

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
480 S. ALLISON PARKWAY
CITY OF LAKEWOOD, COLORADO
HYBRID MEETING
AUGUST 10, 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. – INITIAL PUBLIC COMMENT

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

ITEM 4 – – FIRST READING ORDINANCES

ITEM A. – O-2026-30 – AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 5.29 OF THE LAKEWOOD MUNICIPAL CODE PERTAINING TO COMMERCIAL WASTE HAULERS

4B AUTHORIZING SUPPLEMENTAL APPROPRIATIONS TO THE 2026 ANNUAL BUDGET IN THE AMOUNT OF \$225,000 IN THE GENERAL

FUND TO PAY FOR EXPENSES RELATED TO THE GENERAL
ELECTION TO BE HELD ON NOVEMBER 3, 2026

ITEM 5 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS

END OF CONSENT AGENDA

ITEM 6 – ITEMS REMOVED FROM CONSENT AGENDA

**ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

ITEM 7 – – SECOND READING ORDINANCES

**ITEM A. – O-2026-24 – AMENDING CHAPTER 2.54 OF THE LAKEWOOD
MUNICIPAL CODE PERTAINING TO CAMPAIGN AND POLITICAL
FINANCE IN MUNICIPAL ELECTIONS**

**ITEM B. – O-2026-25 – CALLING FOR A COORDINATED SPECIAL MUNICIPAL
ELECTION TO BE HELD ON NOVEMBER 3, 2026, TO SUBMIT TO A
VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD,
COLORADO, A BALLOT QUESTION FOR THE PURPOSE OF
AUTHORIZING A VOTER-APPROVED AMENDMENT TO SECTION 2.6
OF THE CITY'S HOME RULE CHARTER TO ESTABLISH THAT THE
TERM OF OFFICE FOR A NEWLY ELECTED MAYOR OR MEMBER OF**

**THE CITY COUNCIL BEGINS AT THE FIRST MEETING FOLLOWING
CERTIFICATION OF THE ELECTION RESULTS, AND ADOPTING THE
BALLOT TITLE THEREFOR**

**ITEM C. – O-2026-26 – CALLING FOR A COORDINATED SPECIAL MUNICIPAL
ELECTION TO BE HELD ON NOVEMBER 3, 2026, TO SUBMIT TO A
VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD,
COLORADO, A BALLOT QUESTION FOR THE PURPOSE OF
RECEIVING VOTER APPROVAL TO REPEAL AND REPLACE SECTION
2.8 OF THE CITY'S HOME RULE CHARTER TO AUTHORIZE
ADDITIONAL PROCEDURES FOR FILLING VACANT CITY COUNCIL
MEMBER SEATS, AND ADOPTING THE BALLOT TITLE THEREFOR**

**ITEM D. – O-2026-27 – CALLING FOR A COORDINATED SPECIAL MUNICIPAL
ELECTION TO BE HELD ON NOVEMBER 3, 2026, TO SUBMIT TO A
VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD,
COLORADO, A BALLOT QUESTION FOR THE PURPOSE OF
RECEIVING VOTER APPROVAL TO REPEAL AND REPLACE SECTION**

12.12 OF THE CITY'S HOME RULE CHARTER TO REQUIRE ANY INCREASE IN PROPERTY TAXES BE APPROVED BY A VOTE OF THE ELECTORATE, AND ADOPTING THE BALLOT TITLE THEREFOR

ITEM E. – O-2026-28 – CALLING FOR A COORDINATED SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2026, TO SUBMIT TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD, COLORADO, A BALLOT QUESTION FOR THE PURPOSE OF AUTHORIZING VOTER-APPROVED AMENDMENTS TO THE CITY'S HOME RULE CHARTER TO REPLACE THE LANGUAGE ESTABLISHING TIME FRAMES FOR HOLDING REGULAR OR SPECIAL ELECTIONS AS ESTABLISHED WITHIN SECTION 13.1(D) REGARDING INITIATIVE PROCEDURES AND SECTION 13.2(E) REGARDING REFERENDUM PROCEDURES, AND ADOPTING THE BALLOT TITLE THEREFOR

ITEM 8 – – RESOLUTIONS

8A APPROVING PARTICIPATION BY THE CITY OF LAKEWOOD IN A COORDINATED ELECTION TO BE CONDUCTED ON NOVEMBER 3, 2026, BY THE JEFFERSON COUNTY CLERK AND RECORDER

ITEM 9 – CLOSING ITEMS

ITEM A. – GENERAL PUBLIC COMMENT

ITEM B. – GENERAL BUSINESS

9B CITY COUNCIL REQUEST

ITEM C. – EXECUTIVE REPORT

ITEM D. – MAYOR AND CITY COUNCIL REPORTS

ITEM E. – ADJOURNMENT

STAFF MEMO

DATE OF MEETING: AUGUST 10, 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: AUGUST 10, 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: AUGUST 10, 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: AUGUST 10, 2026 / AGENDA ITEM NO. 4A

To: Mayor and City Council

From: Travis Parker, Chief of the Sustainability & Community Development Branch
Katie McKain, Sustainability Manager

Subject: **Amending Chapter 5.29 - Hauler Licensing**

SUMMARY STATEMENT: The Sustainability Advisory Committee is proposing an update to the Lakewood Municipal Code Chapter 5 Section 29, Commercial Waste Haulers.

BACKGROUND INFORMATION: Lakewood's hauler licensing code was adopted in 2014. As we surpass the 12-year anniversary of that City milestone, much has changed in the landscape of waste in Colorado and how business licenses are processed in the City of Lakewood, and it is time for an update. This update transforms the code into a modern licensing and regulatory program that aligns with Lakewood's Zero Waste goals, Colorado's Extended Producer Responsibility (EPR) program, and more formal administrative processes that align with other business license codes. The original code consisted of 11 relatively brief sections, while the new version expands to 19 sections and establishes more detailed licensing, enforcement, and operational requirements. Key updates include:

Clarifying Code Scope

- Adding missing definitions and amending existing definitions, particularly those that clarify the scope of the license.

Hauler Requirements

- Requiring haulers who offer residential recycling services to participate in Colorado's EPR Program and prohibiting them from charging residents for services they are reimbursed for through the state program.
- Prohibiting the commingling of recyclables and trash in the same vehicle.
- Increasing the general liability insurance minimum from \$1M to \$3M.

Administrative

- Outlining how license applications are reviewed and the process for approvals and denials.
- Establishing an annual renewal period instead of rolling license renewals.
- Establishing license fees in Rules & Regulations instead of embedding in the code.

Enforcement

- Establishing a framework for enforcement of noncompliance which includes a hearing and appeals process.

More detailed information is available in the following resources:

- LakewoodCo.gov/FreeRecycling
- [Q2 Council Priority Update](#)
- [Sustainability Advisory Committee Meeting Presentations from\(Jan 2026-May 2026\)](#)
- [Existing Hauler Licensing Code Language \(2014\)](#)

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS:

1. Adopt the updates to hauler licensing code as presented or with minor updates to keep Lakewood on schedule for a summer adoption, winter education and outreach to haulers and community members, and January 2027 enforcement. This timeline aligns well with EPR's anticipated rollout in open hauling system communities across Colorado.
2. Await a future set of brief rules and regulations which will set a reasonable hauler license fee schedule and outline the data which will be collected from waste haulers on an annual basis as these items may get evolve over time and are best placed in rules and regulations instead of municipal code.

ALTERNATIVES: Not adopting the hauler licensing code updates and continuing with business as usual has the following implications:

1. Residents may have unequal access to free recycling services in 2027 as haulers who provide residential recycling services in Lakewood may choose not to participate in EPR and continue to charge residents for recycling services that would otherwise be reimbursed for through the EPR program. In summary, your neighbor may use a hauler who participates in EPR and receives free recycling and you may choose a hauler who does not and you therefore still pay for recycling.
2. The City will not receive annual waste diversion data from haulers like recycling, trash, and compost tonnage and participation rates which are key to tracking progress toward the community-wide Zero Waste goal established in Comprehensive Plan, Envision Lakewood 2040 (p.125).
3. Continuing with a rolling license renewal process instead of a time-delimited approach means the list of licensed haulers published on the City's website for residents and businesses will always be slightly out of date and identifying and bringing non-licensed haulers into compliance is harder to enforce for staff.

PUBLIC OUTREACH: This is a narrow scope code impacting a small subset of businesses operating in Lakewood and therefore broader community engagement was not appropriate. City staff conducted the following targeted internal and external outreach:

External:

- All residential waste haulers were offered a chance to provide input on major changes via email or phone call.
- Code excerpts were reviewed by an outside waste consultant with over 14 years of municipal waste experience.
- General input was gathered from municipal staff peers in nearby Colorado communities.
- The proposed code was reviewed and discussed by Lakewood's Sustainability Advisory Committee from January 2026 – May 2026 in three public meetings which were recorded and posted on the City's website.
- A [dedicated webpage](#) was published in early June 2026.
- A featured article will be released in August's edition of [Looking at Lakewood](#) which reaches 94,000 subscribers.
- As this is a council priority, progress on this initiative has been periodically posted on the [Council Goals webpage](#).

Internal:

- Key staff in the City Clerk's Office provided input on administrative processes.
- The City Attorney's Office provided guidance, final language, and an overall framework for the code.

NEXT STEPS: None

ATTACHMENTS: 1. Ordinance O-2026-30

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

AN ORDINANCE

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 5.29 OF THE LAKEWOOD MUNICIPAL CODE PERTAINING TO COMMERCIAL WASTE HAULERS

WHEREAS, waste haulers within the City of Lakewood (the “City”) generate significant traffic on City roads and State highways through their hauling activities, contributing to road wear, air pollution, and noise;

WHEREAS, as a result, the City Council of the City (City Council) regulates waste hauler licensing by ordinance to protect the public health and welfare of its residents;

WHEREAS, one of the top five priorities identified by the City Council for 2026 was to update the City’s waste hauler licensing provisions under Chapter 5.29 of the Lakewood Municipal Code;

WHEREAS, in 2022, the Colorado State Legislature passed HB22-1355 “Producer Responsibility Program for Recycling” (also known as the “Extended Producer Responsibility Program” or the “EPR Program”) which shifts the cost of recycling certain materials from taxpayers and local governments and to the companies that produce or sell recyclable packaging;

WHEREAS, participating jurisdictions may update local waste hauler licensing laws to require waste haulers offering residential recycling services to participate in the EPR Program so that recycling is provided to residents at no additional cost;

WHEREAS, the City Council desires to repeal and replace Chapter 5.29 of the Lakewood Municipal Code to align it with the requirements of the EPR Program and to streamline licensing fees, deadlines, and other waste hauler requirements;

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. Chapter 5.29 of the Lakewood Municipal Code is repealed and replaced as follows:

Chapter 5.29 - WASTE HAULERS

5.29.010 – Intent and Purpose.

The City Council of the City of Lakewood (the “City”) hereby finds that Waste Haulers operating within the City provide varying types and levels of service, resulting in disparities in service quality and access that may adversely affect the public health, safety, and welfare. It is therefore the purpose and intent of this Chapter to establish a uniform licensing and regulatory framework governing all Waste Haulers operating within the City to ensure the provision of equitable and environmentally responsible services, promote consistent standards of Waste collection and disposal, and reduce the financial burden on the City and its residents.

5.29.020 – Definitions.

As used in this Chapter, the following terms, phrases, and words shall have the following meanings:

City Clerk means the City Clerk for the City of Lakewood, Colorado or designee.

City Council means the City Council for the City of Lakewood, Colorado.

Dwelling Unit shall have the same meaning as set forth in Title 17, Article 14 of the Lakewood Municipal Code.

Licensee means a Waste Hauler that possesses a valid Waste Hauler License.

Neighborhood Group means a Homeowner’s Association, Sustainable Neighborhood Program participant, faith-based organization, or nonprofit operating within the City.

Person means an individual, firm, association, partnership, company, sole proprietorship, corporation, or similar entity.

Recyclables means Waste materials that have been separated from other Waste streams for processing into recovered raw materials through preprocessing or remanufacture and that are destined for processing and recovery at a recycling facility.

Residential Recycling Service Provider refers to any Waste Hauler who offers the collection of Recyclables as a service to residential customers.

Solid Waste (hereafter “Waste”) includes all discarded and abandoned materials such as trash, Recyclables, organics (yard Waste and food scraps), construction and demolition debris, and bulky items/junk (appliances, furniture) that are destined for disposal or processing at a transfer station, landfill, incinerator, materials recovery facility, compost site, or anaerobic digester.

The following materials are excluded from the definition of Waste in this Chapter:

- A. Materials that are intentionally set aside for reuse in substantially the same form as originally produced; or
- B. Liquid or hazardous Wastes as defined and regulated by the State and Federal government including but not limited to septage, sewage, and wastewater treatment plant byproducts.

Waste Hauler is a Person that provides routine Waste collection services for individuals, residents, homeowners associations, multifamily housing, institutions, or businesses for a fee.

Waste Hauler License (“License”) is the license issued by the City Clerk’s Office for the City of Lakewood pursuant to this Chapter.

5.29.030 – Authority

This Chapter shall be administered by the City Clerk. The City Clerk is authorized to adopt rules and regulations for the purpose of administering this Chapter and to make necessary amendments to the rules and regulations as needed.

5.29.040 – License required.

It is unlawful for any Person to operate as a Waste Hauler within the City without first obtaining a License.

5.29.050 – License not required.

The following Persons are not required to obtain a Waste Hauler License:

- A. A civic, community, benevolent, or charitable nonprofit organization that collects, transports and markets materials for resource recovery solely for the purpose of raising funds for a civic, benevolent, or charitable activity;
- B. A Person who collects, transports, or disposes of Waste generated by such Person or their household;
- C. A property owner or agent thereof who collects, transports, or disposes of Waste left by a tenant upon such owner’s property, so long as such property owner does

not provide Waste collection, transportation, or disposal services for compensation for tenants on a regular or continuing basis;

- D. A demolition or construction contractor or landscaper who produces, collects, transports, or disposes of Waste in the course of such occupation, where the Waste produced is merely incidental to the particular demolition or construction work being performed by such Person.
- E. An environmental services company permitted and specialized in the handling and transport of liquid or hazardous Wastes as defined and regulated by the State and Federal government. However, if such company also collects, transports, or disposes of Waste generated within the City on a routine basis, they shall be required to obtain a Waste Hauler License.

5.29.060 – Waste Hauler requirements.

- A. A copy of the Waste Hauler License shall be kept in each Licensee's vehicle while operating within the City.
- B. Licensee's vehicles shall meet all State and Federal motor vehicle safety requirements.
- C. Any Residential Recycling Service Provider shall participate in Colorado's Extended Producer Responsibility Program and shall not charge any customer eligible to receive free recycling services through Colorado's Extended Producer Responsibility Program for services that such Residential Recycling Service Provider may be reimbursed for.
- D. Waste Haulers shall not collect, transport, or dispose of Recyclables, Waste, and/or organics in the same vehicle unless such vehicle has a means to keep the Recyclables, Waste, and/or organic streams separate and vehicle is clearly labeled as such.

5.29.070 – Application.

- A. All applicants for a Waste Hauler License shall file an application for such license with the City Clerk on forms provided by the City Clerk.
- B. All applicants shall answer all questions on the application completely and truthfully or the application will be denied pursuant to this Chapter.
- C. All applicants shall designate a single point of contact for all communications related to the application and, if subsequently issued, the License. All notices, requests for information, and correspondence issued by the City shall be directed

to the designated point of contact identified on the application. Applicants and Licensees shall be responsible for keeping the designated point of contact current shall notify the City Clerk of any change within ten (10) calendar days.

5.29.080 – License validity.

- A. All Licenses issued before October 1, 2026 shall be valid until March 1, 2027.
- B. New applications for Licenses may be submitted at any time.
- C. Each Licensee shall submit a License renewal application each year during the period beginning January 1 and ending March 1. Each License issued pursuant to this Chapter shall be valid through March 1 of the year immediately following the year of issuance. If a Licensee fails to renew its License by March 1, it shall not be eligible for License renewal and shall instead apply for a new license.

5.29.090 – License fee.

The annual License fee shall be payable to the City at the time a new application for a License is filed or at the time a renewal application is filed. The City Council shall have the authority to set and change the License fee via resolution. No license fee assessed under this Chapter shall be prorated.

5.29.100 – Insurance required.

Licensees shall maintain the following levels of insurance and provide a copy of the insurance to the City Clerk prior to obtaining a License:

- A. All motor vehicles used in the operation of the licensed business shall be insured under the laws of the State of Colorado.
- B. The Licensee shall at all times have Comprehensive General Liability Insurance with a minimum combined single limit of liability for bodily injury and property damage of three million dollars (\$3,000,000.00) per occurrence and in the aggregate.
- C. The City shall be named as additional insured.

5.29.110 – Data collection requirements.

- A. Any Person subject to this Chapter shall collect, maintain, and report data as required by the City for purposes of administration, compliance monitoring, and enforcement. The City Clerk shall specify by rules and regulations the type of data to be collected, the format of submission, and the frequency of reporting.

- B. All data collected pursuant to this Chapter shall be accurate, complete, and maintained in a manner that permits timely submission and verification by the City.
- C. Failure to provide required data, or the submission of incomplete or inaccurate data, are grounds for enforcement action as provided in this Chapter.

5.29.120 – Hours of operation.

- A. No Licensee shall operate any Waste compacting mechanism on any motor vehicle or engage in any Waste collection activity between the hours of 10:00 p.m. and 6:00 a.m., when such compacting or collection activities take place within three hundred (300) feet of a Dwelling Unit.
- B. Licensees may request a waiver of the restrictions described in this section if the Licensee is participating in a special Waste collection event offered by the City or Neighborhood Groups. A waiver application shall be submitted on a form provided by the City Clerk at least ten (10) days prior to the special Waste collection event.

5.29.130 – Disposal.

Licensees shall dispose of Waste in a State or Federally approved site or facility, and the disposal shall meet all Federal, State, County and City laws, rules, regulations, and requirements.

5.29.140 – Report of changes.

Licensees shall report any change in ownership, contact information, including the point of contact, change in insurance, or relocation of Waste Hauler's services to the City Clerk within ten (10) days of the change.

5.29.150 – Transferability.

Waste Hauler Licenses shall not be transferable.

5.29.160 - Decision-New applications; appeal.

- A. An application for a new License shall be administratively approved or denied by the City Clerk within thirty (30) days of the date of the filing of the complete application. The City Clerk shall deny a License application if:
 - 1. The application demonstrates or establishes that the proposed Licensee fails to conform to any requirement of this Chapter or other applicable law.
 - 2. The applicant knowingly made a false statement or knowingly gave false information in connection with the application.

3. The applicant, or a director or officer of a corporation, partner of a partnership, manager of a limited liability company, or manager of a Waste Hauler, has had a License revoked or suspended within three (3) years prior to the application.
 4. The applicant has been cited more than once for a violation of this Chapter in the year preceding the date the application was filed.
- B. In the event the City Clerk denies a new License application, the City Clerk shall prepare written findings of fact stating the reasons or basis for the denial. The City Clerk shall, within ten (10) days after the date of the City Clerk's denial, send a copy of the City Clerk's findings by certified mail, return receipt requested, to the address of the applicant.
- C. In the event the City Clerk denies a new Waste Hauler License application, the applicant shall have the right to request a public hearing before a hearing officer designated by the City Clerk. The applicant shall, within ten (10) days of the date of the mailing of the City Clerk's written findings and denial of the license application, make a written request to the City Clerk for a hearing. The hearing shall be conducted within thirty (30) days of the City Clerk's receipt of the written request for a hearing unless a later date is requested by the applicant in writing. If the applicant fails to request a public hearing within the allotted time, the City Clerk's decision to deny a License application shall become final.
- 5.29.170 – License revocation, suspension, or nonrenewal.
- A. Show Cause to Suspend or Revoke. The City Clerk may, with the assistance of the City Attorney's Office, bring a request for the suspension, revocation, or nonrenewal of a License before a hearing officer designated by the City Clerk to preside over such matters. The hearing officer may issue an Order to Show Cause why a License should not be suspended, revoked, or renewed for any one (1) or more of the following:
1. The Licensee has failed to comply with the insurance requirements of this Chapter;
 2. The Licensee has violated the hours of operation requirements of this Chapter;
 3. The Licensee has collected, transported, or disposed of Recyclables, Waste, and/or organics in the same vehicle without a means to keep the Recyclables, Waste, and/or organic streams separate.

4. The Licensee has charged a customer for services for which the Licensee may be reimbursed under Colorado's Extended Producer Responsibility Program.
 5. The Licensee is delinquent to the City for any taxes imposed pursuant to Lakewood Municipal Code Chapter 3.01.
 6. The Licensee has failed to comply with any requirement of this Chapter.
 7. The Licensee knowingly made a false statement or knowingly gave false information in connection with the renewal application.
- B. Hearing. Upon the issuance of an order to show cause, the hearing officer shall schedule a public hearing to be conducted within thirty (30) days of the date the Order to Show Cause was issued, unless the applicant or the City requests a different date.
- C. Hearing Officer's Order. Within fifteen (15) days of the hearing, the hearing officer shall issue a written order regarding the City Clerk's request for suspension, revocation, or nonrenewal of a License. Such order shall include written findings of fact stating the hearing officer's reasons or bases for the decision rendered in the order. Notwithstanding the foregoing, any suspension or revocation of a License shall not become effective for ninety (90) calendar days after the issuance of the Hearing Officer's order. This period is provided to ensure that Licensee can notify affected customers and to allow both the Licensee and those customers sufficient time to arrange for a replacement Waste Hauler.

5.29.180 – Penalties.

- A. It shall be unlawful for any Person to violate this Chapter. The penalty for a violation of any provision of this Chapter shall be as set forth in Chapter 1.16.020 of the Lakewood Municipal Code. Each violation shall be considered a separate and distinct offense.
- B. City of Lakewood Code Enforcement Officers, Lakewood Police Agents, or designated staff members of the City Clerk's Office, may conduct inspections, investigations, or audits of all Waste Haulers operating within the City and, when necessary, issue citations for violations of this Chapter.

5.29.190 – Hearings.

- A. All hearings under this Chapter shall be open to the public and shall otherwise be in accordance with rules and regulations promulgated by the City Clerk, which shall conform with the laws of the State and the ordinances and resolutions of the City.

- B. Any order issued by a hearing officer shall be final and may be appealed to the District Court pursuant to Colorado Rules of Civil Procedure § 106(a)(4).
- C. The City Attorney's Office shall represent the City Clerk at any hearing under this Chapter, or shall obtain outside counsel for such purpose in the event of a conflict of interest.

5.29.200 – Severability.

Should any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter or application thereof to any Person or circumstance be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Chapter, or its application to any other Person or circumstance, and to this end, the provisions of this Chapter are declared to be severable.

SECTION 2. 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 3. 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 10th day of August 2026; published by title in the Denver Post and in full on the City of Lakewood's website at www.lakewood.org on the 13th day of August, 2026; set for public hearing to be held on the 24th day of August, 2026; read, finally passed and adopted by the City Council on the 24th day of August, 2026; and signed by the Mayor on the ___ day of August, 2026.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: AUGUST 10, 2026 / AGENDA ITEM NO. 4B

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Supplemental Appropriation for November 3, 2026, Coordinated Election Costs**

SUMMARY STATEMENT: The proposed ordinance authorizes a supplemental appropriation of \$225,000 to fund costs associated with the November 3, 2026, coordinated General Election. The supplemental appropriation will provide funding for election administration costs associated with potential City ballot measures, including four proposed Charter amendments and a proposed sales tax measure directed by City Council.

BACKGROUND INFORMATION: On July 27, 2026, City Council directed that four draft amendments to the Lakewood City Charter be placed on the agenda for consideration for referral to the November 3, 2026, Coordinated General Election.

Additionally, during the July 20, 2026 Study Session and joint meeting of the Budget and Audit Board and City Council, both bodies directed staff to prepare a ballot measure proposing a sales tax increase for consideration by voters at the November election.

The City Clerk's Office is responsible for coordinating the City's participation in the coordinated election with Jefferson County and administering all election-related activities necessary to place City questions on the ballot. Based on estimates provided by the City Clerk's Office, the City's share of election administration costs is expected to be approximately \$225,000.

Because these election costs were not anticipated during development of the 2026 Revised Budget, a supplemental appropriation is necessary to provide budget authority for these expenditures.

BUDGETARY IMPACTS: Approval of the ordinance will appropriate \$225,000 from General Fund reserves to the General Fund operating budget for election administration costs.

The appropriation will fund costs associated with conducting the November 3, 2026, Coordinated General Election, including expenses incurred through Jefferson County for ballot preparation, printing, mailing, tabulation, and other election administration services.

STAFF RECOMMENDATIONS: Staff recommends approval of the supplemental appropriation ordinance on first reading to appropriate \$225,000 for election administration costs and set the ordinance for a public hearing and second reading.

ALTERNATIVES: If Council does not approve the supplemental appropriation, the city would not have budget authority to fund the election administration costs associated with City ballot measures. As a result, the city would not submit ballot measure language to Jefferson County for placement on the November 3, 2026, coordinated General Election ballot.

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

NEXT STEPS: If the ordinance is approved, staff will work with the City Clerk's Office and Jefferson County to complete all required election administration activities for the November 3, 2026, Coordinated General Election. Election costs will be paid as invoiced and tracked within the General Fund election budget.

ATTACHMENTS: 1. Ordinance O-2026-29

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

AN ORDINANCE

AUTHORIZING SUPPLEMENTAL APPROPRIATIONS TO THE 2026 ANNUAL BUDGET
IN THE AMOUNT OF \$225,000 IN THE GENERAL FUND TO PAY FOR EXPENSES
RELATED TO THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2026

WHEREAS, Article XII, Section 8 of the City Charter allows the City Council to make supplemental appropriations by ordinance during the fiscal year for unanticipated expenditures required for the operation of the City of Lakewood (the "City") using monies not anticipated in the adopted budget that are available to the City;

WHEREAS, Section 3.04.060 of the Lakewood Municipal Code (L.M.C.) requires approval by the City Council for any unbudgeted purchase;

WHEREAS, the request referenced below would constitute unbudgeted purchases that must be approved by City Council;

WHEREAS, the City Clerk's Office estimates that it will cost the City approximately two hundred and twenty-five thousand dollars (\$225,000) to hold administer the election;

WHEREAS, the city anticipates entering into an Intergovernmental Agreement with Jefferson County to facilitate the election;

WHEREAS, C.R.S. 31-20210(1)(b) authorizes the City Council to adopt an ordinance submitting a proposed charter amendment to a vote of the registered electors of the City;

WHEREAS, Ordinances O-2026-29 include four proposed changes to the City's Charter;

WHEREAS at the July 20th Study Session and joint meeting of the budget and audit board, city council members and the Budget and Audit Board directed that a ballot measure for a sales tax increase be included on the November General Election;

WHEREAS, the City Council hereby finds and determines that approving these supplemental appropriations requests are 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; 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 Council hereby appropriates and authorizes the expenditure of:

A. Two hundred and twenty-five thousand dollars (\$225,000) from the unappropriated fund balance of the General Fund.

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

SECTION 3. 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 such remaining portions or application of the 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 10th day of August 2026; published by title in the Denver Post and in full on the City of Lakewood's website at www.lakewood.org on the 13th day of August, 2026; set for public hearing to be held on the 24th day of August, 2026; read, finally passed and adopted by the City Council on the 24th day of August, 2026; and signed by the Mayor on the ___ day of August, 2026.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: AUGUST 10, 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: AUGUST 10, 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: AUGUST 10, 2026 / AGENDA ITEM NO. 7A

To: Mayor and City Council
From: Alison McKenney Brown, City Attorney
Subject:

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 O-2026-24
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) (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 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:
 - (I) A political party;
 - (II) An entity formed under and subject to the laws of a foreign country;
 - (III) A natural person who is not a citizen of the United States;
 - (IV) A foreign government; or
 - (V) Any person and/or group otherwise prohibited by law from making the contribution.
- (b) No committee may accept any contribution in currency or coin of more than \$100.00 from any contributor or fail to report each contributor of currency or coin, regardless of the amount of the contribution made in currency or coin.
- (c) No candidate committee shall accept any contribution from any corporation or any labor organization.
- (d) No candidate may accept any contribution without reporting the identity of the contributor. No candidate may solicit anonymous contributions including any solicitation commonly referred to as "pass the hat" or "fishbowl" solicitation. Website contributions may be accepted if the contributor is properly identified.

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 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 hybrid regular meeting of the Lakewood City Council on the 27th 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 30th day of July, 2026; set for public hearing to be held on the 10th day of August, 2026; read, finally passed and adopted by the City Council on the 10th day of August, 2026; and signed by the Mayor on the ___ day of August, 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

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 are reportable under the provisions of this Code must file their reports on the 60th, 30th, and 7th day before such election, as well as 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 ~~N~~otify 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, ~~T~~he 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: AUGUST 10, 2026 / AGENDA ITEM NO. 7B

To: Mayor and City Council
From: Alison McKenney Brown, City Attorney
Subject: **Ballot Question Referral - Section 2.6 Regarding Council Terms of Service**

SUMMARY STATEMENT: The City Council directed that four draft amendments to the City's Charter be placed on the July 27, 2026 agenda for consideration, including this Ordinance regarding amendment of Charter Section 2.6.

BACKGROUND INFORMATION:

On March 23, 2026, the City Council approved Resolution 2026-19, a Resolution entitled *Establishing An Ad Hoc Committee Of Members Of The City Council To Review The City's Charter, Provide Reports To The City Council On Possible Amendments To The City's Charter, And A Report On The Establishment Of A Permanent City Council Charter Review Committee*. The Committee met on May 4th, May 18th, and June 29th. The City Council reviewed the work of the Committee at a study session held on June 15th. The Committee proposed possible amendments to five sections of the Charter including:

TOPIC 1 – SECTION 2.6 TERMS OF SERVICE

TOPIC 2 – SECTION 12.12 LIMITATION ON PROPERTY TAXES

TOPIC 3 – SECTION 13.1(d) INITIATIVE (election timeframe)

~~TOPIC 4 – SECTION 13.2(a) REFERENDUM (scope of referendum)~~

TOPIC 5 – SECTION 13.2(e) REFERENDUM (election timeframe)

The City Council reached consensus on bringing draft ordinances forward on Topics 1, 2, 3 and 5. The City Council asked that Topics 3 and 5 be incorporated into a single ballot measure ordinance due to the similarity of the changes to those two sections. Additionally, the City Council reached consensus on bringing forward a draft ordinance to amend Section 2.8 of the City's Home Rule Charter to authorize additional procedures for filling vacant city council seats.

Rationale regarding consideration of amendment to Section 2.6. Charter Section 2.6 mandates that the terms of office of the Mayor and each member of the City Council will start at the first regular meeting following the regular municipal election. Unfortunately, election results generally require ten to fourteen days to be certified. The City has historically cancelled the first regular meeting following the election to allow time for the election to be certified and to remain in compliance with the plain language of Section 2.6. The Committee is considering asking the voters to approve an amendment to Section 2.6 to comply with modern election practices by the County regarding certification of election results.

Proposed amendment:

*(STRIKE-THROUGH DENOTES REPEAL OR DELETION OF CHARTER SECTIONS AND
UNDERSCORE DENOTES ADDITIONS TO CHARTER SECTIONS)*

2.6 TERMS OF OFFICE.

(a) The terms of office of the Mayor and of each member of the City Council shall commence at the first regular meeting following **certification of the results of** the regular municipal election.

BUDGETARY IMPACTS: The cost of taking ballot measures to a coordinated election are only subject to estimate by the City Clerk's Office.

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. Ordinance O-2026-25

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

AN ORDINANCE

**CALLING FOR A COORDINATED SPECIAL MUNICIPAL
ELECTION TO BE HELD ON NOVEMBER 3, 2026, TO SUBMIT TO A
VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD,
COLORADO, A BALLOT QUESTION FOR THE PURPOSE OF
AUTHORIZING A VOTER-APPROVED AMENDMENT TO SECTION 2.6
OF THE CITY'S HOME RULE CHARTER TO ESTABLISH THAT THE
TERM OF OFFICE FOR A NEWLY ELECTED MAYOR OR MEMBER OF
THE CITY COUNCIL BEGINS AT THE FIRST MEETING FOLLOWING
CERTIFICATION OF THE ELECTION RESULTS, AND ADOPTING THE
BALLOT TITLE THEREFOR**

WHEREAS, the Lakewood Home Rule Charter (Charter) was adopted on November 1, 1983, to establish the basic practices and procedures of the City and to serve as the primary document establishing the governance and vision of the City;

WHEREAS, Charter Section 14.9 allows for the Charter to be amended in the manner provided by Article XX of the Colorado Constitution and any statute enacted by the Colorado General Assembly;

WHEREAS, C.R.S. § 31-2-210(1)(b) authorizes the City Council to adopt an ordinance submitting a proposed charter amendment to a vote of the registered electors of the City;

WHEREAS, Charter Section 2.6 currently mandates that the terms of office of the Mayor and City Councilmembers begin at the first regular meeting following the regular municipal election, even though official election results are not certified until ten to fourteen days after the date of the regular municipal election;

WHEREAS, the City has historically cancelled the first regular City Council meeting in November following the regular municipal election to allow time for the County Canvass Board to certify the election results, and has reserved the second meeting in November for seating the newly elected Mayor and City Councilmembers;

WHEREAS, compliance with Charter Section 2.6, which requires newly elected officials to begin their terms at the first regular meeting following the election, a date that always precedes certification of election results, forces the City Council to cancel the first of its two regular meetings in November and prevents it from conducting regular City business for up to thirty (30) days following the election;

WHEREAS, the proposed amendment of Charter Section 2.6 will not change the actual date on which a newly elected Mayor or City Councilmember has historically taken the oath of office and begun their service as an elected official of the City, as this has always occurred at the second regular November City Council meeting, because such meeting routinely follows certification of the election results;

WHEREAS, the proposed amendment to Charter Section 2.6 is being submitted to the voters so they may decide whether to allow the City Council to hold, rather than cancel, its first regular November meeting following the regular election; and

WHEREAS, the City Council wishes to refer to the electorate the proposed amendment to Charter Section 2.6 that would allow the City Council to hold a first regular November meeting following a regular municipal election, thereby preventing interruptions or delays in the conduct of City business.

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

Section 1. Pursuant to Article XX, Section 9 of the Constitution of the State of Colorado and § 31-2-210(1)(b) of the Colorado Revised Statutes, a coordinated, special municipal election is hereby called for Tuesday, November 3, 2026, at which election the following proposed amendment to Charter Section 2.6, shall be submitted to the registered electors of the City of Lakewood, Colorado. If approved, this amendment shall become effective on January 1, 2027. (STRIKE-THROUGH DENOTES REPEAL OR DELETION OF CHARTER SECTIONS AND UNDERSCORE DENOTES ADDITIONS TO CHARTER SECTIONS)

Section 2.6 TERMS OF OFFICE.

- (a) The terms of office of the Mayor and of each member of the City Council shall commence at the first regular meeting following certification of the results of the regular municipal election.
- (b) The terms of office of the Mayor and of each member of the City Council shall be four years. Any person appointed or elected as the Mayor or elected as a member of the City Council who serves or has served at least one-half of a term of office shall be considered to have served a term in that office. At the first regular municipal election held after the effective date of this Charter, the Mayor shall be elected for a four-year term; the member of City Council in each ward receiving the greatest number of votes shall serve a four-year term; and the member of City Council in each ward receiving the next greatest number of votes shall serve a two-year term. Thereafter, each member of the City Council shall be elected for a four-year term. Unless disqualified or removed from office, the Mayor and each member of the City Council shall continue in office until a successor has been elected and sworn.
- (c) Neither the Mayor nor any member of the City Council shall serve as the Mayor or as a member of the City Council, respectively, for more than two consecutive terms after the effective date of this Charter. Terms of office commencing after November 3, 1992 are considered consecutive unless they are at least four years apart regardless of any change in ward boundaries or the residency within wards of a member of the City Council. Such limitation on consecutive terms shall not prohibit a person from serving as the Mayor immediately after serving as a member of the City Council or serving as a member of the City Council immediately after serving as the Mayor.

Section 2. The following ballot title and question shall be placed on the ballot of the November 3, 2026 coordinated special municipal election to be conducted by the Jefferson County Clerk and Recorder:

**Proposed City of Lakewood Charter Amendment No. 2
ESTABLISHING WHEN THE TERM OF A NEWLY ELECTED MAYOR AND
CITY COUNCILMEMBER BEGINS**

SHALL SECTION 2.6(a) OF THE LAKEWOOD HOME RULE CHARTER REGARDING TERMS OF OFFICE OF THE MAYOR AND CITY COUNCILMEMBERS BE AMENDED TO SPECIFY THAT THE TERM OF A NEWLY ELECTED MAYOR OR CITY COUNCILMEMBER BEGINS AT THE FIRST REGULAR MEETING FOLLOWING CERTIFICATION OF THE RESULTS OF THE REGULAR MUNICIPAL ELECTION?

YES/FOR _____

NO/AGAINST _____

Section 3. Pursuant to the Uniform Election Code of Colorado Revised Statutes, the special municipal election of November 3, 2026, shall be conducted as a coordinated, mail ballot election and the Election Official is hereby authorized and directed to take all such actions as are necessary or desirable thereunder to effectuate the election as a coordinated, mail ballot election.

Section 4. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. This ordinance calls for a special election, is therefore not subject to referendum, and shall go into effect immediately upon adoption by the City Council and publication by title.

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 27th day of July, 2026; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the XXth day of July, 2026; set for public hearing to be held on the XXth day of August, 2026; read, finally passed and adopted by the City Council on the XXth day of August, 2026; and signed by the Mayor on the XX day of August, 2026.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: AUGUST 10, 2026 / AGENDA ITEM NO. 7C

To: Mayor and City Council
From: Alison McKenney Brown, City Attorney
Subject: **Ballot Question Referral - Section 2.8 Regarding Council Vacancies**

SUMMARY STATEMENT:

The City Council directed that four draft amendments to the City's Charter be placed on the July 27, 2026 agenda for consideration, including this Ordinance regarding amendment of Charter Section 2.8.

BACKGROUND INFORMATION:

On March 23, 2026, the City Council approved Resolution 2026-19, a Resolution entitled *Establishing An Ad Hoc Committee Of Members Of The City Council To Review The City's Charter, Provide Reports To The City Council On Possible Amendments To The City's Charter, And A Report On The Establishment Of A Permanent City Council Charter Review Committee*. The Committee met on May 4th, 18th, and June 29th. The City Council reviewed the work of the Committee at a study session held on June 15th. The Committee proposed possible amendments to five sections of the Charter including:

TOPIC 1 – SECTION 2.6 TERMS OF SERVICE

TOPIC 2 – SECTION 12.12 LIMITATION ON PROPERTY TAXES

TOPIC 3 – SECTION 13.1(d) INITIATIVE (election timeframe)

~~TOPIC 4 – SECTION 13.2(a) REFERENDUM (scope of referendum)~~

TOPIC 5 – SECTION 13.2(e) REFERENDUM (election timeframe)

The City Council reached consensus on bringing draft ordinances forward on Topics 1, 2, 3 and 5. The City Council asked that Topics 3 and 5 be incorporated into a single ballot measure ordinance due to the similarity of the changes to those two sections. Additionally, the City Council reached consensus on bringing forward a draft ordinance to amend Section 2.8 of the City's Home Rule Charter to authorize additional procedures for filling vacant city council seats.

Rationale regarding consideration of amendment to Section 2.8.

Charter Section 2.8 provides that if a City Council seat becomes vacant, the City Council must call a special election within ninety (90) days to fill the remainder of the term unless a regular municipal election will occur within ninety (90) days of the vacancy. Charter Section 2.8 currently requires the

City Council to call a special election for a Council member vacancy even if the vacancy occurs ninety-one (91) days before a regular municipal election, potentially resulting in the elected successor serving only a brief portion of the term due to the time needed to organize and certify the election.

It is problematic for a City Council Ward to have a vacant seat as that Ward cannot be fully represented in the City Council without both elected representative positions being filled.

The City Council seeks to repeal and replace Charter Section 2.8 to provide additional methods of filling a vacant Council seat, including appointment by resolution approved by a majority of the then-seated City Council, while still allowing special elections to occur when appropriate and practical. The proposed language replacing Charter Section 2.8 is written to ensure that any Council member appointed by City Council resolution is limited to serving no more than one hundred eighty (180) days so as to protect the electors' right to choose their representation.

The draft ordinance also provides that when three (3) or more council seats are simultaneously vacant, a special election shall be called to fill such vacancies.

Proposed amendment:

*(STRIKE-THROUGH DENOTES REPEAL OR DELETION OF CHARTER SECTIONS AND
UNDERSCORE DENOTES ADDITIONS TO CHARTER SECTIONS)*

Section 2.8 Council Vacancies.

~~In the event the office of any member of the City Council, except the Mayor, is vacated for any reason, the City Council shall call a special election within 90 days of the effective date of such vacancy in order to elect a successor for the remainder of the term of office; provided, however, that the City Council shall not call a special election if a regular municipal election will be held within 90 days from the effective date of the vacancy.~~

In the event the office of any member of the City Council becomes vacant for any reason, the vacancy shall be filled as provided in this section.

a. If a regular municipal election or a State general election is scheduled to occur less than ninety (90) days from the effective date of the vacancy, the City Council shall not appoint a successor. The seat shall remain vacant until the regular or general election, and the successor elected at that election shall serve the remainder of the unexpired term. If the term of the vacant seat expires at that next regular municipal election, the person elected shall serve a full term as a newly elected City Council member.

b. If the next regular municipal election or State general election is scheduled to occur not less than ninety days but not more than one hundred eighty (180) days from the effective date of the vacancy, the City Council shall, by resolution, appoint a qualified successor within ninety (90) days of the effective date of the vacancy. Any appointment under this subsection shall be temporary, shall not extend beyond the next regular municipal election or State general election, and shall not exceed one hundred eighty (180) days in duration.

c. If the next regular municipal election or State general election is scheduled to occur more than one hundred eighty (180) days after the effective date of the vacancy, the City Council shall call a special election to fill the seat for the remainder of the term within ninety (90) days from the effective date of vacancy.

d. If the City Council's vote on a resolution of appointment results in a tie, the resolution of appointment fails, and the City Council shall consider additional candidates until a resolution of appointment is adopted by a majority of all then-seated Council members, unless a regular municipal election or State general election occurs before such adoption.

e. If three (3) or more Council vacancies occur simultaneously, all vacant seats shall be filled by special election within ninety (90) days from the effective date the three or more vacancies occurred, unless the next regular municipal election or State general election is scheduled to occur within ninety (90) days of the effective date of the vacancies. In the event three or more vacancies overlap but are not declared upon the same date, each vacancy shall be treated as a singular event and the seat filled in conformance with the terms of this section.

BUDGETARY IMPACTS:

The cost of taking ballot measures to a coordinated election may only be estimated by the City Clerk's Office.

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. Ordinance O-2026-26

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

O-2026-#

AN ORDINANCE

**CALLING FOR A COORDINATED SPECIAL MUNICIPAL
ELECTION TO BE HELD ON NOVEMBER 3, 2026, TO SUBMIT TO A
VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD,
COLORADO, A BALLOT QUESTION FOR THE PURPOSE OF RECEIVING
VOTER APPROVAL TO REPEAL AND REPLACE SECTION 2.8 OF THE
CITY'S HOME RULE CHARTER TO AUTHORIZE ADDITIONAL
PROCEDURES FOR FILLING VACANT CITY COUNCIL MEMBER SEATS,
AND ADOPTING THE BALLOT TITLE THEREFOR**

WHEREAS, the Lakewood Home Rule Charter (Charter) was adopted on November 1, 1983, to establish the basic practices and procedures of the City and to serve as the primary document establishing the governance and vision of the City;

WHEREAS, Charter Section 14.9 allows for the Charter to be amended in the manner provided by Article XX of the Colorado Constitution and any statute enacted by the Colorado General Assembly;

WHEREAS, C.R.S. § 31-2-210(1)(b) authorizes the City Council to adopt an ordinance submitting a proposed charter amendment to a vote of the registered electors of the City;

WHEREAS, Charter Section 2.8 provides that if a City Council seat, excluding the Mayor, becomes vacant, the City Council must call a special election within ninety (90) days to fill the remainder of the term unless a regular municipal election will occur within ninety (90) days of the vacancy;

WHEREAS, Charter Section 2.8 currently requires the City Council to call a special election for a Council member vacancy even if the vacancy occurs ninety-one (91) days before a regular municipal election, potentially resulting in the elected successor serving only a brief portion of the term due to the time needed to organize and certify the election;

WHEREAS, it is problematic for a City Council Ward to have a vacant seat as that Ward cannot be fully represented in the City Council without both elected representative positions being filled;

WHEREAS, the City Council seeks to repeal and replace Charter Section 2.8 to provide additional methods of filling a vacant Council seat, including appointment by resolution approved by a majority of the then-seated City Council, while still allowing special elections to occur when appropriate and practical;

WHEREAS, the proposed language replacing Charter Section 2.8 is written to ensure that any Council member appointed by City Council resolution is limited to serving

no more than one hundred eighty (180) days so as to protect the electors' right to choose their representation;

WHEREAS, the City seeks to ensure that when three (3) or more Council seats are simultaneously vacant, a special election shall be called to fill such vacancies; and

WHEREAS, the City Council wishes to refer to the electorate the proposed repeal and replacement of Charter Section 2.8 to provide greater flexibility and promote fiscal responsibility when addressing short-term Council vacancies.

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

Section 1. Pursuant to Article XX, Section 9 of the Constitution of the State of Colorado and § 31-2-210(1)(b) of the Colorado Revised Statutes, a coordinated, special municipal election is hereby called for Tuesday, November 3, 2026, at which election the following proposed repeal and replacement of Charter Section 2.8, shall be submitted to the registered electors of the City of Lakewood, Colorado. If approved, this replacement shall become effective on January 1, 2027. (STRIKE-THROUGH DENOTES REPEAL OR DELETION OF CHARTER SECTIONS AND UNDERSCORE DENOTES ADDITIONS TO CHARTER SECTIONS)

2.8 COUNCIL VACANCIES.

~~In the event the office of any member of the City Council, except the Mayor, is vacated for any reason, the City Council shall call a special election within 90 days of the effective date of such vacancy in order to elect a successor for the remainder of the term of office; provided, however, that the City Council shall not call a special election if a regular municipal election will be held within 90 days from the effective date of the vacancy.~~

In the event the office of any member of the City Council becomes vacant for any reason, the vacancy shall be filled as provided in this section.

- a. If a regular municipal election or a State general election is scheduled to occur less than ninety (90) days from the effective date of the vacancy, the City Council shall not appoint a successor. The seat shall remain vacant until the regular or general election, and the successor elected at that election shall serve the remainder of the unexpired term. If the term of the vacant seat expires at that next regular municipal election, the person elected shall serve a full term as a newly elected City Council member.
- b. If the next regular municipal election or State general election is scheduled to occur not less than ninety days but not more than one hundred eighty (180) days from the effective date of the vacancy, the City Council shall, by resolution, appoint a qualified successor within ninety (90) days of the effective date of the vacancy. Any appointment under this subsection shall be temporary, shall not

extend beyond the next regular municipal election or State general election, and shall not exceed one hundred eighty (180) days in duration.

- c. If the next regular municipal election or State general election is scheduled to occur more than one hundred eighty (180) days after the effective date of the vacancy, the City Council shall call a special election to fill the seat for the remainder of the term within ninety (90) days from the effective date of vacancy.
- d. If the City Council's vote on a resolution of appointment results in a tie, the resolution of appointment fails, and the City Council shall consider additional candidates until a resolution of appointment is adopted by a majority of all then-seated Council members, unless a regular municipal election or State general election occurs before such adoption.
- e. If three (3) or more Council vacancies occur simultaneously, all vacant seats shall be filled by special election within ninety (90) days from the effective date the three or more vacancies occurred, unless the next regular municipal election or State general election is scheduled to occur within ninety (90) days of the effective date of the vacancies. In the event three or more vacancies overlap but are not declared upon the same date, each vacancy shall be treated as a singular event and the seat filled in conformance with the terms of this section.

Section 2. The following ballot title and question shall be placed on the ballot of the November 3, 2026 coordinated special municipal election to be conducted by the Jefferson County Clerk and Recorder:

**Proposed City of Lakewood Charter Amendment No. 4
ESTABLISHING THE PROCEDURES FOR FILLING VACANT CITY COUNCIL
MEMBER SEATS**

SHALL SECTION 2.8 OF THE LAKEWOOD HOME RULE CHARTER REGARDING COUNCIL VACANCIES BE REPEALED AND REPLACED TO ESTABLISH UPDATED PROCEDURES FOR FILLING VACANT CITY COUNCIL SEATS, INCLUDING THE USE OF TEMPORARY APPOINTMENTS OR SPECIAL ELECTIONS BASED ON THE TIMING OF THE VACANCY IN RELATION TO THE NEXT REGULAR MUNICIPAL OR STATE GENERAL ELECTION AND LIMITING ANY APPOINTED SUCCESSOR TO SERVING NO MORE THAN ONE HUNDRED EIGHTY (180) DAYS?

YES/FOR _____

NO/AGAINST _____

Section 3. Pursuant to the Uniform Election Code of Colorado Revised Statutes, the special municipal election of November 3, 2026, shall be conducted as a coordinated, mail ballot election and the Election Official is hereby authorized and directed to take all

such actions as are necessary or desirable thereunder to effectuate the election as a coordinated, mail ballot election.

Section 4. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. This ordinance calls for a special election, is therefore not subject to referendum, and shall go into effect immediately upon adoption by the City Council and publication by title.

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 27th day of July, 2026; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the XXth day of July, 2026; set for public hearing to be held on the XXth day of August, 2026; read, finally passed and adopted by the City Council on the XXth day of August, 2026; and signed by the Mayor on the XX day of August, 2026.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: AUGUST 10, 2026 / AGENDA ITEM NO. 7D

To: Mayor and City Council
From: Alison McKenney Brown, City Attorney
Subject: **Ballot Question Referral - Section 12.12 Regarding Limitation on Property Taxes**

SUMMARY STATEMENT:

The City Council directed that four draft amendments to the City's Charter be placed on the July 27, 2026 agenda for consideration, including this Ordinance regarding repeal of the existing language of Charter Section 12.12 and replacement with language that acknowledges the current more restrictive provisions of the State Constitution.

BACKGROUND INFORMATION:

On March 23, 2026, the City Council approved Resolution 2026-19, a Resolution entitled *Establishing An Ad Hoc Committee Of Members Of The City Council To Review The City's Charter, Provide Reports To The City Council On Possible Amendments To The City's Charter, And A Report On The Establishment Of A Permanent City Council Charter Review Committee*. The Committee met on May 4th, 18th, and June 29th. The City Council reviewed the work of the Committee at a study session held on June 15th. The Committee proposed possible amendments to five sections of the Charter including:

TOPIC 1 – SECTION 2.6 TERMS OF SERVICE

TOPIC 2 – SECTION 12.12 LIMITATION ON PROPERTY TAXES

TOPIC 3 – SECTION 13.1(d) INITIATIVE (election timeframe)

TOPIC 4 – SECTION 13.2(a) REFERENDUM (scope of referendum)

TOPIC 5 – SECTION 13.2(e) REFERENDUM (election timeframe)

The City Council reached consensus on bringing draft ordinances forward on Topics 1, 2, 3 and 5. The City Council asked that Topics 3 and 5 be incorporated into a single ballot measure ordinance due to the similarity of the changes to those two sections. Additionally, the City Council reached consensus on bringing forward a draft ordinance to amend Section 2.8 of the City's Home Rule Charter to authorize additional procedures for filling vacant city council seats.

Rationale regarding consideration of amendment to Section 12.12 of the Charter. Charter Section 12.12 was written in 1985, prior to the adoption of TABOR, to limit the ability of the City Council to raise property taxes above 7% annually without the approval of the registered voters of the City. This means that the City's current Charter § 12.12 (a) assumes that the City Council may increase the mill levy by 7% annually and authorizes the City Council to seek approval of the voters

for a mill levy increase above 7%. In 1992, Colorado voters approved a Constitutional mandate referred to as TABOR that restricts the growth of government by imposing a revenue cap on governments that prohibits governmental entities from accepting revenue from any source other than the federal government in excess of the amount of revenue received the year prior. TABOR § 4 prohibits governmental entities from imposing a new tax or increasing an existing tax without voter approval. TABOR § 7 (b) provides that governmental entities' revenue is capped at a "maximum annual percentage change" in each entity's base equivalent to the sum of "inflation in the prior calendar year" and "annual local growth" as defined within TABOR § (g). To go beyond that revenue cap a government must seek approval from the electorate.

12.12 - LIMITATION ON PROPERTY TAXES.

*(STRIKE-THROUGH DENOTES REPEAL OR DELETION OF CHARTER SECTIONS AND
UNDERSCORE DENOTES ADDITIONS TO CHARTER SECTIONS)*

~~(a) The City Council shall not levy an ad valorem tax on taxable property in the City that provides revenue from such levy in an amount greater than was levied in the preceding year plus seven percent, except as hereafter provided. This limitation on the levy of an annual ad valorem tax on taxable property shall not apply for any purpose to the following:-~~

~~(1) The payment of securities issued by the City pursuant to the provisions of this Charter if such securities and interest thereon are payable from ad valorem property taxes, and all such securities issued by the City shall be payable pursuant to the terms of issuance;-~~

~~(2) The payment of any contractual obligation that has been approved by the registered electors of the City; and-~~

~~(3) In the event the City, as the result of exclusion, dissolution, or as otherwise provided by law, continues to provide the services of a special district or special taxing district, the City Council may levy and collect the ad valorem property tax necessary to continue such services in an amount not to exceed that amount most recently levied by the special district or special taxing district for such services; provided, however, that any subsequent levy by the City pursuant to this subsection (a)(3) shall be subject to the seven percent limitation as provided herein.-~~

~~(b) In computing the seven percent limitation, the following shall be excluded:-~~

~~(1) The increased valuation for assessment attributable to annexation or inclusion of additional land, improvements thereon, and personal property connected therewith within the City for the preceding year;-~~

~~(2) The increased valuation for assessment attributable to new construction and personal property connected therewith within the City for the preceding year; and-~~

~~(3) The increased valuation for assessment attributable to increased volume of production for the preceding year by a producing mine or petroleum well if said mine or petroleum well is wholly or partially within the City and if such increase in volume of production causes a change in services or an increase in the level of services provided by the City.-~~

~~(c) The City Council may submit the question of increasing the levy over the seven percent limitation for any one year to a vote of the registered electors of the City at a regular or special municipal election. If a majority of the registered electors voting thereon vote in favor of increasing the levy over~~

the seven percent limitation, then the City Council may increase the levy for the year voted upon by the amount approved by the registered electors.

The City shall have all taxing rights and authority granted by the Colorado Constitution. The City Council may levy property tax in conformance with the Colorado Constitution. Property tax revenues, mill levies, and any increases thereof shall not exceed limits established under the Colorado Constitution unless approved by the registered electors of the City.

The City Council may temporarily reduce property tax mills via ordinance. Any such temporary reduction shall not prevent the City from returning the property tax mill levy to the tax rate previously approved by a vote of the registered electors of the City. Any reduction of property tax shall automatically expire after one fiscal year unless a longer period is expressly stated in the ordinance.

Nothing in this section shall be construed to limit the City's authority to levy taxes for the payment of voter-approved debt, contractual obligations, or other purposes permitted under the Colorado Constitution and applicable state law. In the event the City assumes services previously provided by a special district or taxing entity, the City may levy taxes as permitted by law, subject to any required voter approval.

BUDGETARY IMPACTS: The cost of taking ballot measures to a coordinated election may only be estimated by the City Clerk's Office.

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. Ordinance O-2026-27

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

O-2026-#

AN ORDINANCE

**CALLING FOR A COORDINATED SPECIAL MUNICIPAL
ELECTION TO BE HELD ON NOVEMBER 3, 2026, TO SUBMIT TO A
VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD,
COLORADO, A BALLOT QUESTION FOR THE PURPOSE OF RECEIVING
VOTER APPROVAL TO REPEAL AND REPLACE SECTION 12.12 OF THE
CITY'S HOME RULE CHARTER TO REQUIRE ANY INCREASE IN
PROPERTY TAXES BE APPROVED BY A VOTE OF THE ELECTORATE,
AND ADOPTING THE BALLOT TITLE THEREFOR**

WHEREAS, the Lakewood Home Rule Charter (Charter) was adopted on November 1, 1983, to establish the basic practices and procedures of the City and to serve as the primary document establishing the governance and vision of the City;

WHEREAS, Charter Section 14.9 allows for the Charter to be amended in the manner provided by Article XX of the Colorado Constitution and any statute enacted by the Colorado General Assembly;

WHEREAS, C.R.S. § 31-2-210(1)(b) authorizes the City Council to adopt an ordinance submitting a proposed charter amendment to a vote of the registered electors of the City;

WHEREAS, Charter Section 12.12, enacted in 1985, limits the City Council to increasing property taxes by no more than 7% per year without approval of the registered electors;

WHEREAS, Colorado Constitutional Amendment, Article X, Section 20, known as The Taxpayer's Bill of Rights (TABOR), took effect on December 31, 1992, and prohibits any tax increase without prior voter approval, thereby overriding the provisions of Charter Section 12.12 that allow up to a 7% property tax increase without a vote;

WHEREAS, although this Charter provision is no longer enforceable, it continues to create annual confusion among some residents of the City who attempt to reinterpret it to make it applicable, and it has been cited as the basis for claiming that the City Council may not enact a temporary tax reduction; and

WHEREAS, the City Council wishes to refer the proposed repeal and replacement of Charter Section 12.12 to the electorate in order to remove outdated language from the Charter, reinforce the City's compliance with the Colorado Constitution, and explicitly authorize the City Council to temporarily reduce property taxes in any year as needed, with the ability to later revert to the prior assessment rate, thereby avoiding unnecessary conflict and reaffirming the City's values and priorities.

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

Section 1. Pursuant to Article XX, Section 9 of the Constitution of the State of Colorado and § 31-2-210(1)(b) of the Colorado Revised Statutes, a coordinated, special municipal election is hereby called for Tuesday, November 3, 2026, at which election the following proposed repeal and replacement of Charter Section 12.12, shall be submitted to the registered electors of the City of Lakewood, Colorado. If approved, this replacement shall become effective on January 1, 2027. (STRIKE-THROUGH DENOTES REPEAL OR DELETION OF CHARTER SECTIONS AND UNDERSCORE DENOTES ADDITIONS TO CHARTER SECTIONS)

Section 12.12 LIMITATION ON PROPERTY TAXES.

- (a) ~~The City Council shall not levy an ad valorem tax on taxable property in the City that provides revenue from such levy in an amount greater than was levied in the preceding year plus seven percent, except as hereafter provided. This limitation on the levy of an annual ad valorem tax on taxable property shall not apply for any purpose to the following:~~
 - (1) ~~The payment of securities issued by the City pursuant to the provisions of this Charter if such securities and interest thereon are payable from ad valorem property taxes, and all such securities issued by the City shall be payable pursuant to the terms of issuance;~~
 - (2) ~~The payment of any contractual obligation that has been approved by the registered electors of the City; and~~
 - (3) ~~In the event the City, as the result of exclusion, dissolution, or as otherwise provided by law, continues to provide the services of a special district or special taxing district, the City Council may levy and collect the ad valorem property tax necessary to continue such services in an amount not to exceed that amount most recently levied by the special district or special taxing district for such services; provided, however, that any subsequent levy by the City pursuant to this subsection (a)(3) shall be subject to the seven percent limitation as provided herein.~~
- (b) ~~In computing the seven percent limitation, the following shall be excluded:~~
 - (1) ~~The increased valuation for assessment attributable to annexation or inclusion of additional land, improvements thereon, and personal property connected therewith within the City for the preceding year;~~
 - (2) ~~The increased valuation for assessment attributable to new construction and personal property connected therewith within the City for the preceding year; and~~
 - (3) ~~The increased valuation for assessment attributable to increased volume of production for the preceding year by a producing mine or petroleum well if said mine or petroleum well is wholly or partially within the City and if such increase in~~

~~volume of production causes a change in services or an increase in the level of services provided by the City.~~

~~(c) The City Council may submit the question of increasing the levy over the seven percent limitation for any one year to a vote of the registered electors of the City at a regular or special municipal election. If a majority of the registered electors voting thereon vote in favor of increasing the levy over the seven percent limitation, then the City Council may increase the levy for the year voted upon by the amount approved by the registered electors.~~

Section 12.12 - LIMITATION ON PROPERTY TAXES.

The City shall have all taxing rights and authority granted by the Colorado Constitution. The City Council may levy property tax in conformance with the Colorado Constitution. Property tax revenues, mill levies, and any increases thereof shall not exceed limits established under the Colorado Constitution unless approved by the registered electors of the City.

The City Council may temporarily reduce property tax mills via ordinance. Any such temporary reduction shall not prevent the City from returning the property tax mill levy to the tax rate previously approved by a vote of the registered electors of the City. Any reduction of property tax shall automatically expire after one fiscal year unless a longer period is expressly stated in the ordinance authorizing such temporary reduction.

Nothing in this section shall be construed to limit the City's authority to levy taxes for the payment of voter-approved debt, contractual obligations, or other purposes permitted under the Colorado Constitution and applicable State law. In the event the City assumes services previously provided by a special district or taxing entity, the City may levy taxes as permitted by law, subject to any required voter approval.

Section 2. The following ballot title and question shall be placed on the ballot of the November 3, 2026 coordinated special municipal election to be conducted by the Jefferson County Clerk and Recorder:

Proposed City of Lakewood Charter Amendment No. 3 REPEALING AND REPLACING CHARTER 12.12 TO PROHIBIT PROPERTY TAX INCREASES WITHOUT A VOTE OF THE ELECTORATE

SHALL SECTION 12.12 OF THE LAKEWOOD HOME RULE CHARTER BE REPEALED AND REPLACED, TO REPEAL OBSOLETE LANGUAGE AUTHORIZING AN ANNUAL PROPERTY TAX INCREASE OF UP TO 7% WITHOUT VOTER APPROVAL, AND TO REPLACE THAT PROVISION WITH LANGUAGE STATING THAT THE CITY MUST COMPLY WITH THE COLORADO CONSTITUTION AND MAY NOT INCREASE PROPERTY TAXES WITHOUT APPROVAL OF THE CITY'S ELECTORS?

YES/FOR _____

NO/AGAINST _____

Section 3. Pursuant to the Uniform Election Code of the Colorado Revised Statutes, the special municipal election of November 3, 2026, shall be conducted as a coordinated, mail ballot election and the Election Official is hereby authorized and directed to take all such actions as are necessary or desirable thereunder to effectuate the election as a coordinated, mail ballot election.

Section 4. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. This ordinance calls for a special election, is therefore not subject to referendum, and shall go into effect immediately upon adoption by the City Council and publication by title.

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 27th day of July, 2026; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the XXth day of July, 2026; set for public hearing to be held on the XXth day of August, 2026; read, finally passed and adopted by the City Council on the XXth day of August, 2026; and signed by the Mayor on the XX day of August, 2026.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: AUGUST 10, 2026 / AGENDA ITEM NO. 7E

To: Mayor and City Council
From: Alison McKenney Brown, City Attorney
Subject: **Ballot Question Referral - Section 13.1(d) Initiative and 13.2(e) Referendum Election Timeframes**

SUMMARY STATEMENT: The City Council directed that four draft amendments to the City's Charter be placed on the July 27, 2026 agenda for consideration, including this Ordinance regarding amendment of Charter Sections 13.1(d) and 13.2(e).

BACKGROUND INFORMATION:

On March 23, 2026, the City Council approved Resolution 2026-19, a Resolution entitled *Establishing An Ad Hoc Committee Of Members Of The City Council To Review The City's Charter, Provide Reports To The City Council On Possible Amendments To The City's Charter, And A Report On The Establishment Of A Permanent City Council Charter Review Committee*. The Committee met on May 4th, 18th, and June 29th. The City Council reviewed the work of the Committee at a study session held on June 15th. The Committee proposed possible amendments to five sections of the Charter including:

TOPIC 1 – SECTION 2.6 TERMS OF SERVICE

TOPIC 2 – SECTION 12.12 LIMITATION ON PROPERTY TAXES

TOPIC 3 – SECTION 13.1(d) INITIATIVE (election timeframe)

~~TOPIC 4 – SECTION 13.2(a) REFERENDUM (scope of referendum)~~

TOPIC 5 – SECTION 13.2(e) REFERENDUM (election timeframe)

The City Council reached consensus on bringing draft ordinances forward on Topics 1, 2, 3 and 5. The City Council asked that Topics 3 and 5 be incorporated into a single ballot measure ordinance due to the similarity of the changes to those two sections. Additionally, the City Council reached consensus on bringing forward a draft ordinance to amend Section 2.8 of the City's Home Rule Charter to authorize additional procedures for filling vacant city council seats.

Rationale regarding consideration of amendment to Sections 13.1(d) and 13.2(e).

Previous amendments to the Charter have sought to revise language to bring the Charter into conformance with revised State election laws, including on November 2, 1999, when voters approved a ballot question amending Charter Section 13, regarding initiative and referendum procedures. Subsequent to the November 1999 amendment, the State has revised numerous provisions of the

Municipal Election Code enacted under Title 31 of the Colorado Revised Statutes to recognize the additional procedural steps required for mail ballot elections, as opposed to traditional in-person elections, including securing a qualified ballot printing company, printing and delivering ballots and envelopes to the City, mailing ballots to voters, and receiving completed ballots, especially as pertains to active and overseas military electors, a group that requires additional time to receive and return their ballots as described within C.R.S. 31-10-102.8.

Charter Sections 13.1(d) regarding initiative procedures and 13.2(e) regarding referendum procedures continue to mandate that elections for both initiative ordinances and referendums be held between thirty (30) and ninety (90) days following a sufficiency determination by the City Clerk and presentation to the City Council, a time frame that was workable for traditional in-person elections but is impractical for modern mail ballot elections, and complying with these outdated time frames creates significant logistical challenges in completing the essential steps of a mail ballot election.

Proposed amendment:

*(STRIKE-THROUGH DENOTES REPEAL OR DELETION OF CHARTER SECTIONS AND
UNDERSCORE DENOTES ADDITIONS TO CHARTER SECTIONS)*

Section 13.1(d) INITIATIVE PROCEDURES.

Within thirty days after the petition is presented by the City Clerk, the City Council shall either adopt the initiated ordinance by a majority vote of all members of City Council without any change to the initiated ordinance or submit the initiated ordinance to a vote of the registered electors of the City at a special election to be held ~~within ninety days, but not less than thirty~~ sixty (60) days and not more than one hundred and fifty (150) days, after the final determination of petition sufficiency ~~the petition is presented to the City Council~~; or at any regular municipal election to be held not more than ~~ninety one hundred and fifty (150) days after the final determination of petition sufficiency presentation of the petition to the City Council.~~

Section 13.2(e) REFERENDUM PROCEDURES.

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 City Council, the ordinance shall be submitted, without amendment or alteration, to a vote of the registered electors at a special election to be held ~~within ninety days, but not less than thirty~~ sixty (60) days and not more than one hundred and fifty (150) days, after the final determination of petition sufficiency ~~presentation of the referendum petition to the City Council~~; or at a regular municipal election held within the ~~ninety-~~ one hundred and fifty (150) day period as described above.

BUDGETARY IMPACTS:

The cost of taking ballot measures to a coordinated election may only be estimated by the City Clerk's Office.

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. Ordinance O-2026-28

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

AN ORDINANCE

CALLING FOR A COORDINATED SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2026, TO SUBMIT TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD, COLORADO, A BALLOT QUESTION FOR THE PURPOSE OF AUTHORIZING VOTER-APPROVED AMENDMENTS TO THE CITY'S HOME RULE CHARTER TO REPLACE THE LANGUAGE ESTABLISHING TIME FRAMES FOR HOLDING REGULAR OR SPECIAL ELECTIONS AS ESTABLISHED WITHIN SECTION 13.1(d) REGARDING INITIATIVE PROCEDURES AND SECTION 13.2(e) REGARDING REFERENDUM PROCEDURES, AND ADOPTING THE BALLOT TITLE THEREFOR

WHEREAS, the Lakewood Home Rule Charter (Charter) was adopted on November 1, 1983, to establish the basic practices and procedures of the City and to serve as the primary document establishing the governance and vision of the City;

WHEREAS, Charter Section 14.9 allows for the Charter to be amended in the manner provided by Article XX of the Colorado Constitution and any statute enacted by the Colorado General Assembly;

WHEREAS, C.R.S. § 31-2-210(1)(b) authorizes the City Council to adopt an ordinance submitting a proposed charter amendment to a vote of the registered electors of the City;

WHEREAS, previous amendments to the Charter have sought to revise language to bring the Charter into conformance with revised State election laws, including on November 2, 1999, when voters approved a ballot question amending Charter Section 13, regarding initiative and referendum procedures;

WHEREAS, subsequent to the November 1999 amendment, the State has revised numerous provisions of the Municipal Election Code enacted under Title 31 of the Colorado Revised Statutes to recognize the additional procedural steps required for mail ballot elections, as opposed to traditional in-person elections, including securing a qualified ballot printing company, printing and delivering ballots and envelopes to the City, mailing ballots to voters, and receiving completed ballots, especially as pertains to active and overseas military electors, a group that requires additional time to receive and return their ballots as described within C.R.S. 31-10-102.8;

WHEREAS, Charter Sections 13.1(d) regarding initiative procedures and 13.2(e) regarding referendum procedures continue to mandate that elections for both initiative ordinances and referendums be held between thirty (30) and ninety (90) days following a sufficiency determination by the City Clerk and presentation to the City Council, a time frame that was workable for traditional in-person elections but is impractical for modern mail ballot elections, and complying with these outdated time frames creates significant logistical challenges in completing the essential steps of a mail ballot election;

WHEREAS, C.R.S. 31-11-104, which establishes the election procedures for initiative ordinances, and C.R.S. 31-11-105, which establishes the election provisions for referendums, authorize elections to be held not less than sixty (60) days and not more than one hundred fifty (150) days after the City Clerk's final determination of petition sufficiency;

WHEREAS, amending the Lakewood Home Rule Charter to provide a sufficient time frame for conducting elections associated with both initiative ordinances and referendums is essential to supporting the City's use of mail ballot elections and ensuring full participation by all residents, including military personnel residing and serving outside Lakewood and overseas; and

WHEREAS, the City Council wishes to refer to the electorate the proposed amendments to the Charter that reflect and affirm the City's values and priorities, including the goal of ensuring that Lakewood remains the best place to live, work, and play in Colorado by establishing initiative and referendum election processes that are actively inclusive of all residents.

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

Section 1. Pursuant to Article XX, Section 9 of the Constitution of the State of Colorado and § 31-2-210(1)(b) of the Colorado Revised Statutes, a coordinated, special municipal election is hereby called for Tuesday, November 3, 2026, at which the following proposed amendments to Charter Section 13.1(d) regarding initiative procedures, and Section 13.2(e) regarding referendum procedures, shall be submitted to the registered electors of the City of Lakewood, Colorado. If approved, these amendments shall become effective on January 1, 2027. (STRIKE-THROUGH DENOTES REPEAL OR DELETION OF CHARTER SECTIONS AND UNDERSCORE DENOTES ADDITIONS TO CHARTER SECTIONS)

Section 13.1 INITIATIVE PROCEDURES.

- (a) Any initiated measure shall be in the form of an ordinance, which shall be legislative in character.
- (b) An initiated ordinance may be submitted to the City Council by filing a petition with the City Clerk. The petition shall be signed by registered electors of the City in a number at least equal to five percent of the total number of registered electors of the City on the date of the last regular municipal election.
- (c) If the petition is found to be sufficient upon examination by the City Clerk, the City Clerk shall present the petition to the City Council at the first regular meeting held more than thirty days after the date the petition was filed or at a special meeting held on the first Monday more than thirty days after the date the petition was filed.
- (d) Within thirty days after the petition is presented by the City Clerk, the City Council shall either adopt the initiated ordinance by a majority vote of all members of City Council without any change to the initiated ordinance or submit the initiated

ordinance to a vote of the registered electors of the City at a special election to be held ~~within ninety days, but not less than thirty~~ sixty (60) days and not more than one hundred and fifty (150) days, after ~~the final determination of petition sufficiency the petition is presented to the City Council;~~ or at any regular municipal election to be held not more than ~~ninety~~ one hundred and fifty (150) days after ~~the final determination of petition sufficiency presentation of the petition to the City Council.~~

- (e) The initiated ordinance shall be published in full not less than ten days prior to the election. The ballot 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".
- (f) If a majority of the registered electors voting 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 ordinance.
- (g) In the event that initiated ordinances containing conflicting provisions are approved at the same election, the initiated ordinance receiving the greatest number of votes shall prevail to the extent of the conflict.

Section 13.2 REFERENDUM PROCEDURES.

- (a) 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) If a petition calling for a referendum of an ordinance is signed by registered electors of the City in a number at least equal to three percent of the total number of registered electors of the City on the date of the last regular municipal election, such petition may be submitted to the City Council by filing it with the City Clerk. A referendum petition shall be filed with the City Clerk prior to the effective date of an ordinance as provided in Section 7.4 (b) and (c) of this Charter.
- (c) If the petition is found to be sufficient upon examination by the City Clerk, the City Clerk shall present the petition to the City Council at the first regular meeting held more than thirty days after the date the petition was filed or at a special meeting held on the first Monday more than thirty days after the date the petition was filed.
- (d) Upon presentation to the City Council of such petition by the City Clerk, the ordinance shall be suspended from operation.
- (e) 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 City Council, the ordinance shall be submitted, without amendment or alteration, to a vote of the registered electors at a special election to be held ~~within ninety days, but not less than thirty~~ sixty (60) days and not more than one hundred and fifty (150) days, after ~~the final determination of~~

~~petition sufficiency presentation of the referendum petition to the City Council; or at a regular municipal election held within the ninety- one hundred and fifty (150) day period as described above.~~

- (f) A referred ordinance shall be published in full not less than ten days prior to the date of the election. The ballot for the referred ordinance 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". If a majority of the registered electors voting vote "for" the ordinance, it 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.

Section 2. The following ballot title and question shall be placed on the ballot of the November 3, 2026 coordinated special municipal election to be conducted by the Jefferson County Clerk and Recorder:

**Proposed City of Lakewood Charter Amendment No. 1
ESTABLISHING TIME FRAMES FOR HOLDING REGULAR OR SPECIAL
ELECTIONS FOR INITIATIVE ORDINANCES AND REFERENDUMS**

SHALL SECTIONS 13.1(d) AND 13.2(e) OF THE LAKEWOOD HOME RULE CHARTER REGARDING INITIATIVE AND REFERENDUM PROCEDURES BE AMENDED TO EXTEND THE TIME FRAME FOR CONDUCTING REGULAR OR SPECIAL ELECTIONS ON INITIATIVE ORDINANCES AND REFERENDUMS TO NOT LESS THAN SIXTY (60) DAYS AND NOT MORE THAN ONE HUNDRED FIFTY (150) DAYS AFTER THE FINAL DETERMINATION OF PETITION SUFFICIENCY?

YES/FOR _____

NO/AGAINST _____

Section 3. Pursuant to the Uniform Election Code of Colorado Revised Statutes, the special municipal election of November 3, 2026, shall be conducted as a coordinated, mail ballot election and the Election Official is hereby authorized and directed to take all such actions as are necessary or desirable thereunder to effectuate the election as a coordinated, mail ballot election.

Section 4. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. This ordinance calls for a special election, is therefore not subject to referendum, and shall go into effect immediately upon adoption by the City Council and publication by title.

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 27th day of July, 2026; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the XXth day of July, 2026; set for public hearing to be held on the XXth day of August, 2026; read, finally passed and adopted by the City Council on the XXth day of August, 2026; and signed by the Mayor on the XX day of August, 2026.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: AUGUST 10, 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: AUGUST 10, 2026 / AGENDA ITEM NO. 8A

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Approving and IGA to Participate in the Coordinated Election**

SUMMARY STATEMENT: This resolution approves participation in the coordinated election and an IGA with the Jefferson County Clerk and Recorder's Office to provide election services.

BACKGROUND INFORMATION: November 3, 2026, is a designated coordinated election date under state law and the Jefferson County Clerk and Recorder is the coordinated election official responsible for conducting the election on behalf of the participating governmental jurisdictions.

BUDGETARY IMPACTS: Final election costs are not known until after the election is held due to several costs being shared among the participating entities and the number of registered voters within each entity. The City Clerk's Office has requested a supplemental budget appropriation of \$225,000 for this election.

STAFF RECOMMENDATIONS: Staff recommends approval of the resolution to coordinate the November 3, 2026, election with Jefferson County.

ALTERNATIVES: None

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

NEXT STEPS: Staff will execute the IGA with the Jefferson County Clerk and Recorder's Office.

ATTACHMENTS:

1. Resolution R-2026-56
2. 2026 Election IGA with City of Lakewood

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

R-2026-56

A RESOLUTION

APPROVING PARTICIPATION BY THE CITY OF LAKEWOOD IN A COORDINATED
ELECTION TO BE CONDUCTED ON NOVEMBER 3, 2026, BY THE JEFFERSON
COUNTY CLERK AND RECORDER

WHEREAS, November 3, 2026, is a designated coordinated election date under state law and the date of a statewide general election;

WHEREAS, the Jefferson County Clerk and Recorder (the “Jefferson County Clerk”) is the coordinated election official responsible for conducting the coordinated election on behalf of the participating governmental jurisdictions;

WHEREAS, Jefferson County and the City of Lakewood must enter into an intergovernmental agreement to provide for coordinated election services and for formal approval for participation in the coordinated election (the “IGA”); and

WHEREAS, the City Council hereby finds and determines that execution of the IGA and participation in the coordinated election are and shall be in the best interest of the residents of the City.

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

SECTION 1. Participation by the City of Lakewood in the coordinated election to be held on November 3, 2026, is hereby approved.

SECTION 2. The City Clerk is hereby authorized to execute with the Jefferson County Clerk an IGA approved as to form by the City Attorney and to take all appropriate action to hold the election, including compliance with applicable election laws.

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

INTERGOVERNMENTAL AGREEMENT FOR ELECTION COORDINATION

THIS INTERGOVERNMENTAL AGREEMENT FOR ELECTION COORDINATION (this “Agreement”), dated for reference purposes only this 23 day of July, 2026, is by and between the CLERK AND RECORDER FOR THE COUNTY OF JEFFERSON, STATE OF COLORADO (“County Clerk”) and the CITY OF LAKEWOOD the “Jurisdiction,” and together with the County Clerk, the “Parties.”)

RECITALS

- A. The County Clerk and the Jurisdiction are authorized to conduct elections under Colorado law;
- B. The Parties wish to coordinate the administration of their respective election matters at the upcoming election to be held on November 3, 2026 (the “Election”); and
- C. This Agreement sets forth the Parties’ respective duties and responsibilities in connection with the preparation for, and conduct of, the Election.

AGREEMENT

In consideration of the foregoing recitals and the mutual covenants and promises herein contained, the Parties agree as follows:

1. **Definitions.** Capitalized terms not otherwise defined herein shall have the meanings set forth below:
 - a. “Applicable Law” means all law applicable to the Election, including, without limitation, the Colorado Constitution, the Uniform Election Code (as defined below), UOCAVA (as defined below) and the Rules (as defined below).
 - b. “Ballot Box” means a locked and secured container meeting the requirements of Applicable Law in which ballots may be deposited.
 - c. “Ballot Issue” shall have the meaning ascribed to that term in C.R.S. § 1-1-104(2.3).
 - d. “Ballot Issue Notice” shall have the meaning ascribed to that term in C.R.S. § 1-1-104(2.5).
 - e. “Ballot Measure” means any Ballot Issue or Ballot Question.
 - f. “Ballot Question” shall the meaning ascribed to that term in C.R.S. § 1-1-104(2.7).
 - g. “DEO” means Designated Election Official, the person designated by the Jurisdiction as the person who is responsible for the conduct of the Jurisdiction’s election in accordance with C.R.S. § 1-1-104(8).
 - h. “Election Audit” means a risk-limiting audit performed in accordance with the requirements of C.R.S. § 1-7-515.
 - i. “Election Canvass” means the process of reconciling the ballots cast in the Election to the ballots counted, which is performed in accordance with the requirements of C.R.S. § 1-10-101, et seq.

- j. “Precinct” means an area with established boundaries within the Jurisdiction used to establish election districts.
 - k. “Rules” means the current rules and regulations governing election procedures adopted by the Colorado Secretary of State, including any amendments adopted after execution of this Agreement.
 - l. “Shared Election Costs” means all costs incurred by the County Clerk in connection with the Election that are eligible to be shared between the County Clerk and the Jurisdiction. Shared Election Costs include, without limitation, costs incurred by the County related to temporary election staff (such as election judges), including training and onboarding costs, regular County Clerk employee overtime costs related to the Election, the cost of printing ballots, costs for non-routine support, maintenance, handling and delivery of Election equipment, hardware and software, the cost of preparing minority language sample ballots and TABOR Books, costs of Election forms, materials, supplies and postage, VSPC rental and setup costs, and costs of Election Day meals.
 - m. “TABOR Book” means a booklet containing Ballot Issue Notices prepared and mailed to eligible voters in accordance with Applicable Law and the terms of this Agreement.
 - n. “Uniform Election Code” means Articles 1 to 13 of Title 1 of the Colorado Revised Statutes.
 - o. “UOCAVA” means the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301, et seq., as incorporated in Colorado pursuant to C.R.S. 1-8.3-101, et seq.
2. **Term.** The term of this Agreement shall commence on the date it is validly executed by both Parties and shall continue until all obligations of both Parties under the Agreement have been completed.
3. **Designation of Coordinated Election Official.** The Parties agree that the County Clerk shall serve as the “Coordinated Election Official” for the Election. As the Coordinated Election Official, the County Clerk shall conduct the Election on behalf of the Jurisdiction and shall be responsible for performing such duties as are assigned to a Coordinated Election Official under Applicable Law, except to the extent specifically modified herein.
4. **Designation of Liaisons.**
- a. Each Party designates the individuals listed below as its liaison and alternate liaison hereunder.
- | | |
|--|---|
| <p><u>County Clerk Liaison</u></p> <p>Cynthia Rasor
 Jefferson County Elections Division
 3500 Illinois Street, Suite 1100
 Golden, CO 80401
 Direct Phone: (303) 271-8115
 Office Phone: (303) 271-8111
 Email: logistics@jeffco.us</p> | <p><u>Alternate County Clerk Liaison</u></p> <p>Geneice Murphy
 Jefferson County Elections Division
 3500 Illinois Street, Suite 1100
 Golden, CO 80401
 Office Phone: (303) 271-8111
 Email: gmurphy@jeffco.us</p> |
|--|---|

Jurisdiction Liaison (DEO)

Alternate Jurisdiction Liaison

Name

Name

Title/Office

Title/Office

Address

Address

City, State, Zip Code

City, State, Zip Code

Direct Phone Number

Direct Phone Number

Office Phone Number

Office Phone Number

Email

Email

- b. The County Clerk Liaison shall act as the County Clerk's primary liaison with the Jurisdiction for the Election and shall have primary responsibility for performance of the County Clerk's obligations hereunder. In the event the Jurisdiction needs immediate assistance and the Election Liaison is unavailable, the Jurisdiction shall contact the Alternate County Clerk Liaison.
 - c. The Jurisdiction Liaison shall act as the Jurisdiction's primary liaison with the County Clerk for the Election and shall have primary responsibility for the performance of the Jurisdiction's obligations hereunder. In the event the County Clerk needs immediate assistance, and the Jurisdiction Liaison is unavailable, the County Clerk shall contact the Alternate Jurisdiction Liaison. The Jurisdiction Liaison can be updated by notice to the County Clerk.
5. **Notices.** Except as otherwise provided herein, all correspondence and notices required to be given under this Agreement shall be delivered to the Parties' respective liaisons identified above at the addresses listed above and shall be deemed received: (1) three days after the notice or correspondence is mailed by first class, certified mail; (2) immediately upon hand delivery; or (3) upon confirmation of receipt of email transmission.
6. **Mail Ballot Election.** The Election shall be held on November 3, 2026 ("Election Day") and shall be conducted as a mail ballot election in accordance with the procedures of the Mail Ballot Election Act, C.R.S. § 1-7.5-101, et seq.
7. **Jurisdictional Limitation.**
 - a. If the Jurisdiction encompasses territory outside of Jefferson County, Colorado, this Agreement shall be construed to apply only to that portion of the Jurisdiction that falls within Jefferson County.

- b. Notwithstanding the foregoing, if the Jurisdiction encompasses territory outside of Jefferson County, the County Clerk will coordinate with the designated election official(s) of such other territories for the purpose of assigning ballot numbers/letters, certifying TABOR Book content, and other matters appropriate under Applicable Law, in accordance with the Rules governing “controlling counties.”
8. **No Use of Instant Runoff Voting.** The Jurisdiction has not provided notice to the County Clerk that any of the Jurisdiction’s races or contests will use instant runoff voting pursuant to C.R.S. § 1-7-118. Accordingly, instant runoff voting will not be used for any of the Jurisdiction’s races or contests.
9. **Responsibilities of the Parties.** The Jurisdiction and County Clerk shall perform the following responsibilities in connection with the preparation for, and conduct of, the Election, in accordance with the terms of this Agreement and Applicable Law:
 - a. **Execution and Documentation of Authority.** On or before 12:00 pm on August 25, 2026, the Jurisdiction shall email the County Clerk (logistics@jeffco.us):
 - i. a PDF of this Agreement validly executed by the Jurisdiction; and
 - ii. a copy of a duly-passed resolution stating that the Jurisdiction will coordinate with the County Clerk in the Election in accordance with the terms of this Agreement and Applicable Law and authorizing the Jurisdiction to enter into this Agreement.
 - b. **Maps and Legal Descriptions.** If there were any changes to the boundaries of the Jurisdiction since January 1, 2026, the Jurisdiction shall provide the County Clerk with the Jurisdiction’s current shapefiles (point-to-point geometry using points, lines and area features to define the Jurisdiction’s boundaries) or updated address library files, including each Precinct, district/ward and the voting jurisdiction. promptly upon execution of this Agreement, but no later than August 10, 2026.
 - c. **Election Preparation and Support**
 - i. **VSPCs.** The County Clerk shall establish, staff, equip and operate all Voter Service Polling Centers.
 - ii. **Election Judges.** The County Clerk shall engage, train and coordinate the scheduling of all election judges.
 - iii. **Equipment and Supplies.** The County Clerk shall obtain all necessary equipment and supplies to conduct the Election, including all voting equipment, ballots and forms.
 - iv. **Ballot Boxes.** The County Clerk shall establish, maintain, and collect ballots from all Ballot Boxes. The Jurisdiction shall not take any action that would prevent voters from accessing any Ballot Box twenty-four hours per day during the period when Ballot Boxes are open pursuant to state law.
 - v. **Ballot Counting Process.** The County Clerk shall (1) establish, staff, equip and operate a centralized ballot counting location for the Election, (2) establish ballot counting procedures for the Election; and (3) establish backup ballot counting procedures and sites for ballot counting in the event its ballot counting equipment fails during the Election.

- vi. **Voter Support.** The County Clerk shall provide telephone and in-person support to voters during the in-person voting period and from 7:00 a.m. to 7:00 p.m. on Election Day.
- vii. **Election Notices.** The County Clerk shall publish all Election notices required by Applicable Law.
 - 1) The Jurisdiction shall not publish any notice related to the Election without first obtaining the approval of the County Clerk. To request approval to publish a notice the Jurisdiction shall provide the County Clerk with all relevant information related to the proposed publication, including a copy of the proposed notice, at least one (1) week prior to the Jurisdiction's deadline for submitting the proposed notice to the publisher.
 - 2) The Jurisdiction shall bear full responsibility for any Election notices published without the County Clerk's approval and shall comply with all instructions issued by the County Clerk to remedy any incorrect or improper notices.
- d. Logic and Accuracy Test. The County Clerk shall prepare for and conduct the Logic and Accuracy Test ("LAT").
 - i. The County Clerk will notify the Jurisdiction of the date and time of the LAT, once it has been scheduled, and request confirmation as to whether the Jurisdiction intends to attend the LAT. If the Jurisdiction wishes to attend and witness the LAT, the Jurisdiction Liaison must submit the name of the Jurisdiction's attendee in writing to the County Clerk within seventy-two (72) hours of its receipt of the above-described notice.
 - ii. If the Jurisdiction fails to meet this deadline, the County Clerk shall deem the failure to be a decision by the Jurisdiction not to witness the LAT and will act on behalf of the Jurisdiction, as appropriate.
- e. Property Owner Lists. If the Jurisdiction is a Special District or allows property owners to vote regarding the Jurisdiction's Ballot Measures or candidates, the procedures and deadlines in Exhibit B of this Agreement detail the Jurisdiction's additional responsibilities with regard to the Election.
- f. Candidate Voice Messages. The Jurisdiction shall inform any candidates running for office in the Jurisdiction to call the County Clerk at (303) 271-8115 between August 28, 2026 and 12:00 p.m. on September 4, 2026 and leave a message containing the following information:
 - i. The proper pronunciation of the candidate's name;
 - ii. The title of the office that the candidate is running for; and
 - iii. The name of the Jurisdiction that the office is part of.
- g. Certification of Jurisdiction Ballot Measures. The Jurisdiction shall be responsible for certifying, and for taking all actions required by Applicable Law to certify, any Ballot Measures included on the Jurisdiction's ballot certification (including both Ballot Measures referred by the Jurisdiction itself and citizen-initiated Ballot Measures affecting the Jurisdiction).

h. Ballot Preparation

- i. No later than 12:00 p.m. on September 4, 2026, the Jurisdiction shall email its ballot certification to the County Clerk in an attached text document (preferably Microsoft Word – no PDF) and **not embedded** within the email itself. If the Jurisdiction fails to submit the ballot certification by the above deadline, the ballot certification may not be accepted by the County Clerk.
 - 1) The Jurisdiction shall submit its ballot certification using the ballot certification template provided by the County Clerk.
 - 2) The Jurisdiction’s ballot certification shall include all of the races, candidates and contests that will be presented to the Jurisdiction’s voters in the Election, including the text of all Ballot Measures, in the exact order that they need to appear on the ballot.
 - 3) The ballot certification **shall not** contain any extraordinary (unique) formatting. Examples of extraordinary (unique) formatting not permitted in the ballot certification include, but are not limited to: (a) text boxes; (b) charts; (c) spreadsheets; (d) strikeouts; (e) bolding; and (f) symbols. If a table or similar item is required to be included in the ballot title pursuant to Jurisdiction law, please provide that legal directive at the time this Agreement is signed.
 - 4) The Jurisdiction shall proofread the language of any Ballot Measures that appear in the ballot certification prior to sending it to the County Clerk for initial text lay out. **The Jurisdiction is solely responsible for ensuring the legality and accuracy of all Ballot Measure language.**
 - 5) The Jurisdiction **shall ensure the correct spelling** of the name of each candidate running for Jurisdiction office, if applicable.
 - 6) The Jurisdiction **shall not** assign a ballot number to any Ballot Measure. The County Clerk has the sole authority to determine the numbering of all Ballot Measures in accordance with Applicable Law and will provide the Jurisdiction with the ballot number after ballot certification.
- ii. Upon receipt of the ballot certification from the Jurisdiction, the County Clerk will:
 - 1) Consolidate the ballot certification content received from all Jurisdictions and organize it into the structure in which it will appear on the printed ballot(s);
 - 2) Determine the numbering of all Ballot Measures; and
 - 3) Provide a document containing the Jurisdiction’s final draft ballot printing layout and text to the Jurisdiction, with instructions to perform a final review and provide final approval by a date set forth in the instructions.
 - 4) The County Clerk reserves the right to change the content of the Jurisdiction’s ballot certification (other than candidate name/ballot question content) in order to ensure ballot consistency.

- iii. Upon receipt of the final draft ballot layout from the County Clerk, the Jurisdiction Liaison or Alternate Jurisdiction Liaison shall be available to perform a final review and proofread of the ballot layout and provide final approval to the County Clerk by the deadline included in the instructions sent to the Jurisdiction. Once approved, the ballot layout cannot be changed.
 - iv. No later than October 9, 2026, the County Clerk shall print and mail ballots to each active eligible Jefferson County voter, together with voter instructions, outgoing envelope, return envelope and any other items required by Applicable Law.
 - v. From October 6, 2026 through the 8-day mailing cutoff, the County Clerk shall mail supplemental ballots to eligible Jefferson County voters who were not included in the initial mailing.
- i. Preparation of Spanish Language Ballot
- i. In accordance with Applicable Law, the County Clerk will prepare an in-person Spanish language ballot containing all of the same content that is on the English language ballot and make the Spanish language ballot accessible to Jefferson County voters on the County Clerk's public website, at Voter Service Polling Centers, and at such other locations as the County Clerk determines. The County Clerk reserves the right to determine whether the in-person Spanish language ballot is made available to voters in printed or electronic form.
 - ii. The Jurisdiction shall be responsible for preparing a Spanish language translation of the title and text of all Ballot Measures included on the Jurisdiction's ballot certification (including both Ballot Measures referred by the Jurisdiction itself and citizen-initiated Ballot Measures affecting the Jurisdiction) and all Jurisdiction offices on the ballot.
 - 1) The Jurisdiction's Spanish language ballot translation shall be prepared in accordance with Applicable Law including, without limitation, all applicable requirements of the Ballot Access for All Citizens Act, C.R.S. §§ 1-5-901 et seq., and the Secretary of State's rules promulgated thereunder. Without limiting the generality of the foregoing, the Jurisdiction (a) shall have the Spanish language ballot translation prepared by a "qualified translator or interpreter," as that term is defined in C.R.S. § 1-5-903(4) and Secretary of State Rule 4.8.9; and (b) shall provide a Spanish language ballot translation that is linguistically accurate, culturally appropriate, and technically consistent with the original documents.
 - 2) The Jurisdiction's Spanish language ballot translation shall include the text of all Jurisdiction offices and Ballot Measures on the Jurisdiction's ballot certification, in the exact order that they will appear on the ballot (matching order of the English language ballot certification submitted at the same time).
 - iii. No later than 12:00 pm on September 4, 2026, the Jurisdiction shall email its Spanish language ballot translation to the County Clerk in an attached text document (preferably Microsoft Word – no PDF).

- iv. The County Clerk shall be responsible for providing Spanish language translations of all voter instructions and voter information in the TABOR Book, and other ballot content not required to be provided by the Jurisdiction or other participating jurisdictions. The Jurisdiction agrees to release the County Clerk from all claims it may have relating to the County Clerk's translation of such content (including, without limitation, all claims relating to the accuracy of the translation) provided that the County Clerk (a) has had the translation performed by a qualified translator or interpreter; and (b) otherwise complies with Applicable Law. The County Clerk is under no obligation to re-translate voter instructions, section headers, or voter information that has not changed from prior years.

j. Ballot Issue Notice Preparation

- i. On or before 12:00 p.m. on September 21, 2026, the Jurisdiction shall provide the County Clerk with the full text of the Ballot Issue Notice covering all of the Jurisdiction's Ballot Issue(s). The Ballot Issue Notice shall include all information required by Applicable Law, including without limitation the following:
 - 1) The name of the Jurisdiction;
 - 2) The identity and contact information of the Jurisdiction contact person;
 - 3) The text of each Ballot Issue in the form finally certified and accepted by the County Clerk;
 - 4) All other required Ballot Issue language, including but not limited to:
 - a) A fiscal impact statement, if required; and
 - b) Summaries of all comments for and against each Ballot Issue validly received by the Jurisdiction, or a statement that no comments were filed by the constitutional deadline.
 - i) The Jurisdiction is responsible for accepting, filing, summarizing and retaining comments concerning the Jurisdiction's Ballot Issues and shall ensure that all requirements of Applicable Law are complied with, including, without limitation, ensuring that all comments submitted to the Jurisdiction include a signature and a physical address where the signor is registered to vote.

ii. Delivery and Formatting Requirements

- 1) The Jurisdiction shall email the Ballot Issue Notice to the County Clerk in an attached text document (preferably Microsoft Word – no PDF).
- 2) The Jurisdiction shall use the TABOR Ballot Issue Notice template provided by the County Clerk.
- 3) The text of the Ballot Issue shall be in all UPPERCASE.
- 4) All other text in the Ballot Issue Notice (including the identity and contact information of the Jurisdiction contact person, the fiscal impact statement, if

required, and the summaries of comments for and against each Ballot Issue), shall be in upper and lower case.

- 5) The Ballot Issue Notice shall not be embedded in an email and shall not contain any extraordinary (unique) formatting.
 - a) Examples of extraordinary (unique) formatting not permitted in the Ballot Issue Notice includes, but are not limited to: (a) text boxes; (b) charts; (c) spreadsheets; (d) strikeouts; (e) bolding; and (f) symbols.
 - b) If a table or similar item is required to be included in the ballot title pursuant to Jurisdiction law, please provide that legal directive at the time this Agreement is signed.
- 6) **The Jurisdiction is solely responsible for ensuring the legality and accuracy of all Ballot Issue Notice language.**

iii. TABOR Book Layout. Upon receipt of the Ballot Issue Notice from the Jurisdiction, the County Clerk shall:

- 1) Consolidate the Ballot Issue Notice content received from all Jurisdictions and organize it into the structure in which it will appear in the TABOR Book;
- 2) Add a list of County VSPCs and Ballot Boxes, and any other information required by Applicable Law, to the TABOR Book; and
- 3) Provide a final draft layout of the TABOR Book to the Jurisdiction with instructions to perform a final review of their portion of the TABOR Book and provide final approval by a date set forth in the instructions.
- 4) The County Clerk reserves the right to change the content of the Jurisdiction's Ballot Issue Notice (other than the ballot question content) in order to ensure consistency.

iv. Final Review and Proofread. Between September 21, 2026 and September 22, 2026, the Jurisdiction Liaison or Alternate Jurisdiction Liaison shall be available to perform a final review and proofread of the Jurisdiction's portion of the TABOR Book and provide final approval of such portion to the County Clerk by the deadline included in the instructions sent to the Jurisdiction. Upon completion of the Jurisdiction's review and proofread of their portion of the TABOR Book, the Jurisdiction Liaison or Alternate Jurisdiction Liaison shall send approval of its content via email to the County Clerk. Once approved, Ballot Issue Notice text cannot be changed.

- 1) The Jurisdiction shall have **no more than 2 hours** from the time the County Clerk sends the TABOR Book to perform the final review and proofread.
- 2) If the Jurisdiction fails to meet this deadline, the County Clerk shall deem the failure to be a decision by the Jurisdiction to approve the Jurisdiction's portion of the TABOR book in the form transmitted by the County Clerk (including any modifications proposed by the County Clerk).

- v. Printing and Mailing. On or before October 2, 2026, the County Clerk shall print and mail the TABOR Book to each address in Jefferson County at which one or more active, registered Jefferson County voter resides.
 - 1) Nothing herein shall preclude the County Clerk from including ballot issue notices for more than one jurisdiction in the TABOR Book if doing so arises from the County Clerk's efforts to mail the TABOR Book at "least cost" and such mailing conforms with Applicable Law.
- vi. TABOR Books for Non-Jefferson County Voters. The Jurisdiction shall be solely responsible for preparing and mailing TABOR Books to voters who reside outside of Jefferson County.
 - 1) Notwithstanding the foregoing, the County Clerk will make a PDF of the final TABOR Book available on its website, which the Jurisdiction may print and mail copies of to voters who reside outside of Jefferson County at its sole expense.
 - 2) If the Jurisdiction wishes to print and mail extra TABOR Books for non-Jefferson County residents, the Jurisdiction shall be solely responsible for its acts or omissions in connection therewith.
 - 3) The County Clerk will not agree to prepare special TABOR Books for non-Jefferson County residents.
- k. Ballot Counting / Result Reporting
 - i. The County Clerk shall process all ballots received during the Election voting period according to Applicable Law.
 - ii. Between 7:00 p.m. and 7:30 p.m., and at approximately 9:00 p.m., on Election Day, the County Clerk shall upload unofficial Election results to the Election Night Reporting ("ENR") system (unless the Secretary of State waives or modifies these deadlines or the ENR system is offline or otherwise unavailable).
 - iii. The County Clerk shall have the right, but not the obligation, to upload unofficial Election results to its public website on or after Election Day.
 - iv. Upon completion of the Election Canvass and no later than November 27, 2026, the County Clerk shall upload a Jurisdiction-wide summary of the official Election results to the ENR system.
 - v. If there is not a recount affecting the County, the County Clerk shall upload the official Precinct or District-level Election results and Cast Vote Record to its public website and make these results available to the Jurisdiction upon request on December 1, 2026. If there is a recount affecting the County, the County Clerk shall upload the official Precinct or District-level results and Cast Vote Record to its public website and make these results available to the Jurisdiction upon request within three (3) business days following completion of the recount.
- l. Election Audit. On or before November 24, 2026, the County Clerk, in collaboration with the Election audit board(s), shall conduct, assist and oversee the Election Audit.

- i. The County Clerk will notify the Jurisdiction of the date and time of the Election audit, once it has been scheduled, and request confirmation as to whether the Jurisdiction intends to attend the audit. If the Jurisdiction wishes to attend and witness the audit, the Jurisdiction Liaison must submit the name of the Jurisdiction's attendee in writing to the County Clerk within seventy-two (72) hours of its receipt of the above-described notice.
 - ii. If the Jurisdiction fails to meet this deadline, the County Clerk shall deem the failure to be a decision by the Jurisdiction not to witness the Election audit and will act on behalf of the Jurisdiction, as appropriate.
 - m. **Election Canvass.** On or before November 25, 2026, the County Clerk shall instruct and oversee the board of canvassers, who are responsible for conducting an Election Canvass and certifying the official abstract of votes cast for all candidates and Ballot Measures in the Election.
 - i. The County Clerk will notify the Jurisdiction of the date and time of the Election canvass, once it has been scheduled, and request confirmation as to whether the Jurisdiction intends to attend the canvass. If the Jurisdiction wishes to attend and witness the canvass, the Jurisdiction Liaison must submit the name of the Jurisdiction's attendee in writing to the County Clerk within seventy-two (72) hours of its receipt of the above-described notice.
 - ii. If the Jurisdiction fails to meet this deadline, the County Clerk shall deem the failure to be a decision by the Jurisdiction not to witness the Election canvass and will act on behalf of the Jurisdiction, as appropriate.
 - n. **Election Recount.** The County Clerk shall conduct an Election recount, if required by Applicable Law. The County Clerk will coordinate additional logistics, cost allocation and information with the Jurisdiction if a recount is required for one of the Jurisdiction's contests, races, or ballot measures.
- 10. Duties Subject to Jurisdiction Performance.** The responsibility of the County Clerk to perform the duties set forth above are contingent upon the Jurisdiction's performance of its own duties hereunder. The County Clerk shall not be responsible for failing to meet any deadlines for mailing the TABOR Book if such failure was caused by the Jurisdiction's failure to timely submit the required information in a form required by this Agreement and Applicable Law.
- 11. Compliance with Deadlines.** The County Clerk is providing the Jurisdiction with a schedule of Election-related dates and deadlines in Exhibit C of this Agreement. The Jurisdiction shall comply with the deadlines included therein. Extra costs incurred by the County Clerk due to the Jurisdiction's failure to comply with the deadlines or requirements of this Agreement will be allocated 100% to the Jurisdiction in addition to any allocation of shared election costs under Exhibit A.
- 12. Withdrawal/Cancellation**
- a. The Jurisdiction may cancel an election of persons to office or withdraw a Ballot Measure only as permitted by Applicable Law.

- b. If the Jurisdiction resolves to cancel an election to office or withdraw a Ballot Measure, the Jurisdiction shall do the following:
 - i. Provide the County Clerk with written notice of such determination immediately;
 - ii. Provide public notice by publication of such cancellation or withdrawal as required by Applicable Law; and
 - iii. Pay the County Clerk its actual costs incurred in connection with the cancelled election or withdrawn Ballot Measure, which may include costs incurred by the County Clerk both before and after receipt of the Jurisdiction's notice of cancellation or withdrawal. Such payment shall be due within thirty (30) days after the Jurisdiction's receipt of an invoice from the County Clerk for such payment.
 - c. The Jurisdiction must provide written notice of a cancelled election or withdrawn Ballot Measure no later than 12:00 p.m. on September 4, 2026 in order to have such election or Ballot Measure removed from the ballot.
13. **Recordkeeping.** The County Clerk shall store all Election records, including but not limited to all voted and unvoted ballots, voter affidavits, and Election Canvass and results reports for the required record retention periods under federal and state law.
14. **Use and Confidentiality of Voter Records.** The Jurisdiction shall be responsible for ensuring that any voter records received by the Jurisdiction are used for the sole purpose of performing its duties described herein. The Jurisdiction shall ensure that all voter records are maintained in accordance with the requirements of Applicable Law, including, without limitation, the Colorado Open Records Act, C.R.S. §§ 24-72-200.1, et seq.
15. **Payment of Shared Election Costs.** The Jurisdiction shall reimburse the County Clerk for the Jurisdiction's pro-rated share of the Shared Election Costs. The Jurisdiction's share of the Shared Election Costs shall be calculated in accordance with the formulas set forth in Exhibit A to this Agreement. The Jurisdiction's payment of its share of the Shared Election Costs shall be due within thirty (30) days after the Jurisdiction's receipt of an invoice from the County Clerk for such payment.
16. **Payment of Recount Costs.** In the event of a required or requested Election recount, responsibility for the costs incurred by the County Clerk in connection with such recount shall be determined in accordance with C.R.S. §§ 1-10.5-101 and 1-10.5-106. If the Jurisdiction is responsible for any portion of such costs, those costs will be detailed and added to the invoice provided by the County Clerk for Shared Election Costs after the Election.

17. **Contact information for Invoicing.** The Jurisdiction designates the individual listed below as its representative to receive and timely process invoices under this Agreement. The County will send invoices by e-mail.

Name

Direct Phone Number

Office Phone Number

Email

18. **Miscellaneous Provisions**

- a. **Amendment.** This Agreement may not be modified or amended except in writing signed by the Parties.
- b. **Entire Agreement.** This Agreement and its exhibits constitute the entire agreement between the Parties as to the subject matter hereof and supersede all prior or contemporaneous agreements, proposals, negotiations, understandings, representations and all other communications, both oral and written, between the Parties.
- c. **Liability.** The Parties understand and agree that liability for claims for injuries to persons or property arising out of the acts or omissions of either party is controlled and limited by the Colorado Constitution and the Colorado Governmental Immunity Act (C.R.S. § 24-10-101, et seq.). Each party shall be responsible for any and all claims incurred as a result of any alleged act or omission of the said party and its employees, which occurred or is alleged to have occurred during the performance of their duties within the scope of their employment, except where such acts or omissions are willful and wonton.
- d. **Conflict with Law.** In the event that any provision in this Agreement conflicts with Applicable Law, this Agreement shall be modified to conform thereto.
- e. **Time of Essence.** Time is of the essence in the performance of this Agreement. Any deadlines or other time limits set forth in Applicable Law shall apply to completion of the tasks required by this Agreement.
- f. **No Third-Party Beneficiaries.** Enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement shall be strictly reserved to the Parties, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other person or entity not a party to this Agreement.

- g. Further Assurances. The Parties shall execute any other documents and to take any other action necessary to carry out the intent of this Agreement.
- h. Governing Law; Jurisdiction & Venue. This Agreement and the rights of the Parties under it will be governed by, and construed in accordance with, the laws of the State of Colorado, without regard to the conflicts of laws and rules of Colorado. The courts of the State of Colorado shall have sole and exclusive jurisdiction of any disputes or litigation arising under this Agreement. Venue for any and all legal actions arising under this Agreement shall lie in the District Court in and for the County of Jefferson, State of Colorado.
- i. Headings. The section headings in this Agreement are for reference only and shall not affect the interpretation or meaning of any provision of this Agreement.
- j. Severability. If any provision of this Agreement is declared by a court of competent jurisdiction to be invalid, void or unenforceable, such provision shall be deemed to be severable, and all other provisions of this Agreement shall remain fully enforceable, and this Agreement shall be interpreted in all respects as if such provision were omitted.
- k. Immunities Preserved. It is the intention of the Parties that this Agreement shall not be construed as a contractual waiver of any immunities or defenses provided by the Colorado Governmental Immunities Act, § 24-10-101, C.R.S., et seq.
- l. Execution by Counterparts; Electronic Signatures. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The Parties approve the use of electronic signatures for execution of this Agreement. All documents must be properly notarized, if applicable. All use of electronic signatures shall be governed by the Uniform Electronic Transactions Acts, C.R.S. §§ 24-71.3-101 to -121.

[The remainder of this page is intentionally left blank.]

The Parties hereto have signed this Agreement as of the date indicated below.

JURISDICTION:

By:

Name/Title:

Date:

JURISDICTION LEGAL COUNSEL – OPTIONAL

By:

Name/Title:

Date:

COUNTY CLERK:

CLERK AND RECORDER FOR THE
COUNTY OF JEFFERSON,
STATE OF COLORADO

By:

Amanda Gonzalez, Jefferson County Clerk & Recorder

Date:

APPROVED AS TO FORM:

Kurtis Diniz Behn
Assistant County Attorney

EXHIBIT A

Shared Election Costs are divided into “General Election Costs” and “TABOR Election Costs.” General Election Costs are parts of the Shared Election Costs common to the entire election and all jurisdictions participating, such as election judge salaries, mail ballot printing, mailing and postage costs, and vote center costs. **General Election Costs** are allocated among the County Clerk and all coordinating jurisdictions in accordance with Section A below. **TABOR Election Costs** include only the costs of printing and mailing TABOR Books and are only allocated among the County Clerk and those jurisdictions that have Ballot Issues subject to TABOR, in accordance with Section B below. If Jefferson County certifies ballot measures, the County shall be considered a coordinating jurisdiction for purposes of allocation of costs in the Exhibit in addition to costs allocated to the County Clerk in accordance with Sections A and B below.

Please note that the dollar amounts used in this Exhibit A are for illustration purposes only and do not reflect actual or estimated costs of the Election.

A) Allocation of General Election Costs

All General Election Costs are allocated among the Colorado Department of State, County Clerk and all coordinating jurisdictions so long as at least one state candidate or ballot measure is certified for the Election. Allocations will be calculated as follows:

1. First, the County Clerk determines the total General Election Costs incurred during the Election by completing the post-election reimbursement submission to the Colorado Department of State.
2. Next, the County Clerk will determine the local portion of the General Election Costs to be allocated between coordinating jurisdictions (the “Local Portion”) pursuant to Applicable Law.
 - a. 45% of the "Total Reimbursable Election Expenses" from the Colorado Department of State submission will be allocated to the state and reimbursed by the Department of State pursuant to state statute.
 - b. 5% of the Total Reimbursable Election Expenses will be allocated to the County Clerk based on their statutory responsibilities.
 - c. The remaining 50% of the General Expenses is the Local Portion that is allocated between coordinating jurisdictions.
3. Next, the County Clerk ascertains (a) the number of active, registered voters plus the number of property owners sent a ballot in each coordinating jurisdiction for the Election; (b) the total number of all active registered voters (and property owners) from all coordinating jurisdictions in the Election and (c) the relative percentage of the total active, registered voters (and property owners) that each coordinating jurisdiction comprises, as of Election Day.
4. Finally, the County Clerk calculates each jurisdiction’s share of the Local Portion of the General Election Costs by multiplying its percentage responsibility by the Local Portion.

B) Allocation of TABOR Election Costs

This section only applies to Jurisdictions with Ballot Issues subject to TABOR.

The costs incurred by County Clerk during the Election for printing and mailing TABOR Books (the “TABOR Election Costs”) are allocated among the County Clerk and jurisdictions that have Ballot Issues subject to TABOR as follows:

1. The County Clerk charges a two-tiered per-page fee based on actual cost information from the most recent election’s TABOR Book, with different fees for large and small coordinating jurisdictions. For the Election, the per-page fees are:

Small Jurisdictions (less than or equal to 10,000 active, registered voters as of Election Day)	\$1,300 per page
Large Jurisdictions (more than 10,000 active, registered voters as of Election Day)	\$2,000 per page

2. Each jurisdiction with a Ballot Issue is charged for the number of pages in the TABOR Book that contains information regarding that jurisdiction’s Ballot Issues. The front and back covers, table of contents, and any pages containing voter information from the County Clerk’s office will be counted as pages allocated to the County Clerk. Partial pages are included in the count for each jurisdiction the same as full pages.
3. The County Clerk calculates each jurisdiction’s total share of the TABOR Election Costs by multiplying its number of pages in the TABOR Book by the per page fee appropriate for its jurisdiction size. If the total amount due from all jurisdictions exceeds the actual amount of the TABOR Election Costs incurred, the County Clerk will reduce the per-page fees proportionately. If the total amount due from all jurisdictions is lower than the actual charges, the County Clerk will be responsible for the remainder.

C) Jurisdiction-Specific Charges

A Jurisdiction may incur unique charges under the IGA which are not shared with other jurisdictions. Such items may include costs of a special vacancy election, instant runoff contest costs, costs of cancelled elections or costs resulting from Jurisdiction errors in content or Ballot Notice certification. Any such charges will be itemized separately from the Jurisdiction’s portion of the shared election costs.

D) Calculation of Total Amount Due

The County calculates the total amount due from each coordinating jurisdiction by adding the Jurisdiction’s share of the General Election Costs to the Jurisdiction’s share of the TABOR Election costs (if the Jurisdiction had a Ballot Issue subject to TABOR), plus any unique charges incurred. Each jurisdiction is assessed a minimum of \$1,000, so if this total is less than \$1,000, the jurisdiction would be assessed \$1,000.

Example of calculation under Exhibit A

STEP ONE: GENERAL COSTS

(1) County Clerk's office completes the Colorado Department of State reimbursement submission that calculates costs for the Sample Election. The Total Reimbursable Election Expenses equal **\$750,000**.

(2) Because the Election included State-certified ballot content, the statutory reimbursement from the state applies:

- State Allocation (45% x \$750,000) = \$337,500
- County Clerk Allocation (5% x \$750,000) = \$37,500
- **Local Portion (50% x \$750,000) = \$375,000**

(3) Four coordinating jurisdictions of different sizes are participating in this Sample Election. The active, registered voter and property owner counts for each and calculations of relative percentage of the total count for this Sample Election are as follows:

COORDINATING JURISDICTION	VOTER COUNT	PROPERTY OWNERS	TOTAL COUNT	RELATIVE PERCENTAGE
Civic School District	50,000	0	50,000	69.0%
Clerktown	2,000	500	2,500	3.4%
Ballot City	5,000	10	5,010	6.9%
Voterville	15,000	0	15,000	20.7%
TOTAL			72,510	100%

(4) The Clerk calculates each jurisdiction's share of the Local Portion of General Election Costs by multiplying their percentage against the total Local Portion amount of \$375,000:

COORDINATING JURISDICTION	RELATIVE PERCENTAGE	LOCAL PORTION	TOTAL AMOUNT DUE
Civic School District	69.0%	\$375,000	\$258,750
Clerktown	3.4%	\$375,000	\$12,750
Ballot City	6.9%	\$375,000	\$25,875
Voterville	20.7%	\$375,000	\$77,625
TOTAL	100%		\$375,000

STEP TWO: TABOR ELECTION COSTS

Three of the four jurisdictions in the Sample Election had Ballot Issues with different numbers of pages of Ballot Issue Notice information submitted for publication. The County Clerk included required voting and registration information in the TABOR book under Applicable Law. Small and large jurisdiction categorization is applied according to the voter counts above together with the number of pages for each jurisdiction's submission to calculate total TABOR Election Costs for each:

COORDINATING JURISDICTION	SIZE (PER PAGE COST)	NUMBER OF PAGES	TOTAL TABOR COST
Civic School District	Large Jurisdiction (\$2,000)	3 pages	\$6,000
Clerktown	Small Jurisdiction (\$1,300)	6 pages	\$7,800
Ballot City	Small Jurisdiction (\$1,300/)	3 pages	\$3,900
County Clerk	Large Jurisdiction (\$2,000)	6 pages	\$12,000

STEP THREE: TOTAL AMOUNT DUE

The County invoices each coordinating jurisdiction by adding their portion of the General Election Costs to their allocation of TABOR Election Costs (if applicable). For the Sample Election the results are:

COORDINATING JURISDICTION	GENERAL ELECTION COSTS	TABOR ELECTION COSTS	TOTAL AMOUNT DUE
Civic School District	\$258,750	\$6,000	\$264,750
Clerktown	\$12,750	\$7,800	\$20,550
Ballot City	\$25,875	\$3,900	\$29,775
Voterville	\$77,625	\$0	\$77,625
TOTAL	\$375,000	\$17,700	\$392,7000

EXHIBIT B

PROCESS FOR PROPERTY OWNER LISTS

If the Jurisdiction allows property owners to vote in candidate contests or ballot measures that are included in the General Election, the Jurisdiction must comply with the following provisions:

A) Creation of Property Owner List

1. The Jurisdiction is responsible for requesting DEO voter lookup access from the Colorado Secretary of State.
2. The Jurisdiction is responsible for ordering a list of all property owners in the Jurisdiction from the Jefferson County Assessor's office.
3. The Jurisdiction is responsible for comparing the list of property owners obtained with the state voter registration database using DEO lookup access to generate lists required for the County Clerk below.
4. The Jurisdiction is solely responsible for any other obligations arising under C.R.S § 1-5-304 with respect to property owners list.

B) Property Owner List(s) Provided to the County Clerk

1. No later than October 5, 2026, the Jurisdiction must certify to County Clerk a list of eligible electors who:
 - a. Are registered to vote in the State of Colorado and whose voter records are active (not inactive, incomplete, or cancelled);
 - b. Are or will be at least 18 years of age as of November 3, 2026; and
 - c. Are not already registered to vote within the district boundaries of Entity.
2. The Jurisdiction must provide all property owner lists to the County Clerk in either a Microsoft Excel or CSV (Comma-separate values) file. Each row of the list shall address a single eligible property owner and contain the following separate fields for such owner:
 - a. First Name;
 - b. Middle Name;
 - c. Last Name;
 - d. Colorado Voter Registration ID;
 - e. UOCAVA flag;
 - f. UOCAVA Ballot Delivery Method;
 - g. Mailing Address;
 - h. Mailing City;
 - i. Mailing State;
 - j. Mailing Zip Code; and
 - k. Country.
3. Between October 6 and October 26, 2026, provide to County Clerk the names of newly eligible electors, if any, who meet the same criteria (and in the same format)

EXHIBIT C

SCHEDULE OF ELECTION-RELATED DATES AND DEADLINES*

June, 2026		
June	Notice will be sent to all jurisdictions regarding participating in the November, General Election. Responses will be due no later than July 24	
July, 2026		
24 - Friday	If a political subdivision has taken formal action to participate in the General Election, it must notify the county clerk in writing. (100 days before the election)	1-7-116(5) 1-1-106(5)
	Last day for a local government who wants to conduct a ranked voting election in a General Election to give the county clerk notice. (No later than 100 days before election)	Rule 26.2 1-1-106(5)
August, 2026		
25 - Tuesday	Deadline for the county clerk and coordinating political subdivisions to sign intergovernmental agreements for the 2026 General Election. (No later than 70 days before the election)	1-7-116(2)
September, 2026		
1 - Tuesday	First day that DEO may cancel election (Close of business on the 63rd day before the election)	1-5-208(1.5) 1-5-208(3)
4 - Friday	Last day for the DEO from each political subdivision that intends to conduct an election to certify the ballot content. (No later than 60 days before the election)	1-5-203(3)(a)
18 - Friday	Last day for DEO to receive pro/con comments for TABOR Book. (By noon the Friday before the 45th day before the election)	Art. X Sect. 20(3)(b)(v) 1-7-901(4)

* This Exhibit provides highlights of the most important dates and deadlines referenced in the IGA. Please refer to C.R.S. Title 1 for all election-related dates and timeframes.

21 - Monday	Last day for the DEO to deliver TABOR Book ballot issue notices to the county clerk. (No later than 43 days before the election)	1-7-904
29 – 13	LAT will be held on a date between September 29 and October 13.	Rule 11.3.2(a)
October, 2026		
2 - 5	First day mail ballots may be sent to voters, except for UOCAVA voters. (No sooner than 29 days before the Election)	1-7.5-107(3)(a)
	Ballot boxes open.	IGA
5 - Monday	Before 12:00 p.m. the DEO will provide the county clerk with property owners list, if any exist.	
19 - October to 3 - November	The minimum number of required voter service and polling centers must be open for the November General Election. (Beginning at least 15 days before and on election day, except Sundays)	1-5-102.9(2) Rule 7.8.1(a)
26 - Monday	Before 12:00 p.m. DEO shall provide the county clerk with a property owner list that contains newly eligible electors who reside outside of the jurisdiction.	IGA
November, 2026		
3 - Tuesday	General Election (Polls open 7:00 am to 7:00 pm First Tuesday after the first Monday in November)	1-1-104(6.5) 1-7-101 (17)
13 - Friday	First day that interested parties may request and file for a recount at their own expense for the November 3, 2026 General Election. (No sooner than 10 days or later than 22 days after election.)	1-10.5-106(2)
16 - 24	RLA will be held on a date between November 16 – 24.	Rule 25.2.3(a)(1)

18 - 25	Canvass will be held on a date between November 18 – 25.	1-10-102(1) 1-10-103 (1)
25 Wednesday	Last day for interested parties to request and file a recount, at their own expense, of the November 3, 2026 General Election. (No sooner than 10 days or later than 22 days after election)	1-10.5-106(2)
	Last day for political subdivision that referred a ballot issue or question that failed for the 2026 General Election, to waive an automatic recount of that issue or question by giving written notice to clerk and recorder. (Within 23 days after election)	1-10.5-103 1-1-106(5)
February 2027		
County submits reimbursement request to the State and County will send invoices to the Jurisdiction (payment due in 30 days).		

STAFF MEMO

DATE OF MEETING: AUGUST 10, 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: AUGUST 10, 2026 / AGENDA ITEM NO. 9A

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

City Council Request for Legislative Modifications



Submitted on	27 July 2026, 12:29PM
Receipt number	86
Related form version	8

Council member sponsor(s)	Jeslin Shahrezaei
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Enter email address to receive a copy of this submission	jeslin.shahrezaei@lakewoodco.gov
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Briefly describe the minor modification being requested	I believe Lakewood should consider youth engagement across boards and commissions in the city.
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Provide history / background information that supports the request	Lakewood is home to three colleges and a number of high-performing senior high schools. Currently, we do not have a clear way for young people to get involved in helping to shape our community. I would like the LAC to provide City Council with a report of what other communities do to ensure young people are intentionally engaged and participate as a key stakeholder group, whether that is youth advisory boards, youth positions on existing boards/commissions or other efforts.
--	--

If it needs expedited handling, please provide an explanation why	It would be important to receive this info back from LAC by the start of 2027 to help with the application or appointment process if necessary.
---	---

Attach file if needed

City Council Request for Legislative Modifications



Submitted on	27 July 2026, 12:36PM
Receipt number	87
Related form version	8

Council member sponsor(s)	Jeslin Shahrezaei
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Enter email address to receive a copy of this submission	jeslin.shahrezaei@lakewoodco.gov
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Briefly describe the minor modification being requested	I am requesting a study session to better understand the City of Lakewood's Flock camera network. It is my understanding that the current contract is about to hit its one year mark in January 2027 and I would like time to understand how we got here, how cameras are used, how data is retained and kept confidential and any other relevant information to support Council's understanding of why they are getting used before decisions are made to renew the contract in January 2027.
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Provide history / background information that supports the request	Across the Front Range, communities are taking up this topic to determine the path to keeping their communities safe as we see a shift in public surveillance and a need to balance crime reduction and civil liberties.
--	--

If it needs expedited handling, please provide an explanation why	I understand Council has a full agenda over next few months. I am requesting staff and Mayor work to get a study session on the calendar in 2026 that gives enough time to study the topic and make any decisions needed before contract renewals that may be pending in January 2027.
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Attach file if needed