LAKEWOOD MUNICIPAL CODE PERTAINING
TO CAMPAIGN AND POLITICAL FINANCE IN MUNICIPAL ELECTIONS

WHEREAS, the City of Lakewood (the “City”) is a home rule municipality organized under Article XX of the Colorado Constitution and the authority of the Home Rule Charter for the City of Lakewood;

WHEREAS, the Fair Campaign Practices Act (the “FCPA”), C.R.S. §§ 1-45-101 et seq., and specifically § 1-45-116, affirm the authority of home rule municipalities to enact campaign finance regulations, and further provide that the requirements of the FCPA and Colorado Constitution, Article XXVIII, do not apply to a home rule municipality that has addressed these matters by charter or ordinance;

WHEREAS, the Lakewood City Council previously adopted Chapter 2.54 of the Lakewood Municipal Code governing campaign and political finance in municipal elections, thereby assuming responsibility for and jurisdiction over investigating and prosecuting all campaign and political finance matters within the City;

WHEREAS, in administering and enforcing Chapter 2.54 of the Lakewood Municipal Code, City staff has identified certain areas that require revision and clarification to more effectively support the goals of the City Council and the needs of community;

WHEREAS, the City Council reviewed the proposed revisions to Chapter 2.54 at a study session held on June 1, 2026;

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the City Charter by setting a public hearing to provide City staff and the public the opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Amendment of Title 2, Chapter 2.54. Title 2 Chapter 2.54 of the Lakewood Municipal Code shall be amended to read in full as follows:

[remainder of this page intentionally left blank]

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 municipal 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.

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 Section 1-41-103(4) of the Colorado Revised Statutes (“C.R.S.”) which reference actions involving new taxes/ multi-year obligations.

Ballot question means a local government matter including citizen initiated petitions, referred measures or other local government question(s) 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 when the person has publicly announced an intention to seek election to public office or 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.

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 (1) 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.

Citizen Initiated Petition means any form of petition initiated by members of the electorate of the City regarding any ballot question or ballot issue, including but not limited to initiative petitions, referendum petitions, and recall petitions. “Citizen initiated 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 and Political Finance in Municipal Elections.

Contribution means:

- (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, recall or election.

The term "Contribution" includes 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.

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.

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.

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. A disclaimer must contain all information mandated by this Code.

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, expenditures made, and obligations entered into by the committee or party, including all associated information required by this Code.

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 (1) 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 2, except whenever the term "general election" appears, it shall instead be understood as "regular election," and whenever the term "special legislative election" appears, it shall be understood as "special election."

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; and
- (II) Is broadcasted, 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; and
- (III) Is broadcasted to, printed in a newspaper distributed to, mailed to, delivered by hand to, or otherwise distributed to an audience that includes members of the electorate for such municipal election.
- (IV) 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 (1) or more foreign person and/or groups hold a combined ownership interest that exceeds fifty (50) percent;
- (III) A parent corporation or the subsidiary of a parent corporation in which one (1) 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.

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, a 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 (1) 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 (1) 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 (2) or more persons, including natural persons:

- (I) That has a major purpose of supporting or opposing any ballot issue, 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, 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., Fair Campaign Practices Act).

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. "Nonpublic 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.

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 (1) 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 (2) 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 (1) 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 local public office in the 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.

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) means and 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-rata 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 local public office in the 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 along with an acknowledgement that no unexpended funds remain with such committee or that 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.

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

A. *Candidates and Candidate Committees.*

- (1) *Affidavit of Candidacy.* Within ten (10) 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 (10) 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 file disclosures with the City Clerk detailing: their contributions received, including the name, address, and amount contributed of each contributor; expenditures made; and obligations entered into by the committee.
- (b) All candidate committees shall additionally disclose 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 (9) 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 a contribution is affirmatively closed by the candidate no later than ten (10) 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) 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.

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;

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.
- (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 sixty (60), thirty (30) and seven (7) days before the recall election and thirty (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 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) (l) 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 (4) 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.

B. *Issue Committees.*

(1) *Registration.* Subject to the provisions of this section, each issue committee shall register with the City Clerk within ten (10) 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 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.

(2) *Ballot Issue, Ballot Question, or Citizen Initiated Petition 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, ballot question, or citizen initiated petition 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, after the City Clerk has approved the form of petition for circulation;
- (II) For a measure referred to voters by the City Council rather than by citizen initiated petition, the Council has adopted an ordinance or resolution to refer such matter to the voters of Lakewood; and
- (III) For any matter not reflected in subsections (I) or (II), a ballot title for the matter is set by the City Council.

(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 (10) 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 sixty (60) days, thirty (30) days and seven (7) *days before the recall election and thirty (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 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) 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 (4) 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.
 - (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 (10) 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 the requirements of this Code.
 - (b) *Duty to Disclose.* All 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; 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 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.
- (2) *Prohibited Contributions.*
 - (a) During an election cycle, no committee may accept any contribution from:
 - (l) 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.

E. *Political Organizations.*

- (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 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 (1) 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.

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 (2) 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 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 (1) 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 2) 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 thirty (30) days before a municipal election shall provide such report within forty-eight (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 group making the independent expenditure expends of \$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 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 (1) 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 thirty (30) days before an election, the notice required by subsection (3) shall be delivered within forty-eight (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 (1) 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 (1) calendar year for the purpose of making an independent expenditure shall, within forty-eight (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 (1) 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 (1) 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 (1) 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 (1) 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 (1) 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 (10) 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.

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 thirty (30) days after the regular municipal election.
 - (b) 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) 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 thirty (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 (30) 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 thirty (30) days after such election.
 - (f) Where a special election has been scheduled, reports by committees, individuals and/or groups who contribute or expend moneys or make any other form of transaction that is reportable under the provisions of this Code must file their reports on the 60th, 30th, and 7th day before such election, as well as thirty (30) days after such election.
 - (g) All committees involved in supporting or opposing a position in a recall election shall file reports of contributions and expenditures with the City Clerk ninety (90), sixty (60), thirty (30), and seven (7) days before the recall election and thirty (30) days after the recall election.
 - (h) 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 (30) 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 question, ballot issue, or 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 candidates, ballot issues, ballot questions, or citizen initiative petitions, 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.

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

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

- (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).

(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.
- (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.
- (d) Nothing herein shall be construed to require the City Clerk to review electronically filed reports.

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 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 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 (3) 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 one hundred twenty (120) days after the date of filing of the report containing the alleged violation. The City Clerk shall, within twenty-four (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 (3) 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 (1) 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 (3) 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.
- (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 (3) 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 (3) days following the conclusion of the time allowed for cure. Within three (3) business days of appointing an independent hearing officer the City Clerk shall post a date for a hearing on the City Clerk's website. The Hearing Officer shall prioritize holding such hearing within thirty (30) days from the date that non-compliance was determined by the City Clerk pursuant to subsection 2.54.050(B)(1), 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 fifteen (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 fifteen (15) days will result in the City Attorney's Office contacting the hearing officer and requesting a decision within five (5) days. Failure to

render a decision within thirty (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 (2) 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 (2) 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 (2) 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 thirty (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, the City Clerk, or a hearing officer in conformance with L.M.C. 2.54.050(B)(2)(d) regarding hearing officer authority to impose fines, shall impose the following penalties 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 seventy-five (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 thirty (30) but less than seventy-five (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 thirty (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 seventy-five (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 thirty (30) but less than seventy-five (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 thirty (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 thirty (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 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 (10) 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.

2.54.060 City Limitations on Contributions.

- A. (1) No agency, department, board, division, bureau, commission, or council of the state or any political subdivision of the state 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. A referred measure 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 § 13.4 of the Home Rule Charter of the City of Lakewood;

- (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 or citizen-led petition for a charter amendment after the City Clerk has approved the form of the petition for circulation.
- (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 state or any political subdivision of the state from responding to questions about any such issue described in 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 state or any political subdivision of the state 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 state or any political subdivision of the state:
 - (A) Passing a resolution or taking a position of advocacy on any issue described in subparagraph (I) of paragraph (a) of subsection (1) of this section;
 - (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 state or any political subdivision of the state 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 state or any political subdivision of the state 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 subsection (1) of this section.
- B. The provisions of subsection (1) of this section shall not apply to:
- (1) An official residence furnished or paid for by the state or any political subdivision of the state;

- (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 state or any political subdivision of the state;
 - (4) Publicly owned aircraft provided for the use of the chief executive of the state or any political subdivision of the state 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 state or any political subdivision of the state 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 (10) 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 fund of the City of Lakewood or the state or any political subdivision of the state 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.

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 (1) calendar year for the purpose of making an electioneering communication shall, within forty-eight (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 (1) 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 (1) 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.

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.

SECTION 2. This Ordinance shall take effect thirty (30) days after final publication.

SECTION 3. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Lakewood City Council on the ____ day of July, 2026; published by title in the Denver Post and in full on the City of Lakewood's website at www.lakewoodco.gov, on the ____ day of ____, 2026; set for public hearing to be held on the ____ day of ____, 2026; read, finally passed and adopted by the City Council on the ____ day of ____, 2026; and signed by the Mayor on the ____ day of ____, 2026.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

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 municipal 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 ("C.R.S.") which reference actions involving new taxes/ multi-year obligations.

Ballot question means a local government matter including involving a citizen petitions, 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 or 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.

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 (1)-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.

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

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.

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.

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.~~

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 A disclaimer must contain all information including all information mandated by this Code.

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, including all associated information required by this Code.

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 (1) 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 2, except whenever the term "general election" appears, it shall instead be understood as "regular election," and whenever the term "special legislative election" appears, it shall be understood as "special election."~~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~~ed~~, printed, mailed, delivered or distributed during the timeframe in which a candidate is seeking election or an ballot question or ballot issue is pending decision before a municipal election; and
- (III) Is broadcasted to, printed in a newspaper distributed to, mailed to, delivered by hand to, or otherwise distributed to an audience that includes members of the electorate for such municipal election.
- (IV~~H~~) 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 (1) or more foreign person and/or groups hold a combined ownership interest that exceeds fifty (50) percent;

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- (III) A parent corporation or the subsidiary of a parent corporation in which one (1) 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.

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, a 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 (1) 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 (1) 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 (2) 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 Fair Campaign Practices Act).

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.~~

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 (1) 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 (2) 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 (1) 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) means and 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-rata 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 along with an acknowledgement that no unexpended funds remain with such committee or that 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)

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

A. Candidates and Candidate Committees.

- (1) *Affidavit of Candidacy.* Within ten (10) 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 (10) 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 detailing: 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 shall 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 (9) 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 a contribution is affirmatively closed by the candidate no later than ten (10) 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) 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.;

~~(d)~~ 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:

- ~~(Ia)~~ Voter registration;
- ~~(Hb)~~ Political issue education, which includes obtaining information from or providing information to the electorate;
- ~~(Hic)~~ Postsecondary educational scholarships;
- ~~(IVd)~~ To defray reasonable and necessary expenses related to mailings and similar communications to constituents; and
- ~~(Ve)~~ 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 ~~sixty (60)~~, thirty (30) and seven (7) days before the recall election and thirty (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 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 (4) 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.

B. *Issue Committees.*

(1) *Registration.* Subject to the provisions of this section, each issue committee shall register with the City Clerk within ten (10) 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.

(2) *Ballot Issue, ~~or~~ Ballot Question, or Citizen Initiated Petition 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, or citizen initiated petition 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:

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- (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, after the City Clerk has approved the form of petition for circulation; 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 or resolution to refer such matter to the voters of Lakewood; and
- (III) For any matter not reflected in subsections (I) or (II), a ballot 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.;
- (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 (10) 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 sixty (60) days, thirty (30) days and seven (7) days *before the recall election and thirty (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 or a citizen initiated petition ~~and~~ 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) 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 (4) 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.
- (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.

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- (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 (10) 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 the requirements of 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,s; 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.
 - (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.

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- (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.

E. *Political Organizations.*

- (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 (1) 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.

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 (2) 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.

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- (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 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 (1) 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

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- (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 ~~((4~~ 2) 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 thirty (30) days before a municipal election shall provide such report within forty-eight (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 group making the independent expenditure expends of \$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 (1) 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 thirty (30) days before an election, the notice required by subsection (3) shall be delivered within forty-eight 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 (1) 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
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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 (1) calendar year for the purpose of making an independent expenditure shall, within forty-eight (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 (1) 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 (1) 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 (1) 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 (1) 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 (1) 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 (10) 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:

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- (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 thirty (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:~~
- ~~(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).~~
- ~~(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 thirty (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 (30) 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 thirty (30) days after such election.~~
- ~~(j) 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 ares reportable under the provisions of this Code must file their reports on the 60th, 30th, and 7th day before such election, as well as thirty (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 ninety (90), sixty (60), thirty (30), and seven (7) days before the recall election and thirty (30) days after the recall election.~~
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(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 (30) 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 question, ballot issue or 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, ballot issues, ballot questions, or citizen initiative petitions, 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.

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

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

- (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.

(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.

- (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.

(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 (3) 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 **one hundred twenty (120) days** after the date of filing of the report containing the alleged violation. The City Clerk shall, within **twenty-four (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 (3) 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 (1) 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 (3) 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.
- (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 (3) 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 (3) 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~~ shall ~~announce~~ post a date for a hearing on the City Clerk's website. The ~~Clerk~~Hearing Officer shall prioritize holding such hearing within thirty (30) days from the date that non-compliance ~~is found~~was determined by the City Clerk pursuant to subsection 2.54.050(B)(1), 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 fifteen (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 fifteen (15) days will result in the City Attorney's Office contacting the hearing officer and requesting a decision within five (5) days. Failure to render a decision within thirty (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 (2) 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 (2) 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 (2) 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 thirty (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, the City Clerk, or a hearing officer in conformance with L.M.C. 2.54.050(B)(2)(d) regarding hearing officer authority to impose fines, 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 seventy-five (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 thirty (30) but less than seventy-five (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 thirty (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 seventy-five (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 thirty (30) but less than seventy-five (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 thirty (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 thirty (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 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 (10) 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 state or any political subdivision of the state 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. A referred measure 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 of the Home Rule Charter of the City of Lakewood;
 - (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.;
 - (e) A citizen initiated petition or citizen-led petition for a charter amendment 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 the City Clerk has approved the form of the petition for circulation.
- (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 state or any political subdivision of the state from responding to questions about any such issue described in 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 state or any political subdivision of the state 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 state or any political subdivision of the state:
 - (A) Passing a resolution or taking a position of advocacy on any issue described in subparagraph (I) of paragraph (a) of ~~this~~ subsection (1) of this section;
 - (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 state or any political subdivision of the state 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 state or any political subdivision of the state 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) of this section.

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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~~ state or any political subdivision of the state;
 - (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 state or any political subdivision of the state ~~City of Lakewood~~;
 - (4) Publicly owned aircraft provided for the use of the chief executive of the state or any political subdivision of the state ~~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 state or any political subdivision of the state ~~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 (10) 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 fund of the City of Lakewood or the state or any political subdivision of the state 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 (1) calendar year for the purpose of making an electioneering communication shall, within forty-eight (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;

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- (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 (1) 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 (1) 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)

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;

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- (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)

STAFF MEMO

DATE OF MEETING: JULY 27, 2026 / AGENDA ITEM NO. 6

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

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

STAFF MEMO

DATE OF MEETING: JULY 27, 2026 / AGENDA ITEM NO. 7

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

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

STAFF MEMO

DATE OF MEETING: JULY 27, 2026 / AGENDA ITEM NO. 8

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

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

STAFF MEMO

DATE OF MEETING: JULY 27, 2026 / AGENDA ITEM NO. 9

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

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

STAFF MEMO

DATE OF MEETING: JULY 27, 2026 / AGENDA ITEM NO. 10

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

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

STAFF MEMO

DATE OF MEETING: JULY 27, 2026 / AGENDA ITEM NO. 12

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

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

STAFF MEMO

DATE OF MEETING: JULY 27, 2026 / AGENDA ITEM NO. 13

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

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

STAFF MEMO

DATE OF MEETING: JULY 27, 2026 / AGENDA ITEM NO. 13A

To: Mayor and City Council
From: Alison McKenney Brown, City Attorney
Subject: **Amending Chapter 2.52 LMC**

SUMMARY STATEMENT: An ordinance to revise Chapter 2.52 of the Lakewood Municipal Code is being submitted to the City Council for their consideration.

BACKGROUND INFORMATION:

Proposed revisions to Chapter 2.52 of the Lakewood Municipal Code regarding initiatives, referenda 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 referenda, 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 one initiative petition and four referendum petitions, and staff's experiences with these petition processes informed the proposed revisions to this code. City Council reviewed the proposed amendments at a study session held on June 1, 2026.

Attached to this agenda item are three documents:

1. A clean copy of the draft Ordinance 26-21
2. A redline copy showing all proposed changes to the existing Chapter 2.52
3. A copy of the PowerPoint presentation previously provided in association with the City Council Study Session held on June 1st.

Revisions made after the June 1st study session:

At City Council's direction during the June 1, 2026, study session, staff conducted a comprehensive review of the proposed revisions to Chapter 2.52, and made several additional refinements. Many of these updates consist of grammatical or other minor corrections identified during the final review and are summarized below. Staff also made several substantive changes, which are discussed in this memo and marked with an asterisk (*) where they appear.

Summary of grammatical and other minor corrections made after June 1, 2026:

1. Revised the definition of "Ballot issue" in section 2.52.020 to remove the reference to C.R.S. § 1-41-102(4) and to add "(C.R.S.)" after "Colorado Revised Statutes";
2. Added a comma to the definition of "Ballot title" in section 2.52.020;
3. Revised the definition of "Citizen Initiated Petition" in section 2.52.020 to reference any "ballot question" rather than any "ballot measure";
4. Revised the definition of "Draft" in section 2.52.020 to reference an "initiative measure" rather than an "initiative ordinance";
5. Revised the definition of "Section or Petition Section or Section of Petition" in section 2.52.020

- to clarify that the City Clerk must approve both initiative and referendum petition forms;
- 6. Revised the definition of “Submission clause” in section 2.52.020 to clarify that the submission clause is attached to the ballot title only, rather than to the title of the initiative or referendum petition;
- 7. Revised section 2.52.070 to add “(5)” after the word “five”, and to capitalize the word “City”;
- 8. Revised section 2.52.080(C) to include the word “the” before “street number” and “city”;
- 9. Revised section 2.52.090(A) to refer to an “initiative measure” rather than an “initiative ordinance”;
- 10. Revised section 2.52.120 to capitalize the word “City”;
- 11. Revised section 2.52.130(A) to add a paragraph title;
- 12. Revised section 2.52.130(B), to include “(45)” after the words “forty-five”, and to include parentheses around the number “(3)”;
- 13. Revised the warning language in section 2.52.140(A) to incorporate the phrase “or the summary” in the final sentence of the warning;
- 14. Revised section 2.52.140(C) to include the word “the” before “street number” and “city”;
- 15. Revised section 2.52.170(A) to separate a lengthy sentence into two sentences, to replace a reference to “the referendum” with “the ordinance that is the subject of the referendum,” and to replace a reference to “the initial ordinance” with a reference to “the ordinance that is the subject of the referendum”;
- 16. Revised section 2.52.180 to include “(6)” after the word “six”;
- 17. Revised section 2.52.190 to reword the references to articles 10 and 11 of Title 31 of the Colorado Revised Statutes;
- 18. Revised section 2.52.200(C) to capitalize the word “City”;
- 19. Revised section 2.52.210 to delete the word “proposed”;
- 20. Revised section 2.52.220 to include reference to referred measures; and
- 21. Revised section 2.52.240 to add “(6)” after the word “six”.

Summary of substantive changes made after June 1, 2026:

- 1. Revised section 2.52.030(A) to remove information relevant to setting the ballot title rather than the title of the initiative petition;
- 2. Revised section 2.52.070 to specify that the signature requirement for a successful initiative petition includes both active and inactive electors;
- 3. Revised section 2.52.130(B) to specify that the signature requirement for a successful referendum petition includes both active and inactive electors;
- 4. Added section 2.52.130(C) to clarify the need and timeline for the City Clerk's approval of referendum petition forms prior to circulating petitions; and
- 5. Added section 2.52.130(D) to provide timelines for holding an appeal to review the City Clerk's adopted summary of the ordinance that is the subject of a referendum.

Review of the grammatical and standardized changes that were made throughout the document prior to June 1, 2026, as the document was then presented to the City Council:

- 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 disabilities 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 and state law.

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 or Section of Petition: 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.

Submission clause: This definition was revised to make clear that the submission clause is attached to the ballot title only.

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 and to emphasize the need for the City Clerk's approval prior to circulating petitions.

Revised to remove information that was only relevant to setting the ballot title, rather than the title of an initiative petition*.

2.52.040 Copying Fees.

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

2.52.050 Initiative petitions – Circulation prerequisites.

Removal of the reference to the "submission clause," which is not a required on petition forms.

2.52.060 Initiative petitions - Filing.

Grammatical and standardized changes.

A clarification that the City Clerk must approve the summary before petition circulation.

2.52.070 Initiative petitions – Signature requirements.

Grammatical and standardized changes.

Revised to specify that the signature requirement for a successful initiative petition includes both active and inactive electors*.

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 title and summary don'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. Added a heading to this subsection.

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

Section D. Consolidating all of the information about the protest process into one place and incorporating state law protest hearing timeline requirements. Also, added a sentence clarifying

that the City Council interprets the City's Charter as permitting protests.

Section E. Consolidating 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 2.52.

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 and state law, and 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

Revised to incorporate paragraph titles.

Subsection B. Clarifying that the signature requirement for a successful initiative petition includes both active and inactive electors*.

Subsection C. New paragraph explaining the need and timeline for the City Clerk's approval of referendum petition forms prior to circulating petitions*.

Subsection D. New paragraph providing timelines for holding an appeal to review the City Clerk's adopted summary of the ordinance that is the subject of a referendum*.

2.52.140 Referendum petitions – Requirements.

Grammatical and standardized changes

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

Subsection B. Clarifying that the title and summary don'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. Added a heading to this subsection.

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

Section D. Consolidating all of the information about the protest process into one place and incorporating state law protest hearing timeline requirements. Also, added a sentence clarifying that the City Council interprets the City’s Charter as permitting protests.

Section E. Consolidating 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 2.52.

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

Grammatical and standardized changes

Subsection A. Clarifying the process for presenting a referendum petition 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 and state law, and 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 laws, primarily charter, and further adding a specific reference to 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

2.52.240 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: Staff recommends adopting the proposed modifications to enhance the clarity of Chapter 2.54.

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council. This item was also the subject of a City Council study session on June 1, 2026.

NEXT STEPS: None

ATTACHMENTS:

1. Ordinance O-2026-21
2. Ordinance O-2026-21_Redline
3. City Council Presentation - Proposed Revisions to Chapter 2.52

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

AN ORDINANCE

AMENDING CHAPTER 2.52 OF THE LAKEWOOD MUNICIPAL CODE PERTAINING
TO INITIATIVE AND REFERENDUM PROCEDURES

WHEREAS, Article V, Section 1 of the Colorado Constitution and Article XIII of the Home Rule Charter of the City of Lakewood (the “Charter”) reserve to the registered electors of the City of Lakewood (the “City”) the powers of initiative and referendum;

WHEREAS, pursuant to Section 13.5 of the Charter, the City Council is authorized to adopt ordinances supplementing the initiative and referendum provisions set forth in Article XIII;

WHEREAS, the Lakewood City Council previously adopted supplemental procedures governing initiatives and referenda under Chapter 2.52 of the Lakewood Municipal Code, establishing the means by which registered electors of the City may exercise their powers of initiative and referendum;

WHEREAS, in 2024 the City was subject to a successful initiative brought forward by registered electors, and in 2025 the City was subject to four successful referendums also brought forward by registered electors;

WHEREAS, the initiative and referendum processes undertaken in 2024 and 2025 revealed aspects of Chapter 2.52 that contributed to public confusion and frustration;

WHEREAS, in response to this public confusion and frustration, City staff conducted a review of Chapter 2.52 and now propose the revisions set forth in this ordinance;

WHEREAS, the revisions set forth in this ordinance are intended to clarify procedural aspects of the initiative and referendum processes without altering the fundamental structure of those processes;

WHEREAS, the City Council reviewed the proposed revisions to Chapter 2.52 at a study session held on June 1, 2026;

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the City Charter by setting a public hearing to provide City staff and the public the opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Sections 2.52.010, 2.52.020, 2.52.030, 2.52.040, 2.52.050, 2.52.060, 2.52.070, 2.52.080, 2.52.090, 2.52.110, 2.52.120, 2.52.130, 2.52.140, 2.52.150, 2.52.170, 2.52.180, 2.52.190, 2.52.200, 2.52.210, 2.52.220, 2.52.230, and 2.52.240 of Chapter 2.52 of the Lakewood Municipal Code, are hereby amended as follows:

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. 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.

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 section 1-41-103(4) of the Colorado Revised Statutes ("C.R.S.") which reference actions involving new taxes/multi-year obligations.

Ballot question means a local government matter, including citizen initiated petitions, referred measures, or other local government question(s) 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 question 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 an initiative measure which, if passed, becomes the actual language of an initiated ordinance.

Section or Petition Section or Section of Petition means the stapled or otherwise bound compilation of initiative or referendum forms approved by the City Clerk, 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 a referendum petition; succeeding pages that contain said warning, the title and summary of any initiative measure or the number, name and summary of a referred ordinance; 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 the City Clerk's approval of the petition forms.

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

Summary means a 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.

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 of the first printer's proof of the petition section has 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 officials as the Clerk deems necessary, shall designate and fix a fair title 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 and 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 or summary fixed by the 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 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. 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 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.

2.52.040 - 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.

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 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.

2.52.060 - Initiative petitions – Filing.

No petition for any initiated ordinance within the 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 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.

2.52.070 - Initiative petitions – Signature requirements.

A petition for an initiated ordinance shall be signed by persons registered to vote in the City in a number at least equal to five (5) percent of the total number of persons registered to vote in the City on the date of the last regular municipal election. The total

number of persons registered to vote in the City shall include both active and inactive electors.

2.52.080 - 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 their own or to knowingly sign 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 initiative measure or the summary of the initiated 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 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 registered electors by their own signature, after which the signer shall print their name, the address at which they reside, including the street number and name, the 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 a person with a disability or literacy limitation and wishes to sign such petition, such elector shall sign or make their mark in the space so provided. Any person, but not a circulator, may assist the elector with a disability or literacy limitation in completing the remaining information required in this subsection. The person providing assistance shall sign their name and address and shall state that such assistance was rendered to the 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 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 the circulator circulated the section of the petition; that each signature thereon was affixed in 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 the circulator has not paid or will not in the future pay, and that 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 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 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 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 petition section which has the effect of separating the affidavits from the signature pages shall render that 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 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.

2.52.090 - Initiative petitions – Sufficiency.

Signature Review. No petition for an initiative measure shall be filed with the City Clerk unless it contains the required number of signatures. 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.
- 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 (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 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 to the extent 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 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 petition representatives.
3. For initiative petitions found sufficient, and against which no protest has been filed, the City Clerk shall present the petition to the City Council for further action.
4. For initiative petitions found sufficient following a protest hearing, the City Clerk shall mail a written notice of sufficiency, summarizing the grounds for the decision, to the protesting party and the petition representatives, and shall present the petition to the City Council for further action.

2.52.110 - Initiative Petitions – Elections.

- A. Presentation to the City Council. 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 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.
- D. 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.
- E. 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.

2.52.120 - 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.

2.52.130 - Referendum procedures.

- A. Ordinances subject to referendum. 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. Ordinance effective dates; Signature requirements. 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's Office is open, a petition signed by registered electors of the City equal in number to three (3) 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. The total number of persons registered to vote in the City shall include both active and inactive electors.
- C. Form of referendum petition. No referendum petition section shall be printed or circulated unless the first printer's proof of the petition section has been approved by the City Clerk. The City Clerk shall approve or reject the form and the first printer's proof of the petition no later than five (5) business days following the date

on which the City Clerk received such material. In this same five (5) business day period, the City Clerk, with the assistance of other City officials as the City Clerk deems necessary, shall designate and fix a fair summary for the ordinance that is the subject of the referendum petition, which shall correctly and fairly express the true intent and meaning of the ordinance.

- D. Appeal of Summary. If any registered elector submitting such referendum petition is not satisfied with the summary fixed by the Clerk, and claims it to be unfair, or that it does not fairly express the true meaning and intent of the ordinance that is the subject of the referendum petition, 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 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. If the City Clerk rules against the registered elector submitting such referendum petition, then upon the filing of a written request, a certified copy of the petition with the summary of the ordinance that is the subject of the referendum petition, 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. Nothing herein shall impact the timing requirements for the filing of a referendum petition.

2.52.140 - Referendum 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 ordinance that is the subject of the referendum petition, 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 their own or to knowingly sign 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 or the summary 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 their own signature, after which the signer shall print their name, the address at which they reside, including the street number and name, the 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 and wishes to sign such petition, such elector shall sign or make their mark in the space so provided. Any person, but not a circulator, may assist a person with a disability or literacy limitation in completing the remaining information required in this subsection. The person providing assistance shall sign their name and address and shall state that such assistance was rendered to the 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 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 the circulator circulated the petition section; that each signature thereon was affixed in 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 the circulator has not paid or will not in the future pay, and that 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 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 petition section 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 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, each circulator shall file with the City Clerk a notice of intent to file a referendum petition.

2.52.150 - 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. The City Clerk shall inspect timely filed referendum petitions 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 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.
- 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 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 to the extent 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.
 2. For referendum petitions found insufficient 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 petition representatives.
 3. For referendum petitions found sufficient, and against which no protest has been filed, 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 City Clerk shall mail a written notice of sufficiency, summarizing the grounds for the decision, to the protesting party and the petition representatives, and shall present the petition to the City Council for further action.

2.52.170 - Referendum petitions – Elections.

- A. Presentation to the City Council. 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. 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 ordinance that is the subject of the referendum 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 ordinance that is the subject of the referendum 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 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.

2.52.180 - Referendum petitions – Future action.

No 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 (6) months after the date of the election on the referendum.

2.52.190 - Election procedures, general; Initiatives and Referendums.

Election procedures under this chapter shall be supplemented by all applicable local election laws, as well as the Colorado Municipal Election Code in Title 31, Article 10 of the Colorado Revised Statutes, and Title 31, Article 11 of the Colorado Revised Statutes, governing municipal initiatives, referenda, and referred measures.

2.52.200 - Ballot.

- A. 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 shall be published as ordinances are generally published after adoption.

2.52.210 - Filing circulation report.

The proponents of any initiative or referendum petition shall file with the City Clerk the assigned title of the initiative 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.

2.52.220 - Campaign and Political Finance in Municipal Elections.

The provisions of Chapter 2.54 of the Lakewood Municipal Code, as amended, including the penalty provisions thereof, shall apply to all initiative, referendum, and referred measures.

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 their own to any initiative or referendum petition, or knowingly to sign 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;
- 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 them unless it was in fact so subscribed and sworn to before 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.

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 (6) months after the date of the election at which such referred ordinance was not approved.

SECTION 2. Any section of Chapter 2.52 that is not specifically modified by this ordinance shall continue in full force and effect.

SECTION 3. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion,

provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

SECTION 4. This Ordinance shall take effect thirty (30) days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 13th day of July 2026; published by title in the Denver Post and in full on the City of Lakewood's website at www.lakewood.org on the 16th day of July, 2026; set for public hearing to be held on the 27th day of July, 2026; read, finally passed and adopted by the City Council on the 27th day of July, 2026; and signed by the Mayor on the ___ day of July, 2026.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

Chapter 2.52 INITIATIVE AND REFERENDUM 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 ("C.R.S.") 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 question ~~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 ~~the~~an -initiative ~~ordinancemeasure~~ which, if passed, becomes the actual language of ~~the~~an initiated ordinance.

Section ~~or Petition~~ Section or Section of Petition means ~~the stapled or otherwise~~a bound compilation of initiative or referendum 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 ~~the~~a referendum petition; succeeding pages that contain said warning, the title and summary of ~~the~~any initiative measure or the number, and name and summary of ~~the~~a 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 ~~circulation~~the City Clerk's approval of the petition forms.

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

Summary means a 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~~condensed statement as to the intent of the initiative measure.~~

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).

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 of the first printer's proof of the petition section has first been approved by the City Clerk~~the original draft of which shall be submitted to the City Clerk before the petition relating thereto is circulated to the registered electors of the city.~~ Proponents are encouraged to write ~~such~~ 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 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. 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 ~~summary submission clause~~ 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 (5) percent of the total number of persons registered to vote in the ~~C~~city on the date of the last regular municipal election. The total number of persons registered to vote in the City shall include both active and inactive electors.

(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

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, 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 proposed initiative measure, following the warning required in subsection (A) of this section.
- C. **Signature procedure.** Any initiative petition circulated within the ~~city~~ 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 ~~the~~ the street number and name, ~~the~~ the city, ~~the~~ 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 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 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 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~~ 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~~ s 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 to whom all notices or information concerning the petition shall be mailed ("petition representatives"). All such petition sections, including signature pages, ~~s~~ 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.

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- F. **Invalidation.** Any disassembly of a ~~section of the~~ petition ~~section~~ which has the effect of separating the affidavits from the signature ~~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 initiative measure ~~or 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 (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 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 to the extent 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 petition representatives.
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 petition representatives, and shall present the petition to the City Council for further action.

(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 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.
- DC. **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.
- ED. **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 Ccity 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. **Ordinances subject to referendum.** 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. **Ordinance effective dates; Signature requirements.** 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-City equal in number to three (3) percent of the total number of persons registered to vote in the city-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. The total number of persons registered to vote in the City shall include both active and inactive electors.
- C. **Form of referendum petition.** No referendum petition section shall be printed or circulated unless the first printer's proof of the petition section has been approved by the City Clerk. The City Clerk shall approve or reject the form and the first printer's proof of the petition no later than five (5) business days following the date on which the City Clerk received such material. In this same five (5) business day period, the City Clerk, with the assistance of other City officials as the City Clerk deems necessary, shall designate and fix a fair summary for the ordinance that is the subject of the referendum petition, which shall correctly and fairly express the true intent and meaning of the ordinance.
- D. **Appeal of Summary.** If any registered elector submitting such referendum petition is not satisfied with the summary fixed by the Clerk, and claims it to be unfair, or that it does not fairly express the true meaning and intent of the ordinance that is the subject of the referendum petition, 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 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. If the City Clerk rules against the registered elector submitting such referendum petition, then upon the filing of a written request, a certified copy of the petition with the summary of the ordinance that is the subject of the referendum petition, 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. Nothing herein shall impact the timing requirements for the filing of a referendum petition.

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

2.52.140 Requirements of petitions—Referendum 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 ordinance that is the subject of the referendum petition, of every referendum petition section circulated within the city-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 or the summary 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~~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 ~~the~~ street number and name, ~~the~~ 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 ~~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~~a person with a disability or literacy limitation 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, stating 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 petition section; 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 affiant~~each~~ of the persons signing the petition was at the time of signing a registered elector of the ~~city~~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 section 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,s 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 pagess 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 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 to the extent 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.

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 petition representatives.
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, 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 petition representatives, 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's 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 ordinance that is the subject of 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~~ordinance that is the subject of the referendum 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 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~~City may be subsequently adopted by the City Council during a period of six (6) 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 laws, as well as the -and the Colorado Municipal Election Code in, Title 31, Articles 10 and 11, of the Colorado Revised Statutes, and Title 31, Article 11 of the Colorado Revised Statutes, governing municipal initiatives, referenda, and referred measures.

(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 ~~C~~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, ~~e and referendum, and referred~~ 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~~City;
- 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 (6) 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).

Analysis of Proposed Revisions to Chapter 2.52 of the Lakewood Municipal Code

City of Lakewood, Colorado

City Attorney's Office

Alison McKenney Brown, City Attorney

Gus Schenck, Senior Assistant City Attorney

PRESENTATION NOTE: Chapter 2.52 is a very legally dense code. To make the Code, and the proposed revisions, more understandable to the reader, this PowerPoint presentation presents each Section of the Code on a distinct slide. Each slide references both the current language and the revisions that are being proposed. While this creates a very long presentation, it is intended to be clear and easily readable by anyone interested in this topic. This presentation is not meant to substitute for reading the proposed revised code under consideration by the City Council.

OVERVIEW OF PROPOSED REVISIONS TO 2.52

1. The Need for Code Revisions

- ▶ The City Council recognized the need for revisions to Chapter 2.52 in 2025 and directed staff to bring forward proposed revisions based upon:
 - ▶ Insights gained from administering initiative and referendum processes;
 - ▶ Ongoing public confusion regarding current procedures;
 - ▶ The need to align and standardize provisions in L.M.C. Chapters 2.52 and 2.54; and
 - ▶ The need to clarify the relationship between state law and the L.M.C.

OVERVIEW OF PROPOSED REVISIONS TO 2.52

2. Standardized Changes Throughout

- ▶ “City” is capitalized when referring specifically to the City of Lakewood.
- ▶ The term “submission clause” is removed from sections not related to the ballot title.
- ▶ The term “summary” is added to all petition references to describe the ordinance subject to initiative or referendum.
- ▶ Section titles are updated to indicate whether they address initiative, referendum, or referred matters.
- ▶ Paragraph titles are revised to specify whether they relate to initiative, referendum, or referred matters.
- ▶ All pronouns are updated to be gender-neutral.
- ▶ References to individuals with disabilities or literacy limitations are updated to reflect modern terminology.

Analysis of Proposed Revisions to Section 2.52.010

- ▶ Proposed revisions to this Section are limited to grammatical updates and standardization between Codes.
- ▶ Section 2.52.010 currently provides:
 - ▶ The powers of initiative and referendum are reserved to registered electors under Article V, Section 1 of the Colorado Constitution;
 - ▶ Article XIII of the City Charter reserves these powers to the registered electors of the City of Lakewood and establishes the baseline procedures for exercising them; and
 - ▶ The City Clerk is authorized to issue administrative rules and regulations associated with the initiative and referendum processes.

Analysis of Proposed Revisions to Section 2.52.020

- ▶ Section 2.52.020 currently defines key terms used throughout the Chapter.
- ▶ Proposed revisions to this section include:
 - ▶ “Ballot issue” and “Ballot question” revised to align with definitions in L.M.C. Chapter 2.54;
 - ▶ “Circulator” revised for improved clarity;
 - ▶ “Section,” “Petition section,” or “Section of Petition” updated to allow stapled petition formats, reference the required summary, and clarify the City Clerk’s approval authority for initiative and referendum petition forms;
 - ▶ “Submission clause” was revised to make clear that the submission clause is attached to the ballot title only;
 - ▶ “Summary” revised to clarify that it is required for both initiative and referendum petitions; and
 - ▶ “Title” revised to address public confusion between the title set by the City Clerk before petition circulation and the ballot title set by City Council after sufficiency.

Analysis of Proposed Revisions to Section 2.52.020, cont.

- ▶ Three definitions are proposed for addition to this Section to add further clarity to the Code:
 - ▶ “Ballot title” added using Charter and state law language to explain when and how City Council sets the ballot title after calling an election;
 - ▶ “Citizen-Initiated Petition” added as an umbrella term to clarify that all elector-circulated petitions fall under a single concept; and
 - ▶ “City Clerk” added to eliminate the need to repeatedly reference “and designee” throughout the Code.

Analysis of Section 2.52.030

- ▶ Section 2.54.030 currently:
 - ▶ Applies only to initiative petitions;
 - ▶ Gives the City Clerk the authority to designate/fix a fair title, submission clause, and summary for the proposed ordinance;
 - ▶ Outlines the process the City Clerk uses to establish a fair title, submission clause, and summary for a proposed ordinance; and
 - ▶ Gives the proponents of an initiative petition the ability to appeal the title, submission clause, and summary set by the City Clerk.

Analysis of Proposed Revisions to Section 2.54.030

- ▶ Proposed revisions to this Section include:
 - ▶ Grammatical and standardized changes.
 - ▶ Added language clarifying City Clerk approval of the initiative petition form prior to circulation
 - ▶ Removal of a reference to the City Clerk setting a “submission clause”
 - ▶ Added a defined timeline for appealing the City Clerk’s designated title and summary.
 - ▶ Removed information that was only relevant to setting the ballot title to focus the section on setting the title of an initiative petition.

Analysis of Proposed Revision to Section 2.52.040

- ▶ The only proposed revision to this section is a title change clarifying that the section applies to both initiatives and referendums.
- ▶ Section 2.52.040 currently authorizes the City Clerk to charge standard certification fees when a record is requested for judicial review of municipal proceedings.

Analysis of Proposed Revision to Section 2.52.050

- ▶ The only proposed revision to this Section is deletion of the phrase “submission clause” from subsection 2.52.050(A).
- ▶ This section currently provides that:
 - ▶ Petition signatures have no effect unless the title, submission clause, and summary are finalized, and the petition form and first printer’s proof are approved by the City Clerk.
 - ▶ This section further makes clear that the City Clerk will not accept any petition that was not submitted through the required review process.

Analysis of Proposed Revisions to Section 2.52.060

- ▶ Currently, this section provides that:
 - ▶ A petition is ineffective unless filed within 180 days after the title and submission clause are finalized.
 - ▶ The City Clerk cannot accept petitions filed after this 180-day deadline.
- ▶ Proposed revisions are limited to grammatical and standardized updates and a clarification that the Clerk must approve the summary before circulation.

Analysis of Proposed Revisions to Section 2.52.070

- ▶ Currently, this Section sets the signature requirement for a successful initiative petition at a number equal to 5% of the registered voters in the City on the date of the last regular municipal election, consistent with Charter Section 13.1(b).
- ▶ Proposed revisions to this section include:
 - ▶ Grammatical and standardized updates; and
 - ▶ The addition of language to specify that the signature requirement for a successful initiative petition includes both active and inactive electors.

Analysis of Section 2.52.080

- ▶ Currently, Section 2.52.080:
 - ▶ Establishes the requirements for the warning that must be affixed to an initiative petition;
 - ▶ Explains that the title must be printed on each page of a petition following the warning
 - ▶ Provides that only registered electors may sign an initiative petition, and signatures must include printed name, address, and date; and assistance for disabled or illiterate signers must be documented.
 - ▶ Requires circulators to personally circulate each section, be at least 18, and sign a notarized affidavit; no signatures may be added after the affidavit.
 - ▶ Explains that each petition section must include the full text of the measure and list two registered-elector representatives.
 - ▶ Provides that petitions that are altered, circulated improperly, or not in the required form are invalid.

Analysis of Proposed Revisions to Section 2.52.080

- ▶ Proposed revisions to this section include:
 - ▶ Grammatical and standardized changes;
 - ▶ Subsection A: change wording to clarify that the warning doesn't have to be placed on the affidavits or within the body of the ordinance beyond the first page;
 - ▶ Subsection B: change wording to clarify that the title and summary don't have to be placed on the affidavits or within the body of the ordinance beyond the first page;
 - ▶ Subsection D: change the wording to add the requirements of a circulator being at least age eighteen (18), and adding an agreement that the circulator has read and understands the laws governing the circulation of petition to the list of requirements on each circulator's affidavit; and
 - ▶ Subsection E: change the wording to add the requirements that petition representatives will accept all administrative and legal notices concerning the petitions.

Analysis of Section 2.52.090

- ▶ Currently, Section 2.52.090 provides that:
 - ▶ Petitions must include the required number of signatures before filing;
 - ▶ The City Clerk conducts an initial sufficiency review within 20 days and a final review within 30 days, checking for issues such as duplicate signatures, non-residents, incomplete information, and non-electors;
 - ▶ Signatures on a petition cannot be removed until after the initial review, and only by written request;
 - ▶ After the final review, outcome depends on sufficiency and whether a protest is filed;
 - ▶ Any registered elector may file a protest within 30 days; hearings are public and under oath, and the City Clerk may issue subpoenas; and
 - ▶ The City Clerk's sufficiency decision is final, with appeals directed to the Jefferson County District Court.

Analysis of Proposed Revisions to Section 2.52.090

- ▶ Proposed revisions to Section 2.52.090 include:
 - ▶ Grammatical and standardized changes;
 - ▶ Subsection A: Removes sufficiency-review content so the subsection focuses only on signature review;
 - ▶ Subsection C: Consolidates all initial sufficiency-determination provisions;
 - ▶ Subsection D: Consolidates all protest-process provisions and adds a clarification that the City Council interprets the Charter to permit protests; and
 - ▶ Subsection E: Consolidates all final sufficiency-determination provisions.

Analysis of Section 2.52.100

- ▶ Section 2.52.100 currently contains no content but has been reserved as a result of a code provision that was removed during the 2019 revisions to Chapter 2.52.

Analysis of Section 2.52.110

- ▶ Currently, Section 2.52.110 provides:
 - ▶ If a petition is deemed sufficient, the City Clerk presents it to City Council at the next regular meeting and determines whether it requires a ballot issue or ballot question election;
 - ▶ Within 30 days after the petition is presented, City Council must either adopt the ordinance as submitted or refer it to voters at the appropriate election;
 - ▶ Conflicting measures on the same ballot are resolved by the version receiving the most votes;
 - ▶ If approved by a majority of voters, the ordinance takes effect upon certification (or a later date included in the ordinance); and
 - ▶ The City Council retains full authority to enact ordinances in accordance with the provisions of the City's Charter and all other applicable laws.

Analysis of Proposed Revisions to Section 2.52.110

- ▶ Proposed revisions to section 2.52.110 include:
 - ▶ Grammatical and standardized changes;
 - ▶ Subsection A: clarifying the process for presenting an initiative to the City Council and the actions to place a matter on the ballot;
 - ▶ Subsection B: adding a new paragraph explaining the ballot title, with the information taken directly from the City's Charter and applicable state law.

Analysis of Proposed Revisions to Section 2.52.120

- ▶ Currently, this section prohibits the City Council from amending or repealing a voter-approved ordinance for six months after the election in accordance with the provisions of the City's Charter.
- ▶ Proposed revisions are limited to grammatical and standardized updates.

Analysis of Section 2.52.130

- ▶ Currently, Section 2.52.130 provides:
 - ▶ Legislative ordinances are subject to referendum unless exempt (e.g., emergency measures, budget and general property tax ordinances, securities, special assessments, improvement districts, or special-election calls).
 - ▶ Most ordinances take effect 30 days after adoption and publication (45 days for zoning ordinances).
 - ▶ If a referendum petition is signed by at least 3% of registered voters and is filed with the City Clerk before the ordinance takes effect, the City Clerk begins the sufficiency review, as required by sections 13.2(b) and (c) of the Charter.

Analysis of Proposed Revisions to Section 2.52.130

- ▶ Proposed revisions include:
 - ▶ Grammatical and standardize changes;
 - ▶ Subsection B: Added language to specify that the signature requirement for a successful referendum petition includes both active and inactive electors.
 - ▶ Subsection C: New section, which emphasizes the need for the City Clerk's approval of the petition form prior to circulating petition and sets the timeline for the City Clerk to approve the forms and designate and fix a fair summary for the ordinance that is the subject of the referendum petition; and
 - ▶ Subsection D: New section, which provides the timeline for holding an appeal hearing to review of the summary adopted by the City Clerk.

Analysis of Section 2.52.140

- ▶ Currently, Section 2.52.140 (regarding referendums) mirrors the language of Section 2.52.080 (regarding initiatives). Section 2.52.140 provides specifically:
 - ▶ Establishes the requirements for the warning that must be affixed to a referendum petition;
 - ▶ Explains that the title must be printed on each page of a petition, following the warning;
 - ▶ Provides that only registered electors may sign a referendum petition, and signatures must include printed name, address, and date; and assistance for disabled or illiterate signers must be documented;
 - ▶ Requires circulators to personally circulate each section, be at least eighteen (18), and sign a notarized affidavit; no signatures may be added after the affidavit;
 - ▶ Explains that each petition section must include the full text of the measure and list two registered-elector representatives; and
 - ▶ Provides that petitions that are altered, circulated improperly, or not in the required form are invalid.

Analysis of Proposed Revisions to Section 2.52.140

- ▶ Proposed revisions to Section 2.52.140 include:
 - ▶ Grammatical and standardized changes;
 - ▶ Subsection A: change wording to clarify that the warning doesn't have to be placed on the affidavits or within the body of the ordinance beyond the first page;
 - ▶ Subsection B: change wording to clarify that the title and summary don't have to be placed on the affidavits or within the body of the ordinance beyond the first page;
 - ▶ Subsection D: change the wording to add the requirements of a circulator being at least eighteen (18), and adding an agreement that the circulator has read and understands the laws governing the circulation of petition to the list of requirements on each circulator's affidavit;
 - ▶ Subsection E: change the wording to add the requirements that petition representatives will accept all administrative and legal notices concerning the petitions

Analysis of Section 2.52.150

- ▶ Currently, Section 2.52.150 (regarding referendums) mirrors the language of Section 2.52.090 (regarding initiatives). Section 2.52.150 specifically provides:
 - ▶ Petitions must include the required number of signatures before filing;
 - ▶ The City Clerk conducts an initial sufficiency review within 20 days and a final review within 30 days, checking for issues such as duplicate signatures, non-residents, incomplete information, and non-electors;
 - ▶ Signatures on a petition cannot be removed until after the initial review, and only by written request;
 - ▶ After the final review, outcomes depend on sufficiency and whether a protest is filed;
 - ▶ Any registered elector may file a protest within 30 days; hearings are public and under oath, and the Clerk may issue subpoenas; and
 - ▶ The City Clerk's sufficiency decision is final, with appeals directed to Jefferson County District Court.

Analysis of Proposed Revisions to Section 2.52.150

- ▶ Proposed revisions to Section 2.52.150 include:
 - ▶ Grammatical and standardized changes;
 - ▶ Subsection A: Removes sufficiency-review content so the subsection focuses only on signature review;
 - ▶ Subsection C: Consolidates all initial sufficiency-determination provisions;
 - ▶ Subsection D: Consolidates all protest-process provisions, adds protest hearing timeline requirements from applicable state law, and adds a clarification that the City Council interprets the Charter to permit protests; and
 - ▶ Subsection E: Consolidates all final sufficiency-determination provisions.

Analysis of Section 2.52.160

- ▶ Section 2.52.160 currently contains no content but has been reserved as a result of a code provision that was removed during the 2019 revisions to Chapter 2.52.

Analysis of Section 2.52.170

- ▶ Currently, Section 2.52.170 (regarding referendums) has a similar purpose to section 2.52.100 (regarding initiatives), and provides:
 - ▶ If a petition is deemed sufficient, the City Clerk presents it to City Council at the next regular meeting and determines whether it requires a ballot issue or ballot question election.
 - ▶ The ordinance is suspended while the City Council reconsiders it; if the City Council does not fully repeal it, it must be sent to voters at the appropriate election.
 - ▶ If voters approve the ordinance, it takes effect upon certification; if they reject it, it is repealed.

Analysis of Proposed Revisions to Section 2.52.170

- ▶ Proposed revisions to Section 2.52.170 include:
 - ▶ Grammatical and standardized changes;
 - ▶ Subsection A: change wording to clarify that the process for presenting a referendum to the City Council and for the actions to place a matter on the ballot; and
 - ▶ Subsection B: change wording to add a new paragraph explaining the concept of the ballot title, with the information taken directly from the City's Charter and state law.

Analysis of Proposed Revisions to Section 2.52.180

- ▶ Currently, Section 2.52.180 (regarding referendums) mirrors the language of Section 2.52.120 (regarding initiatives). Section 2.52.180 provides specifically:
 - ▶ The City Council is prohibited from adopting a voter-repealed ordinance for six months after the election in conformance with the provisions of the City's Charter.
- ▶ Proposed revisions are limited to grammatical and standardized updates.

Analysis of Proposed Revisions to Section 2.52.190

- ▶ Currently, this section requires the City to follow the Colorado Municipal Election Code (Title 31, C.R.S.), for both initiatives and referendums.
- ▶ Proposed revisions include:
 - ▶ Referencing all other applicable local election laws, such as the Charter, in addition to Title 31, C.R.S.; and
 - ▶ A specific reference to Articles 10 and 11, of Title 31 of the Colorado Revised Statutes, which is the state statute regarding initiatives and referendums.

Analysis of Section 2.52.200

- ▶ Currently, Section 2.52.200 provides that:
 - ▶ Each initiative or referendum measure appears on the ballot by title only;
 - ▶ Each title appears only once on the ballot;
 - ▶ Initiative and referendum items are numbered;
 - ▶ Council-referred items are lettered, and both are listed in order of receipt; and
 - ▶ Any voter-approved initiated ordinance must be printed with the official acts at the next regular City Council meeting and published like other adopted ordinances of the City.

Analysis of Proposed Revisions to Section 2.52.200

- ▶ Proposed revisions to this section include:
 - ▶ Grammatical and standardized changes;
 - ▶ Content originally in subsection A reorganized into subsection B;
 - ▶ Subsection A revised to remove incorrect language stating the measure appears “by title only”; and
 - ▶ Added Charter language requiring ballot formatting to include “FOR THE ORDINANCE” and “AGAINST THE ORDINANCE.”

Analysis of Proposed Revisions to Section 2.52.210

- ▶ Currently, Section 2.52.210 requires proponents of either an initiative or referendum petition to disclose which petitions used paid circulators and how much each circulator was paid.
 - ▶ Disclosure is due when the petition is filed with the City Clerk.
- ▶ Proposed revisions are limited to grammatical and standardized updates.

Analysis of Proposed Revisions to Section 2.52.220

- ▶ Currently, Section 2.52.220 provides that the provisions of the state's Fair Campaign Practices Act of 1974 applies to all initiative and referendum measures which are submitted to an election.
 - ▶ It also imposes certain disclosure requirements
- ▶ Proposed revisions to this section include:
 - ▶ Grammatical and standardized changes;
 - ▶ Removal of reference to the Fair Campaign Practices Act of 1974 and replacement with reference to Chapter 2.54 of the Lakewood Municipal Code concerning Campaign and Political Finance in Municipal Elections.

Analysis of Proposed Revisions to Section 2.52.230

- ▶ Currently, Section 2.52.230:
 - ▶ Prohibits circulating or signing petitions using names or endorsement of people or organizations without written authorization;
 - ▶ Prohibits signing a petition with another person's name, signing more than once, or signing if not a registered elector;
 - ▶ Prohibits circulators signing affidavits unless the statements are true; and
 - ▶ Bars interference with elections or petition processes and prohibits any willful violation of the chapter.
- ▶ Proposed revisions are limited to grammatical and standardized updates.

Analysis of Proposed Revisions to Section 2.52.240

- ▶ Currently, Section 2.52.240 authorizes the City Council to refer any proposed or adopted ordinance, or any question, to the voters without a petition (referred measures).
- ▶ Proposed revisions to this Section include:
 - ▶ Grammatical and standardized changes;
 - ▶ Added publication requirements for referred ordinances;
 - ▶ Added election/procedural requirements; and
 - ▶ Added a prohibition on Council re-adopting an ordinance within 6 months after voter rejection.

Analysis of Section 2.52.250

- ▶ Currently, Section 2.52.250 clarifies that the initiative and referendum powers are fully preserved for residents and that this chapter is intended to protect, not limit, these democratic rights.
- ▶ No revisions were made to this Section.

STAFF MEMO

DATE OF MEETING: JULY 27, 2026 / AGENDA ITEM NO. 13B

To: Mayor and City Council
From: Traci Wieland, Director of Community Resources
Subject: **Property Purchase - Sunset Park**

SUMMARY STATEMENT: An Ordinance declaring the intent to purchase 1.9 acres of land at 10160 W. 12th Avenue, adjacent to Lakewood's Sunset Park, in Ward 1 for municipal open space and park purposes.

BACKGROUND INFORMATION:

Sunset Park was originally envisioned in the 1972 Lakewood Park and Open Space Study as an 18-acre community park. The original 9.75 acres were acquired in 1980, and the developed portion of Sunset Park was constructed in 1990. As funds were available, additional properties were acquired, including .39 acres in 2005, 8.4 acres in 2006, and 4.47 acres in 2016.

In 2026, the City has sufficient funding to acquire an additional 1.9 acres of land on the northeast side of the park at 10160 W. 12th Avenue to expand Sunset Park, resulting in a total of 24.92 acres. Sunset Park will be the 20th largest park in the city and preserved for parks and open space use.

BUDGETARY IMPACTS: The City Council has allocated a portion of the Conservation Trust Fund for the acquisition and improvement of parks and open space properties in the 2025R-2026 budget. These funds will be used to purchase the property. As this portion of the park will be preserved as open space, ongoing maintenance will be comparable to other open space park properties.

STAFF RECOMMENDATIONS: The Department of Community Resources recommends adoption of the Ordinance to support this request to approve the acquisition of property located at 10160 W. 12th Avenue for municipal open space and park purposes, and to authorize the necessary transactions.

ALTERNATIVES: The City may elect not to purchase the property at this time. The property is zoned R-1-12 (Large Lot Residential). The current owner could develop or sell the property as is.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council. No specific public outreach has been conducted regarding the acquisition of property, although the property is located in an area of Ward 1 lacking adequate park space for residents, according to city planning documents.

NEXT STEPS: Upon adoption of the Ordinance on second reading, the Ordinance will take effect 30 days after final publication. The City will then proceed with the acquisition of the property. Community Resources staff will update the city website, maps and other park materials as appropriate and the new park space will be added to the park maintenance program.

ATTACHMENTS: 1. Ordinance O-2026-22

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

O-2026-22

AN ORDINANCE

AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT 10160 WEST 12TH AVENUE, LAKEWOOD, COLORADO FOR MUNICIPAL OPEN SPACE AND PARK PURPOSES, INCLUDING ACCEPTANCE OF A DEED THEREFOR

WHEREAS, the City of Lakewood (the “City”) desires to purchase approximately 1.9 acres of land generally located in the Northeast One-quarter of Section 3 Township 4 South, Range 69 West, City of Lakewood, County of Jefferson, State of Colorado, and as identified in Exhibit A (the “Property”), for municipal open space and park purposes;

WHEREAS, the City will acquire the Property in accordance with the terms of a Purchase and Sale Agreement between the City and Dulce and Giovanny Emmanuel Anayasaenz (the “Purchase Agreement”);

WHEREAS, the City has funds available in the Conservation Trust Fund to acquire open space and park land;

WHEREAS, the purchase of the Property for municipal open space and park purposes aligns with one of the City’s goals to purchase land for park property in areas of the City that are found to be underserved by open space and park land;

WHEREAS, the purchase price for the Property is not to exceed Five Hundred and Fifty Thousand dollars (\$550,000);

WHEREAS, the City is acquiring the Property in “as-is” condition but performed a “due diligence” inspection that included a title commitment, survey, environmental reports, and an appraisal;

WHEREAS, the City Attorney’s Office will review and approve the final Purchase Agreement as to form;

WHEREAS, the City Council hereby finds and determines that authorizing the purchase of the Property using funds from the Conservation Trust Fund for open space and park purposes is and shall be in the best interest of the residents of the City;

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal identified herein; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies any particular proposal related to this proposal identified herein.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The City of Lakewood hereby declares its intent to purchase the Property as identified in Exhibit A, attached hereto and incorporated herein, in fee simple for municipal open space and park purposes.

SECTION 2. The purchase of the Property will serve a public purpose and further the health and welfare of the residents of the City by providing municipal open space and park land in an area that is currently underserved by open space and park land.

SECTION 3. The City Council hereby authorizes the expenditure of up to Five Hundred and Fifty Thousand dollars (\$550,000) from the Conservation Trust Fund for fiscal year 2026 for the purchase of the Property.

SECTION 4. The City's Chief Financial Officer is hereby authorized and directed to pay amounts not to exceed Five Hundred and Fifty Thousand dollars (\$550,000) for the acquisition of the Property upon receipt of appropriate documentation.

SECTION 5. The City Manager or designee is hereby authorized to accept the instruments of conveyance and execute a deed and all other documents necessary to finalize the acquisition of the Property, following review and approval of all such documents by the City Attorney's Office.

SECTION 8. This Ordinance shall take effect thirty (30) days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 13th day of July 2026; published by title in the Denver Post and in full on the City of Lakewood's website at www.lakewood.org on the 16th day of July, 2026; set for public hearing to be held on the 27th day of July, 2026; read, finally passed and adopted by the City Council on the 27th day of July, 2026; and signed by the Mayor on the ___ day of July, 2026.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Allison McKenney Brown, City Attorney

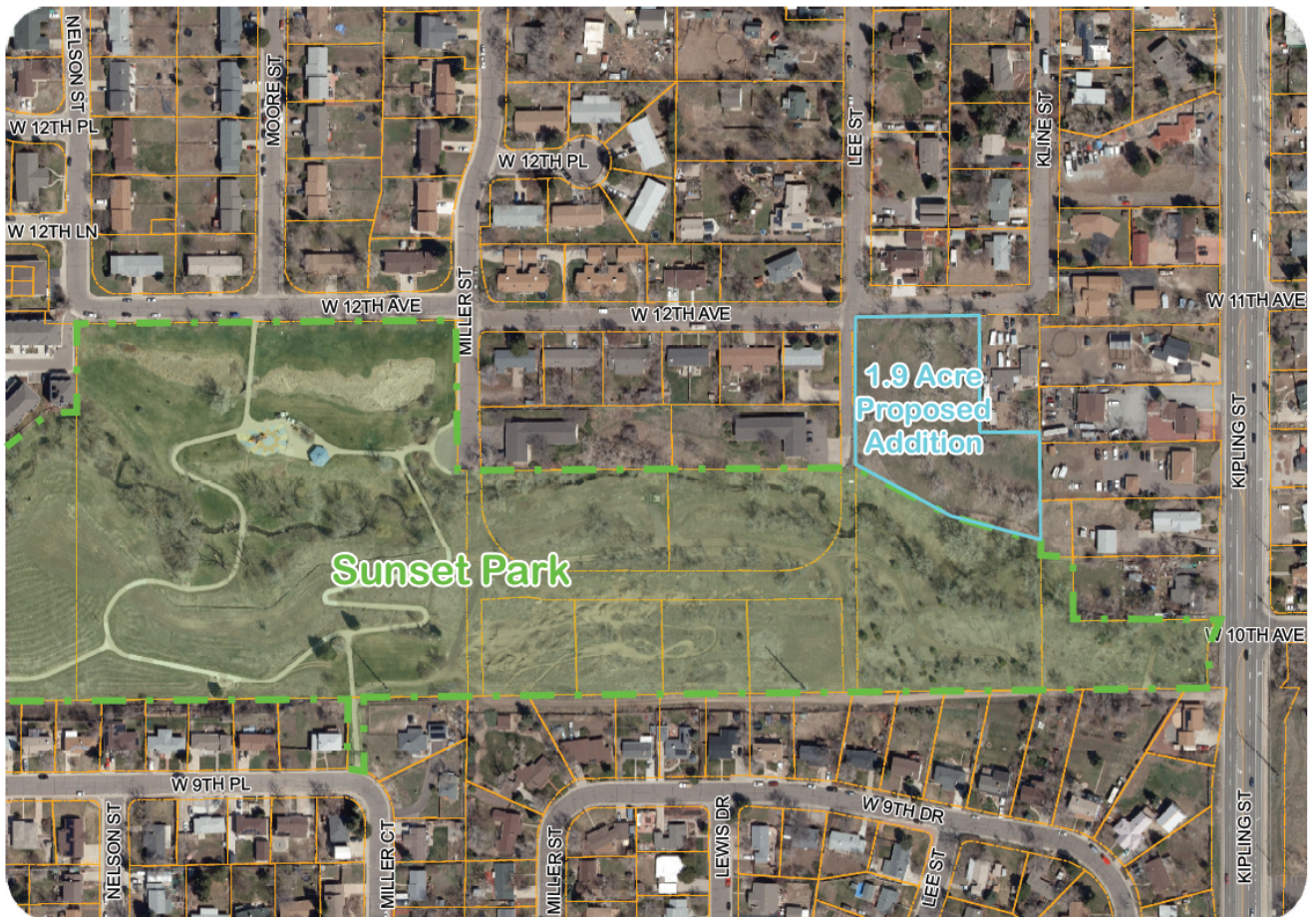
EXHIBIT A

A PARCEL OF LAND IN THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST 1/4; THENCE SOUTH 89°23'06" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID NORTHEAST 1/4 (ASSUMING THE EAST LINE OF SAID NORTHEAST 1/4 BEARS NORTH 00°14'39" EAST, ALL OTHER BEARINGS HEREAFTER RELATED HERETO), A DISTANCE OF 659.71 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID SOUTHEAST 1/4, SOUTHEAST 1/4, NORTHEAST 1/4, SAID LAST SOUTHWEST CORNER BEING IN COMMON WITH THE SOUTHWEST CORNER OF THE PLAT OF COURTNEY PARK RECORDED OCTOBER 16, 1968 AT RECEPTION NO. 300181 IN PLAT BOOK 29 AT PAGE 43 AT THE OFFICE OF THE CLERK AND RECORDER, COUNTY OF JEFFERSON, STATE OF COLORADO; THENCE NORTH 00°14'39" EAST ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID NORTHEAST 1/4, SAID PARALLEL LINE BEING IN COMMON WITH THE EAST LINE OF THE PLAT OF SAID COURTNEY PARK, A DISTANCE OF 386.35 FEET TO A POINT ON SAID EAST LINE, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00°14'39" EAST ALONG SAID EAST LINE, A DISTANCE OF 250.10 FEET, MORE OR LESS, TO A POINT 31.75 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST 1/4, SOUTHEAST 1/4, NORTHEAST 1/4; THENCE NORTH 89°21'31" EAST ALONG A LINE PARALLEL WITH THE NORTH LINE OF THE SOUTHEAST 1/4, SOUTHEAST 1/4, NORTHEAST 1/4, A DISTANCE OF 215.08 FEET, SAID POINT BEING THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN WARRANTY DEED RECORDED JUNE 14, 1960 IN BOOK 2110 AT PAGE 326, OF SAID RECORDS; THENCE SOUTH 00°14'39" WEST ALONG A LINE PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4, A DISTANCE OF 200.15 FEET, SAID PARALLEL LINE BEING IN COMMON WITH THE WEST LINE OF SAID TRACT, TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE NORTH 89°21'31" EAST ALONG A LINE PARALLEL WITH THE NORTH LINE OF THE SOUTHEAST 1/4, SOUTHEAST 1/4, NORTHEAST 1/4, A DISTANCE OF 99.88 FEET TO THE SOUTHEAST CORNER OF SAID TRACT, SAID POINT BEING IN COMMON WITH THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED JUNE 1, 1983 AT RECEPTION NO. 83049161; THENCE SOUTH 00°14'39" WEST ALONG A LINE PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4, A DISTANCE OF 181.94 FEET, SAID PARALLEL LINE BEING IN COMMON WITH THE WEST LINE OF SAID TRACT AND THE WEST LINE OF THOSE TRACTS OF LAND DESCRIBED IN INSTRUMENTS RECORDED NOVEMBER 30, 2000 AT RECEPTION NO. F1150659 AND MARCH 17, 1977 IN BOOK 2976 AT PAGE 476; THENCE LEAVING SAID PARALLEL LINE NORTH 75°01'20" WEST, A DISTANCE OF 156.57 FEET; THENCE NORTH 61°39'12" WEST, A DISTANCE OF 185.35 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO.

NOTE: FOR INFORMATIONAL PURPOSES ONLY, THE ABOVE LAND IS INCLUDED WITHIN TAX PARCEL NUMBER 49-041-00-063.



 **City of Lakewood**
Department of Community Resources

0 40 80 160 240 320
Feet

 **Sunset Park Addition 2026**
10160 W 12th Avenue
Lakewood, CO 80215

STAFF MEMO

DATE OF MEETING: JULY 27, 2026 / AGENDA ITEM NO. 13C

To: Mayor and City Council
From: Maria D'Andrea, Director of Public Works
Subject: **Permanent Utility Easement at 2911 Wadsworth Blvd**

SUMMARY STATEMENT: This ordinance authorizes a permanent easement across City of Lakewood Park property to the Public Service Company of Colorado to facilitate construction of the Wadsworth – Jefferson and Eastman Paths Project.

BACKGROUND INFORMATION:

The Wadsworth – Jefferson and Eastman Paths Project is a grant-funded project to construct new sidewalks and multi-use paths in missing sections along South Wadsworth Boulevard between Yale Avenue and Eastman Place, and between Jefferson Avenue and Mansfield Avenue. The section of the project within 2911 and 2951 South Wadsworth Boulevard will construct a new right-turn lane and driveway access to the City-owned park property for a temporary parking lot to the Bear Creek Greenbelt. A permanent parking lot will be achieved in a future budget year. An overhead Xcel Energy electrical transmission line currently crosses the properties in the area where the proposed right-turn lane will be constructed and needs to be moved underground.

Since the Greenbelt property was acquired using Jefferson County Open Space Funds, a release of their reversionary interest is also required to authorize a permanent easement.

This ordinance authorizes the City to grant the Public Service Company of Colorado a non-exclusive easement to allow Xcel to install, operate, maintain, and access their utility.

The easement documentation with legal description and exhibit are attached for more information.

BUDGETARY IMPACTS: Construction of the Wadsworth – Jefferson and Eastman Paths project is funded by CDOT-administered federal funds with required City match. The City has already entered into an agreement with Xcel Energy to use 1% Underground Funds for construction costs associated with undergrounding the overhead transmission line. Adequate funds for this project were approved in the 2026 budget.

STAFF RECOMMENDATIONS: Staff recommends approving the ordinance.

ALTERNATIVES: If this Ordinance is not approved, the City cannot proceed with this project. These improvements are needed to provide safe pedestrian access along a corridor that lacks connectivity, support access to the Bear Creek Greenbelt, and improve public health and economic activity.

PUBLIC OUTREACH: This item has been promoted through the City's regular communication channels for matters that appear before Council. A public engagement process was completed for the Bear Creek Greenbelt Trailhead at South Wadsworth Boulevard in 2022, with the acquisition of the

final parcel of park property at 2911 and 2951 South Wadsworth Boulevard in 2023.

NEXT STEPS: If this ordinance is adopted, staff will begin the easement process with Jefferson County Open Space and complete the preparation of construction documents.

ATTACHMENTS:

1. Ordinance O-2026-23
2. Exhibit A

REVIEWED BY:

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

AN ORDINANCE

AUTHORIZING THE EXECUTION OF A PERMANENT UTILITY EASEMENT ACROSS CITY PARK PROPERTY AT 2911 and 2951 S WADSWORTH BLVD., LAKEWOOD, COLORADO, TO THE PUBLIC SERVICE COMPANY OF COLORADO FOR AN UNDERGROUND ELECTRICAL TRANSMISSION LINES AND RELATED FACILITIES

WHEREAS, the Public Service Company of Colorado (the "Company") has requested the City of Lakewood ("City") convey a utility easement across City park property located at 2911 and 2951 S. Wadsworth Blvd. (Bear Creek Greenbelt) to underground their facilities to allow for a new right turn deceleration lane to the new driveway entrance for the planned parking lot within the Bear Creek Greenbelt and related improvements, as generally described/depicted in Exhibit A;

WHEREAS, 2911 and 2951 S. Wadsworth Blvd. are owned and held by the City for park and open space purposes;

WHEREAS, Section 14.3(c) of the Charter of the City of Lakewood provides that utility easements may be granted across, over, or under park land;

WHEREAS, the parcel was acquired with funds from Jefferson County Open Space, which maintains a reversionary interest in the property;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies any particular proposal related to this proposal identified herein.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, State of Colorado:

SECTION 1. The City hereby conveys a utility easement for electrical transmission lines and related appurtenances to the Public Service Company of Colorado, subject to each of the following conditions:

1. Review and approval by City staff of final construction plans for all structures/infrastructure placed within the described easement;
2. All new facilities to be undergrounded to the extent possible;
3. Approval by Jefferson County of a subordination of the County's reversionary interest in the property;

4. The easement will be non-exclusive; and
5. The Company must seek and be issued a Public Way Permit for all work on City property.

SECTION 2. The City Manager is hereby authorized and directed to execute, and the City Clerk to attest, all the necessary documents to grant a utility easement across the land described in Exhibit A, attached hereto and incorporated herein, in a form approved by the City Attorney, to Public Service Company of Colorado for the installation of an undergrounded electrical transmission vault and related facilities.

SECTION 3. This Ordinance shall take effect thirty (30) days after final publication.

SECTION 4. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 13th day of July 2026; published by title in the Denver Post and in full on the City of Lakewood's website at www.lakewood.org on the 16th day of July, 2026; set for public hearing to be held on the 27th day of July, 2026; read, finally passed and adopted by the City Council on the 27th day of July, 2026; and signed by the Mayor on the ___ day of July, 2026.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

Exhibit A-Page 1

LEGAL DESCRIPTION

PSCO/XCEL PE-1

(Attached)

Exhibit A-Page 2

(Attached)



Sheet 1 of 2

**EXHIBIT A – 2951 S. WADSWORTH BLVD
PERMANENT EASEMENT**

A parcel of land lying in the northwest one-quarter (NW1/4) of Section 35, Township 4 South, Range 69 West, of the 6th Principal Meridian, County of Jefferson, State of Colorado, being a portion of those parcels described under Reception Numbers 2022052566 & 2023039105, Jefferson County Records, described as follows:

Commencing at the center one-quarter corner of Section 35, thence N09°33'35"W, 667.74 feet, to the southwest corner of that Utility Easement described in Reception Number 2025053025, Jefferson County Records, the Point of Beginning;

thence N00°30'46"W, 10.00 feet, along the west line of said Utility Easement;
thence N89°24'59"E, 6.97 feet, along the north line of said Utility Easement;
thence N00°00'32"W, 606.14 feet;
thence N89°20'09"E, 22.49 feet, to the east line of said Tract of land described in Reception Number 2023039105;
thence N00°39'51"W, 20.00 feet, along said east line;
thence S89°20'09"W, 32.26 feet;
thence S00°00'32"E, 636.13 feet, to the south line of said Tract of land described in Reception Number 2022052566;
thence N89°24'53"E, 3.12 feet, along said south line, to the Point of Beginning.

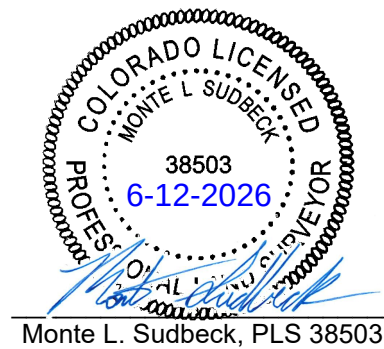
Containing 6,740 square feet (0.155 acres) more or less.

All lineal distances shown hereon are in U.S. Survey Feet.

As shown on Exhibit A, Sheet 2 of 2, attached hereto and made a part hereof.

For the purpose of this description, bearings are based on the east line of northwest one-quarter (NW1/4) of said Section 35, which is assumed to bear N00°30'46"W.

The author of this description is Monte L. Sudbeck, PLS 38503, prepared on behalf of SEH, 2000 S. Colorado Blvd, Suite 6000, Denver, CO 80222, on June 12, 2026, under Job No. 190373-77.0, for Public Service Company of Colorado, and is not to be construed as representing a monumented land survey.



Monte L. Sudbeck, PLS 38503

X:\PT\PI\PSCOC\190373\77.0 2951 S Wadsworth Blvd\9-survey\93-doc\15-proposed-desc\2951 S Wadsworth Boulevard.docx

2000 S Colorado Blvd, Suite 6000, Denver, CO 80222

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EXHIBIT A - 2951 S WADSWORTH BLVD.
PERMANENT EASEMENT

SHEET 2 OF 2

UTILITY EASEMENT
REC. NO. 2011103111

REC. NO. 2023039105

PERMANENT ESMT
6,740 S.F. (0.155 AC) M/L

REC. NO. 2022052566

NW 1/4
SEC. 35,
T4S, R69W

LOT 1, BLOCK 1,
HORAN & McCONATY SUBDIVISION
FILING NO. 1

S 89°20'09" W
32.26
N 00°39'51" W
20.00
N 89°20'09" E
22.49

E. LINE NW1/4, SEC. 35
N 00°30'46" W (BASIS OF BEARINGS)

S WADSWORTH BLVD

S 00°00'32" E
636.13

N 00°00'32" W
606.14

N 89°24'59" E
6.97

N 89°24'59" E
3.12

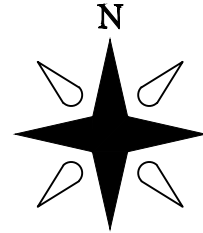
POINT OF BEGINNING
SW COR, REC. NO. 2025053025

UTILITY EASEMENT
REC. NO. 2025053025

N 00°30'46" W
10.00

N 09°33'35" W
667.74

POINT OF COMMENCEMENT
C1/4 SEC. 35



100 0 100
scale 100 feet



2000 S. Colorado Blvd
Suite 1200
Denver, Colorado 80222
Phone: 303-586-5800
FAX: 303-586-5801
www.sehinc.com

X:\PT\PIPS\COC\190373\77.0 2951 S Wadsworth Blvd\9-survey\92-CAD\10-C3d\2951 S Wads Blvd.dwg

STAFF MEMO

DATE OF MEETING: JULY 27, 2026 / AGENDA ITEM NO. 14

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

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