



2023

Candidate Guidelines

November 7, 2023
Northglenn Municipal Election

CITY COUNCIL CANDIDATE GUIDELINES

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CITY COUNCIL CANDIDATE GUIDELINES

November 7, 2023 Election

The 2023 Candidate Guidelines are provided as a source of general information about the basic requirements of, and deadlines for, candidacy for municipal office in the City of Northglenn. The information in this guide is not intended to be comprehensive in scope or depth.

CITY OVERVIEW

The City of Northglenn was incorporated in 1969 and became a home rule city in 1975 under the provisions of Article XX of the Constitution of the State of Colorado. Northglenn is located approximately 9 miles north of downtown Denver in both Adams and Weld Counties and is home to more than 38,000 residents. The City is a suburban community made up of two geographically separated areas. The major portion, located in Adams County, contains 6.5 square miles, and serves as the city center. In 1990, the City annexed an additional square mile of property located approximately 5.5 miles north in Weld County where the City's Wastewater Treatment Plant is located. The City of Northglenn property in Weld County is part of Ward 2 for election purposes.

The City provides a full range of services including:

- Police/public safety
- Streets and road maintenance
- Parks, recreation, and cultural programming and facilities
- Planning, development, and neighborhood services (code enforcement)
- Public works and utilities – engineering, water, wastewater, and stormwater
- Sanitation – trash and recycling services
- Municipal Court
- General Administration – City Manager's Office, City Clerk's Office, Communications, Economic Development, Financial services, Human Resources, Community Engagement, and Information Technology

Fire protection services are provided by the North Metro Fire Rescue District and the Rangeview Library District provides library services through the Anythink Library facilities.

City facilities include City Hall, Justice Center, Recreation Center, Senior Center, and Parsons Theatre, Maintenance & Operations Facility, Water Treatment Facility, and Wastewater Treatment Plant.

CITY COUNCIL

FORM OF GOVERNMENT & COUNCIL ROLE

Northglenn is a home-rule city with a Council-Manager form of government. The Council-Manager form of government combines the leadership of elected officials with the managerial experience of an appointed manager. The governing body, which consists of the members of Council, has the power and authority to set policy. The Council hires a professional manager to carry out the policies and oversee the organization's operations.

The City Charter defines the powers and responsibilities of the Mayor, the Mayor Pro Tem, and the Council members. All powers of the City and the determination of all matters of policy are vested in the Council, except as otherwise provided in the City Charter.

The City of Northglenn is comprised of four wards (or districts). The City Council consists of 9 members. The Mayor represents the city at large and two Council members represent each of

the four wards. The Mayor is a member of the City Council and has the same voting powers as Council members.

The Mayor presides at Council meetings and is recognized as the head of the City government for all ceremonial and legal purposes. The Mayor executes legal documents and performs such duties as prescribed by the City Charter and the ordinances of the City. The Mayor Pro Tem performs the duties and has all the powers of the Mayor in the Mayor's absence.

Some examples of actions the City Council may take are:

- Establishing goals and a strategic plan
- Appointing and providing direction to the City Manager, City Clerk, City Attorney, and Municipal Judge
- Adopting and amending ordinances (laws)
- Holding public hearings on legislative items and quasi-judicial hearings on land use and licensing matters
- Approving the annual budget and mill levy (property tax received by the City)
- Approving resolutions to adopt policies or to enter into agreements for certain projects
- Interviewing and appointing members to the City's boards and commissions
- Approving or denying license applications as the local Marijuana Licensing Authority

City Charter Section 3.10 **Powers expressly withheld** **from Council**

City Council shall deal with the administrative service solely and directly through the City Manager, and neither the Council, its members, nor committees shall dictate the appointment or direct or interfere with the work of any officer or employee under the City Manager.

TERMS OF OFFICE

At each regular municipal election in odd-numbered years, one Council member is elected from each of the City's four wards. The Mayor is elected from the City at-large every four years. The Mayor and Council members serve four-year terms.

In 2023, there are exceptions in Wards 3 and 4. Both Council member positions in Wards 3 and 4 will be on the ballot due to previous vacancies on City Council that were filled by appointment as required by the City Charter. One position in Wards 3 and 4 will be elected to a 4-year term and the other position will be elected to a 2-year term. The shortened 2-year terms are necessary to keep the terms of Council members staggered.

Terms of office for the Mayor and Council members elected in November 2023 will commence at the organizational meeting of City Council following certification of election results. The organizational meeting is tentatively scheduled for Monday, December 11, 2023. The Municipal Judge will administer the oath of office to the newly elected Mayor and Council members at the organizational meeting.

The Mayor Pro Tem will be elected by majority vote of the Council from among its membership at the organizational meeting for a term of 2 years.

Article XVIII, Section 11 of the Colorado Constitution limits elected officials to two consecutive terms in the same office.

CITY COUNCIL MEETINGS

City Council holds regular meetings to conduct City business on the second and fourth Monday of each month at 6:00 p.m. Study sessions, or work sessions, are held on the first and third

Monday of each month at 6:00 p.m. No formal action may be taken by Council at study sessions. The sessions provide an opportunity for Council to engage in discussions on upcoming agenda items and issues in a less-formal setting. Council meetings and study sessions are held in the City Hall Council Chambers and are open to the public. Remote meetings and electronic participation may be used when necessary. The meetings are recorded and are available for viewing on the City's website at www.northglenn.org, the City's YouTube channel, or on the local government Channel 8 for Comcast and Xfinity customers.

Agendas and packets for the meetings are available for Council's review on the Wednesday prior to each meeting. The information is posted on the City's website for the public to access and paper copies are available upon request.

2023 CITY COUNCIL MEETING SCHEDULE

Attending City Council meetings may be of interest to candidates to learn more about the City's projects and programs, the budget and financial updates, and to observe City Council processes.

Date	Meeting Type	Date	Meeting Type
June 5	Special Meeting	September 18	Study Session
June 12	Regular Meeting	September 25	Regular Meeting
June 19	Canceled (Juneteenth)	October 2	Study Session
June 26	Canceled (CML Conference)	October 9	Regular Meeting
July 3	Canceled	October 16	Study Session
July 10	Regular Meeting	October 23	Regular Meeting
July 17	Study Session	November 6	Study Session
July 24	Regular Meeting	November 13	Regular Meeting
July 31	Study Session	November 20	Study Session
August 7	Study Session	November 27	Regular Meeting
August 14	Regular Meeting	December 4	Study Session
August 21	Study Session	December 11	Organizational Meeting
August 28	Regular Meeting	December 18	Study Session/Orientation
September 4	Canceled (Labor Day)	December 25	Canceled (Christmas)
September 11	Regular Meeting	<i>Dates/meetings subject to change.</i>	

Current meeting agendas and packets are available online at <https://webdocs.northglenn.org/>.

TIME COMMITMENTS

Council Meetings

In addition to attending regular Council meetings and study sessions on Monday evenings, special meetings may be called when the City's business or certain issues are time sensitive or require additional meeting time.

Packet Review

Reviewing packet materials may require anywhere from a couple to several hours per week. Meeting packets are provided in advance of Council meetings to allow the members time to review the information and request additional or clarifying information prior to the meeting.

Council Committee, Liaison, and Ex-Officio Assignments

Council members participate in other standing board and committee meetings. Ex-officio members are appointed to various city boards and commissions, and Council representatives attend meetings of other organizations such as the Colorado Municipal League (CML), the Denver Regional Council of Governments (DRCOG), and the North Area Transportation Alliance (NATA)

to name a few. A list of current assignments has been provided with this guide for reference. (See attachments and resources.)

Ward Meetings

City Council members hold ward meetings periodically to meet with their constituents. The agendas and scheduling of ward meetings are determined by the Council members representing the wards. In addition to speaking with constituents at ward meetings, residents contact Council members often by phone, email, or in person to discuss issues or concerns they may have. More information about City Council ward meetings can be accessed online at www.northglenn.org/engage.

Council Workshops/Retreats

Council holds an annual retreat, which is generally a full day Saturday workshop to address comprehensive subjects such goal setting, the annual budget, and strategic planning.

Onboarding/Training

A Council orientation will be provided for newly elected members after the election. The orientation will address legal items (form of government, open meetings law, quasi-judicial matters, conflicts of interest, ethics, liability), policy/legislative items (Council policies, financial policies, protocol), and administrative items. Additional training opportunities for elected officials are available through the Colorado Municipal League. There are also opportunities for Council members to attend conferences related to their role as a local government elected official. The annual budget includes funding for Council member training.

Special Events

Council members are often asked to attend events such as ribbon cuttings for new businesses, ground breakings for development projects, local ceremonies, community events, city-sponsored fundraising events, and traditions such as the Fourth of July Celebration, Pirate Fest, and Noel Northglenn.

COMPENSATION

City Council receives an honorarium (compensation) for their service as established by City Charter Section 3.7. The Mayor receives an additional 40% and the Mayor Pro Tem receives an additional 15% per month for their duties. The Council honorarium is adjusted by 10% every four years. The next adjustment will occur in 2024.

2023 Council Honorarium

Mayor:	\$544.00/bi-weekly	\$14,144.00/year
Mayor Pro Tem:	\$447.20/bi-weekly	\$11,627.20/year
Council member:	\$388.80/bi-weekly	\$10,108.80/year

Council members also receive a monthly stipend of \$370 to cover supplies, subscriptions, phone and computer expenses, and vehicle expenses necessary for performing their duties.

EMPLOYMENT OF RELATIVES

Relatives of elected and appointed City officials are not eligible for regular full-time employment with the City. If an employee's relative is elected to Council or appointed to a board or commission of the City, the employee will cease to be eligible for City employment during the term of office of the relative. After the relative's term of office has ended, the employee may re-apply for employment as vacancies occur.

Relatives include spouses, children, parents, grandparents, and siblings, as well as members of step-families, foster families and adoptive families, and in-law families. This regulation also applies to other relatives living in the same household.

ELECTION INFORMATION

REGULAR MUNICIPAL ELECTIONS

The City Charter requires regular city elections to be held on the first Tuesday in November of every odd-numbered year. The next regular municipal election will be held on November 7, 2023. A list of important election dates are provided on page 21 for candidates leading up to and following the election.

TYPE OF ELECTION

The November 7, 2023 election will be conducted as a coordinated mail ballot election with Adams County and Weld County with options for in-person voting at Voter Service and Polling Center locations. Ballots will be mailed by the counties to registered voters no sooner than 22 days and no later than 18 days before the election. Voters will then need to return their voted ballots by either mailing them to the appropriate County Election Department or by delivering the ballot to a drop-off ballot box location or a Voter Service and Polling Center by 7:00 p.m. on November 7, 2023.

The 24-hour drop-off ballot box located in the Administration (south) parking lot at City Hall will be upgraded to a larger size for the November election and moved to an area closer to Memorial Parkway (potentially north of the Veterans Memorial) due to the City Hall construction project. Adams County provides several other drop-off sites if voters do not wish to send their ballot through the mail. Information and maps of the drop-off locations and Voter Service and Polling Centers will be available on the Adams County website at www.adamsvotes.com.

OFFICES TO BE ELECTED

Elections for the Mayor and City Council members are non-partisan. Candidates do not run under a party label and party designations will not be printed on the ballot for City Council candidates.

Typically, one candidate from each of the City's four wards is elected at each odd-year election. In 2023, both Council member positions will be elected in Wards 3 and 4. This is due to the previous resignations of Ward 3 Council member Julie Duran Mullica and Ward 4 Council member Jenny Willford. The shortened 2-year terms for the positions are necessary to keep the terms staggered. Candidates will need to decide which position/term they are running for before filing a candidate affidavit or requesting a nomination petition from the City Clerk's Office.

CITY COUNCIL Offices to be Elected

Mayor – 4-year term

Council member Ward 1 – 4-year term

Council member Ward 2 – 4-year term

Council member Ward 3 – 4-year term

Council member Ward 3 – 2-year term

Council member Ward 4 – 4-year term

Council member Ward 4 – 2-year term

There may also be ballot questions and/or ballot issues for Northglenn voters to consider.

CANDIDATE NAMES ON THE BALLOT

The Acceptance of Nomination form (provided by the City Clerk's Office with nomination petition forms in August) asks candidates to indicate how they would like their name to appear on the ballot. Nicknames may be used, but no title or degree may be listed to designate the business or

profession of a candidate. When completing the Acceptance of Nomination form, it is important to list your name exactly how you want it to appear on the ballot.

Candidate names will be drawn by lot (randomly drawn) to determine the order of placement on the ballot. All candidates will be notified of, and invited to attend, the lot drawing. The lot drawing will be conducted by the City Clerk's Office at City Hall, located at 11701 Community Center Drive, Northglenn, CO 80233 in early September.

Candidates will also need to provide the pronunciation of their name to the County Election Department to be used for audio ballots for voters who use accessible voting machines during the election. More information about completing this step will be provided in early September.

WARD MAPS

Maps of the City's four wards are included with this guide. Ward maps are available on the City's website and larger printed maps are available by contacting the City Clerk's Office.

VOTER REGISTRATION

Online voter registration is available at www.govotecolorado.com for residents who have a Colorado driver's license or ID card issued by the Department of Revenue. Voters may also confirm their registration and update information online.

Voter registration forms in English and Spanish are available at the City Clerk's Office, Adams County Election Department, and Motor Vehicle offices. Printable forms are also available on the Secretary of State's website.

Northglenn residents are eligible to vote if they:

- will be 18 years of age or older at the time of the next election;
- are a United States citizen;
- have resided in Colorado 22 days immediately before the election; and
- are not serving a sentence of incarceration or detention for a felony conviction.

In Colorado, people have the right to vote after they have served their sentence. The day they are released from detention or incarceration is the day their eligibility to register to vote is restored. Individuals on parole and probation are eligible to vote. People serving a sentence for a misdemeanor conviction and people in jail awaiting trial are also eligible to vote.

If a person is experiencing houselessness, permanently resides in a recreational vehicle (RV), or for whatever reason does not have a fixed permanent address, they may use any address they regularly return to and have the intent to remain to register to vote. This location is referred to as a "home base" (residential address) and may be used for voter registration purposes.

The Secretary of State's Office has a resource of frequently asked questions (FAQs) for various situations regarding voter registration online at www.sos.state.co.us/pubs/elections/FAQs.

Colorado law allows residents to register to vote through Election Day. Please note that how a person registers to vote matters for obtaining a ballot for the November 7, 2023 election.

- If you register to vote through a voter registration drive, your application must be submitted no later than October 16, 2023.
- If you register to vote by mail or online at www.govotecolorado.com by October 30, 2023, the County Election Department will automatically mail you a ballot.
- If you register after October 30, 2023, you must visit one of the Voter Service and Polling Centers to receive a ballot in person.
- You may register to vote by appearing in-person at a Voter Service and Polling Center through Election Day

VOTER REGISTRATION LISTS

Please contact the County Election Departments if you would like to obtain voter registration reports or mailing labels for Northglenn voters. Adams County posts public lists of registered voters online for download free of charge. An online report order form is available on the Adams County Election Department's website for ward-specific or other custom reports.

Most Northglenn voters reside in Adams County; however, there are approximately 10 registered voters residing in Weld County. Residents in Weld County are part of the City's Ward 2.

Adams County Election Department
4430 S. Adams County Parkway
1st Floor, Suite E3102
Brighton, CO 80601
Phone: 720-523-6500
www.adamsvotes.com

Weld County Election Department
1250 H Street
Greeley, CO 80631
Phone: 970-304-6525
www.weld.gov/Government/Departments/Clerk-and-Recorder/Elections-Department

ELECTION RESULTS

The counting of ballots may begin 15 days prior to Election Day. However, no results may be disclosed until after 7:00 p.m. on Election Day. As results become available, they will be posted online. Election results must be certified by the counties no later than November 29, 2023.

CITY COUNCIL ORGANIZATIONAL MEETING

The Mayor and Council members elected in November will take office at the organizational meeting of City Council following the certification of election results. The organizational meeting is tentatively scheduled for Monday, December 11, 2023. At this meeting, the Municipal Judge will administer the oath of office to the Mayor and Council members, and a Mayor Pro Tem will be elected by City Council.

CANDIDACY

CANDIDATE QUALIFICATIONS

An individual is eligible to be a candidate for municipal office if, at the time of election, they:

- ✓ Are a citizen of the United States;
- ✓ Are a registered elector;
- ✓ Have been a resident of Northglenn for a minimum of one year immediately preceding the election;
- ✓ Have been a resident of their respective ward for a minimum of 32 days immediately preceding nomination; and
- ✓ Have not been convicted of a felony.

ANNOUNCING YOUR CANDIDACY

Individuals may announce their candidacy at any time. Filing deadlines for candidacy are determined based on when your campaign efforts officially begin as defined by the Fair Campaign Practices Act.

CANDIDATE AFFIDAVIT

A Candidate Affidavit must be filed with the City Clerk's Office within 10 days of publicly announcing an intention to run for office and subsequently receiving a contribution or making an expenditure in support of the candidacy. The City Clerk's Office recommends that the Candidate

Affidavit be filed as soon as possible after announcing candidacy to ensure compliance with Article XXVIII of the Colorado Constitution and the Fair Campaign Practices Act (FCPA).

Campaign and Political Finance Rule 1.20 states: “Publicly announced an intention to seek election to public office or retention of a judicial office” means:

- 1.20.1 Registering a candidate committee; or
- 1.20.2 Announcing an intention to seek public office or retention of a judicial office through:
 - (a) A speech, advertisement, or other communication reported or appearing in public media; or
 - (b) A statement made in any place accessible to the public; or
 - (c) A statement made in a manner that a reasonable person would expect to become public.

In addition to certifying that a person is a candidate for municipal office, the Candidate Affidavit also includes statements regarding the candidate’s understanding and familiarity with Article XXVIII of the Colorado Constitution and Article 45, Title 1 of the Colorado Revised Statutes regarding campaign finance. Please note that by signing and filing your candidate affidavit, you are certifying that you are familiar with the campaign finance provisions contained in both the Colorado Constitution and the Fair Campaign Practices Act.

NOMINATION PETITIONS

City Council candidates are nominated by petition to get their name on the ballot. Only nomination petitions prepared and issued by the City Clerk’s Office may be circulated for candidates.

Nomination petitions can be circulated and signed beginning Tuesday, August 8, 2023. Petition forms will be provided by the City Clerk’s Office and will be available on August 7th. Signed petitions must be filed with the City Clerk’s Office no later than 4:30 p.m. on Monday, August 28, 2023.

Ward 3 and Ward 4 Council member candidates will need to decide if they are running for the position with the 4-year term or the position with the 2-year term and request the appropriate nomination petition for the office they are seeking. Candidates can run for only one position.

CIRCULATING PETITIONS

Candidates may circulate their own nomination petition, or another individual may circulate a petition for a candidate. The person circulating the petition must witness the signature of each person signing the petition and must complete the Circulator’s Affidavit confirming that they witnessed each person signing. Petitions cannot be left unattended on a desk or counter for others to sign. Candidates may request multiple petition sections if more than one person will be circulating a petition on their behalf.

Before circulating a nomination petition, the candidate’s information must be filled out at the top of each page of the petition to show the candidate’s name, address, and which office the candidate is running for.

The Circulator’s Affidavit must be notarized. Therefore, circulators must wait to sign the form until they are present before a notary public.

Petitions must remain stapled together so the Circulator's Affidavit is attached to the signatures the circulator personally witnessed.

SIGNATURE REQUIREMENTS

Mayoral candidates:

Nomination petitions must contain at least 25 valid signatures from registered electors within the City of Northglenn.

Council member candidates:

Nomination petitions must contain at least 25 valid signatures from registered electors residing within the candidate's ward.

Candidates are encouraged to obtain more than 25 signatures in case some signatures are deemed invalid.

Each registered elector signing a petition must also provide their full residential address, including the city and county, the date on which they signed the petition, and must print their name in the space provided. It is important that every field in the signature block is completed by the person signing the petition.

Any person, except a circulator, may assist an elector who is physically unable to sign the petition with completing the information on the petition as required by law. On the petition immediately following the name of the elector receiving assistance, the person providing assistance must sign, provide their address, and state that they assisted the elector. The person assisting an elector may use the signature line below the elector's line to provide their information, signature, and statement regarding the assistance provided. If evidence exists that a person assisted the signer in completing the entry but no statement of assistance accompanies the entry, the elector's signature line will be rejected.

Registered voters may sign one nomination petition for each office to be elected.

Where does the elector live?	How many nomination petitions are they allowed to sign?
Ward 1	2: 1 for a mayoral candidate and 1 for a Ward 1 Council member candidate
Ward 2	2: 1 for a mayoral candidate and 1 for a Ward 2 Council member candidate
Ward 3	3: 1 for a mayoral candidate, 1 for a Ward 3 Council member candidate seeking the 4-year term, and 1 for a Ward 3 Council member candidate seeking the 2-year term
Ward 4	3: 1 for a mayoral candidate, 1 for a Ward 4 Council member candidate seeking the 4-year term, and 1 for a Ward 4 Council member candidate seeking the 2-year term

If a person signs more petitions than the number allowed, the City Clerk's Office will determine which signature is valid and signatures from that person will be deemed invalid on all other petitions.

FILING NOMINATION PETITIONS

Nomination petitions can be filed with the City Clerk's Office any time before the deadline, which is no later than 4:30 p.m. on Monday, August 28, 2023.

The City Clerk's Office will provide notary services for petition circulators and candidates as long as the forms are signed in the presence of the notary and the individuals provide acceptable forms of identification for the notarization. No additional signatures can be collected on a petition after the Circulator's Affidavit has been notarized. Any signatures that are dated prior to August 8, 2023 or after the date the Circulator's Affidavit has been signed and notarized will be rejected.

Petitions will be reviewed by the City Clerk's Office for sufficiency in the order in which they are received. Staff will verify that:

- The candidate information has been completed at the top of each petition page to identify the candidate's name, address, and the office they are running for
- Each person who signed the petition is a registered voter in the City of Northglenn and resides in the appropriate ward if verifying a Council member petition
- The address of each person as entered on the petition matches the address shown on their voter registration record
- No person who signed the petition already signed another petition for the same office;
- No person signed the petition prior to August 8, 2023 or after the petition was signed by the circulator and notarized
- The notary section is complete and the date of notarization matches the date the circulator signed
- A person assisting an elector who is physically unable to enter their required information has provided a statement of assistance, their address, and signature on the line directly following the elector's signature line
- The petition is intact and has not been disassembled (no staples have been removed and no pages have been added or removed)

It is imperative that electors complete every field in the signature line legibly and accurately. Petition lines may be crossed out if the signer needs to start over. Crossed out lines will not invalidate a petition.

Candidates will be notified of the petition sufficiency the same day the petition is filed with the City Clerk's Office, whenever possible, or the next business day. Candidates will receive a copy of their nomination petition after it has been reviewed including detailed information about any signatures that have been rejected.

If a nomination petition is determined to contain fewer than 25 valid signatures, candidates may submit another petition to correct or replace those signatures deemed invalid by 4:30 p.m. on Friday, September 1, 2023.

NOMINATION PETITION DEADLINES

Nomination petition forms may be picked up from the City Clerk's Office beginning on Monday, August 7, 2023.

The first day nomination petitions can be circulated and signed is Tuesday, August 8, 2023.

Signed petitions must be filed with the City Clerk's office no later than 4:30 p.m. on Monday, August 28, 2023.

ACCEPTANCE OF NOMINATION

A candidate accepts nomination by completing and signing the Acceptance/Affidavit of Nominated Candidate form before a notary public and certifying that the qualifications to run for office have been satisfied. This form also contains a section for candidates to indicate how they want their name to appear on the ballot.

PETITIONS ARE PUBLIC RECORD

Nomination petitions are considered open records and will be made available for public inspection upon request.

WRITE-IN CANDIDATES

Write-in candidates do not circulate nomination petitions. Individuals may run as a write-in candidate by obtaining a Write-in Candidate Affidavit of Intent from the City Clerk's Office and filing it with the City Clerk by Tuesday, September 5, 2023. Candidates who file sufficient nomination petitions will have their names placed on the ballot. Write-in candidates' names do not appear on the ballot. If write-in candidates have filed the proper affidavit by the deadline, a blank line with the word Write-in will appear on the ballot. Votes for write-in candidates are only counted if an individual has filed a Write-in Candidate Affidavit of Intent with the City Clerk. Write-in candidates must comply with campaign finance requirements.

WITHDRAWAL FROM CANDIDACY

A person who has been nominated may withdraw from candidacy by filing a signed affidavit with the City Clerk. The Statement of Withdrawal by Candidate form may be obtained from the City Clerk's Office. The last day to withdraw from candidacy to ensure the candidate's name does not appear on the ballot is Thursday, September 7, 2023.

CAMPAIGN REGULATIONS

COMMENCEMENT OF CAMPAIGN ACTIVITIES

Candidates may begin campaigning at any time. However, close attention should be paid to the campaign reporting requirements to ensure the timely filing of a Candidate Affidavit and Committee Registration forms. Please review the campaign finance reporting requirements before accepting contributions or making expenditures in support of your candidacy.

ELECTION SIGNS

Chapter 11 of the Northglenn Municipal Code (Unified Development Code) regulates election season signs.

- Election season signs are signs allowed during election season.
- Election season is defined as 60 days prior to and 5 days after any city regular or special election, any county or special district election or any state or federal primary or general election.
- Signs are not allowed in the City's right-of-way, medians, or in parks.
- Signs and/or fliers cannot be posted on public property such as utility poles, traffic signal poles, or cabinets.
- Election season signs are allowed in addition to other temporary signage allowed by the Sign Code.

Signs allowed in residential zones:

- Cannot be larger than 3 square feet

-
- Cannot have a height exceeding 4 feet
 - Must be set back from the property line 10 feet in the front and 5 feet on the side of the property
 - The number of signs allowed is limited to the number of ballot issues and candidates

Signs allowed in non-residential zones:

- A total of 5 signs are allowed:
 - 3 signs cannot be larger than 3 square feet
 - 2 signs cannot be larger than 18 square feet
- Cannot have a height exceeding 8 feet
- Must be set back from the property line 10 feet in the front and 10 feet on the side of the property

USE OF CITY LOGO PROHIBITED

Candidates are prohibited from using the City's logo on signs or in campaign materials. A candidate's use of the City's logo could be misleading and interpreted to mean the City is endorsing the candidate. The City is prohibited from endorsing any candidate for City Council. Additionally, the City's logo is trademarked, which restricts others from using, producing, or copying it. The City does not authorize the use of logos, photos of city personnel, or other items identifying Northglenn government in connection with campaign materials.

Campaign materials may include any published, distributed, or disseminated material that relates to a candidate. Examples include fliers, posters, signs, website pages, Facebook pages, social media posts, email communications, advertisements, letters, business cards, etc.

DISCLAIMER STATEMENTS

Campaign finance law requires all candidate committees, political committees, issue committees, small donor committees, 527 political organizations, political parties, and any other person making an expenditure in excess of or spending more than \$1,000 per calendar year on a communication to include a disclaimer statement on that communication.

Disclaimer statements are also required on every independent expenditure costing more than \$1,000 and on electioneering communications once the total spent on electioneering communications reaches \$1,000 or more.

The following are examples of the types of communications covered by the disclaimer statement requirements:

- Broadcast and non-broadcast communications (TV, radio, phone)
- Communications printed, mailed, delivered, or otherwise distributed (flyers, yard signs, ads)
- Communications that appear on a website
- Communications that appear on streaming media services
- Communications placed in an online forum for a fee

Communications can fall into three categories: general communications, independent expenditures, and electioneering communications, and all three categories of communications have different requirements. To avoid confusion or inadvertently violating campaign finance laws, the Secretary of State's Office recommends that a disclaimer statement appear on all campaign communications or materials regardless of the cost.

The disclaimer statement must:

- Identify the name of the person that paid for the communication; and
- Identify a natural person who is the registered agent if the person above is not a natural person.

Example: Paid for by Committee to Elect John Doe. Registered Agent: Jane Doe

A copy of the Secretary of State's guidance is available at www.sos.state.co.us/pubs/elections. Additional information can be found at C.R.S. § 1-45-107.5 and the Secretary of State's Campaign and Political Finance Rule 22.

DOOR-TO-DOOR SOLICITATION

Door-to-door political solicitations are allowed except at single-family and multi-family residences where "No Solicitation" signs are posted. Political fliers may be distributed to or left at residences, but printed material may not be posted on public property such as public buildings, fences, utility poles, etc. In addition, fliers may not be left on automobiles without permission of the vehicle's owner. Please be aware that littering any public street, sidewalk or public area with advertising or campaign material is a violation of the City's nuisance ordinance.

CANDIDATE FORUM

A candidate forum may be held to provide an opportunity for voters to hear from candidates prior to the election. Typically, a separate nonprofit, nonpartisan organization such as the Rotary Club of Northglenn-Thornton hosts a candidate forum for City Council candidates. If a forum is held in 2023, the event information and video of the forum will be shared on city communications platforms. Candidates' contact information will be provided to the event organizer(s) to ensure all candidates are invited and have an opportunity to participate in the forum.

There may be other candidate forums, local newspaper features, and candidate engagement opportunities during the election season. Many organizations obtain candidate contact information from the City Clerk's Office to invite candidates to their events. Candidates should ensure their contact information is accurate on all forms provided to the City Clerk's Office.

CANDIDATE PROFILES

The City's Communications Department will provide a printed candidate information insert in booklet format in the October issue of the Northglenn Connection newsletter. A digital version of the booklet will be posted on www.northglenn.org and linked from the City's social media accounts and e-newsletter, *Northglenn Now*.

Candidates will receive a form to submit answers to general questions aimed to help residents get to know candidates in late August/early September. The form will have space limitations to assist with balanced coverage of each candidate. A photo of the candidate may also be submitted for inclusion in the booklet.

BOOTHS AT CITY EVENTS

Candidates may purchase space at City events including July 4th, Pirate Fest, and Safe Street Halloween/Kids Halloween event. Designated spaces are \$50 per event and must be secured at least 10 days prior to the event. Candidates should contact the City's Special Events Division in the Communications Department if they are interested in purchasing booth space at City events.

ELECTIONEERING

"Electioneering" includes campaigning for or against any candidate, ballot issue, or ballot question that is on the ballot. Electioneering also includes soliciting signatures for a candidate petition, recall petition, or a petition to place a ballot issue or question on the ballot.

Electioneering is not allowed within 100 feet of any building in which a polling place is located on the day of any election or during the time when voting is permitted. Electioneering is not allowed within 100 feet of ballot drop boxes or Voter Service and Polling Centers.

CAMPAIGN FINANCE REPORTING REQUIREMENTS

CAMPAIGN FINANCE REPORTING

Colorado law requires that all candidates disclose how their campaigns are funded. Municipal candidates are required to file campaign finance reports with the Northglenn City Clerk's Office.

It is the candidate's responsibility to familiarize themselves with the provisions of the Fair Campaign Practices Act (FCPA). By signing the Candidate Affidavit form, a candidate acknowledges the Colorado campaign finance requirements and certifies they are familiar with the provisions of the Fair Campaign Practices Act.

Colorado campaign finance laws are in the:

- Colorado Constitution, Article XXVIII, Campaign and Political Finance
- Colorado Revised Statutes, Title 1, Article 45, Fair Campaign Practices Act
- Colorado Secretary of State Rules Concerning Campaign and Political Finance

The Secretary of State's website at www.elections.colorado.gov contains additional resources for candidates and committees, including advisory opinions, rules, a campaign finance manual, and answers to frequently asked questions (FAQs).

Campaign finance forms are included with this guide. Additional copies of forms are available in the City Clerk's Office or on the City's website at www.northglenn.org/election. All reports must be submitted on forms provided by the City Clerk's Office.

The City of Northglenn is committed to transparency in elections. All campaign finance filings will be posted on the City's website at www.northglenn.org.

HOW CAMPAIGNS ARE FUNDED

Candidates are required to report contributions they receive and expenditures made for their campaigns. Contributions include money, loans, or anything of value (non-monetary or "in-kind" donations) used for the purpose of promoting the candidate's nomination. Expenditures are money spent by a candidate, committee, other political entity, or individual in the case of independent expenditures.

No Contributions or Expenditures

Some candidates neither receive contributions nor make expenditures. Candidates that do not receive any donations and do not spend any money on their campaign file the Candidate Statement of Non-Receipt of Contributions and Non-Expenditure of Funds form, which is commonly referred to as a "zero report."

Personal Expenditures Only

Some candidates do not receive any contributions and spend only their own money to promote their candidacy. These candidates operate without a candidate committee and are sometimes referred to as "standalone candidates." If a candidate only spends their own money on their campaign and does not accept any donations, they will file the Statement of Personal Expenditures by a Candidate form.

Receiving Contributions and Making Expenditures

Some candidates receive contributions and make expenditures during their campaign. Contributions can be money, loans, goods, or services. Prior to receiving a contribution, a New Committee Registration form must be filed with the City Clerk's Office. If you plan on receiving any contributions, you will need to open a separate bank account with an account title that includes the name of the candidate committee. Bank account information is required on the New Committee Registration form. The candidate committee will file the Report of Contributions and Expenditures form throughout the election cycle.

After the election, candidates may establish a zero balance and terminate their committee. Annual filings are required of every committee that has not filed a termination report, whether the candidate was elected or not.

CANDIDATE AFFIDAVIT

As a reminder, the Candidate Affidavit must be filed with the City Clerk's Office within 10 days of an individual becoming a candidate. A person becomes a candidate when they publicly announce an intention to run for office and subsequently receive a contribution or make an expenditure in support of the candidacy.

COMMITTEE REGISTRATION

The New Committee Registration Form must be submitted prior to a candidate accepting a contribution or donation. A candidate committee consists of a person, including the candidate, or persons with the common purpose of receiving contributions and making expenditures under the authority of a candidate. A candidate can have only one candidate committee. Once a committee is created, it can be closed only by filing a termination report that contains a zero balance.

If you do not intend to accept contributions and will only be spending personal funds for your campaign, a Committee Registration Form will not need to be filed. However, you will still be required to file the appropriate campaign finance form reporting any personal expenditures made.

BANK ACCOUNTS

All contributions received by a candidate committee must be deposited and maintained in a financial institution in a separate account, the name of which must include the name of the candidate committee. All records pertaining to the account must be maintained by the committee for 180 days following the election.

CONTRIBUTION LIMITS & PROHIBITED CONTRIBUTORS

There are no limits regarding the amount of contributions municipal candidate committees may accept for Northglenn elections. However, please remember that:

- All contributions must be reported
- Contributions of \$20 or more must be itemized
- Contributions of \$100 or more must disclose the contributor's employer and occupation
- Contributions exceeding \$100 must be made by check, money order, or traceable funds

Candidate committees are prohibited from accepting contributions from:

- Corporations or labor organizations
- Any person who is not a citizen of the United States
- Foreign corporations or governments
- Other candidate committees
- Anonymous contributors

FILING DEADLINES

Candidates, candidate committees, and their authorized agents are responsible for ensuring accurate reporting of all contributions and expenditures and for meeting all reporting deadlines. Reports must be filed with the City Clerk's Office by 11:59 p.m. on the filing date. Reports may be filed in person or electronically. Campaign finance reports will be posted on the City's website as soon as possible after they are received by the City Clerk's Office.

Filing Date	Period Covered
October 17, 2023	Beginning of campaign – October 12, 2023
November 3, 2023	October 13, 2023 – October 27, 2023
December 12, 2023	October 28, 2023 – December 7, 2023

Reports will also be due on November 1, 2024 and annually thereafter for candidate committees until a termination report has been filed. Amended reports, if needed, may be filed at any time.

PENALTIES FOR LATE FILINGS

Colorado law mandates a \$50.00 per day penalty for campaign finance reports not filed by the deadline. Postmarks do not count for manual filings. The Clerk's Office will provide a reminder to candidates of upcoming deadlines, but please make sure to mark your calendars accordingly to avoid any penalties for late filings.

CAMPAIGN REPORTING FORMS

Below are brief summaries of three types of commonly used reporting forms that may be filed. Other reporting forms may be required in addition to the forms listed below.

[Candidate Statement of Non-Receipt of Contributions or Non-Expenditure of Funds](#)

This form is for a candidate who does not have a candidate committee, has not received contributions or made any expenditures, nor have any expenditures been made on behalf of the candidate. This is commonly referred to as a "zero report."

[Statement of Personal Expenditures by a Candidate](#)

This form is for a standalone candidate who does not have a candidate committee, has not accepted or received any contributions or non-monetary contributions, and has only spent personal funds in support of their candidacy. Personal expenditures of \$20.00 or more need to be itemized on the Statement of Personal Expenditures by a Candidate form and must include the name, address, date, and purpose of each expenditure.

[Report of Contributions and Expenditures Form](#)

This form is for candidate committees that accept contributions and make expenditures on behalf of a candidate. A detailed summary of all contributions and expenditures is included in the form as well as different schedules to report itemized contributions, expenditures, loans, returned contributions and expenditures, and non-monetary contributions. Detailed instructions are attached to the form.

REPORTING CONTRIBUTIONS & EXPENDITURES

Committees must keep records of all contributions received and expenditures made. The following information is a general summary of the reporting requirements.

A **contribution** is:

- A payment (includes those made by a third party), loan, pledge, gift or advance of money.
- Fair market value of any gift or loan or property (in-kind contributions).
- “Made” when received by cash or coin or when deposited if made by check.

Candidate committees are required to disclose all campaign contributions:

- **\$19.99 or less:** Do not need to be itemized; total amount for the reporting period can be aggregated.
- **\$20 or more:** Must be itemized and include the name and address of the contributor.
- **\$100 or more:** Must also include the occupation and employer of the contributor.
- **\$1,000 or more:** If received within 30 days prior to the election, must be reported within 24 hours of receipt.
- LLC contributions must be itemized at \$0.01 and up.
- **Cash/coin contributions:** Cannot exceed \$100

Anonymous contributions are prohibited.

An **expenditure** is made when:

- The actual spending occurs; or
- A contractual agreement has been made and the amount is known.

There are no expenditure limits for candidates or candidate committees in the municipal election.

An expenditure of \$20.00 or more must be itemized and include:

- Name and address to whom the expenditure was made.
- Purpose of the expenditure.

Expenditures under \$20.00 may be combined and reported as one non-itemized expenditure total.

UNSPENT CONTRIBUTIONS

Unexpended contributions to a candidate committee may be:

- Contributed to a political party,
- Contributed to a different candidate committee established by the same candidate for a different office if the candidate committee making such a contribution is affirmatively closed by the candidate no later than ten days after the date such a contribution is made,
- Donated to a charitable organization recognized by the Internal Revenue Service,
- Returned to the contributors, or
- Retained by the committee for use by the candidate in a subsequent campaign.

REPORTS ARE PUBLIC RECORD

Campaign reports are considered open records and will be posted on the City’s website upon receipt.

CAMPAIGN FINANCE COMPLAINTS

Complaints asserting violations of any Fair Campaign Practices Act provisions must be filed with the Northglenn City Clerk’s Office. The Colorado Secretary of State no longer receives or considers municipal campaign finance complaints.

LEGAL ADVICE

The information in this guide has been provided as a courtesy and is not intended to be legal advice. If candidates need legal advice, they should contact a private attorney for assistance.

IMPORTANT ELECTION DATES

All forms and petitions are filed with the City Clerk's Office.

City Hall is open Monday – Friday from 8:30 a.m. to 4:30 p.m.

Within 10 days of becoming a candidate	Candidate Affidavit must be filed with the City Clerk's Office
Prior to accepting contributions	Candidate Committee Registration must be filed with the City Clerk's Office <u>before</u> accepting any campaign contributions
TBD – July/August	Candidate information meeting
August 7 (Monday)	Nomination petition forms can be picked up in the City Clerk's Office
August 8 (Tuesday)	First day nomination petitions may be circulated and signed
August 28 (Monday)	Deadline to file nomination petitions with the City Clerk by 4:30 p.m.
September 5 (Tuesday)	Deadline to file affidavit of intent to run as a write-in candidate
September 6 or 7	Candidate names drawn by lot to determine order on ballot
September 7 (Thursday)	Last day to withdraw from candidacy to ensure candidate's name does not appear on ballot
September 8 (Friday)	Last day for candidates to provide an audio recording of their names to the County Clerks (to be used for accessible audio ballots)
September 8 (Friday)	First day election season signs are allowed (60 days prior to election)
October 16 (Monday)	First day ballots can be mailed to eligible voters, except UOCAVA voters
October 16 (Monday)	24-Hour Drop-Off Ballot Boxes Open
October 16 (Monday)	Last day to register to vote through a voter registration drive
October 17 (Tuesday)	Campaign finance reports due (Reporting Period: 10/28/22 – 10/12/23)
October 30 (Monday)	Last day to register to vote through the mail, a voter registration agency, a local driver's license facility, or online to receive a ballot by mail
October 30 (Monday)	Voter Service and Polling Centers open. In-person voter registration, voting & replacement ballots offered at Voter Service and Polling Centers.
November 3 (Friday)	Campaign finance reports due (Reporting Period: 10/13/23 – 10/27/23)
November 7 (Tuesday)	ELECTION DAY Ballots must be received by 7 p.m. to be counted.
November 12 (Sunday)	Election season signs must be removed
December 12 (Tuesday)	Campaign finance reports due (Reporting Period: 10/28/23 – 12/7/23)

CANDIDATE CHECKLIST FOR FILINGS

This checklist is provided to assist candidates in keeping track of the documents that must be filed with the City Clerk's Office.

ACTION	DEADLINE	DATE COMPLETED
Candidate Affidavit filed	Within 10 days of announcing candidacy and thereafter accepting a contribution or making an expenditure in support of the candidacy	
Committee Registration form filed	Must be filed before accepting any contributions (Not needed if the candidate only spends personal funds on their campaign and does not accept any donations or non-monetary contributions)	
Nomination petitions filed <i>Petitions can only be circulated beginning Aug. 8 and must be filed no later than Aug. 28.</i>	No later than 4:30 p.m. on Monday, August 28, 2023	
Campaign finance report filed with City Clerk's Office Reporting period: Beginning of campaign – 10/12/23	Tuesday, October 17, 2023	
Campaign finance report filed with City Clerk's Office Reporting period: 10/13/23 – 10/27/23	Friday, November 3, 2023	
Campaign finance report filed with City Clerk's Office Reporting period: 10/28/23 – 12/7/23	Tuesday, December 12, 2023	

CONTACT INFORMATION

City Hall is open Monday – Friday from 8:30 a.m. to 4:30 p.m.
(Excluding holidays)

Election-related questions

City Clerk's Office

Johanna Small, City Clerk

303-450-8757*

Email: jsmall@northglenn.org

Website: www.northglenn.org/elections

*Phone number can also receive texts and faxes

Sign Code questions

Neighborhood Services (Code Enforcement)

Tom Carlson, Neighborhood Services Supervisor

303-280-7844

Email: tcarlson@northglenn.org

Website: www.northglenn.org/code

Special events questions

Special Events Division

Ashley Garst, Special Events Specialist

303-450-8935

Email: agarst@northglenn.org

Marisa Phillips, Special Events Specialist

303-450-8909

Email: mphillips@northglenn.org

Website: www.northglenn.org/events

Voter registration lists, Ballot drop-off and In-person voting locations

Adams County Election Department

720-523-6500

Email: adams.elections@adcogov.org

Website: www.adamsvotes.com

Weld County Election Department

970-304-6525

(Ward 2 voters)

Email: elections@weldgov.com

Website: www.weld.gov/Government/Departments/Clerk-and-Recorder/Elections-Department

ATTACHMENTS & RESOURCES

Schedule of Offices to be Elected

City Ward Maps

City Council Board and Committee Assignments

Campaign Finance Forms

- Candidate Affidavit – *file within 10 days of becoming a candidate*
- New Committee Registration Form – *file prior to accepting any contributions*
- Candidate Statement of Non-Receipt of Contributions and Non-Expenditure of Funds – *used if no money is spent and no contributions are accepted*
- Statement of Personal Expenditures by a Candidate – *used if only spending personal funds*
- Report of Contributions and Expenditures – *used if accepting contributions*

Colorado Revised Statutes – Title 1, Article 45 – Fair Campaign Practices Act

Northglenn Home Rule Charter

Northglenn Municipal Code – Chapter 2, Article 11 – Code of Ethics

Colorado Municipal League (CML) Municipal Candidates Guide

City of Northglenn Municipal Code

www.northglenn.org/municode

City of Northglenn Budget and Comprehensive Annual Financial Report

www.northglenn.org/finance

City of Northglenn Strategic Plan

www.northglenn.org/strategicplan

Northglenn City Clerk's Office

www.northglenn.org/election

Adams County Election Department

www.adamsvotes.com

Weld County Election Department

www.weld.gov/Government/Departments/Clerk-and-Recorder/Elections-Department

Secretary of State Elections and Voting Division

www.sos.state.co.us/pubs/elections



CITY OF NORTHGLENN
Regular Municipal Election
November 7, 2023

Schedule of Offices to be Elected

Office	Current Office Holder	Term Expires	Term Limited in 2023?
Mayor	Meredith Leighty	November 2023	No
Ward 1 Council member	Megan Burns	November 2023	No
Ward 1 Council member	Nicholas Walker	November 2025	n/a
Ward 2 Council member	Becky Brown	November 2023	Yes
Ward 2 Council member	Jay Jaramillo	November 2025	n/a
Ward 3 Council member	Katherine Goff	November 2023	No
Ward 3 Council member	Richard Kondo	November 2023	No
Ward 4 Council member	Tim Long	November 2023	No
Ward 4 Council member	Shannon Lukeman-Hiromasa	November 2023	No

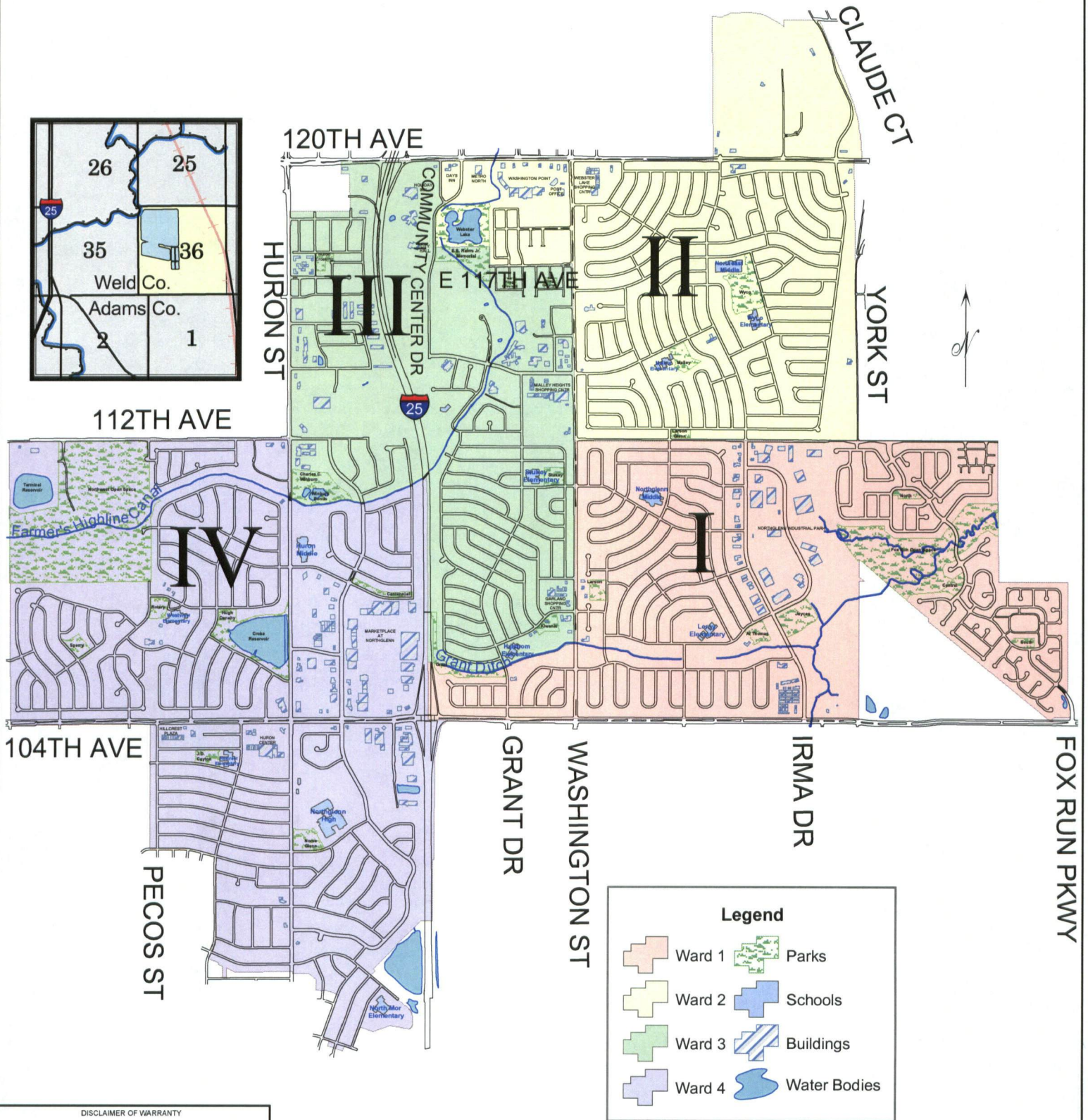
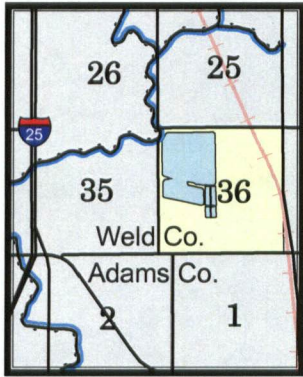
The offices shaded in green will be elected at the November 7, 2023 election.

Terms for those elected on November 7, 2023:

- Mayor: 4-year term
- Ward 1 Council member: 4-year term
- Ward 2 Council member: 4-year term
- Ward 3 Council member: 4-year term
- Ward 3 Council member: 2-year term
- Ward 4 Council member: 4-year term
- Ward 4 Council member: 2-year term

Both Council member positions in Ward 3 and Ward 4 will be elected at the November 7, 2023 election due to vacancies on City Council that were filled by appointment as required by City Charter Section 3.8. The shortened 2-year terms are necessary to maintain staggered terms on City Council. Candidates in Wards 3 and 4 will need to decide whether they are running for the 4-year or 2-year term.

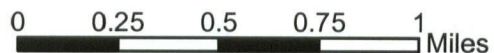
Voting Wards



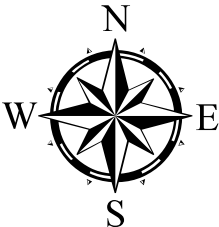
DISCLAIMER OF WARRANTY

The City expressly disclaims any and all warranties, either express or implied regarding the accuracy of any data contained in the GIS Map and any related documents. Any user of the map acknowledges that it assumes and accepts responsibility for the use of the GIS Map and any related documents, and assumes all such risks. The user further agrees to hold the City of Northglenn, and its officers, employees, and agents harmless for any loss, damage or injury arising out of the use of the GIS Map and any other related documents. The user further understands the GIS Map and any other related documents constitute a compilation of information, and, as such, any of the individual information compiled within the GIS Map and any related documents is subject to this Warranty and Disclaimer both individually and when compiled as part of the GIS Map and any related documents.

Prepared: January 15, 2003
File: 2002wardboundaries.mxd



Northglenn Ward 1



120TH AVE

CLAUDE CT

YORK ST

104TH AVE

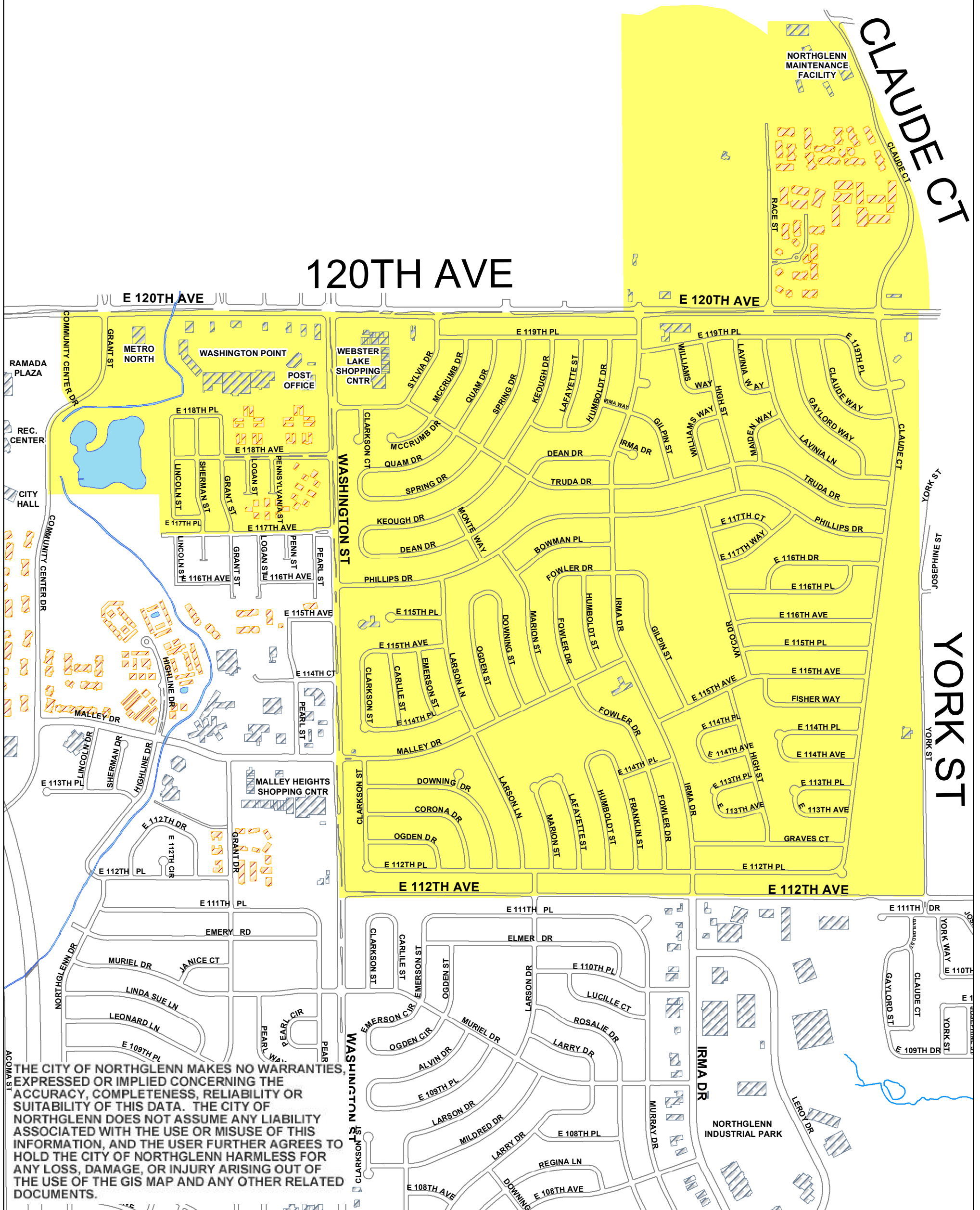
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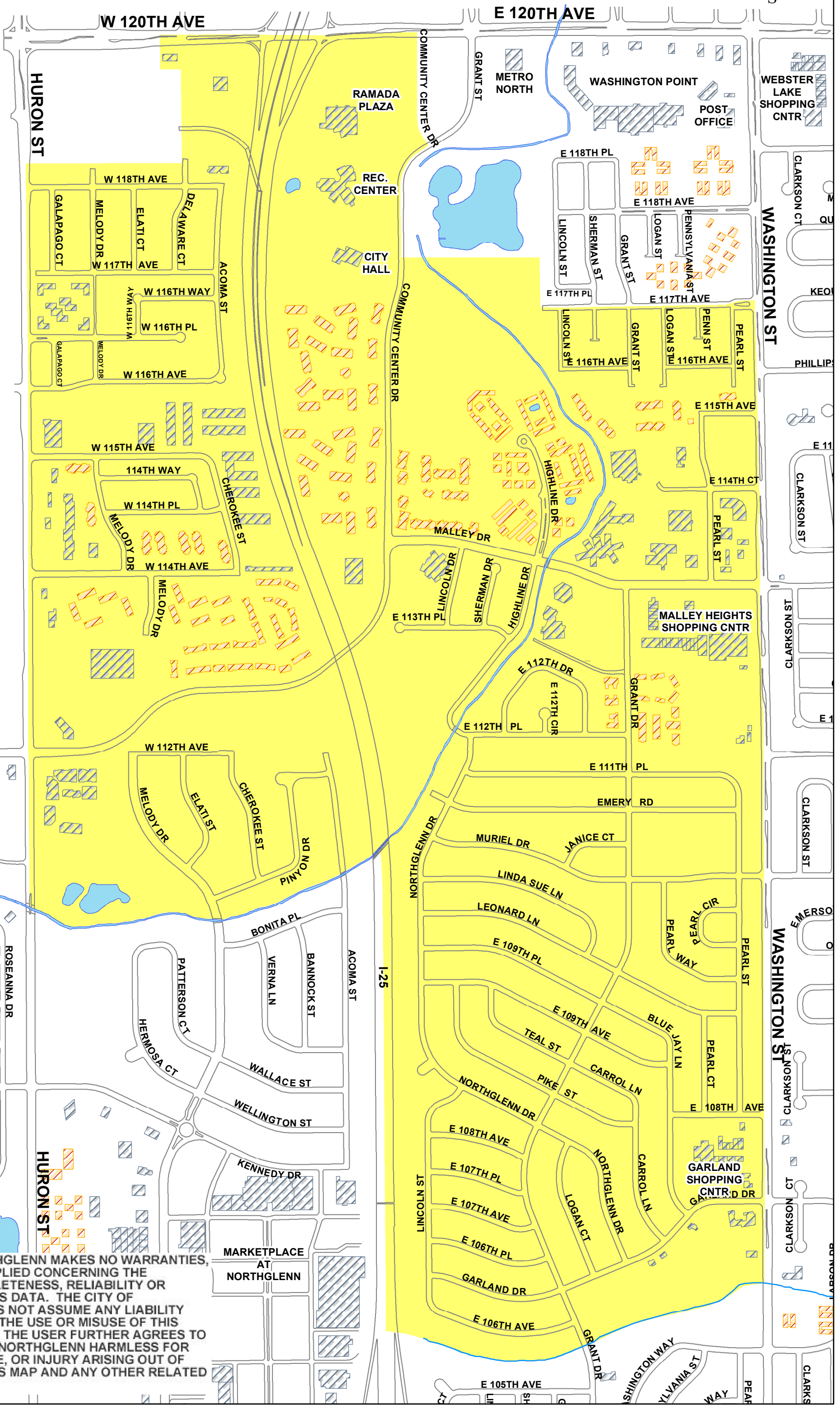
IRMA DR

WASHINGTON ST

GRANT DR

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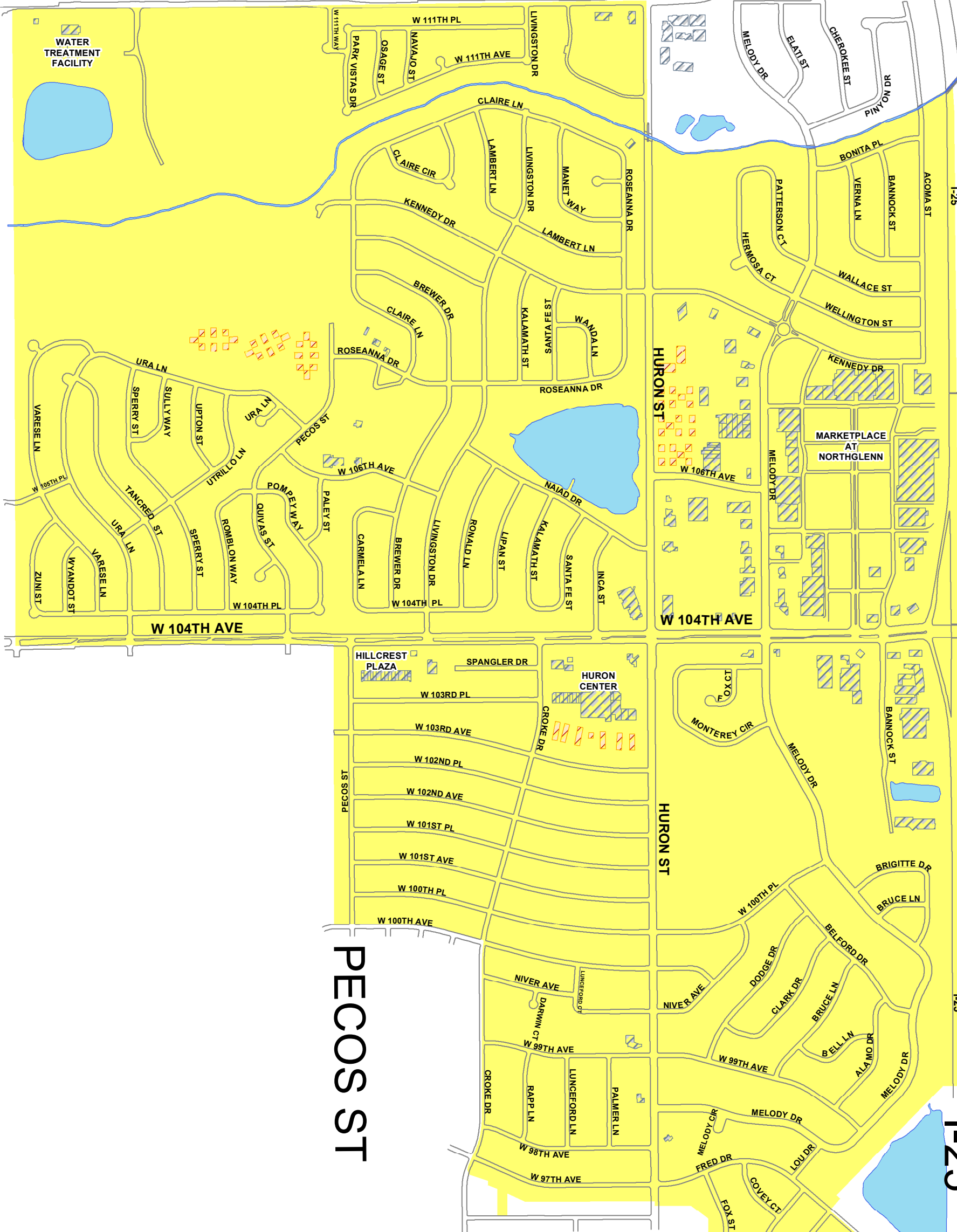


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Northglenn Ward 4

112TH AVE

W 112TH AVE



PECOS ST

I-25

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City Council Committee, Liaison and Ex-Officio Assignments							last updated 4/10/23	
Board/Commission/Committee	Meeting Location	Meeting Date	Meeting Time	Number of Positions	Voting Member	Council Member	Member/Alternate	Member/Alternate
City Council Committees/City Voting Positions								
Finance Committee	City Manager Conference Room	Every other month	4:15 PM	3 members	Yes	Becky Brown	Richard Kondo	Meredith Leighty
Reviews the City's financial statements and balances; reviews requests for qualifications and proposals during the selection of the City's auditors and makes recommendations to Council. Reviews active contracts, monthly payables reports, municipal assets, and purchasing cards. Reviews the use and authorization of overtime by employees, employee reports relating to financial mismanagement, and miscellaneous financial issues. Meetings typically held on the last Tuesday of every other month. <i>See: Resolution No. 10-68, Series of 2010</i>								
Legislative Policy Committee	City Manager Conference Room	2nd & 4th Mon	5:00 PM	3 members	Yes	Meredith Leighty	Shannon Lukeman-Hiromasa	Nicholas Walker
Reviews and reacts to proposed legislation on behalf of City Council and the City. Reviews requests for qualifications and proposals for the selection of the City's lobbyist. Staff Liaison: City Manager. Committee is also supported by the City's lobbyist and the City Attorney.								
Northglenn Urban Renewal Authority	Council Chambers	2nd Wed	5:45 PM	1 member	Yes	Becky Brown		
NURA is a special purpose governmental entity created by City Council in 1990 to deal with economic and physical blight. NURA's primary purpose is to improve business areas in Northglenn by eliminating blight, assisting private development and redevelopment projects, and planning and building public and public-related commercial improvements. Staff Liaison: NURA Executive Director appoints a Treasurer (Director of Finance) and a staff member (currently the Executive Assistant to the City Manager) to support the Authority. Legal services are provided by the City Attorney's designee. This is a regular voting position, not an ex-officio or liaison position.								
Outside Agency Funding Committee	Virtual Meetings/Council Chambers	As needed	Varies	3 members	Yes	Katherine Goff	Jay Jaramillo	Nicholas Walker
Considers requests from non-profit organizations for the sponsorship of events. Reviews proposals and makes recommendations to City Council on the issuance of annual grant funding to non-profit organizations whose services benefit the residents of Northglenn. <i>See: Resolution No. 17-03, Series of 2017</i> Staff Liaison: City Clerk								
Police Pension Board	Virtual Meetings	Quarterly - 2nd Wed	9:30 AM	1 member	Yes	Meredith Leighty		
Serves in a fiduciary role as a member of the Police Pension Board to administer the Police Money Purchase Pension Plan. Reviews performance of investment funds, selects recordkeeper and plan advisors, monitors work performed, makes appropriate changes when warranted, promotes education to plan participants. Member must be the Mayor or Mayor Pro Tem. Staff Liaison: Human Resources Pension Administrator								
Regional Voting Positions								
Mile High Flood District Board of Directors	MHFD Office - Denver	3rd Thu 8x/year	1:00 PM	1 member	Yes	Meredith Leighty		
Formerly known as the Urban Drainage & Flood Control District, their mission is to protect people, property, and the environment through preservation, mitigation, and education. The Flood District partners with metro cities and counties to design and construct flood control and warning measures, open space, regional paths, and to remove trash and debris in our streams. Board consists of 20 locally-appointed elected officials and 2 licensed professional engineers. Mayor Pro Tem may attend in the Mayor's absence as a non-voting member.								
Metro Mayors Caucus	Denver Metro Chamber of Commerce	1st Thu	10:00 AM	1 member	Yes	Meredith Leighty		
A voluntary, consensus based organization of mayors that work together on issues of regional importance. The Caucus was formed in 1993 at the urging of then mayors Margaret Carpenter (Thornton), Don Parsons (Northglenn), Susan Thornton (Littleton), Linda Morton (Lakewood), and Wellington Webb (Denver) who felt that a non-competitive forum was needed for the region's elected officials to build relationships and discuss issues of common concern. The Caucus provides a forum for the discussion of issues that are critical to its members, individually as cities and collectively as a region. Caucus meetings and annual retreat times vary.								
Denver Regional Council of Governments Board	DRCOG Office - 1001 17th Street	3rd Wed	6:30 PM	2 members	Yes	Richard Kondo	Tim Long	
Created as an association of county and city governments as a place where local officials can work together to solve the region's problems. Local governments resolve areawide problems in a way that protects the unique nature of each local government. At the same time, each community has a voice in regional decision-making. Each member city and county is entitled to have one of its elected officials serve as a representative to the Board. Membership includes 1 representative and 1 alternate representative. <i>Board work sessions are held on the 1st Weds at 4:00 p.m.</i>								

Board/Commission/Committee	Meeting Location	Meeting Date	Meeting Time	Number of Positions	Voting Member	Council Member	Member/Alternate	Member/Alternate
Adams County Council of Governments Subregional Transportation Forum	Virtual Meetings	4th Wed	5:30 PM	2 members	Yes	Jay Jaramillo	Shannon Lukeman-Hiromasa	
The ADCOG Subregional Forum is responsible for coordination of transportation planning efforts in Adams County. This includes coordination for purposes of submitting project funding requests to the Colorado Department of Transportation, the Regional Transportation District, and the Denver Regional Council of Governments for consideration in their respective Capital Improvement Plans. Membership includes 1 representative and 1 alternate representative.								
North Area Transportation Alliance	ACED Conference Room	4th Thu	7:30 AM	2 members	Yes	Jay Jaramillo	Becky Brown	
NATA is a partnership of public and private entities in the North I-25 Corridor working to identify, develop, advocate, and lobby for transportation solutions that will enhance mobility, drive economic development, and reduce traffic congestion in the north metro area. Membership includes 1 representative and 1 alternate member.								
Rocky Flats Stewardship Council	Rocky Mountain Airport - Broomfield	No less than 4 times per year; Mon	8:30 AM	1 member	Yes	Richard Kondo		
Mission is to provide continuing local engagement on activities occurring at the Rocky Flats site regarding long-term stewardship of residual contamination and refuge management; to provide a forum to track issues related to former site employees, including but not limited to long-term health benefits and pension programs; to provide an ongoing mechanism to help maintain public knowledge of Rocky Flats and the ongoing needs and responsibilities regarding contaminant management and refuge management; to provide an ongoing forum to engage on all other issues pertinent to Rocky Flats. Designation of representative required by Rocky Flats Stewardship Council IGA.								
Colorado Municipal League Policy Committee	CML Office - Denver	5-6 times per year; Fri	10:00 AM	2 members	Yes	Nicholas Walker	Shannon Lukeman-Hiromasa	
Standing committee that develops the League's legislative program and monitors issues that are important to the cities and towns in Colorado. Membership is composed of representatives from each member municipality, CML sections, and district presidents. Membership includes 1 representative and 1 alternate representative.								
Colorado Communities for Climate Action	Meeting locations vary	4th Fri every other month	9:00 AM	2 members	Yes	Katherine Goff	vacant - not filling	
CC4CA is a coalition of local governments across the state that advocates for stronger state and federal climate policy. CC4CA is governed by a Board of Directors (formerly the Steering Committee) of representatives from member communities. Unanimous consent among members is required to set the coalition's policy priorities. The CC4CA Policy Committee meets on the 2nd Thursday of each month from 1-2:30 p.m. The Legislative Group meets on the 2nd and 4th Fridays of the month during the legislative session from 12-1:00 p.m. (beginning in January)								
Adams County Regional Economic Partnership (formerly Metro North Chamber of Commerce)	AC-REP	2nd & 4th Wed	7:30 AM	1 member	Yes	Tim Long		
The Business and Government Affairs Committee is a non-partisan committee comprised of members from diverse industries. The group meets twice per month when the State Legislature is in session. The Committee is responsible for helping guide advocacy efforts by reviewing pending legislation and regulations for their impact on the membership.								
Rocky Mountain Partnership	Location TBD	Quarterly	TBD	1 member	Yes	Jay Jaramillo		
Rocky Mountain Partnership, formerly Rocky Mountain Cradle to Career Partnership (RMC2C) and Adams County Youth Initiative, serves Adams and Broomfield Counties in supporting youth from cradle to career. The Community Leaders Council (CLC) includes leadership from school districts, non-profits, philanthropies, businesses, faith communities, and city and county governments. The CLC holds leadership and accountability for the Partnership's shared work, and addresses systems-level barriers to this work, including the alignment of resources and community assets, resources, and policy.								
Non-Voting City Ex-Officio Positions								
Community Co-Production Policing Advisory Board*	Council Chambers	2nd Tue	5:30 PM	1 member	No	Meredith Leighty		
The Board supports City Council's strategic focus of implementing community co-production policing based on the belief that the community should be integrally involved in shaping the policing strategies that affect it. The Board advises Council about community concerns as they relate to the Police Department, looks for opportunities to build on the strengths of the Department, and advises Council on other matters as they relate to aligning services and resources with the community's vision for public safety. Ex-Officio required by NMC § 4-8-2(b). <i>*Board operations were paused by Resolution No. 22-90 to provide for an assessment of the Board to assist in its function as an advisory board.</i>								
Diversity, Inclusivity, and Social Equity Board	Council Chambers	3rd Tue	6:30 PM	1 member	No	Katherine Goff		
The Board supports City Council's strategic focus of diversity and uses community feedback to influence future decision making to promote diversity, inclusivity and social equity in Northglenn. Ex-Officio required by NMC § 2-13-1(b). Staff Liaison: Director of Human Resources & Chief Diversity Officer (1 position)								
Historic Preservation Commission	Thede Farmhouse at Stonehocker	2nd Tue	6:00 PM	1 member	No	Megan Burns		
Created to protect, preserve and enhance the City's cultural, social, economic, political and architectural heritage; to conduct an ongoing survey to identify properties, adopt criteria and guidelines, review proposals, and hold hearings. Ex-officio member not required, but preferred by Council. Staff Liaison: Planning & Development/Senior Planner								

Board/Commission/Committee	Meeting Location	Meeting Date	Meeting Time	Number of Positions	Voting Member	Council Member	Member/Alternate	Member/Alternate
Parks & Recreation Advisory Board	Council Chambers	2nd Thu	5:30 PM	1 member	No	Megan Burns		
Purpose is to advise City Council and staff about parks and recreation plans, facilities, and programs; to make recommendations to Council on contracts and expenditures for projects; to establish the annual parks user fee schedule; to hold public hearings for capital improvement projects and recreation services; and to consider park vendor applications. Ex-officio member required by NMC § 17-2-1 Staff Liaison: City Manager or designee serves as the executive director and appoints a staff member to serve as clerk to the Board: Director of Parks, Recreation & Culture and Parks & Rec Admin Assistant								
Planning Commission	Council Chambers	1st & 3rd Tue	6:00 PM	1 member	No	Tim Long		
Considers permit applications for land use matters and makes recommendations to City Council for zoning requests. Members are active in the development of the City's Comprehensive Plan by reviewing site plans and subdivision plats. Ex-officio member required by NMC § 11-6-8(c)(2)(A). Staff Liaison: Planning & Development/Planning Manager								
Youth Commission	Northglenn Recreation Center	1st Tue	7:00 PM	1 member	No	Shannon Lukeman-Hiromasa		
The Northglenn Youth Commission encourages youth to participate in community issues and gives them a voice in government. The Commission makes recommendations to City Council and staff about topics that impact youth in the community. Work sessions may be held on the 3rd Tuesday of the month at 7 pm. Ex-officio member required by Resolution No. 01-87, Series of 2001. Staff Advisor: Recreation Coordinator								
Non-Voting Liaison Positions								
Adams 12 Five Star School Board	Educational Support Center	1st & 3rd Wed*	6:00 PM	1 member	No	Meredith Leighty		
The Board of Education is the policy-making body for the School District. The Board's mission is to engage and inspire all students to innovate, achieve and succeed in a safe environment by ensuring high-quality instruction in every classroom, every day. <i>*Board does not meet in January, July, and August.</i> NOTE: Instead of attending monthly BOE meetings, Mayor meets one-on-one with BOE representative assigned to the City.								
Business Relations Coordinator	City Manager Conference Room	2nd Fri	8:00 AM	1 member	No	Shannon Lukeman-Hiromasa		
Meets with Economic Development staff to provide input on activities to foster and encourage existing businesses to remain and expand in the City, and to convey a positive image to businesses wishing to locate to Northglenn. Staff Liaison: Economic Development Specialist								
North Metro Fire Rescue District Board	NMFRD Headquarters - Broomfield	3rd Tues	4:00 PM	1 member	No	Richard Kondo		
NMFRD is a special district governed by an elected board of directors. The District is equipped and committed to ensuring public safety through fire suppression, emergency medical services and patient transportation, hazardous materials response, technical rescues, and wildland firefighting. NMFRD has 7 fire stations that serve residents in Broomfield, Northglenn and unincorporated areas of Adams, Boulder, Jefferson and Weld Counties. The District also has a large training center complex (in Section 36) and headquarters building to serve the community.								
Northglenn Arts & Humanities Foundation	Northglenn Recreation Center	1st Wed	5:30 PM	1 member	No	Jay Jaramillo		
NAHF is a non-profit foundation whose purpose is to act as a vehicle for soliciting and accepting contributions to benefit cultural programs at the Parsons Theatre and throughout the City of Northglenn, and to promote, encourage and solicit programs and events related to the theatre and arts. These programs and events can be of a charitable, educational, historic, artistic, musical, or dramatic nature. In addition to its commitment to theatre and music programs, the foundation has an added visual art emphasis through its public art program.								
Northglenn Senior Organization	Senior Center	4th Fri	12:00 PM	1 member	No	Shannon Lukeman-Hiromasa		
The NSO is a fraternal group that aids the Senior Center. Members of the NSO plan activities, trips, educational programs, and volunteer opportunities for seniors. The NSO also provides input into the planning of senior programming. NSO members hold monthly business luncheons at various locations.								
Rangview Library District	Meeting locations vary	3rd Wed	5:00 PM	1 member	No	Katherine Goff		
The Rangeview Library District (Anythink Libraries) is governed by a five-member Board of Trustees appointed by the Adams County Board of Commissioners. The Board is responsible for the library district's finances and formulation of policies. Anythink serves residents of Adams County with 7 branches in Bennett, Brighton, Commerce City, Thornton, and the Perl Mack neighborhood of Denver. They also offer outreach services through Anythink in Motion and the district's bookmobile.								
Required positions (by resolution, ordinance, IGA, etc.)								
Memberships provide opportunity for representation								
Optional liaison positions								

Colorado Secretary of State
Elections Division
1700 Broadway, Ste. 200
Denver, CO 80290
Ph: (303) 894-2200 ext. 6383
Fax: (303) 869-4861
www.sos.state.co.us



Space Below For Office Use Only

CANDIDATE AFFIDAVIT

[Art. XXVIII, Sec. 2(2) & 1-45-110(1), C.R.S.]

- State, County, School District, and Special District Candidates file with the Secretary of State
- **Municipal Candidates file with the Municipal Clerk**

This affidavit certifies that I, _____, a member of the
(Name*)
_____ political party/organization (if applicable), am a candidate
(Political Party*)
for the _____ election, [Art. XXVIII, Sec. 2(2)] for the office of _____,
(Year*) (Office*)
District _____ (if applicable), County _____ (if applicable).
(District*) (County*)

I understand that campaign finance activities in Colorado are governed by Article XXVIII of the Colorado Constitution, Article 45, Title 1 of the Colorado Revised Statutes (C.R.S.) (also known as the Fair Campaign Practices Act (FCPA)), and the Secretary of State's Rules Concerning Campaign and Political Finance.

I further certify that I am familiar with the provisions of the Colorado Fair Campaign Practices Act (FCPA) as required in §1-45-110 of the Colorado Revised Statutes.

Signature of Candidate* _____ Date*: _____

Physical Address of Candidate*: _____
(Street/City/St/Zip*)

Mailing address: _____

Business Phone: _____ Residence Phone*: _____

Fax: _____ Web Address: _____

E-Mail Address*: _____

Fields marked with * are required unless they do not apply to the race for which you are submitting this affidavit. The notary section below must be completed in full.

STATE OF COLORADO
COUNTY OF _____

Before me, _____, a notary/officer duly authorized to administer oaths, in and
for said State, personally appeared _____, whose name is subscribed
to the foregoing Candidate Affidavit, and who affirms, that said statements are true and that he/she acknowledges
the execution of said instrument to be of their own free act and voluntary deed for the uses and purposes therein set
forth.

Subscribed and affirmed to before me this _____ day of _____, 20_____.

(Seal)

(Notary/Official Signature)

(Commission Expires)

CANDIDATE AFFIDAVIT INSTRUCTIONS

Colorado Constitution Reference: Section 2(2), article XXVIII

Colorado Revised Statutes: Section 1-45-110(1), C.R.S.

Who uses this form? All candidates for public office.

Purpose of form: This form is to be used by all candidates seeking an elected office.

Is this form required for all candidates, including judges? YES, except that candidates in special district elections may file a self-nomination and acceptance form instead.

When should this form be filed? Form must be filed with the appropriate election official within 10 days of becoming a candidate.

When does an individual become a candidate? When the individual publicly announces an intent to seek public office and thereafter receives a contribution or makes an expenditure in support of the candidacy.

What is the definition of Public announcement? Campaign and Political Finance Rule 1.12 states: “ ‘Publicly announced an intention to seek election to public office or retention of a judicial office’ means that a person has made a statement signifying an interest in the office by means of a speech, advertisement, or other communication reported or appearing in public media or in any place accessible to the public. Such statement includes a stated intention to explore the possibility of seeking an office. The registration of a candidate committee shall also constitute a public announcement of an intention to seek election or retention.”

COMPLETING THE FORM

1. Print or type the name of candidate on the first line.
2. Print or type the political affiliation of the candidate, only if seeking a partisan office (one which has a party identification on the ballot). Do not complete for school district, special district or municipal candidates.
3. Print or type the year the office is up for election and the office being sought.
4. Indicate the district number of the office being sought, if applicable.
5. The candidate must sign and date the form. **Signature must be notarized.**
6. Print or type the physical address of the candidate. Include street, city, state and Zip Code (all are required).
7. Print or type the mailing address of the candidate if different than physical address.
8. Print or type the candidate's business or residential telephone number.
9. Print or type the candidate's E-Mail address. The Secretary of State's office will use this address to send notices and correspondences.
10. **The remainder of the form must be completed by a Notary Public.**

Please note that this form and the information contained within are considered public information. All information is required (except party and district where they do not apply).

Colorado Secretary of State
Elections Division
1700 Broadway, Suite 200
Denver, CO 80290
Ph: (303) 894-2200
Fax: (303) 869-4861
Email: cpfhelp@sos.state.co.us
Website: www.sos.state.co.us



Below Space or Office Use Only

NEW COMMITTEE REGISTRATION FORM

(1-45-108, C.R.S.)

Please use this form if you are registering a new committee for Colorado campaign finance purposes.

Independent Expenditure Committees Use Secretary of State Form CPF-37

Or register online at: tracer.sos.colorado.gov

Select Only One Committee Type:

- ☐ Candidate Committee ☐ State Political Committee ☐ Small Donor Committee ☐ Political Party
☐ Issue Committee ☐ Small-Scale Issue Committee ☐ 527 Political Organization

Committee Name:

Name should be descriptive. Include office, organization name, etc. Note: Colorado does not have PACs, only Political Committees.

Committee Address (physical): _____

Committee Address (mailing): _____

Phone Number: _____ Alternate Phone Number: _____ Fax Number: _____

Web Address: _____

Check Only One Jurisdiction:

☐ State

☐ COUNTY

☐ Special District

☐ School District

Enter Applicable
Counties

☐ Municipal (file with Municipality)

Purpose/Office Sought (include party, office, district & election year, if applicable):

Financial Institution Information:

Institution Name: _____

Institution Address: _____

Authorized Agents Contact Information:

Registered Agent:

Name: _____

Phone Number: _____

E-mail Address: _____

Alternate E-mail 1: _____

Alternate E-mail 2: _____

Designated Filing Agent: (Optional)

Name: _____

Phone Number: _____

E-mail Address: _____

Alternate E-mail 1: _____

Alternate E-mail 2: _____

Registered Agent's Signature:

X _____ Date: _____

Designated Filing Agent's Signature:

X _____ Date: _____

Candidate Committee Complete the following:

Print Candidate Name: _____

Candidate Address (include mailing): _____

Candidate Signature:

X _____ Date: _____

Print Form

Colorado Secretary of State Form CPF - 6, Rev. 5/2016

Northglenn City Clerk's Office
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Space Below For Office Use Only

**CANDIDATE STATEMENT OF NON-RECEIPT OF CONTRIBUTIONS
AND
NON-EXPENDITURE OF FUNDS**
[1-45-108(1) & 1-45-109, C.R.S.]

This form is for the use of candidates that do **not** have a campaign committee and have not received contributions nor made expenditures.
No expenditures have been made on behalf of the candidate.

Name of Candidate: _____

Address of Candidate: _____

City, State, Zip: _____

Reporting Period: Beginning Date _____ Ending Date _____

CONTRIBUTIONS RECEIVED OR RECEIVABLE DURING THIS REPORTING PERIOD

\$ 0.00

EXPENDITURES MADE OR INCURRED DURING THIS REPORTING PERIOD

\$ 0.00

I, _____, affirm that no person received contributions on my behalf nor made any expenditures on my behalf. No contributions have been pledged to me nor on my behalf. I have not received any contributions nor have I made or incurred any expenditures on my own behalf during this election reporting period.

Candidate Signature: _____ Date: _____

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Space Below For Office Use Only

STATEMENT OF PERSONAL EXPENDITURES BY A CANDIDATE

[1-45-108(1) & 1-45-109, C.R.S.]

For use by a candidate who has not received any contributions (does not have a candidate committee), but has made expenditures of personal funds.

Name of Candidate: _____

Address of Candidate: _____

City: _____ State: _____ Zip Code: _____

Office: _____ District No.: _____ Elec./Yr.: _____

Reporting Period: Beginning Date _____ Ending Date _____

Total amount of Non-Itemized Expenditures (\$19.99 or less): \$ _____

Expenditures exceeding \$19.99 shall be itemized and listed below.

Date Expended	Amount	Name of Recipient		Address
	\$			
City		State	Zip	Comment / Purpose

Date Expended	Amount	Name of Recipient		Address
	\$			
City		State	Zip	Comment / Purpose

Date Expended	Amount	Name of Recipient		Address
	\$			
City		State	Zip	Comment / Purpose

I certify to the best of my knowledge this Statement of Expenditures is true and correct.

Candidate Signature: _____ Date: _____

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REPORT OF CONTRIBUTIONS AND EXPENDITURES 2010 Revised Reporting Forms

The Report of Contributions and Expenditures is a financial report required for all committees or parties that accept contributions or make expenditures to support or oppose a candidate or an initiative seeking access to the ballot and/or a referendum placed on the ballot by the general assembly. The report is comprised of 7 basic data entry pages along with several informational and instructional pages. The data entry forms consist of the Report of Contributions and Expenditures with the Detail Summary, Schedules A, B, C, D and the Statement of Non-Monetary Contributions. Completion of Schedules A, B, C, D and the Statement of Non-Monetary Contribution forms should be done prior to completion of the Report of Contributions and Expenditures and Detail Summary pages. Listed below are brief descriptions of what each data entry page accomplishes to help you complete and finalize this report.

Report of Contributions and Expenditures (page 1)

A summary page of the committee or party name, address, financial institution, registered agent and the contribution/expenditure totals for a specific reporting period with the **Detailed Summary page** (page 2) that summarizes totals for all other data entry forms. Complete this 2-page form last.

Schedule A

This form is used to report monetary contributions received by the committee or party that exceed \$19.99. (Money received into the committee/party.)

Schedule B

This form is used to report expenditures paid out by the committee or party that exceed \$19.99. (Money expended/paid out by the committee/party.)

Schedule C

This form details loans received and repaid by the committee/party. (Money received by committee from a financial institution and/or repayment of a loan to a financial institution.)

Schedule D

This form allows the committee/party to account for either a contribution or expenditure that has been made and is being returned to the committee/party.

Statement of Non-Monetary Contributions

This form details contributions received that are tangible and can be assessed a fair market value. Expenditures on behalf of a candidate that are coordinated with or controlled by the candidate, candidate's agent or the political party shall be counted as a contribution to and expenditure by the candidate committee or the political party.

If filing the Report of Contributions and Expenditures manually, it **MUST** be received by the appropriate officer on or before the manual due date. Postmark dates are not recognized. A faxed

report MUST be followed up with the original document within seven calendar days. If you wish to file electronically, please log onto our web site at www.sos.state.co.us and select Campaign Finance and then select Campaign Finance Filing and Inquiry. Instructions for electronic filing may be found on the Campaign Finance page. The candidate and/or registered agent are responsible for the content and accuracy of the report.

Other items available on the Secretary of State website are: Electronic filing instructions, Campaign and Political Finance forms, filing calendars and the Campaign and Political Finance FAQs (Frequently Asked Questions) fact sheet. Please note the Microsoft excel spreadsheet version of the report is no longer available.

State and county committees requiring assistance should contact the Secretary of State's Campaign and Political Finance Support Team at 303-894-2200 ext. 6383. **Municipal** committees should contact their municipal/town clerk for assistance.

Thank you

Instructions for
**REPORT OF CONTRIBUTIONS AND EXPENDITURES
DETAILED SUMMARY**

Reference Colorado Revised Statute: 1-45-108, C.R.S.

Who uses this form? All Committees

Purpose of form: This form is used to summarize the information from all other forms.

Is this form required? Yes

When do I file this form? This form must be received by the designated election official on or before the filing due date for the reporting period. Postmarks are not accepted.

COMPLETING THE FORM

This form uses information contained on other forms; all other applicable forms must be completed prior to filing this summary form.

STEP 1. Completely fill out the Report of Contributions and Expenditures page until you reach Line 1.

- Print or type the full name of the committee
- Print or type the address of your committee. Print or type the city, state and zip code of your committee.
- Print or type the name of the financial institution where the committee funds are deposited. [1-45-108(1)(a)(IV)(b), C.R.S.]
- Print or type the address of the financial institution including city, state and zip code.
- Print or type the Secretary of State-issued committee number. This is the committee ID number that was mailed to you shortly after registering with the Secretary of State. If you registered with an election official other than the Secretary of State, you do not file with the Secretary of State's office.
- Determine what type of report is being filed.
 - **Regularly Scheduled Filings** are normal reporting periods as required in 1-45-108 & 1-45-109, C.R.S. (These dates are available through the Campaign and Political Finance manual, your local election official, the calendars provided and the Secretary of State web site www.sos.state.co.us)
 - **Amended Filings** are reports that correct a previously filed report.
 - **Termination Reports** are filings that close a committee, indicating the committee is no longer in existence. You **must** report a zero balance on line #5. (Art. XXVIII, Sec. 2(3), 1-45-106, C.R.S., and the *Rules Concerning Campaign and Political Finance* 3.3)
- Check (☒) the appropriate box next to the type of report filed. If this report is an *amended filing*, print or type the date of the originally filed report being amended.
- Print or type the Reporting Period being covered. (The beginning and ending dates)

- Print or type the Declared Total Spending Limit if applicable. (Art. XXVIII, Sec. 4)
This is only for candidates that have accepted the Voluntary Spending limits.

STEP 2. Skip Lines 1-5 and the Authorization portion of the Report of Contributions and Expenditures page (page 1) and go to the Detailed Summary page (page 2).

STEP 3. On the Detail Summary page of the Report of Contributions and Expenditures form completely fill out the header information and lines 6 through 20.

- Line #6 – Enter the total amount from Schedule A.
- Line #7 – Enter the total amount of contributions received this reporting period that were \$19.99 or less.
- Line #8 – Enter the total amount of all loans received this reporting period. (Schedule C)
- Line #9 – Enter the total amount of all other receipts. (Example: Interest, Dividends)
- Line #10 – Enter the total amount of all expenditures returned or refunded to the committee. (Schedule D - money coming back to the committee).
- Line #11 – Enter the sum of Lines #6 **through** #10.
- Line #12 – Enter the total amount of all Non-Monetary Contributions from the Statement of Non- Monetary Contributions form.
- Line #13 – Enter the sum of Line #11 **and** #12.
- Line #14 – Enter the total amount from Schedule B.
- Line #15 – Enter the total amount of all Expenditures \$19.99 or less.
- Line #16 – Enter the total amount of all loan payments paid this reporting period. (Schedule C)
- Line #17 – Enter the total amount of contributions returned to the donor. Example: A contributor exceeded contribution limits and the amount exceeding that limit must be returned. (Schedule D - money going out of the committee).
- Line #18 – Enter the total amount of expenditures by a third party that are controlled by or coordinated with a candidate, candidate committee or political party. (Statement of Non-Monetary Contribution form)
- Line #19 – Enter the sum of Lines #14 **through** #17.
- Line #20 – Enter the sum of lines #18 **and** #19. [Art. XXVIII, Sec. 5(3)]

STEP 4. Return to the Report of Contributions and Expenditures form and complete Lines 1-5.

- Line #1 – If this is your first Report of Contributions and Expenditures as a committee enter zero (0). If you have previously filed enter the ending balance from line #5 of your most recently filed report.
- Line #2 – Enter the total amount from Line #11.

- Line #3 – Enter the sum of Lines #1 **and** #2.
- Line #4 – Enter the total amount from Line #19.
- Line #5 – Enter the difference of Line #3 **minus** Line #4.

STEP 5. Complete the Authorization portion of the Report of Contributions and Expenditures form by printing the name of the registered agent and then sign and date the report.

Northglenn City Clerk's Office
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REPORT OF CONTRIBUTIONS AND EXPENDITURES

(1-45-108, C.R.S.)

Full Name of Committee/Person:	
As Shown On Registration	
Address of Committee/Person:	
City, State & Zip Code:	
Committee Type:	
Name and Address of Financial Institution	

SOS ID NUMBER (state and county committees):

Type of Report

☐

Regularly Scheduled Filing.

☐

Amended Filing. This amends previous report filed on (date)

Submit changes or new information ONLY

☐

Termination Report. (Termination Reports MUST Have a Monetary Balance of Zero in Line 5)

☐

Check this box if this Report Contains Electioneering Communications Information

Reporting Period Covered:

Date

Through

Date

Declared Total Spending (if applicable)

[Art. XXVIII, Sec. 4(1)]

\$

		Totals Detailed Summary Page
1	Funds on Hand at the Beginning of Reporting Period (monetary only)	\$
2	Total Monetary Contributions (line 11)	\$
3	Total of Monetary Contributions & Beginning Amount (line 1 + line 2)	\$
4	Total Monetary Expenditures (line 19)	\$
5	Funds on Hand at the End of Reporting Period (monetary) (line 3 – line 4)	\$

The appropriate officer shall impose a penalty of \$50 per day for each day that a report is filed late.

[Art. XXVIII Sec. 10(2)(a)]

Authorization (Must be completed by either the Registered Agent **OR** the Candidate): *I hereby certify and declare, under penalty of perjury, that to the best of my knowledge or belief all contributions received during this reporting period, including any contributions received in the form of membership dues transferred by a membership organization, are from permissible sources.*

Print Registered Agent's Name: _____

Registered Agent's Signature: _____ Date: _____

Print Candidate Name: _____

Candidates Signature: _____ Date: _____

DETAILED SUMMARY

Full Name of Committee/Person: _____

Current Reporting Period: _____

Through _____

Funds on hand at the beginning of reporting period (Monetary Only)		\$
6	Itemized Contributions \$20 or More [C.R.S. 1-45-108(1)(a)] (Please list on Schedule "A")	\$
7	Total of Non-Itemized Contributions (Contributions of \$19.99 and Less)	\$
8	Loans Received (Please list on Schedule "C")	\$
9	Total of Other Receipts (Interest, Dividends, etc.)	\$
10	Returned Expenditures (from recipient) (Please list on Schedule "D")	\$
11	Total Monetary Contributions (Total of lines 6 through 10)	\$
12	Total Non-Monetary Contributions (From Statement of Non-Monetary Contributions)	\$
13	Total Contributions (Line 11 + line 12)	\$
14	Itemized Expenditures \$20 or More [C.R.S. 1-45-108(1)(a)] (Please list on Schedule "B")	\$
15	Total of Non-Itemized Expenditures (Expenditures of \$19.99 or Less)	\$
16	Loan Repayments Made (Please list on Schedule "C")	\$
17	Returned Contributions (To donor) (Please list on Schedule "D")	\$
18	Total Coordinated Non-Monetary Expenditures (Candidate/Candidate Committee & Political Parties only)	\$
19	Total Monetary Expenditures (Total of lines 14 through 17)	\$
20	Total Spending (Line 18 + line 19)	\$

Schedule A Instructions

NOTE: In addition to the reporting requirements of 1-45-108, C.R.S., please note provisions for specific Committee type, as follows:

Candidate, Issue, Political Party and Political Committee (PC)

- Required to disclose occupation **and** employer for all \$100 or more contributions made by natural persons. (Art. XXVIII, Sec. 7)

Small Donor Committee

- Accepts contributions of no more than \$50 per year, FROM NATURAL PERSONS ONLY. [Art. XXVIII, Sec. 2(14)(a)]

Electioneering Communications Reporting

- Reporting required by persons spending \$1,000 or more on Electioneering Communications,
- Required to disclose occupation **and** employer for all \$250 or more contributions made by natural persons. (Art. XXVIII, Sec. 6)
- Corporate and Labor Organization funding are prohibited. (Art. XXVIII, Sec. 6)

Contribution Limits – State Candidates

(Art. XXVIII, Sec. 3)

Candidates:

- **\$525** ♦ Primary, \$525 ♦ General if nominated to general election ballot – Gov*, Gov/Lt. Gov**, Secretary of State, Attorney General and State Treasurer
- **\$200** Primary, \$200 General if nominated to general election ballot – State Senate, State House of Representative, State Board of Education, CU Regent, and District Attorney.

Note: Candidates may receive the primary and general election contributions at one time, the contributor must note that the contribution is for both the primary and general election contribution. Candidates must note both contributions on their report. It is preferred that each contribution be given separately; one check written for the primary and one check written for the general, and so noted by the contributor on the check and by the recipient on the report.

Political Committees (State, County, District & Local):

- **\$525** ♦ per House of Representatives Election Cycle

Political Party (From any person other than Small Donor):

- **\$ 3,175** ♦ per year no more than \$2,650 ♦ to state party.

Political Party (From Small Donor):

- **\$15,900** ♦ per year no more than \$13,250 ♦ to state party.

Prohibitions on next page. Please refer to Article XXVIII, Section 3 of the Colorado Constitution for complete contribution limits and prohibited contributions.

* Primary Election

** General Election

♦ Contribution Limits reflect adjustments made by CPF Rule 12 pursuant to Article XXVIII, Sec. 3(13) of the Colorado Constitution.

PROHIBITED CONTRIBUTIONS

[Art. XXVIII, Sec.3 & C.R.S. 1-45-105.5]

- No candidate's candidate committee shall accept contributions from, or make contributions to, another candidate committee.
- No person shall act as a conduit for a contribution to a candidate committee.
- It shall be unlawful for a corporation or labor organization to make contributions to a candidate committee or a political party, and to make expenditures expressly advocating the election or defeat of a candidate; except that a corporation or labor organization may establish a political committee or small donor committee which may accept contributions or dues from employees, officeholders, shareholders, or members.
- No candidate committee, political committee, small donor committee, or political party shall knowingly accept contributions from:
 - Any natural person who is not a citizen of the United States;
 - A foreign government; or
 - any foreign corporation that does not have the authority to transact business in this state pursuant to article 115 of title 7, C.R.S., or any successor section.
- No candidate committee, political committee, small donor committee, issue committee, or political party shall accept a contribution, or make an expenditure, in currency or coin exceeding one hundred dollars.
- No person shall make a contribution to a candidate committee, issue committee, political committee, small donor committee, or political party with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution made to any candidate committee, issue committee, political committee, small donor committee, or political party, nor shall any person make such reimbursement except as provided in subsection (8) of this section. [Art. XXVIII, Sec. 3(8)]
- Contributions from professional and volunteer lobbyists to any member of or candidate for the general assembly, or the governor or candidate for governor are prohibited during regular legislative session.
- Political Committees may contribute to a legislator during session, unless the political committee employs, retains, engages, or uses, with or without compensation, a professional or volunteer lobbyist.

Schedule A – Itemized Contributions Statement (\$20 or more)

[C.R.S. 1-45-108(1)(a)]

Full Name of Committee/Person: _____**WARNING: Please read the instruction page for Schedule “A” before completing!**

PLEASE PRINT/TYPE

1. <u>Date Accepted</u>	4. Name (Last, First): _____
2. <u>Contribution Amt.</u> \$	5. Address: _____
3. <u>Aggregate Amt. *</u> \$	6. City/State/Zip: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. Occupation (if applicable, <u>mandatory</u>): _____

1. <u>Date Accepted</u>	4. Name (Last, First): _____
2. <u>Contribution Amt.</u> \$	5. Address: _____
3. <u>Aggregate Amt. *</u> \$	6. City/State/Zip: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. Occupation (if applicable, <u>mandatory</u>): _____

1. <u>Date Accepted</u>	4. Name (Last, First): _____
2. <u>Contribution Amt.</u> \$	5. Address: _____
3. <u>Aggregate Amt. *</u> \$	6. City/State/Zip: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. Occupation (if applicable, <u>mandatory</u>): _____

1. <u>Date Accepted</u>	4. Name (Last, First): _____
2. <u>Contribution Amt.</u> \$	5. Address: _____
3. <u>Aggregate Amt. *</u> \$	6. City/State/Zip: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. Occupation (if applicable, <u>mandatory</u>): _____

* For contribution limits within a committee's election cycle or contribution cycle, please refer to the following Colorado Constitutional cites: Candidate Committee Art. XXVIII, Sec. 2(6); Political Party Art. XXVIII, Sec. 3(3); Political Committee Art. XXVIII, Sec 3(5); Small Donor Committee Art. XXVIII, Sec. 2(14).

Schedule B – Itemized Expenditures Statement (\$20 or more)

[1-45-108(1)(a), C.R.S.]

Full Name of Committee/Person: _____**PLEASE PRINT/TYPE**

1. <u>Date Expended</u>	4. Name: _____
2. <u>Amount</u> \$	5. Address: _____
3. Recipient is (optional): <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	6. City/State/Zip: _____
	7. Purpose of Expenditure: _____
	<input type="checkbox"/> Check box if Electioneering Communication

1. <u>Date Expended</u>	4. Name: _____
2. <u>Amount</u> \$	5. Address: _____
3. Recipient is (optional): <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	6. City/State/Zip: _____
	7. Purpose of Expenditure: _____
	<input type="checkbox"/> Check box if Electioneering Communication

1. <u>Date Expended</u>	4. Name: _____
2. <u>Amount</u> \$	5. Address: _____
3. Recipient is (optional): <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	6. City/State/Zip: _____
	7. Purpose of Expenditure: _____
	<input type="checkbox"/> Check box if Electioneering Communication

1. <u>Date Expended</u>	4. Name: _____
2. <u>Amount</u> \$	5. Address: _____
3. Recipient is (optional): <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	6. City/State/Zip: _____
	7. Purpose of Expenditure: _____
	<input type="checkbox"/> Check box if Electioneering Communication

1. <u>Date Expended</u>	4. Name: _____
2. <u>Amount</u> \$	5. Address: _____
3. Recipient is (optional): <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	6. City/State/Zip: _____
	7. Purpose of Expenditure: _____
	<input type="checkbox"/> Check box if Electioneering Communication

Schedule C - Loans

Full Name of Committee/Person: _____

LOANS - Loans Owed by the Committee

(Use a separate schedule for each loan. This form is for line item 8 and 16 of the Detailed Summary Report.)
[No information copied from such reports shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose. [Art. XXVIII, Sec. 9(e)] Notwithstanding any other section of this article to the contrary, a candidate's candidate committee may receive a loan from a financial institution organized under state or federal law if the loan bears the usual and customary interest rate, is made on a basis that assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule [Art. XXVIII, Sec. 3(8)]

LOAN SOURCE

Name (Last, First or Institution): _____

Address: _____

City/State/Zip: _____

Original Amount of Loan: \$ _____ Interest Rate: _____

Loan Amount Received This Reporting Period: \$ _____
Total of All Loans This Reporting Period: \$ _____
(Place on line 8 of Detailed Summary Report)

Principal Amount Paid This Reporting Period: \$ _____

Interest Amount Paid This Reporting Period: \$ _____

Amount Repaid This Reporting Period: \$ _____
(Amount Repaid is sum of Principal & Interest entered on Detail Summary)
Total Repayments Made: \$ _____
(Sum of Schedule C pages, Place on line 16 of Detailed Summary)

Outstanding Balance: \$ _____

TERMS OF LOAN: _____
Date Loan Received Due Date for Final Payment

LIST ALL ENDORSERS OR GUARANTORS OF THIS LOAN

Full Name	Address, City, State, Zip	Amount Guaranteed

Schedule D – Returned Contributions & Expenditures

Full Name of Committee/Person: _____

Returned Contributions

(Previously reported on Schedule A – Contributions accepted and then returned to donors)

PLEASE PRINT/TYPE

1. <u>Date Accepted</u>	4. Name (Last, First): _____
2. <u>Date Returned</u>	5. Address: _____
3. <u>Amount</u>	6. City/State/Zip: _____
\$	7. Purpose: _____

1. <u>Date Accepted</u>	4. Name (Last, First): _____
2. <u>Date Returned</u>	5. Address: _____
3. <u>Amount</u>	6. City/State/Zip: _____
\$	7. Purpose: _____

Returned Expenditures

(Previously reported on Schedule B – Expenditures returned or refunded to the committee)

PLEASE PRINT/TYPE

1. <u>Date Expended</u>	4. Name (Last, First): _____
2. <u>Date Returned</u>	5. Address: _____
3. <u>Amount</u>	6. City/State/Zip: _____
\$	7. Comment (Optional): _____

1. <u>Date Expended</u>	4. Name (Last, First): _____
2. <u>Date Returned</u>	5. Address: _____
3. <u>Amount</u>	6. City/State/Zip: _____
\$	7. Comment (Optional): _____

Statement of Non-Monetary Contributions
[Art. XXVIII, Sec. 2(5)(a)(II)(III) & Sec. 5(3) & 1-45-108(1), C.R.S.]

Full Name of Committee/Person: _____

PLEASE PRINT/TYPE

1. <u>Date Provided</u>	4. Name (Last, First): _____
2. <u>Fair Market Value</u> \$	5. Address: _____
3. <u>Aggregate Amt.</u> \$	6. City/State/Zip: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. Occupation (if applicable, <u>mandatory</u>): _____
	10. <input type="checkbox"/> Check box if Coordinated with a Candidate/Candidate Committee or Political Party. *

1. <u>Date Provided</u>	4. Name (Last, First): _____
2. <u>Fair Market Value</u> \$	5. Address: _____
3. <u>Aggregate Amt.</u> \$	6. City/State/Zip: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. Occupation (if applicable, <u>mandatory</u>): _____
	10. <input type="checkbox"/> Check box if Coordinated with a Candidate/Candidate Committee or Political Party. *

1. <u>Date Provided</u>	4. Name (Last, First): _____
2. <u>Fair Market Value</u> \$	5. Address: _____
3. <u>Aggregate Amt.</u> \$	6. City/State/Zip: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. Occupation (if applicable, <u>mandatory</u>): _____
	10. <input type="checkbox"/> Check box if Coordinated with a Candidate/Candidate Committee or Political Party. *

* Note: If coordinated, then contribution must also be reported as a non-monetary expenditure on Detailed Summary. Art. XXVIII, Sec. 2(9) states: "...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 expenditures, and expenditures by the candidate committee."

(a) Approval of a new tax, tax rate increase, mill levy above that for the prior year, or extension of an expiring tax, or a tax policy change directly causing a net tax revenue gain pursuant to section 20 (4)(a) of article X of the state constitution;

(b) Approval of the creation of any multiple-fiscal year direct or indirect debt or other financial obligation without adequate present cash reserves pledged irrevocably and held for payments in all future fiscal years pursuant to section 20 (4)(b) of article X of the state constitution;

(c) Approval of emergency taxes pursuant to section 20 (6) of article X of the state constitution;

(d) Approval of revenue changes pursuant to section 20 (7) of article X of the state constitution;

(e) Approval of a delay in voting on ballot issues pursuant to section 20 (3)(a) of article X of the state constitution;

(f) Approval of the weakening of a local limit on revenue, spending, and debt pursuant to section 20 (1) of article X of the state constitution.

(5) The submission of issues at elections in November of odd-numbered years in accordance with this section, or at other elections as provided in section 20 (3)(a) of article X of the state constitution, shall not be deemed the exclusive method of submitting local issues to a vote of the people, and nothing in this section shall be construed to repeal, diminish, or otherwise affect in any way the authority of local governments to hold issue elections in accordance with other provisions of law.

(6) and (7) Repealed.

Source: **L. 93:** Entire article added, p. 1995, § 1, effective June 8. **L. 94:** (1)(b) and (1)(c) amended, p. 1622, § 6, effective May 31. **L. 95:** (1)(b) and (1)(c) amended, p. 439, § 24, effective May 8. **L. 2001:** (6) and (7) added, p. 273, § 31, effective March 30. **L. 2010:** (6) and (7) repealed, (HB 10-1116), ch. 194, p. 840, § 29, effective May 5.

ELECTION CAMPAIGN REGULATIONS

ARTICLE 45

Fair Campaign Practices Act

Editor's note: (1) This article was added in 1974. This article was repealed and reenacted by initiative in 1996, resulting in the addition, relocation, and elimination of sections as well as subject matter. The vote count on the measure at the general election held November 5, 1996, was as follows:

FOR: 928,148

AGAINST: 482,551

(2) For amendments to this article prior to 1996, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated.

Cross references: For public official disclosure law, see part 2 of article 6 of title 24.

Law reviews: For article, "Fair Campaign Practices Act: Killing Trees for Good Government", see 26 Colo. Law. 101 (Sept. 1997). For article, "Public Moneys and Ballot Issues Under the Fair Campaign Practices Act", see 34 Colo. Law. 81 (Sept. 2005). For article, "Campaign Finance Law in Colorado", see 46 Colo. Law. 35 (June 2017).

1-45-101. Short title. This article shall be known and may be cited as the "Fair Campaign Practices Act".

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997.

Editor's note: This section is similar to former § 1-45-101 as it existed prior to 1996.

1-45-102. Legislative declaration. The people of the state of Colorado hereby find and declare that large campaign contributions to political candidates allow wealthy contributors and special interest groups to exercise a disproportionate level of influence over the political process; that large campaign contributions create the potential for corruption and the appearance of corruption; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; and that the interests of the public are best served by limiting campaign contributions, establishing campaign spending limits, full and timely disclosure of campaign contributions, and strong enforcement of campaign laws.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **Initiated 2012, (Amendment 65):** Entire section amended, L. 2013, p. 3301, effective upon proclamation of the Governor, January 1, 2013.

Editor's note: (1) This section is similar to former § 1-45-102 as it existed prior to 1996.

(2) This section was amended by initiative in 2012. The vote count on the measure at the general election held November 6, 2012, was as follows:

FOR: 1,276,432

AGAINST: 988,542

1-45-103. Definitions - repeal. As used in this article 45, unless the context otherwise requires:

(1) "Appropriate officer" shall have the same meaning as set forth in section 2 (1) of article XXVIII of the state constitution.

(1.3) "Ballot issue" shall have the same meaning as set forth in section 1-1-104 (2.3); except that, for purposes of section 1-45-117, "ballot issue" shall mean both a ballot issue as defined in this subsection (1.3) and a ballot question.

(1.5) "Ballot question" shall have the same meaning as set forth in section 1-1-104 (2.7).

(2) "Candidate" shall have the same meaning as set forth in section 2 (2) of article XXVIII of the state constitution.

(3) "Candidate committee" shall have the same meaning as set forth in section 2 (3) of article XXVIII of the state constitution.

(4) "Candidate committee account" shall mean the account established by a candidate committee with a financial institution pursuant to section 3 (9) of article XXVIII of the state constitution.

(5) "Conduit" shall have the same meaning as set forth in section 2 (4) of article XXVIII of the state constitution.

(6) (a) "Contribution" shall have the same meaning as set forth in section 2 (5) of article XXVIII of the state constitution.

(b) "Contribution" includes, with regard to a contribution 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, an amount equal to the value in excess of such compensation or consideration as determined by the candidate committee.

(c) "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.

(d) "Contribution" does not include the payment of legal fees to advise a candidate on compliance with campaign laws or regulations or to represent a candidate or candidate committee in any action in which the candidate or committee has been named as a defendant. Such legal services are not undertaken "for the benefit of any candidate committee" or "for the purpose of promoting the candidate's nomination, retention, recall, or election" as those phrases are used in section 2 (5)(a)(II) and (5)(a)(IV) of article XXVIII of the state constitution.

(e) "Contribution" does not include an intervention by the secretary of state, as authorized by section 1-45-111.5 (1.5)(g), in any action brought to enforce the provisions of article XXVIII of the state constitution or this article 45.

(7) "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 article, "domestic corporation" shall mean a for-profit or nonprofit corporation incorporated under and subject to the laws of this state, and "nondomestic corporation" shall mean a corporation incorporated under and subject to the laws of another state or foreign country. For purposes of this article, "corporation" includes the parent of a subsidiary corporation or any subsidiaries of the parent, as applicable.

(7.2) "Direct ballot issue or ballot question expenditure" means direct spending in support of or opposition to any single ballot issue or ballot question by a person who does not otherwise meet the requirements of an issue committee. Contributions to an issue committee are not direct ballot issue or ballot question expenditures.

(7.3) (a) "Donation" means:

(I) The payment, loan, pledge, gift, or advance of money, or the guarantee of a loan, made to any person 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 that makes an independent expenditure;

(III) The fair market value of any gift or loan of property that is given to any person for the purpose of making an independent expenditure; or

(IV) Anything of value given, directly or indirectly, to any person for the purpose of making an independent expenditure.

(b) "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.

(7.5) "Earmark" means a designation, instruction, or encumbrance that directs the transmission and use by the recipient of all or part of a donation to a third party for the purpose of making:

(a) Independent expenditures greater than one thousand dollars to support or oppose a specified candidate;

(b) Electioneering communications greater than one thousand dollars; or

(c) Contributions or expenditures greater than one thousand dollars to support or oppose a specified ballot issue or ballot question.

(8) "Election cycle" shall have the same meaning as set forth in section 2 (6) of article XXVIII of the state constitution.

(9) "Electioneering communication" has the same meaning as set forth in section 2 (7) of article XXVIII of the state constitution. For purposes of the disclosure required by section 1-45-108, "electioneering communication" also includes any communication that satisfies all other requirements set forth in said section 2 (7) of article XXVIII but that is broadcast, printed, mailed, delivered, or distributed between the primary election and the general election.

(10) (a) "Expenditure" has the same meaning as set forth in section 2 (8) of article XXVIII of the state constitution.

(b) "Expenditure" does not include legal services paid to defend a candidate or candidate committee against any action brought to enforce the provisions of article XXVIII of the state constitution or this article 45.

(10.5) "Foreign corporation" means:

(a) 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;

(b) A parent corporation or the subsidiary of a parent corporation in which one or more foreign persons hold a combined ownership interest that exceeds fifty percent;

(c) A parent corporation or the subsidiary of a parent corporation in which one or more foreign persons hold a majority of the positions on the corporation's board of directors; or

(d) 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.

(11) "Independent expenditure" shall have the same meaning as set forth in section 2 (9) of article XXVIII of the state constitution.

(11.5) "Independent expenditure committee" means one or more persons that make an independent expenditure in an aggregate amount in excess of one thousand dollars or that collect

in excess of one thousand dollars from one or more persons for the purpose of making an independent expenditure.

(12) (a) "Issue committee" shall have the same meaning as set forth in section 2 (10) of article XXVIII of the state constitution.

(b) For purposes of section 2 (10)(a)(I) of article XXVIII of the state constitution, "major purpose" means support of or opposition to a ballot issue or ballot question that is reflected by:

(I) An organization's specifically identified objectives in its organizational documents at the time it is established or as such documents are later amended; or

(II) An organization's demonstrated pattern of conduct based upon it:

(A) and (B) (Deleted by amendment, L. 2022.)

(C) During the combined period of the current calendar year and the preceding two calendar years, making either contributions to one or more statewide Colorado issue committees or direct ballot issue or ballot question expenditures, in either support of or opposition to one or more statewide Colorado ballot issues or ballot questions, that exceeded thirty percent of the total dollar amount of all funds spent by the organization for any purpose and in any location during the entire preceding and current calendar years;

(D) During the combined period of the current calendar year and the preceding two calendar years, making either contributions to a single statewide Colorado issue committee or direct ballot issue or ballot question expenditures, in either support of or opposition to a single statewide Colorado ballot issue or ballot question, that exceeded twenty percent of the total dollar amount of all funds spent by the organization for any purpose and in any location; or

(E) Acting as an issue committee's funding intermediary by making contributions to an issue committee from funds earmarked for the issue committee.

(c) The provisions of paragraph (b) of this subsection (12) are intended to clarify, based on the decision of the Colorado court of appeals in *Independence Institute v. Coffman*, 209 P.3d 1130 (Colo. App. 2008), cert. denied, 558 U.S. 1024, 130 S. Ct. 165, 175 L. Ed. 479 (2009), section 2 (10)(a)(I) of article XXVIII of the state constitution and not to make a substantive change to said section 2 (10)(a)(I).

(12.5) "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; and broadcast, cable, or satellite television.

(12.7) "Obligating" means, in connection with a named candidate, agreeing to spend in excess of one thousand dollars for an independent expenditure or to give, pledge, loan, or purchase one or more goods, services, or other things of value that have a fair market value in excess of one thousand dollars as an independent expenditure. "Obligating" shall not require that the total amount in excess of one thousand dollars 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.

(13) "Person" shall have the same meaning as set forth in section 2 (11) of article XXVIII of the state constitution.

(14) "Political committee" shall have the same meaning as set forth in section 2 (12) of article XXVIII of the state constitution.

(14.5) "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 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 section 1-1-104 (24) for purposes of the "Uniform Election Code of 1992", articles 1 to 13 of this title.

(15) "Political party" shall have the same meaning as set forth in section 2 (13) of article XXVIII of the state constitution.

(15.3) "Regular biennial school election" means the election that is described in section 22-31-104 (1), C.R.S.

(15.5) "Regular biennial school electioneering communication" has the same meaning as "electioneering communication" as defined in section 2 (7) of article XXVIII of the state constitution; except that, for purpose of the definition of regular biennial school electioneering communication only, "candidate" as referenced in section 2 (7)(a)(I) of said article means a candidate in a regular biennial school election and the requirements specified in section 2 (7)(a)(II) mean a communication that is broadcast, printed, mailed, delivered, or distributed within sixty days before a regular biennial school election. Except as otherwise specified in this subsection (15.5), the definition of "regular biennial school electioneering communication" is the same as that of "electioneering communication".

(15.7) "School district director" means a person serving as a director on the board of education of any school district within the state, including a school district composed of a city and county.

(16) "Small donor committee" shall have the same meaning as set forth in section 2 (14) of article XXVIII of the state constitution.

(16.3) (a) "Small-scale issue committee" means an issue committee that has accepted or made contributions or expenditures in an amount that does not exceed five thousand dollars during an applicable election cycle for the major purpose of supporting or opposing any ballot issue or ballot question.

(b) The following are treated as a single small-scale issue committee:

(I) All small-scale issue committees that support or oppose a common ballot measure if the committees are established, financed, maintained, or controlled by a single corporation or its subsidiaries;

(II) All small-scale issue committees that support or oppose a common ballot measure if the committees are established, financed, maintained, or controlled by a single labor organization or the affiliated local units it directs; or

(III) All small-scale issue committees that support or oppose a common ballot measure if the committees are established, financed, maintained, or controlled by substantially the same person, group of persons, or other organizations.

(16.4) "Special school election" means any school election provided for by law and held at a time other than the regular biennial school election.

(16.5) "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 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.

(17) "Subsidiary" means a business entity having more than half of its stock owned by another entity or person, or a business entity of which a majority interest is controlled by another person or entity.

(18) "Unexpended campaign contributions" shall have the same meaning as set forth in section 2 (15) of article XXVIII of the state constitution.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 98:** (1) added and (8) amended, p. 223, § 1, effective April 10; (1.5) amended and (14) added, p. 954, § 1, effective May 27. **L. 99:** (5) amended, p. 1390, § 12, effective June 4. **L. 2000:** (1.3), (4)(a)(V), and (4.5) added and (4)(a)(III), (10)(b), and (12) amended, pp. 122, 123, §§ 2, 3, effective March 15; (8) amended, p. 1724, § 1, effective June 1. **L. 2002:** (8)(a)(I) amended and (8)(a)(III) added, p. 198, § 1, effective April 3; (1.5) and (2) amended, p. 1576, § 1, effective July 1. **Initiated 2002:** Entire section repealed, effective upon proclamation of the Governor (see editor's note, (2)). **L. 2003:** Entire section RC&RE, p. 2156, § 1, effective June 3. **L. 2007:** (7) amended, p. 1766, § 1, effective June 1; (6)(c), (14.5), and (16.5) added, pp. 1225, 1224, §§ 2, 1, effective July 1. **L. 2009:** (1.3) and (1.5) added, (HB 09-1153), ch. 174, p. 774, § 1, effective September 1. **L. 2010:** (7) amended and (7.3), (7.5), (10.5), (11.5), (12.5), and (12.7) added, (SB 10-203), ch. 269, p. 1229, § 2, effective May 25; (12) amended, (HB 10-1370), ch. 270, p. 1241, § 4, effective January 1, 2011. **L. 2011:** (12)(c) amended, (HB 11-1303), ch. 264, p. 1148, § 2, effective August 10. **L. 2016:** (16.3) added, (SB 16-186), ch. 269, p. 1113, § 1, effective June 10; (15.3) and (15.5) added, (HB 16-1282), ch. 267, p. 1105, § 1, effective August 10. **L. 2018:** (6)(d) and (6)(e) added and (10) amended, (HB 18-1047), ch. 155, p. 1091, § 1, effective April 23. **L. 2019:** IP and (7.5) amended and (16.3) R&RE, (HB 19-1318), ch. 328, p. 3040, § 1, effective August 2; IP and (9) amended, (SB 19-068), ch. 69, p. 250, § 1, effective August 2. **L. 2022:** (7.2) added and (7.5) and (12)(b)(II) amended (SB 22-237), ch. 400, p. 2851, § 1, effective June 7; (15.7) and (16.4) added, (HB 22-1060), ch. 99, p. 472, § 1, effective July 1.

Editor's note: (1) This section is similar to former § 1-45-103 as it existed prior to 1996.

(2) (a) Subsection (4) of section 1 of article V of the state constitution provides that initiated and referred measures shall take effect from and after the official declaration of the vote thereon by the proclamation of the Governor. The measure enacting article XXVIII of the state constitution takes effect upon proclamation of the vote by the Governor. The Governor's proclamation was issued on December 20, 2002. However section 13 of the measure enacting article XXVIII of the state constitution provides that the effective date of article XXVIII is December 6, 2002.

(b) Prior to the recreation and reenactment of this section in 2003, this section was repealed by an initiated measure that was adopted by the people in the general election held November 5, 2002. Section 12 of article XXVIII provides for the repeal of this section. For the text of the initiative and the vote count, see Session Laws of Colorado 2003, p. 3609.

(3) Prior to the reenactment of subsection (16.3) on August 2, 2019, subsection (16.3)(c) provided for the repeal of subsection (16.3), effective June 30, 2019. (See. L. 2016, p. 1113.)

(4) Section 10 of chapter 99 (HB 22-1060), Session Laws of Colorado 2022, provides that the act changing this section takes effect July 1, 2022, and applies to the portion of any election cycle or for the portion of the calendar year remaining after July 1, 2022, and for any election cycle or calendar year commencing after July 1, 2022.

Cross references: (1) For the legislative declaration in the 2010 act amending subsection (7) and adding subsections (7.3), (7.5), (10.5), (11.5), (12.5), and (12.7), see section 1 of chapter 269, Session Laws of Colorado 2010.

(2) For the legislative declaration in the 2010 act amending subsection (12), see section 1 of chapter 270, Session Laws of Colorado 2010.

(3) For the legislative declaration in the 2011 act amending subsection (12)(c), see section 1 of chapter 264, Session Laws of Colorado 2011.

1-45-103.7. Contribution limits - county offices - school district director - treatment of independent expenditure committees - contributions from limited liability companies - voter instructions on spending limits - definitions. (1) Nothing in article XXVIII of the state constitution or this article shall be construed to prohibit a corporation or labor organization from making a contribution to a political committee.

(1.5) (a) (I) The maximum amount of aggregate contributions that any one person other than a small donor committee or a political party may make to a candidate committee of a candidate for a county office, and that a candidate committee for such candidate may accept from any such person, is one thousand two hundred fifty dollars for the primary election and one thousand two hundred fifty dollars for the general election.

(II) The maximum amount of aggregate contributions that any one small donor committee may make to a candidate committee of a candidate for a county office, and that a candidate committee for such candidate may accept from any one small donor committee, is twelve thousand five hundred dollars for the primary election and twelve thousand five hundred dollars for the general election.

(III) The maximum amount of aggregate contributions that a political party may make to a candidate committee of a candidate for a county office, and that a candidate committee for such candidate may accept from any political party, is twenty-two thousand one hundred twenty-five dollars for the applicable election cycle.

(b) Candidates may accept contributions subject to the aggregate limits specified in subsection (1.5)(a)(I) or (1.5)(a)(II) of this section in accordance with subsection (3) of this section.

(c) Any monetary amount specified in subsection (1.5)(a) of this section must be adjusted in accordance with the adjustments made to other contribution limits as specified in section 3 (13) of article XXVIII of the state constitution.

(d) The requirements of sections 1-45-108 and 1-45-109, as applicable, apply to any contribution made or received that is subject to subsection (1.5)(a) of this section.

(e) For purposes of this subsection (1.5), "county office" means a county commissioner, county clerk and recorder, sheriff, coroner, treasurer, assessor, or surveyor.

(1.7) (a) The maximum amount of aggregate contributions that a person, excluding a small donor committee, may make to a candidate committee of a candidate for school district director, and that a candidate committee for such candidate may accept from any one person

excluding a small donor committee for a regular biennial school election or special school election, as applicable, is two thousand five hundred dollars.

(b) The maximum amount of aggregate contributions that a small donor committee may make to a candidate committee of a candidate for school district director, and that a candidate committee for such candidate may accept from any one small donor for a regular biennial or special school election, as applicable, is twenty-five thousand dollars.

(c) Any monetary amount specified in subsection (1.7)(a) or (1.7)(b) of this section must be adjusted in accordance with the adjustments made to other contribution limits as specified in section 3 (13) of article XXVIII of the state constitution.

(d) The requirements of sections 1-45-108 and 1-45-109, as appropriate, apply to any contribution made or received for any four-year election cycle that is subject to subsection (1.7)(a) or (1.7)(b) of this section.

(2) A political committee may receive and accept moneys contributed to such committee by a corporation or labor organization pursuant to subsection (1) of this section for disbursement to a candidate committee or political party without depositing such moneys in an account separate from the account required to be established for the receipt and acceptance of all contributions by all committees or political parties in accordance with section 3 (9) of article XXVIII of the state constitution.

(2.5) (a) An independent expenditure committee differs from a political committee in that an independent expenditure committee does not coordinate its activities with a candidate or political party.

(b) An independent expenditure committee shall not be treated as a political committee and, therefore, is not subject to the requirements of section 3 (5) of article XXVIII of the state constitution.

(3) A candidate committee established in the name of a candidate affiliated with either a major political party or a minor political party who is running in a primary election may accept:

(a) The aggregate contribution limit specified in section 3 (1) of article XXVIII of the state constitution for a primary election at any time after the date of the primary election in which the candidate in whose name the candidate committee is accepting contributions is on the primary election ballot; or

(b) The aggregate contribution limit specified in section 3 (1) of article XXVIII of the state constitution for a general election at any time prior to the date of the primary election in which the candidate in whose name the candidate committee is accepting contributions is on the primary election ballot.

(4) A candidate committee established in the name of a candidate affiliated with either a major political party or a minor political party running in a primary election may expend contributions received and accepted for a general election prior to the date of the primary election in which the candidate in whose name the candidate committee is accepting contributions is on the primary election ballot. A candidate committee established in the name of a candidate affiliated with a major political party or a minor political party running in a primary election who wins the primary election may expend contributions received and accepted for a primary election in the general election.

(4.5) (a) A candidate committee established in the name of a candidate who is a write-in candidate, an unaffiliated candidate, or the candidate of a minor political party who is not running in a primary election may accept from any one person the aggregate contribution limit

specified in either section 3 (1) of article XXVIII of the state constitution or subsection (1.5)(a) of this section applicable to the office he or she is seeking at any point during the election cycle in which the candidate in whose name the candidate committee is accepting contributions is on the general election ballot.

(b) A candidate committee established in the name of a candidate who is a write-in candidate, an unaffiliated candidate, or the candidate of a minor political party who is not running in a primary election may expend contributions received and accepted in accordance with paragraph (a) of this subsection (4.5) at any point during the election cycle in which the candidate in whose name the candidate committee is accepting contributions is on the general election ballot.

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

- (I) A corporation;
- (II) A labor organization;
- (III) A natural person who is not a citizen of the United States;
- (IV) A foreign government;
- (V) A professional lobbyist, volunteer lobbyist, or the principal of a professional or volunteer lobbyist, and the contribution is prohibited under section 1-45-105.5 (1); or
- (VI) Otherwise prohibited by law from making the contribution.

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

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

(c) Notwithstanding any other provision of this subsection (5), no limited liability company shall make any contribution to a candidate committee or political party if either 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.

(d) (I) Any limited liability company that is authorized to make a contribution shall, in writing, affirm to the candidate committee, political committee, or political party to which it has made a contribution, as applicable, 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, political committee, or political party shall accept a contribution from a limited liability company unless the written affirmation satisfying the requirements of this paragraph (d) is provided before the contribution is deposited by the candidate committee, political committee, or political party. The candidate committee, political committee, or political party receiving the contribution shall retain the written affirmation for not less than one year following the date of the end of the election cycle during which the contribution is received.

(II) Any contribution by a limited liability company, and the aggregate amount of contributions from multiple limited liability companies attributed to a single member of any such company under this subparagraph (II), shall be subject to the limits governing such contributions under section 3 of article XXVIII of the state constitution. A limited liability company that makes any contribution to a candidate committee, political committee, or political party shall, at the time it makes the contribution, provide information to the recipient committee or political party as to the amount of the total contribution attributed to each member of the limited liability company. The attribution shall reflect the capital each member of the limited liability company has invested in the company relative to the total amount of capital invested in the company as of the date the company makes the campaign contribution, and for a single member limited liability company, the contribution shall be attributed to that single member. The limited liability company shall then deduct the amount of the contribution attributed to each of its members from the aggregate contribution limit applicable to multiple limited liability companies under this subparagraph (II) for purposes of ensuring that the aggregate amount of contributions from multiple limited liability companies attributed to a single member does not exceed the contribution limits in section 3 of article XXVIII of the state constitution. Nothing in this subparagraph (II) shall be construed to restrict a natural person from making a contribution in his or her own name to any committee or political party to the extent authorized by law.

(5.3) An issue committee or small-scale issue committee shall not knowingly accept contributions from:

- (a) Any natural person who is not a citizen of the United States;
- (b) A foreign government; or
- (c) Any foreign corporation that does not have the authority to transact business in this state pursuant to article 115 of title 7 or any successor section.

(5.5) A natural person who is not a citizen of the United States, a foreign government, or a foreign corporation shall not establish, register, or maintain a political committee, small donor committee, political party, issue committee, or small-scale issue committee, or make an electioneering communication or regular biennial school electioneering communication.

(6) No nondomestic corporation may make any contribution under article XXVIII of the state constitution or this article that a domestic corporation is prohibited from making under article XXVIII of the state constitution or this article.

(6.5) Notwithstanding any other provision of law, a candidate committee established in the name of a candidate may expend contributions received and accepted by the committee during any particular election cycle to reimburse the candidate for reasonable and necessary expenses for the care of children or other dependents the candidate incurs directly in connection with the candidate's campaign activities during the election cycle. The candidate committee shall disclose the expenditures in the same manner as any other expenditures the committee is required to disclose under section 1-45-108 (1)(a)(I).

(7) (a) Any person who believes that a violation of subsection (1.5), (1.7), (5), or (6) of this section has occurred may file a written complaint with the secretary of state in accordance with section 1-45-111.7 (2).

(b) Any person who has violated subsection (1.5), (1.7), (5)(a), (5)(b), (5)(c), or (6) of this section is subject to a civil penalty of at least double and up to five times the amount contributed or received in violation of the applicable provision.

(c) Any person who has violated any of the provisions of subsection (5)(d)(I) of this section is subject to a civil penalty of fifty dollars per day for each day that the written affirmation regarding the membership of a limited liability company has not been filed with or retained by the candidate committee, political committee, or political party to which a contribution has been made.

(8) As used in this section, "limited liability company" has the same meaning as "domestic limited liability company" as defined in section 7-90-102 (15) or "foreign limited liability company" as defined in section 7-90-102 (24).

(9) (a) The voters instruct the Colorado congressional delegation to propose and support, and the Colorado state legislature to ratify, an amendment to the United States Constitution that allows Congress and the states to limit campaign contributions and spending, to ensure that all citizens, regardless of wealth, can express their views to one another and their government on a level playing field.

(b) The provisions of this subsection shall take effect on January 1, 2013, and be applicable thereafter.

(10) For purposes of this section, the terms "unaffiliated", "major political party", and "minor political party" have the same meanings as specified in the "Uniform Election Code of 1992", articles 1 to 13 of this title.

(11) (a) If, within the six months before becoming a candidate for public office, a person actively solicits funds for an independent expenditure committee with the intent of benefiting his or her future candidacy, any expenditure made by that independent expenditure committee in that candidate's race is presumed to be controlled by or coordinated with that candidate and deemed to constitute both a contribution by the maker of the expenditures, and an expenditure by the candidate committee.

(b) If any complaint filed under section 1-45-111.7 for a violation of this subsection (11) fails to state sufficient facts to support the allegations of the complaint, upon a final agency action, the respondent to such a complaint may apply to the state district court for an award of the person's attorneys fees and costs in connection with defending against the complaint if the district court determines that the complaint was frivolous, vexatious, or for the purpose of harassment.

Source: **L. 2003:** Entire section added, p. 2160, § 6, effective June 3. **L. 2004:** Entire section amended, p. 863, § 1, effective May 21. **L. 2007:** (5), (6), (7), and (8) added, p. 1766, § 2, effective June 1. **L. 2008:** (5)(d)(II) amended, p. 440, § 1, effective April 14. **L. 2010:** (2.5) added and (6) and (8) amended, (SB 10-203), ch. 269, p. 1230, § 3, effective May 25. **Initiated 2012, (Amendment 65):** (9) added, L. 2013, p. 3301, effective upon proclamation of the Governor, January 1, 2013. **L. 2014:** IP(3) and (4) amended and (4.5) and (10) added, (HB 14-1335), ch. 145, p. 494, § 2, effective May 2. **L. 2018:** (2.5) and (8) amended, (HB 18-1047), ch. 155, p. 1092, § 2, effective April 23. **L. 2019:** (7)(a) amended, (SB 19-232), ch. 330, p. 3065, § 2, effective July 1; (1.5) added and (4.5)(a) and (7)(b) amended, (HB 19-1007), ch. 97, p. 356, § 1, effective August 2; (5.3), (5.5), and (11) added, (HB 19-1318), ch. 328, p. 3041, § 2, effective August 2; (6.5) added, (SB 19-229), ch. 354, p. 3260, § 1, effective September 1. **L. 2022:** (1.7) added and (7) amended, (HB 22-22-1060), ch. 99, p. 472, § 2, effective July 1.

Editor's note:(1) Subsection (9) was added by initiative in 2012. The vote count on the measure at the general election held November 6, 2012, was as follows:

FOR: 1,276,432

AGAINST: 988,542

(2) Section 10 of chapter 99 (HB 22-1060), Session Laws of Colorado 2022, provides that the act changing this section takes effect July 1, 2022, and applies to the portion of any election cycle or for the portion of the calendar year remaining after July 1, 2022, and for any election cycle or calendar year commencing after July 1, 2022.

Cross references: (1) For the legislative declaration in the 2010 act adding subsection (2.5) and amending subsections (6) and (8), see section 1 of chapter 269, Session Laws of Colorado 2010.

(2) For the legislative declaration in HB 14-1335, see section 1 of chapter 145, Session Laws of Colorado 2014.

1-45-104. Contribution limits. (Repealed)

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 98:** (13)(a)(II) amended, p. 632, § 2, effective May 6; (13)(c) amended, p. 950, § 1, effective May 27; (14) added, p. 955, § 2, effective May 27. **L. 99:** IP(2) amended, p. 1391, § 13, effective June 4. **L. 2000:** Entire section repealed, p. 129, § 12, effective March 15.

Editor's note: This section was similar to former § 1-45-111 as it existed prior to 1996.

1-45-105. Voluntary campaign spending limits. (Repealed)

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 98:** (3) amended, p. 951, § 2, effective May 27. **L. 2000:** Entire section repealed, p. 129, § 12, effective March 15.

Editor's note: This section was similar to former § 1-45-112 as it existed prior to 1996.

1-45-105.3. Contribution limits. (Repealed)

Source: L. 2000: Entire section added with relocations, p. 118, § 1, effective March 15. **L. 2002:** (4)(a.5) added, p. 1929, § 1, effective June 7. **Initiated 2002:** Entire section repealed, effective upon proclamation of the Governor (see editor's note, (2)).

Editor's note: (1) The provisions of this section were similar to several former provisions of § 1-45-104 as they existed prior to 2000.

(2) (a) Subsection (4) of section 1 of article V of the state constitution provides that initiated and referred measures shall take effect from and after the official declaration of the vote thereon by the proclamation of the Governor. The measure enacting article XXVIII of the state constitution takes effect upon proclamation of the vote by the Governor. The Governor's proclamation was issued on December 20, 2002. However, section 13 of the measure enacting

article XXVIII of the state constitution provides that the effective date of article XXVIII is December 6, 2002.

(b) This section was repealed by an initiated measure that was adopted by the people in the general election held November 5, 2002. Section 12 of article XXVIII provides for the repeal of this section. For the text of the initiative and the vote count, see Session Laws of Colorado 2003, p. 3609.

1-45-105.5. Contributions to members of general assembly and governor during consideration of legislation. (1) (a) No professional lobbyist, volunteer lobbyist, or principal of a professional lobbyist or volunteer lobbyist shall make or promise to make a contribution to, or solicit or promise to solicit a contribution for:

(I) A member of the general assembly or candidate for the general assembly, when the general assembly is in regular session;

(II) (A) The governor or a candidate for governor when the general assembly is in regular session or when any measure adopted by the general assembly in a regular session is pending before the governor for approval or disapproval; or

(B) The lieutenant governor, the secretary of state, the state treasurer, the attorney general, or a candidate for any of such offices when the general assembly is in regular session.

(b) As used in this subsection (1):

(I) "Principal" means any person that employs, retains, engages, or uses, with or without compensation, a professional or volunteer lobbyist. One does not become a principal, nor may one be considered a principal, merely by belonging to an organization or owning stock in a corporation that employs a lobbyist.

(II) The terms "professional lobbyist" and "volunteer lobbyist" shall have the meanings ascribed to them in section 24-6-301, C.R.S.

(c) (I) Nothing contained in this subsection (1) shall be construed to prohibit lobbyists and their principals from raising money when the general assembly is in regular session or when regular session legislation is pending before the governor, except as specifically prohibited in paragraph (a) of this subsection (1).

(II) Nothing contained in this subsection (1) shall be construed to prohibit a lobbyist or principal of a lobbyist from participating in a fund-raising event of a political party when the general assembly is in regular session or when regular session legislation is pending before the governor, so long as the purpose of the event is not to raise money for specifically designated members of the general assembly, specifically designated candidates for the general assembly, the governor, or specifically designated candidates for governor.

(III) A payment by a lobbyist or a principal of a lobbyist to a political party to participate in such a fund-raising event shall be reported as a contribution to the political party pursuant to section 1-45-108; except that, if the lobbyist or principal of a lobbyist receives a meal in return for a portion of the payment, only the amount of the payment in excess of the value of the meal shall be considered a contribution to the political party. The political party shall determine the value of the meal received for such payment, which shall approximate the actual value of the meal.

(IV) A gift of a meal described in subparagraph (III) of this paragraph (c) by a lobbyist or a principal of a lobbyist to a candidate elected to any office described in paragraph (a) of this subsection (1) but who has not yet been sworn into such office shall be reported as follows:

(A) The lobbyist shall report the value of the meal in the lobbyist disclosure statement filed pursuant to section 24-6-302, C.R.S.

(B) The elected candidate who has not yet been sworn into office shall report the value of the meal in the public official disclosure statement filed pursuant to section 24-6-203, C.R.S.

Source: **L. 2000:** Entire section added with relocations, p. 118, § 1, effective March 15.
L. 2012: IP(1)(c)(IV) and (1)(c)(IV)(B) amended, (HB 12-1070), ch. 167, p. 586, § 5, effective August 8.

Editor's note: This section is similar to former § 1-45-104 (13) as it existed prior to 2000.

1-45-106. Unexpended campaign contributions. (1) (a) (I) Subject to the requirements of section 3 (3)(e) of article XXVIII of the state constitution, unexpended campaign contributions to a candidate committee may be:

(A) Contributed to a political party;

(B) Contributed to a candidate committee established by the same candidate for a different public office, subject to the limitations set forth in section 3 of article XXVIII of the state constitution, if the candidate committee making such a contribution is affirmatively closed by the candidate no later than ten days after the date such a contribution is made;

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

(D) Returned to the contributors, or retained by the committee for use by the candidate in a subsequent campaign.

(II) Except as authorized by section 1-45-103.7 (6.5), in no event shall contributions to a candidate committee be used for personal purposes not reasonably related to supporting the election of the candidate.

(III) 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 (1), 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.

(b) In addition to any use described in paragraph (a) of this subsection (1), 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:

(I) Voter registration;

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

(III) Postsecondary educational scholarships;

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

(V) 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 and pager expenses.

(2) (Deleted by amendment, L. 2000, p. 123, § 4, effective March 15, 2000.)

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

(4) This section shall apply to unexpended campaign contributions transferred from a political committee formed prior to January 15, 1997, to a candidate committee registering after January 15, 1997, pursuant to section 1-45-108.

(5) 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 from a political party in any subsequent election in accordance with the requirements of section 3 (3)(e) of article XXVIII of the state constitution.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 98:** (1) amended, p. 955, § 3, effective May 27. **L. 2000:** (1)(a) and (2) amended, p. 123, § 4, effective March 15. **L. 2003:** IP(1)(a)(I) amended and (5) added, p. 2157, § 2, effective June 3. **L. 2010:** (1)(a)(I)(B) amended, (SB 10-041), ch. 151, p. 522, § 1, effective July 1. **L. 2019:** (1)(a)(II) amended, (SB 19-229), ch. 354, p. 3260, § 2, effective September 1.

Editor's note: This section is similar to § 1-45-109 as it existed prior to 1996.

1-45-107. Independent expenditures. (Repealed)

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **Initiated 2002:** Entire section repealed, effective upon proclamation of the Governor (see editor's note, (2)).

Editor's note: (1) This section was similar to former § 1-45-110.5 as it existed prior to 1996.

(2) (a) Subsection (4) of section 1 of article V of the state constitution provides that initiated and referred measures shall take effect from and after the official declaration of the vote thereon by the proclamation of the Governor. The measure enacting article XXVIII of the state constitution takes effect upon proclamation of the vote by the Governor. The Governor's proclamation was issued on December 20, 2002. However, section 13 of the measure enacting article XXVIII of the state constitution provides that the effective date of article XXVIII is December 6, 2002.

(b) This section was repealed by an initiated measure that was adopted by the people in the general election held November 5, 2002. Section 12 of article XXVIII provides for the repeal of this section. For the text of the initiative and the vote count, see Session Laws of Colorado 2003, p. 3609.

1-45-107.5. Independent expenditures - restrictions on foreign corporations - registration - disclosure - disclaimer requirements - definitions. (1) Notwithstanding any other provision of law, no natural person who is not a citizen of the United States, foreign government, or foreign corporation may expend moneys on an independent expenditure in connection with an election in the state, and no independent expenditure committee may

knowingly accept a donation from any natural person who is not a citizen of the United States, any foreign government, or any foreign corporation.

(2) In accordance with the decision of the supreme court of Colorado in the case of *In re Interrogatories Propounded by Governor Bill Ritter, Jr., Concerning the Effect of Citizens United v. Federal Election Comm'n*, 558 U.S. ____ (2010), on *Certain Provisions of Article XXVIII of the Constitution of the State of Colorado*, 227 P.3d 892 (Colo. 2010), notwithstanding sections 3 (4)(a) and 6 (2) of article XXVIII of the state constitution, corporations and labor organizations shall not be prohibited from making independent expenditures. All such expenditures shall be disclosed in accordance with the requirements of this article and article XXVIII of the state constitution. For purposes of this article and article XXVIII of the state constitution, any use of the word "person" shall be construed to include, without limitation, any corporation or labor organization.

(3) (a) Any person that accepts a donation that is given for the purpose of making an independent expenditure in excess of one thousand dollars or that makes an independent expenditure in excess of one thousand dollars shall register with the appropriate officer within two business days of the date on which an aggregate amount of donations accepted or expenditures made reaches or exceeds one thousand dollars.

(b) The registration required by paragraph (a) of this subsection (3) shall include a statement listing:

- (I) The person's full name, spelling out any acronyms used therein;
- (II) A natural person authorized to act as a registered agent;
- (III) A street address and telephone number for the principal place of operations; and
- (IV) The aggregate ownership interest in the person held by foreign persons calculated as of the time the person registers with the appropriate officer under paragraph (a) of this subsection (3).

(c) If the person identified in subparagraph (I) of paragraph (b) of this subsection (3) 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 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 identified in subparagraph (I) of paragraph (b) of this subsection (3) 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.

(4) (a) In addition to any other applicable disclosure requirements specified in this article or in article XXVIII of the state constitution, any person making an independent expenditure in an aggregate amount in excess of one thousand dollars in any one calendar year shall report the following to the appropriate officer:

- (I) The person's full name, or, if the person 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 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, or, if the person 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 who expends an aggregate amount in excess of one thousand dollars or more per calendar year for the purpose of making an independent expenditure shall report to the appropriate officer, in accordance with the requirements of this section, the name and address of any person that, for the purpose of making an independent expenditure, donates more than two hundred fifty dollars per year to the person expending one thousand dollars or more on an independent expenditure.

(II) If the person making the donation of two hundred fifty dollars 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 making the donation of two hundred fifty dollars 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 (4) must be reported in accordance with the schedule specified in section 1-45-108 (2) for political committees; except that any person making an independent expenditure in excess of one thousand dollars within thirty days before a primary, general, or regular biennial school election shall provide such report within forty-eight hours after obligating moneys for the independent expenditure.

(5) (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; placed on a website, streaming media service, or online forum for a fee; or that is otherwise distributed that constitutes an independent expenditure for which the person making the independent expenditure expends in excess of one thousand dollars on the communication shall include in the communication a statement that:

(I) The communication has been "paid for by (full name of the person paying for the communication)"; and

(II) Identifies a natural person who is the registered agent if the person identified in subsection (5)(a)(I) of this section is not a natural person.

(b) In the case of a broadcast or online video or audio communication, the statement required by subsection (5)(a) of this section shall satisfy all applicable requirements promulgated by the federal communications commission for size, duration, and placement.

(c) In the case of a nonbroadcast communication, including an online communication, the secretary of state shall, by rule, establish size and placement requirements for the disclaimer statement. If the size, format, or display requirements of the communication make it

impracticable to include a disclaimer statement on the communication, the rules must require that the disclaimer statement be available by means of a direct link from the communication to the web page or application screen containing the statement.

(6) Any person that expends an aggregate amount in excess of one thousand dollars on an independent expenditure in any one calendar year shall deliver written notice to the appropriate officer 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 days before a primary, general, or regular biennial school election, the notice required by this subsection (6) must be delivered within forty-eight hours after the person obligates moneys for the independent expenditure.

(7) Any person 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 in excess of one thousand dollars in any one calendar year shall establish a separate account in a financial institution, and the title of the account shall indicate that it is used for such purposes. All such donations accepted by such person 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 uses a separate account for the purposes of this subsection (7), in any complaint relating to the use of the person's account, no discovery may be made of information relating to the identity of the person'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.

(8) Any person that expends moneys on an independent expenditure in excess of one thousand dollars, regardless of the medium of the communication produced by the expenditure, shall disclose to the secretary of state, in accordance with the schedule specified in section 1-45-108 (2) for political committees, any donation in excess of twenty dollars given in that reporting period for the purpose of making an independent expenditure.

(9) Repealed.

(10) Any earmarked donation given for the purpose of making an independent expenditure in excess of one thousand dollars shall be disclosed as a donation from both the original source of the donation and the person transferring the donation.

(11) On reports it files with the appropriate official, an independent expenditure committee that obligates in excess of one thousand dollars 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 appropriate official.

(12) All information required to be disclosed to the secretary of state under this section shall be posted on the website of the secretary within two business days after its receipt by the secretary.

(13) 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.

(14) (a) Any covered organization that contributes, donates, or transfers ten thousand dollars or more to any person, earmarked for the purpose of making an independent expenditure or electioneering communication, during any one calendar year, shall provide to the recipient of the contribution, donation, or transfer an affirmation, in writing, that includes the information listed in subsection (14)(d) of this section. After reaching the ten thousand dollar threshold, the

covered organization shall provide a new affirmation statement for each qualifying subsequent contribution, donation, or transfer during that calendar year.

(b) Any covered organization that transfers ten thousand dollars or more to any person, earmarked for the purpose of that person making a contribution, donation, or transfer to pay for an independent expenditure or electioneering communication, during any one calendar year, shall provide to the recipient of the transfer an affirmation, in writing, that includes the information listed in subsection (14)(d) of this section. After reaching the ten thousand dollar threshold, the covered organization shall provide a new affirmation statement for each qualifying subsequent transfer during that calendar year.

(c) A person shall not accept a contribution, donation, or transfer as described in subsection (14)(a) or (14)(b) of this section from a covered organization unless the covered organization provides a written affirmation to the recipient satisfying the requirements of subsection (14)(d) of this section. The recipient shall include the written affirmation when reporting the independent expenditure or electioneering communication to the appropriate filing officer and shall retain the written affirmation for not less than one year following the date of the end of the election cycle during which the affirmation was received.

(d) The affirmation required by this subsection (14) must include:

(I) The name of the covered organization and its principal place of business;

(II) The amount of the contribution, donation, or transfer and the name of the person who received the contribution, donation, or transfer;

(III) (A) If the covered organization is a for-profit corporation, each beneficial owner's name and current residence or business address and, if a listed beneficial owner exercises control over the entity through another legal entity, such as a corporation, partnership, limited liability company, or trust, each such other legal entity and each such beneficial owner who will use that other entity to exercise control over the entity.

(B) For purposes of this subsection (14)(d)(III), "beneficial owner" means a corporation's officers, directors, and owners of more than five percent of the corporation.

(IV) (A) If the covered organization is not a for-profit corporation but is subject to disclosure under subsection (14)(a) or (14)(b) of this section, a list of any person who transferred five thousand dollars or more to the covered organization and who earmarked that transfer of funds for the purpose of making an independent expenditure or electioneering communication as determined by the earlier of either the preceding twelve-month period that ends on the date of the transmission of the independent expenditure or electioneering communication or that ends on the date of the transfer.

(B) A covered organization is not required to include a natural person's name if disclosure of that person would lead to a reasonable probability of harm, threats, harassment, or reprisals to the person or to individuals affiliated with that person.

(C) A covered organization may only redact a person's name from its report under subsection (14)(d)(IV)(B) of this section if the person has affirmed on a form provided by the secretary of state, under oath, that the person believes there is a reasonable probability that they will be subject to harm, threats, harassment, or reprisal if disclosed. The covered organization shall retain the affirmation for not less than one year and shall produce the affirmation to the secretary of state's office in response to a request for information related to any investigation of a campaign finance violation. The affirmation must remain confidential during the pendency of any investigation and complaint with a hearing officer under section 1-45-117.5. Following a

final agency decision finding that the individual whose name was redacted does not meet the requirements of this subsection (14)(d)(IV)(C), including the applicable period for appeal, the affirmation is no longer confidential and is subject to public review.

(D) If the contribution, donation, or transfer under subsection (14)(a) or (14)(b) of this section is from another covered organization, the covered organization shall provide a list of persons who transferred to that covered organization consistent with subsections (14)(d)(IV)(B) and (14)(d)(IV)(C) of this section.

(V) A covered organization need not include a transfer made for a commercial transaction in the ordinary course of any trade or business conducting by the covered organization.

(VI) A certification by the chief executive officer or person who is the head of the covered organization stating that the contribution, donation, or transfer is not made in cooperation, consultation, or concert with or at the request or suggestion of a candidate, authorized committee, or agent of a candidate, political party, or agent of a political party.

(e) For purposes of this subsection (14), "covered organization" means a corporation, including an entity organized under section 501(c) or 527 of the internal revenue code, a labor organization, or an independent expenditure committee. It does not include a small donor committee, political party committee, or candidate committee.

(f) For purposes of this subsection (14), "transfer", "donate", or "contribute" does not include the provision of funds to a vendor or in payment of a contract for goods or services.

Source: L. 2010: Entire section added, (SB 10-203), ch. 269, p. 1231, § 4, effective May 25. **L. 2016:** (4)(c) and (6) amended, (HB 16-1282), ch. 267, p. 1106, § 2, effective August 10. **L. 2018:** (9) repealed, (HB 18-1047), ch. 155, p. 1092, § 3, effective April 23. **L. 2019:** (1) and (5) amended and (14) added, (HB 19-1318), ch. 328, p. 3042, § 3, effective August 2.

Cross references: For the legislative declaration in the 2010 act adding this section, see section 1 of chapter 269, Session Laws of Colorado 2010.

1-45-108. Disclosure - definitions - repeal. (1) (a) (I) Subject to subsection (1.5) of this section, all candidate committees, political committees, issue committees, small donor committees, and political parties shall report to the appropriate officer their contributions received, including the name and address of each person who has contributed twenty dollars or more; expenditures made, and obligations entered into by the committee or party.

(II) Subject to subsection (1.5) of this section, in the case of contributions made to a candidate committee, political committee, issue committee, and political party, the disclosure required by this section shall also include the occupation and employer of each person who has made a contribution of one hundred dollars or more to such committee or party.

(III) Any person who expends one thousand dollars or more per calendar year on electioneering communications or regular biennial school electioneering communications shall report to the secretary of state, in accordance with the disclosure required by this section, the amount expended on the communications and the name and address of any person that contributes more than two hundred fifty dollars per year to the person expending one thousand dollars or more on the communications. If the person making a contribution of more than two hundred fifty dollars is a natural person, the disclosure required by this section must also include

the person's occupation and employer. Electioneering communication reports must include the name of the candidate or candidates unambiguously referred to in the electioneering communication or regular biennial school electioneering communication. In accordance with section 1-45-103 (9), an electioneering communication includes any communication that satisfies all other requirements set forth in section 2 (7) of article XXVIII of the state constitution but that is broadcast, printed, mailed, delivered, or distributed between the primary election and the general election.

(IV) 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.

(V) Any disbursement not otherwise defined as an expenditure may be reported to the appropriate officer.

(VI) Any person, after expending five thousand dollars in aggregate in a calendar year on direct ballot issue or ballot question expenditures, shall, for each additional expenditure of one thousand dollars or more, report to the secretary of state in accordance with the disclosure required by this section: The amount of the expenditure, the purpose for which the expenditure was made, the date of the expenditure, name and address of the payee, and the ballot question or ballot issue supported or opposed. Such a report must be filed with the secretary of state no later than forty-eight hours after the direct ballot issue or ballot question expenditure was made.

(b) (Deleted by amendment, L. 2003, p. 2158, § 3, effective June 3, 2003.)

(c) A candidate committee in a special district election is not required to file reports under this section until the committee has received contributions or made expenditures exceeding two hundred dollars in the aggregate during the election cycle.

(d) For purposes of this section, a political party shall be treated as a separate entity at the state, county, district, and local levels.

(e) 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.

(1.5) Notwithstanding any other provision of law, in light of the opinion of the United States court of appeals for the tenth circuit in the case of *Coalition for Secular Government v. Williams*, no. 14-1469 (10th circuit March 2, 2016), that affirmed the order of the federal district court in the case of *Coalition for Secular Gov't v. Gessler*, case no. 12 CV 1708, the disclosure requirements specified in subsection (1)(a)(I) or (1)(a)(II) of this section and the reporting requirements specified in subsection (3.3) or (6) of this section shall not apply to a small-scale issue committee. A small-scale issue committee shall disclose or file reports about the contributions or expenditures it has made or received or otherwise register as an issue committee in connection with accepting or making such contributions or expenditures in accordance with the following alternative requirements:

(a) A small-scale issue committee that accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle that does not exceed two hundred

dollars is not required to disclose or file reports about the contributions or expenditures it has made or received or otherwise register as an issue committee in connection with accepting or making such contributions or expenditures.

(b) (I) A small-scale issue committee that accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle of between two hundred dollars and five thousand dollars shall register with the appropriate officer within ten business days of the date on which the aggregate amount of contributions or expenditures exceeds two hundred dollars. The registration required by this subsection (1.5)(b)(I) must include a statement listing:

(A) The committee's full name, spelling out any acronyms used in the name;

(B) The name of a natural person authorized to act as a registered agent of the committee;

(C) A street address for the principal place of business of the committee;

(D) The purpose or nature of interest of the committee; and

(E) The name of the financial institution in which, in a separate account bearing the name of the committee, all contributions received by the committee are deposited.

(II) A small-scale issue committee described in subsection (1.5)(b)(I) of this section is not required to make any disclosure about any contributions or expenditures it has made or received.

(c) (I) At such time as an issue committee that began as a small-scale issue committee accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle that exceeds five thousand dollars, the committee shall report to the appropriate officer, for each particular contribution or expenditure accepted or made, the name and address of each person who has made such contribution and the amount of each specific contribution and expenditure accepted or made by the committee.

(II) At such time as any issue committee that began as a small-scale issue committee accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle that exceeds five thousand dollars, the committee shall make disclosure of any contributions or expenditures it accepts or makes on or after the date on which such aggregate amount exceeds five thousand dollars in compliance with all applicable requirements under this article 45 pertaining to the disclosure by an issue committee of its contributions or expenditures accepted or made.

(III) Within fifteen days of a small-scale issue committee becoming subject to the applicable requirements governing an issue committee under this article 45, the committee through its registered agent shall report this change in the committee's status to the secretary of state.

(2) (a) (I) Except as provided in subsections (2)(a)(V), (2.1), (2.5), (2.7), and (6) of this section, such reports that are required to be filed with the secretary of state must be filed:

(A) Quarterly in off-election years no later than the fifteenth calendar day following the end of the applicable quarter;

(B) On the first Monday in May and on each Monday every two weeks thereafter before the primary election;

(C) On the first day of each month beginning the sixth full month before the major election; except that no monthly report shall be required on the first day of the month in which the major election is held;

(D) On the first Monday in September and on each Monday every two weeks thereafter before the major election;

(E) Thirty-five days after the major election in election years; and

(F) Fourteen days before and thirty days after a special legislative election held in an off-election year.

(II) Such reports that are required to be filed with the municipal clerk and such reports required to be filed pursuant to section 1-45-109 (1)(a)(II) and (1)(c) must be filed on the twenty-first day and on the Friday before and thirty-five days after the primary election, where applicable, and the major election in election years and annually in off-election years on the first day of the month in which the anniversary of the major election occurs.

(III) For purposes of this section, "election year" means every even-numbered year for political parties and political committees and each year in which the particular candidate committee's candidate, or issue committee's issue, appears on the ballot, including a regular biennial school election; and "major election" means the election that decides an issue committee's issue, the election that elects a person to the public office sought by the candidate committee's candidate, and a regular biennial school election.

(IV) If the reporting day falls on a weekend or legal holiday, the report shall be filed by the close of the next business day.

(V) Any political committee, small donor committee, independent expenditure committee, or political organization that is participating in a regular biennial school election shall file its disclosure reports in accordance with the filing schedule specified in sub-subparagraphs (C) to (E) of subparagraph (I) of this paragraph (a) as of the date the committee or organization, as applicable, makes an expenditure or undertakes spending in connection with that election.

(b) The reports required by this section shall also include the balance of funds at the beginning of the reporting period, the total of contributions received, the total of expenditures made during the reporting period, and the name and address of the financial institution used by the committee or party.

(c) All reports filed with the secretary of state pursuant to this subsection (2) shall be for the reporting periods established pursuant to rules promulgated by the secretary of state in accordance with article 4 of title 24, C.R.S.

(d) A candidate committee for a former officeholder or a person 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 not be required to file a report under this section for such period.

(e) The reporting period for all reports required to be filed with the municipal clerk and such reports required to be filed pursuant to section 1-45-109 (1)(a)(II) and (1)(c) shall close five calendar days prior to the effective date of filing.

(2.1) Except as otherwise provided in subsection (2.2) of this section, in the case of a regular biennial school election or a special school election, a candidate committee for school district director shall file reports that are required to be filed with the secretary of state according to the filing schedule specified in subsections (2)(a)(I)(A), (2)(a)(I)(C), (2)(a)(I)(D), and (2)(a)(I)(E) of this section.

(2.2) In connection with a recall election of a school district director, reports of contributions and expenditures must be filed in accordance with the deadlines that are specified in subsection (6) of this section.

(2.3) Repealed.

(2.5) (a) Except as provided in subsection (2.5)(b) of this section, and in addition to any report required to be filed with the secretary of state or municipal clerk under this section, all candidate committees, issue committees, and political parties must file a report with the secretary of state of any contribution of one thousand dollars or more at any time within thirty days preceding the date of the primary election, general election, regular biennial school election, or special school election, as applicable. This report must be filed with the secretary of state no later than twenty-four hours after the receipt of said contribution.

(b) Notwithstanding the provisions of subsection (2.5)(a) of this section, the following committees need not file the reports described in subsection (2.5)(a) of this section in the following instances:

(I) An issue committee need not report a contribution of one thousand dollars or more preceding a primary election;

(II) A committee for a candidate not on the ballot need not report a contribution of one thousand dollars or more during the off-election year;

(III) A candidate or candidate committee for school board need not report a contribution of one thousand dollars or more during the off-election year; and

(IV) A political party during the off-election year.

(2.7) Any candidate or candidate committee supporting any candidate, including an incumbent, in a recall election, shall file reports of contributions and expenditures with the appropriate officer fourteen and seven days before the recall election and thirty days after the recall election.

(3) Except as otherwise provided in subsection (3.5) of this section, all candidate committees, political committees, small donor committees, and political parties shall register with the appropriate officer before accepting or making any contributions. 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;

(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.

(f) (Deleted by amendment, L. 2010, (SB 10-041), ch. 151, p. 522, § 2, effective July 1, 2010.)

(3.3) Subject to subsections (1.5) and (7) of this section, each issue committee shall register with the appropriate officer within ten calendar days of accepting or making contributions or expenditures in excess of two hundred dollars to support or oppose any ballot issue or ballot question or upon receipt of the notice from the secretary of state pursuant to section 1-40-113 (1)(b). If required to register under the requirements of this subsection (3.3), the registration of the issue committee must include a statement containing the items listed in paragraphs (a) to (e) of subsection (3) of this section in connection with other committees and a political party.

(3.5) Any political committee that has registered with the federal election commission may file with the appropriate officer a copy of the registration filed with the federal election commission and, insofar as such registration contains substantially the same information required by subsection (3) of this section, the political committee shall be considered to have registered with the appropriate officer for purposes of subsection (3) of this section and, therefore, shall be authorized to accept or make contributions as permitted by law. Any political committee that satisfies the requirements of this subsection (3.5) shall be subject to all other legal requirements pertaining to contributions and disclosure that are applicable to political committees.

(4) (Deleted by amendment, L. 2010, (SB 10-041), ch. 151, p. 522, § 2, effective July 1, 2010.)

(5) The registration and reporting requirements of this section shall not apply to that part of the organizational structure of a political party which is responsible for only the day-to-day operations of such political party at the national level if copies of the reports required to be filed with the Federal Election Commission pursuant to the "Federal Election Commission Act of 1971", as amended, are filed with the secretary of state and include the information required by this section.

(6) Subject to subsection (1.5) of this section, any issue committee whose purpose is the recall of any elected official shall register with the appropriate officer within ten calendar days of accepting or making contributions or expenditures in excess of two hundred dollars to support or oppose the recall. Reports of contributions and expenditures shall be filed with the appropriate officer within fifteen days of the filing of the committee registration and every thirty days thereafter until the date of the recall election has been established and then fourteen days and seven days before the recall election and thirty days following the recall election.

(7) (a) Notwithstanding any other provision of law, and subject to subsection (7)(b) of this section, a matter is considered a ballot issue or a 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 article 45 and article XXVIII of the state constitution, at the earliest of the following:

(I) A title for the matter has been designated and fixed in accordance with law and any motion for rehearing has been heard;

(II) The matter has been referred to the voters by the general assembly or the governing body of any political subdivision of the state with authorization to refer matters to the voters;

(III) In the case of a citizen referendum petition, the matter has been submitted for format approval in accordance with law;

(IV) A petition concerning the matter has been circulated and signed by at least one person; except that, where a matter becomes a ballot issue or ballot question upon such signing, any person opposing the matter shall not be considered to be an issue committee for purposes of this article and article XXVIII of the state constitution until one such person knows or has reason to know of the circulation; or

(V) A signed petition has been submitted to the appropriate officer in accordance with law.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (7), 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 article and article XXVIII of the state constitution, 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.

(8) (a) Any expenditure or spending on a covered communication that is controlled by or coordinated with a candidate or candidate's agent or a political party is considered both a contribution by the maker of the expenditure or spending, and an expenditure by the candidate committee.

(b) For purposes of this subsection (8), "covered communication" includes:

(I) A communication that expressly advocates for the election or defeat of a candidate;

(II) An electioneering communication as defined in section 2 (7) of article XXVIII of the state constitution and section 1-45-103 (9), or regular biennial electioneering communication as defined in section 1-45-103 (15.5); and

(III) A communication by a political organization that influences or attempts to influence the selection, nomination, election, or appointment of a candidate to public office.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 98:** (1), (2)(a), and IP(3) amended, p. 223, § 2, effective April 10; (2)(c) added, p. 951, § 3, effective May 27. **L. 99:** (2)(a) amended and (2)(c)(V) and (2)(c)(VI) added, p. 1391, §§ 14, 15, effective June 4. **L. 2000:** (2)(a) and (2)(c) amended and (2)(d), (2.3), and (2.5) added, pp. 124, 125, §§ 5, 6, effective March 15; (1) amended, p. 1725, § 2, effective June 1; (2)(e) added, p. 791, § 2, effective August 2. **L. 2001:** (3)(f) added, p. 808, § 1, effective August 8; (2.3) amended, p. 1111, § 2, effective September 1. **L. 2002:** IP(2)(a)(I) and (6) amended and (2.7) added, p. 198, § 2, effective April 3; (1)(c) added, p. 1640, § 33, effective June 7. **L. 2003:** (1)(a), (1)(b), (2.3)(a), (2.5), IP(3), and (3)(f) amended and (1)(d) added, p. 2158, § 3, effective June 3. **L. 2004:** (1)(e) and (3.5) added and IP(3) amended, p. 864, §§ 2, 3, effective May 21. **L. 2007:** IP(2)(a)(I) amended, p. 2017, § 2, effective June 1; IP(2)(a)(I) and (2)(a)(I)(B) amended, p. 1299, § 2, effective July 1. **L. 2008:** (1)(a)(IV) added, p. 441, § 2, effective April 14. **L. 2009:** (2)(a)(II), (2)(e), and (2.5) amended, (HB 09-1357), ch. 361, p. 1871, § 1, effective July 1; IP(3) and (3)(f) amended and (3.3) and (7) added, (HB 09-1153), ch. 174, p. 774, § 2, effective September 1. **L. 2010:** (1)(a)(III), (3)(f), (3.3), (4), and (6) amended, (SB 10-041), ch. 151, p. 522, § 2, effective July 1; (3.3) amended, (HB 10-1370), ch. 270, p. 1241, § 5, effective January 1, 2011. **L. 2012:** (2)(a)(I)(B) amended, (SB 12-014), ch. 1, p. 1, § 1, effective January 30; (1)(c) amended, (HB 12-1269), ch. 83, p. 274, § 1, effective August 8. **L. 2016:** (1)(a)(I), (1)(a)(II), (3.3), and (6) amended and (1.5) added, (SB 16-186), ch. 269, p. 1114, § 2, effective June 10; (1)(a)(III), IP(2)(a)(I), (2)(a)(III), and (2.5) amended and (2)(a)(V) added, (HB 16-1282), ch. 267, p. 1106, § 3; effective August 10. **L. 2018:** (1)(a)(III), (2.5), IP(7)(a), and (7)(a)(I) amended and (1)(a)(V) added, (HB 18-1047), ch. 155, p. 1093, § 4, effective April 23. **L. 2019:** (1)(a)(III) amended, (SB 19-068), ch. 69, p. 250, § 2, effective August 2; (1.5) R&RE and (8) added, (HB 19-1318), ch. 328, p. 3044, § 4, effective August 2. **L. 2022:** IP(2)(a)(I) and (2.5)(a) amended and (2.1) and (2.2) added, (HB 22-1060), ch. 99, p. 473, § 3, effective July 1; IP(2)(a)(I), (2)(a)(I)(E), (2)(a)(II), (2.5)(b)(II), and (2.5)(b)(III) amended and (2.5)(b)(IV) added, (HB 22-1156), ch. 108, p. 495, § 1, effective August 10; (1)(a)(VI) added, (SB 22-237), ch. 400, p. 2852, § 2, effective September 1.

Editor's note: (1) This section is similar to former § 1-45-108 as it existed prior to 1996.

(2) The numbering of this section originated in an initiated measure. As a result of an amendment to this section by House Bill 00-1194, subsections (2)(a)(I) and (2)(a)(II) as they existed prior to March 15, 2000, were renumbered on revision as (2)(a)(III) and (2)(a)(IV).

(3) Subsection (2.3)(b) provided for the repeal of subsection (2.3), effective January 1, 2007. (See L. 2001, p. 1111.)

(4) Amendments to subsection (3.3) by Senate Bill 10-041 and House Bill 10-1370 were harmonized.

(5) Prior to the reenactment of subsection (1.5) on August 2, 2019, subsection (1.5)(d) provided for the repeal of subsection (1.5), effective June 30, 2019. (See. L. 2016, p. 1114.)

(6) Amendments to subsection IP(2)(a)(I) by HB 22-1060 and HB 22-1156 were harmonized.

(7) Section 10 of chapter 99 (HB 22-1060), Session Laws of Colorado 2022, provides that the act changing this section takes effect July 1, 2022, and applies to the portion of any election cycle or for the portion of the calendar year remaining after July 1, 2022, and for any election cycle or calendar year commencing after July 1, 2022.

Cross references: For the legislative declaration in the 2010 act amending subsection (3.3), see section 1 of chapter 270, Session Laws of Colorado 2010.

1-45-108.3. Disclaimer statement - committees - electioneering communications - direct ballot issue or ballot question expenditures. (1) A candidate committee, political committee, issue committee, small donor committee, political organization, political party, or other person making an expenditure in excess of or spending more than one thousand dollars per calendar year on a communication that must be disclosed under article XXVIII of the state constitution or under this article 45 or supports or opposes a ballot issue or ballot question, and that is broadcast, printed, mailed, delivered; placed on a website, streaming media service, or online forum for a fee; or that is otherwise distributed shall include in the communication a disclaimer statement in accordance with subsection (2) of this section.

(2) The disclaimer statement required by subsection (1) of this section must conform to the requirements specified in section 1-45-107.5 (5) for content, size, duration, and placement.

(3) In addition to any other applicable requirements provided by law, any person who expends one thousand dollars or more per calendar year on electioneering communications or regular biennial school electioneering communications shall, in accordance with the requirements specified in section 1-45-107.5 (5), state in the communication the name of the person making the communication. For purposes of this subsection (3), an "electioneering communication" also includes any communication that satisfies all other requirements set forth in section 2 (7) of article XXVIII of the state constitution but that is broadcast, printed, mailed, delivered, or distributed between the primary election and the general election.

(4) Any person who makes a direct ballot issue or ballot question expenditure shall, pursuant to section 1-45-107.5 (5), state their name in any communication that is broadcast, printed, mailed, or delivered; placed on a website, streaming media service, or online forum for a fee; or that is otherwise distributed to persons who are eligible to vote on the ballot issue or

ballot question and is produced or funded, either in whole or in part, by the person who made the direct ballot issue or ballot question expenditure.

Source: **L. 2010:** Entire section added, (HB 10-1370), ch. 270, p. 1242, § 6, effective January 1, 2011. **L. 2019:** (3) added, (SB 19-068), ch. 69, p. 251, § 3, effective August 2; entire section amended, (HB 19-1318), ch. 328, p. 3046, § 5, effective August 2. **L. 2022:** (4) added, (SB 22-237), ch. 400, p. 2853, § 3, effective June 7.

Cross references: For the legislative declaration in the 2010 act adding this section, see section 1 of chapter 270, Session Laws of Colorado 2010.

1-45-108.5. Political organizations - disclosure. (1) Any political organization shall report to the appropriate officer in accordance with the requirements of sections 1-45-108 and 1-45-109:

(a) Any contributions it receives, including the name and address of each person who has contributed twenty dollars or more to the political organization in the reporting period, and the occupation and employer of each natural person who has made a contribution of one hundred dollars or more to the political organization; and

(b) Any spending by the political organization that exceeds twenty dollars in any one reporting period.

(2) No political organization shall accept a contribution, or undertake spending, in currency or coin exceeding one hundred dollars.

(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 or political party in a manner that satisfies the requirements of sections 1-45-108 and 1-45-109; or

(b) Authorize the secretary of state 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 twenty dollars or more in a reporting period.

Source: **L. 2007:** Entire section added, p. 1225, § 3, effective July 1.

1-45-109. Filing - where to file - timeliness. (1) For the purpose of meeting the filing and reporting requirements of this article 45:

(a) The following shall file with the secretary of state:

(I) Candidates for statewide office, the general assembly, district attorney, district court judge, school district director, or any office representing more than one county; the candidate committees for such candidates; political committees in support of or in opposition to such candidates; issue committees in support of or in opposition to an issue on the ballot in more than one county; small donor committees making contributions to such candidates; and persons expending one thousand dollars or more per calendar year on electioneering communications.

(II) Candidates in special district and school district director elections; the candidate committees of such candidates; political committees in support of or in opposition to such candidates; issue committees supporting or opposing a special district ballot issue; and small donor committees making contributions to such candidates.

(b) 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 shall file with the municipal clerk.

(c) All other candidates, candidate committees, issue committees, political committees, and small donor committees shall file with the secretary of state.

(2) (a) Reports required to be filed by this article 45 are timely if received by the appropriate officer not later than the close of business on the due date.

(b) A person upon whom a penalty has been imposed for failure to file a statement or other information required to be filed pursuant to section 5, 6, or 7 of article XXVIII of the state constitution or section 1-45-108, this section, or section 1-45-110 by the due date may appeal the penalty by filing a written appeal with the appropriate officer no later than thirty days after the date on which notification of the imposition of the penalty was mailed to the person's last-known address. Upon receipt of an appeal pursuant to this paragraph (b), the appropriate officer shall set aside or reduce the penalty upon a showing of good cause.

(3) In addition to any other reporting requirements of this article, every incumbent in public office and every candidate elected to public office is subject to the reporting requirements of section 24-6-203, C.R.S.

(4) (a) All reports required to be filed by this article 45 are public records and are open to inspection by the public during regular business hours. A copy of the report must be kept by the appropriate officer and a copy shall be made available immediately in a file for public inspection. When the secretary of state is the appropriate officer, the secretary shall make reports viewable on the secretary of state's official website.

(b) and (c) Repealed.

(5) (a) The secretary of state shall operate and maintain a website so as to allow any person who wishes to review reports filed with the secretary of state's office pursuant to this article electronic read-only access to such reports free of charge.

(b) All reports required to be filed by this article that are electronically filed pursuant to subsection (6) of this section shall be made available immediately on the website.

(c) The website shall enable a user to produce summary reports based on search criteria that shall include, but not be limited to the reporting period, date, name of the person making a contribution or expenditure, candidate, and committee.

(d) At the earliest practicable date, the secretary of state shall develop and implement improvements to the website's design and structure to improve the public's ability to navigate, search, browse, download, and analyze information. Such improvements shall include but need not be limited to:

(I) Enhanced searching and summary reporting, including additional search fields such as zip code, employer, and vendor, the ability to search across multiple committees and all filers, the ability to filter or limit searches, such as by election cycle or candidate, the inclusion of smart-search features such as "name sounds like" or "name contains", and numerical totaling of amounts shown on search results;

(II) Features that facilitate the ability to download raw data and search results in one or more common formats to enable offline sorting and analyzing;

(III) Detailed, technical instructions for users;

(IV) Information to help users determine the scope of candidates' and committees' reports and campaign data available online, including explanations of which types of reports are available, the period covered by the online data, and which specific reports can be viewed for each campaign committee; and

(V) Resources that give the public comparative context when viewing campaign finance data, such as compilations of the total amounts of money raised and spent by individual candidates, lists of total amounts raised and spent by all statewide and legislative candidates, and compilations of fundraising and spending across candidates and election cycles.

(e) The secretary of state may promulgate rules necessary for the implementation of this subsection (5). Such rules shall be promulgated in accordance with article 4 of title 24, C.R.S.

(6) (a) The secretary of state shall establish, operate, and maintain a system that enables electronic filing using the internet of the reports required by this article to be filed with the secretary of state's office. In accordance with the provisions of section 24-21-111 (1), C.R.S., the secretary may require any filing under this section to be made by electronic means as determined by the secretary. The rules for use of the electronic filing system shall be promulgated by the secretary in accordance with article 4 of title 24, C.R.S.

(b) Any person required to file with the secretary of state's office shall use the electronic filing system described in paragraph (a) of this subsection (6) in order to meet the filing requirements of this article, if so required by the secretary in accordance with paragraph (a) of this subsection (6), except insofar as an alternate method of filing may be permitted by the secretary. Where a person uses such electronic filing system to meet the filing requirements of this article, the secretary of state shall acknowledge by electronic means the receipt of such filing.

(7) (Deleted by amendment, L. 2007, p. 1296, § 1, effective July 1, 2007.)

(8) (a) (Deleted by amendment, L. 2007, p. 1296, § 1, effective July 1, 2007.)

(b) (I) (Deleted by amendment, L. 2007, p. 1296, § 1, effective July 1, 2007.)

(II) and (III) (Deleted by amendment, L. 2009, (HB 09-1357), ch. 361, p. 1872, § 2, effective July 1, 2009.)

(c) (I) (Deleted by amendment, L. 2007, p. 1296, § 1, effective July 1, 2007.)

(II) (Deleted by amendment, L. 2009, (HB 09-1357), ch. 361, p. 1872, § 2, effective July 1, 2009.)

(9) Subsection (1) of this section shall not be construed to require the secretary of state to review reports electronically filed by persons beyond the duties specified in section 9 of article XXVIII of the state constitution.

(10) to (12) Repealed.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 2000:** (4), (5), and (6) amended, p. 125, § 7, effective March 15. **L. 2001:** (1) amended and (7), (8), and (9) added, p. 808, § 2, effective August 8; (6)(b) amended, p. 1111, § 3, effective September 1. **L. 2002:** (1) and (4)(a) amended, p. 1640, § 34, effective June 7. **L. 2003:** (1) and (7)(b) amended, p. 2159, § 4, effective June 3. **L. 2005:** (9) amended, p. 760, § 7, effective June 1. **L. 2007:** (5), (6), (7), (8), and (9) amended, p. 1296, § 1, effective July 1; (2) amended, p. 1983, § 37, effective August 3. **L. 2009:** (1), (5)(a), (6), (8)(b)(II), (8)(b)(III), (8)(c)(II), and (9) amended and (10) added, (HB 09-1357), ch. 361, p. 1872, § 2, effective July 1. **L. 2010:** (11) added, (SB 10-203), ch. 269, p. 1235, § 5, effective May 25; (4)(b) and (6)

amended, (SB 10-041), ch. 151, p. 523, § 3, effective July 1. **L. 2017:** (4)(b) amended and (4)(c) and (12) added, (HB 17-1155), ch. 236, p. 966, § 1, effective August 9. **L. 2018:** IP(1), (1)(a)(I), (2)(a), (4)(a), (4)(b), and (4)(c)(I) amended, (HB 18-1047), ch. 155, p. 1094, § 5, effective April 23. **L. 2019:** (4)(b), (4)(c), (11), and (12) repealed, (SB 19-232), ch. 330, p. 3065, § 3, effective July 1. **L. 2022:** (1)(a)(II) amended, (HB 22-1060), ch. 99, p. 474, § 4, effective July 1.

Editor's note: (1) This section is similar to former § 1-45-104 as it existed prior to 1996.

(2) Subsection (10)(e) provided for the repeal of subsection (10), effective January 1, 2011. (See L. 2009, p. 1872.)

(3) Section 10 of chapter 99 (HB 22-1060), Session Laws of Colorado 2022, provides that the act changing this section takes effect July 1, 2022, and applies to the portion of any election cycle or for the portion of the calendar year remaining after July 1, 2022, and for any election cycle or calendar year commencing after July 1, 2022.

Cross references: For the legislative declaration in the 2010 act adding subsection (11), see section 1 of chapter 269, Session Laws of Colorado 2010.

1-45-110. Candidate affidavit - disclosure statement. (1) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the appropriate officer within ten days, that the candidate is familiar with the provisions of this article; except that an individual who is a candidate in a special legislative election that filed a candidate affidavit for the preceding general election shall not be required to comply with the provisions of this section, and except that a candidate in a special district election shall file the candidate affidavit or, alternatively, a copy of the candidate's self-nomination and acceptance form or letter submitted in accordance with section 1-13.5-303, if such form or letter contains a statement that the candidate is familiar with the provisions of this article, no later than the date established for certification of the special district's ballot pursuant to section 1-5-203 (3)(a). A candidate in a municipal election may comply with this section by filing a candidate affidavit pursuant to section 31-10-302 (6), C.R.S., if such affidavit contains a statement that the candidate is familiar with the provisions of this article.

(2) (a) Except as provided in paragraph (b) of this subsection, each candidate for the general assembly, governor, lieutenant governor, attorney general, state treasurer, secretary of state, state board of education, regent of the University of Colorado, and district attorney shall file a statement disclosing the information required by section 24-6-202 (2) with the appropriate officer, on a form approved by the secretary of state, within ten days of filing the affidavit required by subsection (1) of this section.

(b) No candidate listed in paragraph (a) of this subsection shall be required to file another disclosure statement if the candidate had already filed such a statement less than ninety days prior to filing the affidavit required by subsection (1) of this section.

(2.5) A candidate seeking reelection does not have to file another disclosure statement required by subsection (2)(a) of this section if the incumbent has filed the annual report required by section 24-6-202 (2).

(3) If any person fails to file the affidavit or the disclosure statement required by subsection (2) of this section, the designated election official certifying the ballot in accordance

with section 1-5-203 (3)(a) shall send a notice to the person by certified mail, return receipt requested, to the person's mailing address. The notice must state that the person will be disqualified as a candidate if the person fails to file the appropriate document within five business days of the receipt of the notice. If the person fails to file the appropriate document within that time frame, the designated election official shall disqualify the candidate.

(4) Any disclosure statement required by subsection (2) of this section shall be amended no more than thirty days after any termination or acquisition of interests as to which disclosure is required.

(5) If a person is defeated as a candidate or withdraws from the candidacy, that person shall not be required to comply with the provisions of this section after the withdrawal or defeat.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 99:** (1) amended, p. 1392, § 16, effective June 4. **L. 2002:** (1) amended, p. 1641, § 35, effective June 7. **L. 2010:** (3) amended, (SB 10-041), ch. 151, p. 524, § 4, effective July 1. **L. 2014:** (1) amended, (HB 14-1164), ch. 2, p. 74, § 44, effective February 18. **L. 2018:** (3) amended, (HB 18-1047), ch. 155, p. 1095, § 6, effective April 23. **L. 2022:** (2.5) added, (HB 22-1156), ch. 108, p. 496, § 2, effective August 10.

Editor's note: This section is similar to former § 1-45-105 as it existed prior to 1996.

Cross references: For the legislative declaration in HB 14-1164, see section 1 of chapter 2, Session Laws of Colorado 2014.

1-45-111. Duties of the secretary of state - enforcement. (Repealed)

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 2000:** (1)(a.5) added and (1)(b) and (2) amended, p. 126, § 8, effective March 15; (2)(d) added, p. 1725, § 3, effective June 1. **Initiated 2002:** Entire section repealed, effective upon proclamation of the Governor (see editor's note, (2)).

Editor's note: (1) This section was similar to former §§ 1-45-113 and 1-45-114 as they existed prior to 1996.

(2) (a) Subsection (4) of section 1 of article V of the state constitution provides that initiated and referred measures shall take effect from and after the official declaration of the vote thereon by the proclamation of the Governor. The measure enacting article XXVIII of the state constitution takes effect upon proclamation of the vote by the Governor. The Governor's proclamation was issued on December 20, 2002. However, section 13 of the measure enacting article XXVIII of the state constitution provides that the effective date of article XXVIII is December 6, 2002.

(b) This section was repealed by an initiated measure that was adopted by the people in the general election held November 5, 2002. Section 12 of article XXVIII provides for the repeal of this section. For the text of the initiative and the vote count, see Session Laws of Colorado 2003, p. 3597.

1-45-111.5. Duties of the secretary of state - enforcement - sanctions - definitions.

(1) The secretary of state shall promulgate such rules, in accordance with article 4 of title 24, C.R.S., as may be necessary to enforce and administer any provision of this article.

(1.5) (a) Any person who believes that a violation of article XXVIII of the state constitution, the secretary of state's rules concerning campaign and political finance, or this article 45 has occurred may file a written complaint with the secretary of state in accordance with section 1-45-111.7.

(b) Any person who commits a violation of either the secretary of state's rules concerning campaign and political finance or this article that is not specifically listed in article XXVIII of the state constitution shall be subject to any of the sanctions specified in section 10 of article XXVIII of the state constitution or in this section.

(c) In addition to any other penalty authorized by article XXVIII of the state constitution or this article 45, a hearing officer may impose a civil penalty of fifty dollars per day for each day that a report, statement, or other document required to be filed under this article 45 that is not specifically listed in article XXVIII of the state constitution is not filed by the close of business on the day due. Any person who fails to file three or more successive committee registration reports or reports concerning contributions, expenditures, or donations in accordance with the requirements of section 1-45-107.5 shall be subject to a civil penalty of up to five hundred dollars for each day that a report, statement, or other document required to be filed by an independent expenditure committee is not filed by the close of business on the day due. Any person who knowingly and intentionally fails to file three or more reports due under section 1-45-107.5 shall be subject to a civil penalty of up to one thousand dollars per day for each day that the report, statement, or other document is not filed by the close of business on the day due. Imposition of any penalty under this subsection (1.5)(c) shall be subject to all applicable requirements specified in section 10 of article XXVIII of the state constitution governing the imposition of penalties.

(d) In connection with a complaint brought to enforce any requirement of article XXVIII of the state constitution or this article 45, a hearing officer may order disclosure of the source and amount of any undisclosed donations or expenditures.

(e) In connection with any action brought to enforce any provision of article XXVIII of the state constitution or this article 45, the membership lists of a membership organization, 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.

(f) Any person who is fined up to one thousand dollars per day for a knowing and intentional failure to file under paragraph (c) of this subsection (1.5) shall, if the person has shareholders or members, notify such shareholders or members of the penalty and the adjudicated violations on its publicly accessible website in a prominent manner for not less than one hundred eighty days after the final adjudication. A copy of this notice, with the website address used, shall be filed with the secretary of state and shall be a public record.

(g) The secretary of state has, as a matter of right, the right to intervene in any action pending before the office of administrative courts or the court of appeals that is brought to enforce the provisions of article XXVIII of the state constitution or this article.

(2) A party in any action brought to enforce the provisions of article XXVIII of the state constitution or of this article 45 is entitled to the recovery of the party's reasonable attorney fees and costs from any attorney or party who has brought or defended the action, either in whole or

in part, upon a determination by the hearing officer that the action, or any part thereof, lacked substantial justification or that the action, or any part thereof, was commenced for delay or harassment or if it finds that an attorney or party unnecessarily expanded the proceeding by other improper conduct, including abuses of discovery procedures available under the Colorado rules of civil procedure. Notwithstanding any other provision of this subsection (2), no attorney fees may be awarded under this subsection (2) unless the court or hearing officer, as applicable, has first considered and issued written findings regarding the provisions of section 13-17-102 (5) and (6). Either party in an action in which the hearing officer awarded attorney fees and costs may apply to a district court to convert an award of attorney fees and costs into a district court judgment. Promptly upon the conversion of the award of attorney fees and costs into a district court judgment, the clerk of the district court shall mail notice of the filing of the judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice must include the name and post-office address of the judgment creditor and the judgment creditor's lawyer, if any, in this state. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk. Lack of mailing notice of filing by the clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed. For purposes of this subsection (2), "lacked substantial justification" means substantially frivolous, substantially groundless, or substantially vexatious.

(3) Upon a determination by the hearing officer that an issue committee failed to file a report required pursuant to section 1-45-108, the hearing officer shall direct the issue committee to file any such report within ten days containing all required disclosure of any previously unreported contributions or expenditures and may, in addition to any other penalty, impose a penalty not to exceed twenty dollars for each contribution received and expenditure made by the issue committee that was not timely reported.

(4) (a) Upon failure of a witness or party to comply with an administrative subpoena issued in relation to an alleged campaign finance violation pursuant to article XXVIII of the state constitution or this article, the party that requested the administrative subpoena or the issuing agency may petition the district court ex parte with a copy of the petition sent to the subpoenaed witness or party and the administrative law judge by regular mail, for an order directing the witness or party to comply with the administrative subpoena.

(b) If the petition required by paragraph (a) of this subsection (4) shows to the district court's satisfaction that the administrative subpoena was properly served pursuant to rule 4 of the Colorado rules of civil procedure, the district court shall order the subpoenaed witness or party to appear before the district court and show cause why the witness or party should not be ordered to comply with the administrative subpoena. A copy of the petition and the court order shall be served, pursuant to rule 5 of the Colorado rules of civil procedure, on the witness or party at least fifteen days before the date designated for the witness or party to appear before the district court.

(c) At a show cause hearing ordered by the district court pursuant to paragraph (b) of this subsection (4), the court shall review the administrative subpoena and any evidence presented by the parties to determine compliance with the Colorado rules of civil procedure. The subpoenaed witness or party shall bear the burden of showing good cause as to why he or she should not be ordered to comply with the administrative subpoena.

(d) If the court determines that the subpoenaed witness or party is required to comply with the administrative subpoena:

(I) The district court shall order compliance forthwith and may impose remedial and punitive fines, including attorneys' fees and costs, for the witness's or party's failure to comply with the administrative subpoena; and

(II) The hearing officer shall schedule a hearing on the complaint to occur on a day after the occurrence of the required deposition and such other discovery as may be warranted due to such deposition.

(e) If the subpoenaed witness or party fails to appear at the show cause hearing, the district court may issue a bench warrant for the arrest of the subpoenaed witness or party and may impose other sanctions pursuant to the Colorado rules of civil procedure.

(5) Repealed.

Source: **L. 2003:** Entire section added, p. 2160, § 6, effective June 3. **L. 2005:** (2) amended, p. 852, § 4, effective June 1. **L. 2008:** (1.5) added and (2) amended, p. 349, § 1, effective April 10. **L. 2010:** (1.5)(c), (1.5)(d), (1.5)(e), and (1.5)(f) added, (SB 10-203), ch. 269, p. 1236, § 6, effective May 25; (3) added, (HB 10-1370), ch. 270, p. 1242, § 7, effective January 1, 2011. **L. 2011:** (4) added, (HB 11-1117), ch. 35, p. 97, § 1, effective March 21. **L. 2016:** (5) added, (SB 16-106), ch. 290, p. 1175, § 1, effective August 10. **L. 2018:** (1.5)(a) and (2) amended and (1.5)(g) added, (HB 18-1047), ch. 155, p. 1095, § 7, effective April 23. **L. 2019:** (1.5)(a) to (1.5)(e), (2), (3), and (4)(d)(II) amended and (5) repealed, (SB 19-232), ch. 330, p. 3066, § 4, effective July 1.

Editor's note: In *Holland v. Williams*, 457 F. Supp. 3d 979 (D. Colo. 2018), the United States District Court for the District of Colorado held that the enforcement provisions in article XXVIII, section 9(2)(a), of the state constitution and subsection (1.5)(a) of this section are facially unconstitutional under the first and fourteenth amendments to the United States Constitution.

Cross references: (1) For the legislative declaration in the 2010 act adding subsections (1.5)(c), (1.5)(d), (1.5)(e), and (1.5)(f), see section 1 of chapter 269, Session Laws of Colorado 2010.

(2) For the legislative declaration in the 2010 act adding subsection (3), see section 1 of chapter 270, Session Laws of Colorado 2010.

1-45-111.7. Campaign finance complaints - initial review - curing violations - investigation and enforcement - hearings - advisory opinions - document review - collection of debts resulting from campaign finance penalties - definitions. (1) **Definitions.** As used in this section, unless the context otherwise requires:

(a) "Article XXVIII" means article XXVIII of the state constitution.

(b) "Deputy secretary" means the deputy secretary of state appointed pursuant to section 24-21-105 or the deputy secretary's designee.

(c) "Division" means the division within the office of the secretary responsible for administering the state's laws governing campaign and political finance.

(d) "Hearing officer" means a person authorized to conduct a hearing under section 24-4-105 (3).

(e) "Rules" means the rules of the secretary concerning campaign and political finance.

(f) "Secretary" means the secretary of state or the secretary's designate.

(2) **Filing complaints.** (a) Any person who believes that a violation has occurred of article XXVIII, this article 45, or the rules may file a complaint with the secretary.

(b) A complaint must be filed no later than one hundred eighty days after the date on which the complainant either knew or should have known, by the exercise of reasonable diligence, of the alleged violation.

(c) Any complaint must be filed in writing and signed by the complainant on the form provided by the secretary. The complaint must identify one or more respondents and include the information required to be provided on the form.

(d) Upon receipt of a complaint, the division shall notify the respondent of the complaint by e-mail or by regular mail if e-mail is unavailable.

(e) The division shall forward any complaint made against a candidate for secretary or the secretary to the department of law for the review of the complaint by the attorney general to act on behalf of the division in accordance with applicable requirements of this section.

(3) **Initial review.** (a) The division shall conduct an initial review of a complaint filed under subsection (2) of this section to determine whether the complaint:

(I) Was timely filed under subsection (2)(b) of this section;

(II) Specifically identifies one or more violations of article XXVIII, this article 45, or the rules; and

(III) Alleges sufficient facts to support a factual and legal basis for the violations of law alleged in the complaint.

(b) Within ten business days of receiving a complaint, the division shall take one or more of the actions specified in this subsection (3)(b):

(I) If the division makes an initial determination that the complaint was not timely filed, has not specifically identified one or more violations of article XXVIII, this article 45, or the rules, or does not assert facts sufficient to support a factual or legal basis for an alleged violation, the division shall prepare and file with the deputy secretary a motion to dismiss the complaint. The deputy secretary shall make a determination on the motion to dismiss within five business days, which must be provided to the complainant and the respondent by e-mail or by regular mail if e-mail is unavailable. If the deputy secretary denies the motion, the division shall determine whether to conduct a review under subsection (3)(b)(II) or (3)(b)(III) of this section. The final determination by the deputy secretary on the motion to dismiss constitutes final agency action and is subject to judicial review by a state district court under section 24-4-106.

(II) If the division makes an initial determination that the complaint alleges one or more curable violations as addressed in subsection (4) of this section, the division shall notify the respondent and provide the respondent an opportunity to cure the violations.

(III) If the division makes an initial determination that the complaint has specifically identified one or more violations of article XXVIII, this article 45, or the rules, and has alleged facts sufficient to support a factual or legal basis for each alleged violation, and that either a factual finding or a legal interpretation is required, the division shall conduct additional review under subsection (5) of this section within thirty days to determine whether to file a complaint with a hearing officer.

(4) **Curing violations.** (a) Upon the division's initial determination that a complaint alleges a failure to file or otherwise disclose required information, or alleges another curable

violation, the division shall notify the respondent by e-mail or by regular mail if e-mail is unavailable of the curable deficiencies alleged in the complaint.

(b) The respondent has ten business days from the date the notice is e-mailed or mailed to file an amendment to any relevant report that cures any deficiencies specified in the notice.

(c) The respondent shall provide the division with notice of the respondent's intent to cure on the form provided by the secretary and include a copy of any amendments to any report containing one or more deficiencies.

(d) Upon receipt of the respondent's notice of an intent to cure, the division may ask the respondent to provide additional information and may grant the respondent an extension of time to file an amended notice of intent to cure in order to respond to any such request.

(e) (I) After the period for cure has expired, the division shall determine whether the respondent has cured any violation alleged in the complaint and, if so, whether the respondent has substantially complied with its legal obligations under article XXVIII, this article 45, and the rules in accordance with subsection (4)(f) of this section.

(II) If the division determines that the respondent has substantially complied with its legal obligations, the division shall prepare and file with the deputy secretary a motion to dismiss the complaint. The motion must be accompanied by a draft order specifying the manner in which the respondent has satisfied the factors specified in subsection (4)(f) of this section. The deputy secretary shall make a determination on the motion to dismiss, which must be provided to the complainant and the respondent by e-mail or by regular mail if e-mail is unavailable. If the deputy secretary denies the motion, the division shall determine whether to conduct a review under subsection (3)(b)(II) or (3)(b)(III) of this section. The determination by the deputy secretary under this subsection (4)(e)(II) is final agency action and is subject to judicial review by a state district court under section 24-4-106.

(III) If the division determines that the respondent has failed to substantially comply under subsection (4)(f) of this section, the division shall conduct an additional review under subsection (5)(a) of this section to determine whether to file the complaint with a hearing officer.

(f) In determining whether an entity substantially complied with its legal obligations under article XXVIII, this article 45, or the rules the division must consider:

(I) The extent of the respondent's noncompliance;

(II) The purpose of the provision violated and whether that purpose was substantially achieved despite the noncompliance; and

(III) Whether the noncompliance may properly be viewed as an intentional attempt to mislead the electorate or election officials.

(g) If the division determines that the respondent failed to cure any alleged deficiency, the division shall conduct an additional review under subsection (5)(a) of this section to determine whether to file a complaint with a hearing officer.

(5) **Investigations and enforcement.** (a) (I) The division shall investigate each complaint that was not dismissed during either its initial review or by means of the cure proceedings in accordance with subsection (3) or (4) of this section to determine whether to file a complaint with a hearing officer. The division may also initiate an investigation under subsection (7)(b) of this section.

(II) For the purpose of an investigation relating to a complaint filed under subsection (2)(a) of this section or an investigation initiated by the division under subsection (7)(b) of this section, the division may request the production of any documents or other tangible things that

are believed to be relevant or material to the investigation, and shall establish the relevance and materiality in writing. Notwithstanding any other provision of law, documents or other tangible things provided to the division during the course of an investigation under this subsection (5) are not subject to inspection or copying under the "Colorado Open Records Act", part 2 of article 72 of title 24. Notwithstanding any other provision of law, documents or other tangible things provided to the division during the course of an investigation under this subsection (5) and other materials prepared or assembled to assist the secretary's designee in reaching a decision are work product as defined in section 24-72-202 (6.5)(a) and are not public records subject to inspection under part 2 of article 72 of title 24.

(III) If the division receives a person's membership list or donor list during the course of the division's initial review under subsection (3) of this section, investigation under this subsection (5), or the cure process, including the determination of substantial compliance, as described in subsection (4) of this section, the division shall not disclose such list or the identity of any member or donor to any person. Notwithstanding any other provision of law, any such membership or donor list is not a public record subject to inspection, copying, or any other form of reproduction under part 2 of article 72 of title 24.

(IV) The division shall determine whether it will file a complaint with a hearing officer within thirty days after initiating an investigation. If the division makes a determination that a complaint should not be filed with a hearing officer because there is not sufficient information to support the allegations contained in the complaint or for any other reason, it shall prepare and file with the deputy secretary a motion to dismiss the complaint. The deputy secretary shall make a determination on the motion to dismiss within thirty-five days of the initial determination of the division under this subsection (5)(a)(IV), or the initiation of an investigation by the division under subsection (7)(b) of this section, which must be provided to the complainant and the respondent by e-mail or by regular mail if e-mail is unavailable. If the deputy secretary denies the motion, the division has fourteen business days to file a complaint with a hearing officer under this subsection (5).

(V) If the division files a complaint with a hearing officer under this subsection (5), it is responsible for conducting such discovery as may be necessary for effectively prosecuting the complaint, supplementing or amending the complaint with such additional or alternative claims or allegations as may be supported by the division's investigation, amending the complaint to strike allegations or claims that are not supported by the division's investigation, and in all other respects prosecuting the complaint.

(b) A complainant or any other nonrespondent is not a party to the division's initial review, cure proceedings, investigation, or any proceedings before a hearing officer as described in this section. A complainant may seek permission from the hearing officer to file a brief as an amicus curiae. A person's status as a complainant is not sufficient to establish that he or she may be affected or aggrieved by the secretary's action on the complaint. To the extent this subsection (5)(b) conflicts in any respect with section 24-4-105 or 24-4-106, this subsection (5)(b) controls. A complainant may also seek judicial review by a state district court of a final agency action under section 24-4-106.

(6) **Conduct of hearings.** (a) Any hearing conducted by a hearing officer under this section must be in accordance with section 24-4-105; except that a hearing officer shall schedule a hearing within thirty days of the filing of the complaint, which hearing may be continued upon

the motion of any party for up to thirty days or a longer extension of time upon a showing of good cause.

(b) Any initial determination made by a hearing officer must be made in accordance with section 24-4-105 and is subject to review by the deputy secretary. The final agency decision is subject to review under section 24-4-106.

(7) **Document review.** (a) In addition to any other powers and duties it possesses under law, the division may also review any document the secretary receives for filing under article XXVIII, this article 45, or the rules.

(b) In connection with the review of other available information regarding a potential violation under this subsection (7):

(I) If the division determines that a person violated or potentially violated any of the provisions of article XXVIII, this article 45, or the rules, the division shall either notify the person of his or her opportunity to cure the identified deficiencies in accordance with subsection (4) of this section or notify the person that the division is initiating an investigation under subsection (5) of this section. The division shall send the notification by e-mail or by regular mail if e-mail is unavailable.

(II) If the division initiates an investigation or files a complaint with a hearing officer in connection with its review, the procedures described in subsections (5) and (6) of this section apply.

(c) As used in this subsection (7), "review" means the factual inspection of any document required to be filed with the secretary for campaign finance registration, reporting, or disclosure in order to assess the document's accuracy and completeness and the timeliness of the document's filing.

(8) **Advisory opinions.** (a) Any person seeking guidance on the application of article XXVIII, this article 45, or the rules may request that the secretary issue an advisory opinion regarding that person's specific activity.

(b) The secretary shall determine, at the secretary's discretion, whether to issue an advisory opinion under subsection (8)(a) of this section. In making this determination, the secretary shall consider factors including whether:

(I) The advisory opinion will terminate a controversy or remove one or more uncertainties as to the application of the law to the requestor's situation;

(II) The request involves a subject, question, or issue that concerns a formal or informal matter or investigation currently pending before the secretary or a court; and

(III) The request seeks a ruling on a moot or hypothetical question.

(c) A person may rely on an advisory opinion issued by the secretary as an affirmative defense to any complaint filed under this section.

(d) A refusal by the secretary to issue an advisory opinion does not constitute a final agency action that is subject to appeal.

(9) **Miscellaneous matters - debt collection - municipal complaints.** (a) The secretary may pursue collection of any outstanding debt resulting from a campaign finance penalty that the secretary deems collectible.

(b) Any complaint arising out of a municipal campaign finance matter must be exclusively filed with the clerk of the applicable municipality.

Source: L. 2019: Entire section added, (SB 19-232), ch. 330, p. 3059, § 1, effective July 1. **L. 2021:** (9)(a) amended, (SB 21-055), ch. 12, p. 75, § 2, effective March 21.

1-45-112. Duties of municipal clerk. (1) The municipal clerk shall:

(a) Develop a filing and indexing system for their offices consistent with the purposes of this article;

(b) Keep a copy of any report or statement required to be filed by this article for a period of one year from the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for one year after the candidate leaves office;

(c) Make reports and statements filed under this article available to the public for inspection and copying no later than the end of the next business day after the date of filing. No information copied from such reports and statements shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

(d) Upon request by the secretary of state, transmit records and statements filed under this article to the secretary of state;

(e) Notify any person under their jurisdiction who has failed to fully comply with the provisions of this article and notify any person if a complaint has been filed with the secretary of state alleging a violation of this article.

(f) Repealed.

(2) The secretary of state shall reimburse the municipal clerk of each municipality at the rate of two dollars per candidate per election to help defray the cost of implementing this article.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 2008:** (1)(f) repealed, p. 350, § 2, effective April 10. **L. 2009:** IP(1) and (2) amended, (HB 09-1357), ch. 361, p. 1874, § 3, effective July 1.

Editor's note: This section is similar to former § 1-45-115 as it existed prior to 1996.

1-45-112.5. Immunity from liability. (1) Any individual volunteering his or her time on behalf of a candidate or candidate committee shall be immune from any liability for a fine or penalty imposed pursuant to section 10 (1) of article XXVIII of the state constitution 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) Subsection (1) of this section shall be administered in a manner that is consistent with section 1 of article XXVIII of the state constitution and with the legislative declaration set forth in section 1-45-102.

(3) 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 1-45-107.5 (3)(a); 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 section 1-45-107.5 (3)(a);

(II) Is paid for by an independent expenditure committee that is registered under section 1-45-107.5 (3)(a) but the committee fails to file a disclosure report under section 1-45-108 (2) through the date of the most recent required report; or

(III) Fails to satisfy the requirements of section 1-45-107.5 (5)(a).

(4) An affected media outlet may void a contract that implicates paragraph (b) of subsection (3) of this section in the sole discretion of the media outlet.

Source: **L. 2003:** Entire section added, p. 2160, § 6, effective June 3. **L. 2010:** (3) and (4) added, (SB 10-203), ch. 269, p. 1237, § 7, effective May 25.

Cross references: For the legislative declaration in the 2010 act adding subsections (3) and (4), see section 1 of chapter 269, Session Laws of Colorado 2010.

1-45-113. Sanctions. (Repealed)

Source: **Initiated 96:** Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 98:** (6) added, p. 633, § 3, effective May 6; (6) added, p. 952, § 4, effective May 27. **L. 2000:** (1), (2), (3), and (4) amended, p. 127, § 9, effective March 15. **L. 2001:** (4) amended, p. 1110, § 1, effective September 1. **Initiated 2002:** Entire section repealed, effective upon proclamation of the Governor (see editor's note, (2)).

Editor's note: (1) This section was similar to former § 1-45-121 as it existed prior to 1996.

(2) (a) Subsection (4) of section 1 of article V of the state constitution provides that initiated and referred measures shall take effect from and after the official declaration of the vote thereon by the proclamation of the Governor. The measure enacting article XXVIII of the state constitution takes effect upon proclamation of the vote by the Governor. The Governor's proclamation was issued on December 20, 2002. However, section 13 of the measure enacting article XXVIII of the state constitution provides that the effective date of article XXVIII is December 6, 2002.

(b) This section was repealed by an initiated measure that was adopted by the people in the general election held November 5, 2002. Section 12 of article XXVIII provides for the repeal of this section. For the text of the initiative and the vote count, see Session Laws of Colorado 2003, p. 3609.

1-45-114. 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 pursuant to section 1-45-108.

(3) Nothing in this article 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.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 2000:** Entire section amended, p. 128, § 10, effective March 15. **L. 2003:** (2) amended, p. 2160, § 5, effective June 3.

Editor's note: This section is similar to former § 1-45-118 as it existed prior to 1996.

1-45-115. Encouraging withdrawal from campaign prohibited. No person 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.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997.

Editor's note: This section is similar to former § 1-45-119 as it existed prior to 1996.

1-45-116. Home rule counties and municipalities. Any home rule county or municipality may adopt ordinances or charter provisions with respect to its local elections that are more stringent than any of the provisions contained in this act. Any home rule county or municipality which adopts such ordinances or charter provisions shall not be entitled to reimbursement pursuant to subsection 1-45-112 (2). The requirements of article XXVIII of the state constitution and of this article shall not apply to home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address the matters covered by article XXVIII and this article.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 2003:** Entire section amended, p. 2161, § 7, effective June 3.

Editor's note: This section is similar to former § 1-45-120 (1) as it existed prior to 1996.

1-45-117. State and political subdivisions - limitations on contributions. (1) (a) (I) 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 to any public office, nor shall any such entity make any donation to any other person 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) or that has had a title designated and fixed pursuant to that section;

(B) Local ballot issue that has been submitted for the purpose of having a title fixed pursuant to section 31-11-111 or that has had a title fixed pursuant to that section;

(C) Referred measure, as defined in section 1-1-104 (34.5);

(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.

(II) However, a member or employee of any such agency, department, board, division, bureau, commission, or council may respond 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. A member or employee of any such agency, department, board, division, bureau, commission, or council who has policy-making responsibilities may expend not more than fifty dollars of public moneys in the form of letters, telephone calls, or other activities incidental to expressing his or her opinion on any such issue described in subparagraph (I) of this paragraph (a).

(b) (I) Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state, or any political subdivision thereof 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) Nothing in this subsection (1) shall be construed to prevent an elected official from expressing a personal opinion on any issue.

(III) Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from:

(A) Passing a resolution or taking a position of advocacy on any issue described in subparagraph (I) of paragraph (a) of this subsection (1); or

(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 thereof is regularly provided to the public.

(C) Nothing in this subsection (1) shall be construed as prohibiting a member or an employee of an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof 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).

(2) The provisions of subsection (1) of this section shall not apply to:

(a) An official residence furnished or paid for by the state or a political subdivision;

(b) Security officers who are required to accompany a candidate or the candidate's family;

(c) Publicly owned motor vehicles provided for the use of the chief executive of the state or a political subdivision;

(d) Publicly owned aircraft provided for the use of the chief executive of the state or of a political subdivision 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.

(3) If any candidate who is also an incumbent inadvertently or unavoidably makes any expenditure which involves campaign expenses and official expenses, such expenditures shall be deemed a campaign expense only, unless the candidate, not more than ten working days after the such expenditure, files with the appropriate officer such information as the secretary of state may by rule require in order to differentiate between campaign expenses and official expenses. Such information shall be set forth on a form provided by the appropriate officer. In the event that public moneys have been expended for campaign expenses and for official expenses, the candidate shall reimburse the state or political subdivision for the amount of money spent on campaign expenses.

(4) (a) Any violation of this section shall be subject to the provisions of sections 9 (2) and 10 (1) of article XXVIII of the state constitution or any appropriate order or relief, including an order directing the person making a contribution or expenditure in violation of this section to reimburse the fund of the state or political subdivision, as applicable, 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.

(b) If a board, commission, or council is found to have made a contribution or expenditure in violation of this section, an individual member of the board, commission, or council who voted in favor of or otherwise authorized the contribution or expenditure may be ordered to reimburse an amount pursuant to subsection (4)(a) of this section as long as the amount does not exceed the amount ordered to be reimbursed by any other individual of the board, commission, or council who voted in favor or otherwise authorized the contribution or expenditure.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 2002:** (4) added, p. 280, § 1, effective August 7. **L. 2008:** (4) amended, p. 350, § 3, effective April 10. **L. 2010:** IP(1)(a)(I) amended, (SB 10-203), ch. 269, p. 1237, § 8, effective May 25. **L. 2015:** (4) amended, (HB 15-1074), ch. 89, p. 256, § 1, effective August 5. **L. 2018:** (4)(b) amended, (HB 18-1047), ch. 155, p. 1096, § 8, effective April 23.

Editor's note: This section is similar to former § 1-45-116 as it existed prior to 1996.

Cross references: For the legislative declaration in the 2010 act amending the introductory portion to subsection (1)(a)(I), see section 1 of chapter 269, Session Laws of Colorado 2010.

1-45-117.5. Media outlets - political records. Any media outlet that is subject to the provisions of 47 U.S.C. sec. 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.

Source: L. 2010: Entire section added, (SB 10-203), ch. 269, p. 1231, § 4, effective May 25.

Cross references: For the legislative declaration in the 2010 act adding this section, see section 1 of chapter 269, Session Laws of Colorado 2010.

1-45-118. Severability. If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997.



Charter of the City of Northglenn, Colorado

THE CITY OF NORTHGLENN

INCORPORATED – APRIL 19, 1969

CITY CHARTER

ADOPTED - April 29, 1975

AMENDMENTS

Amended at § 10.3	-	November 1981
Amended at § 9.1	-	October 1982
Amended at § 3.4	-	August 1984
Amended at § 2.6	-	November 1985
Amended at § 14.3	-	November 1985
Amended at § 3.8	-	November 1999
Amended at § 7.3	-	November 2001
Repealed § 2.5	-	November 2001
Repealed § 2.6	-	November 2001
Repealed § 8.9	-	November 2001
Repealed § 9.1	-	November 2001
Repealed Article X	-	November 2001
Amended at § 6.1	-	November 2003
Amended at § 6.11	-	November 2003
Amended at § 6.12	-	November 2003
Amended at § 2.3	-	November 2004
Amended at § 2.7	-	November 2005
Amended at § 8.6	-	November 2005
Amended at § 8.17	-	November 2005
Amended at § 3.4	-	November 2008
Amended at § 4.1	-	November 2008
Amended at § 6.1	-	November 2008
Amended at § 6.4	-	November 2008
Amended at § 3.4	-	November 2009
Amended at § 3.5	-	November 2009
Amended at § 4.2	-	November 2009
Amended at § 6.11	-	November 2009
Amended at § 11.5	-	November 2009
Amended at § 11.7	-	November 2009
Amended at § 5.3	-	November 2017

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P R E A M B L E

WE, the People of the

CITY OF NORTHGLENN

IN ORDER to promote responsive and responsible self-government, to encourage active participation of all citizens, to reaffirm our faith in the soundness of representative government, to provide harmony, safety and goodwill for all persons living, working or visiting within, to cultivate and preserve our natural resources, environment and aesthetic qualities of life to fulfill the necessary and required services based upon principles of prudent fiscal policies, and to recognize the intrinsic soundness of commerce, industry and the free enterprise system as being fundamental and necessary to this community and its future;

DO ORDAIN and establish this Charter under the authority granted to us by the Constitution of the State of Colorado, for the municipal government of

THE CITY OF NORTHGLENN

CITY OF NORTHGLENN - HOME RULE CHARTER

ARTICLE I

GENERAL PROVISIONS

Section 1.1 – Name and Boundaries:

The Municipal Corporation heretofore existing in Adams County, State of Colorado, and known as the City of Northglenn, shall remain and continue as a body politic and corporate under this Charter with the same name and boundaries until changed in a manner authorized by law.

Section 1.2 – Municipal Powers:

The City shall have all the powers of local self-government and home rule and all power possible under the Constitution and the laws of the State of Colorado. The City shall and may exercise all municipal powers, functions, rights and privileges of every nature whatsoever. The enumeration of particular powers in this Charter shall not be deemed to be exclusive of others.

Section 1.3 – Rights and Liabilities:

By the name of the City of Northglenn, the municipal corporation shall have perpetual succession; shall own, possess and hold all property, real and personal, heretofore owned, possessed and held by said City of Northglenn shall assume and manage and dispose of all trust in any way connected therewith; shall succeed to all the rights and liabilities and shall acquire all benefits and shall assume and pay all bonds, obligations, and indebtedness of said City of Northglenn; by the name of the City of Northglenn, may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter same at pleasure.

Section 1.4 – Form of Government:

The municipal government provided by this Charter shall be known as Council-Manager Government. Pursuant to the Charter provisions and subject only to limitations imposed by the State Constitution and by this Charter, all powers shall be vested in an elective Council, which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager who shall execute the laws and administer the city government. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner be not so prescribed, then in such manner as may be prescribed by ordinance.

ARTICLE II

ELECTIONS

Section 2.1 – Colorado Municipal Election Laws Adopted:

City elections shall be governed by the Colorado Municipal Election Laws as now existing or hereafter amended or modified, except as otherwise provided by this Charter, or by ordinance hereafter enacted.

Section 2.2 – Non-Partisan Elections:

All special and general elections shall be non-partisan. No candidate for any municipal office shall run under any party label.

Section 2.3 – Municipal Elections:

A general municipal election shall be held on the first Tuesday in November of every odd-numbered year. Any special municipal election may be called by resolution or ordinance of the City Council at least 45 days in advance of such election. The resolution or ordinance calling a special municipal election shall set forth the purpose or purposes of such election. Polling places for all municipal elections shall be open from 7:00 a.m. to 7:00 p.m. on Election Day.

Section 2.4 – Election Districts:

The City is hereby divided into four districts whose boundaries shall be the same as presently established. Changes in the boundaries of districts may be made by ordinance adopted by the City Council which changes shall be made at least 180 days prior to any regular municipal election. Districts shall be contiguous and compact, and shall have approximately the same number of voters and shall be periodically reviewed to assure equality of representation.

Section 2.5 – Election Commission:

REPEALED – November 6, 2001

Section 2.6 – Disclosure:

REPEALED – November 6, 2001

Section 2.7 – Recall:

(a) Any incumbent of an elective office may be removed from office by the qualified electors of the City after he has held office for six months. The procedure hereunder to effect the recall of an elective officer shall be as follows:

(b) A petition signed by electors entitled to vote for a successor of the incumbent sought to be recalled equal in number to twenty-five per centum of the entire vote cast at the last preceding election for all candidates for the position which the incumbent sought to be recalled occupies, demanding an election of the successor to the officer named in such petition, shall be filed in the office in which the petitions for nominations to office held by the incumbent sought to be recalled are required to be filed provided, if more than one person is required by law to be elected to fill the office of which the person sought to be recalled is an incumbent,

then the said petition shall be signed by electors entitled to vote for a successor to the incumbent sought to be recalled equal in number to twenty-five per centum of the entire vote cast at the last preceding general election for all candidates for the office, to which the incumbent sought to be recalled was elected as one of the officers thereof, said entire vote being divided by the number of all officers elected to such office, at the last preceding general election; and such petition shall contain a general statement, in not more than two hundred words, of the ground or grounds on which such recall is sought, which statement is intended for the information of the electors, and the electors shall be the sole and exclusive judges of the legality, reasonableness and sufficiency of such ground or grounds assigned for such recall, and said ground or grounds shall not be open to review.

(c) The procedures for the recall of members of the City Council shall, except as otherwise provided in the Charter, be the procedures for the recall of municipal officials set forth in the State Statutes.

ARTICLE III

THE CITY COUNCIL

Section 3.1 – The City Council:

The legislative affairs of the City shall be vested in a City Council, which shall consist of nine members, one of whom shall serve as Mayor. Two Council Members shall be elected from each of the four districts. The Mayor shall be elected, as hereinafter provided, from the City at large.

Section 3.2 – The Mayor:

(a) The Mayoral candidate receiving the highest number of votes shall be elected Mayor.

(b) The Mayor shall preside at meetings of the City Council and shall exercise such powers and perform such other duties as are or may be conferred and imposed upon him by this Charter or the ordinances of the City. He shall have all of the powers, rights, privileges and obligations of a council member. He shall be recognized as the head of the City Government for all ceremonial and legal purposes and he shall execute and authenticate legal instruments requiring his signature as such official.

Section 3.3 – Mayor Pro-Tem:

The mayor pro-tem shall be elected by Council from its own membership. Said election shall take place at the organizational meeting following each general municipal election. The mayor pro-tem shall serve until the next organizational meeting unless sooner removed by a majority vote of the entire Council. In the absence or disability of the mayor, the mayor pro-tem shall perform all duties and have all powers of the mayor. In the event of a vacancy in the office of the mayor pro-tem, the Council shall choose a successor.

Section 3.4 – Terms of Office:

Two (2) City Council members shall be elected from each of the four wards and shall serve staggered terms as set forth herein, and the Mayor shall be elected at large. The candidate for Councilperson in each ward receiving the highest number of votes shall be elected for a four (4) year term at each regular election. The Mayor shall be elected at the November election and every four (4) years thereafter, for a four (4) year term. Commencing with the November, 2011 regular election, elected officials shall assume office at the first meeting of the City Council following certification of election results.

Section 3.5 – Qualifications:

Each Council member and the Mayor when nominated and elected shall be a qualified elector of the City, and shall have resided in the City for a minimum of one year immediately preceding such election. In addition, Council members representing each of the four wards when nominated and elected shall have resided in their respective ward a minimum of 32 days immediately preceding nomination.

Section 3.6 – City Employees:

No City employee shall hold an elected City post.

Section 3.7 – City Council Honorarium:

City Council members shall be paid an honorarium commensurate with his present salary; the Mayor shall receive an honorarium in an amount equal to City Council members, together with an additional forty percent (40%), and the mayor pro-tem shall receive an additional fifteen percent (15%); method of payment shall be prescribed by ordinance. City Council may, by ordinance, increase the honorarium in an amount not to exceed ten percent (10%) per term, provided that the honorarium of any member may not be increased or decreased during his term of office, nor shall any increase be acted upon or effective within sixty (60) days prior to any general election; authorization for increase of the honorarium in excess of ten percent (10%) must be submitted to a vote of the people at the next regular election of the City. City Council expenditures required for meetings and other expenses in the course of Council business may be paid from City funds, when appropriations for such expenses have been passed by resolution in advance and such expenditures are covered by appropriate vouchers submitted to the City Manager.

Section 3.8 – Vacancies:

A Councilman shall continue to hold his office until his successor is duly qualified. A City Council seat shall become vacant whenever any councilman is recalled, dies, becomes incapacitated, resigns, or ceases to be a resident of the City, or of his or her district, or is convicted of a felony. Within thirty (30) days after a vacancy occurs, the remaining councilmen shall appoint, by majority vote, a duly qualified person to fill such vacancy. He shall serve the unexpired term so vacant until the next general municipal election. If no appointment is made in the time required, City Council shall, at the next regular meeting, call a special election to be held not later than 75 days from said regular meeting to fill such vacancy provided there will not be a general municipal election within ninety (90) days.

Section 3.9 – Oath of Office:

Before entering upon the duties of his office, every councilman shall take, subscribe before, and file with the City Clerk, an oath or affirmation that he will support the Constitution of the United States, the Constitution of the State of Colorado, this Charter, and the ordinances of the City, and will faithfully perform the duties of the office.

Section 3.10 – Powers expressly withheld from Council:

The Council shall deal with the administrative service solely and directly through the City Manager, and neither the Council, its members, nor committees shall either dictate the appointment or direct or interfere with the work of any officer or employee under the City Manager.

ARTICLE IV

COUNCIL PROCEDURE

Section 4.1 – Regular Meetings:

The City Council shall meet in regular council sessions for business at least twice each month at a day and hour to be fixed by the rules of Council. The Council shall determine the rules of procedure governing meetings. Commencing with the November 2011 regular election, the first meeting following certification of election results of the regular election shall be the organizational meeting of the Council, and the Council may also consider any other business at the organizational meeting.

Section 4.2 – Special Meetings:

Special meetings shall be called by the City Clerk on the written request of the Mayor or of any two members of the Council, or the City Manager, on at least 24 hours written notice to each member of the Council, served personally or left at his usual place of residence, or by any means determined by the Council to provide adequate notice; a special meeting, however, may be held on shorter notice if a quorum of the Council consents.

Section 4.3 – Business at Special Meetings:

No business shall be transacted at any special meeting of the Council unless it has been stated in the notice of such meeting. Any other business which may lawfully come before a regular meeting other than that for which a special meeting was called may be transacted at a special meeting if all the members of the Council present consent.

Section 4.4- Quorum-Adjournment of Meeting:

A majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all Council meetings, but in the absence of a quorum those present may adjourn any meeting to a later time or date, and in the absence of all members, the City Clerk may adjourn any meeting for not longer than one week.

Section 4.5 – Meetings to be Public:

All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe, provided, however, that Council may meet in executive session for the following purposes:

- (a) Personnel matters.
- (b) Review of applications for any appointive position; interviews and appointments shall be conducted at an open meeting.
- (c) Claims against the City, whether in litigation or otherwise.
- (d) Legal consultation and advice.
- (e) Litigation.

(f) Deliberation and/or review of any matters heard by the Council in a quasi-judicial capacity.

(g) Negotiations concerning the purchase, sale, lease or other acquisition of real or personal property, or interests therein, or concerning any contracts except those required to be the subject of competitive bidding.

No formal action shall be taken in any executive meeting of the City Council.

Section 4.6 – Council Acts:

The City Council shall act only by ordinance, resolution or motion. All legislative enactments shall be in the form of ordinances; all other actions, except as herein provided, may be in the form of resolutions or motions. A true copy of every resolution as hereafter adopted shall be numbered and recorded in the official records of the City.

Section 4.7 – Voting:

The vote by “yes” and “no” shall be taken upon the passage of all ordinances and resolutions, and entered upon the minutes of the Council proceedings. Every ordinance shall require the affirmative vote of the majority of the entire City Council for final passage. Resolutions and motions shall require the affirmative vote of a majority of the members present. No member of the Council shall vote on any question in which he has a substantial personal or financial interest, other than the common public interest, or on any question concerning his own conduct, and in said instances the member shall disclose this interest to the Council. On all other questions, each member who is present shall vote when his name is called. Any member refusing to vote except when not so required by this paragraph shall be deemed delinquent in his duties.

Section 4.8 – Action by Ordinance Required:

In addition to such acts of the City Council as are required by other provisions of this Charter to be by ordinance, every act making an appropriation, creating an indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance; provided, however, that this section shall not apply to the budget adoption in Article VIII. Ordinances making appropriations shall be confined to the subject of appropriation.

Section 4.9 – Forms of Ordinance:

Every ordinance shall be introduced in written or printed form. The enacting clause of all ordinances shall be: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO. Except as otherwise provided in this article, all ordinances shall take effect five (5) days after publication following final passage. The provisions of ordinances shall be severable unless otherwise declared.

Section 4.10 – Procedure:

Except for emergency ordinances, ordinances making general codification of existing ordinances, and ordinances adopting standard codes, the following procedure for enactment of ordinances shall be followed:

(a) The ordinance shall be introduced at any regular meeting of the City Council by any member thereof.

(b) The ordinance shall be read in full or, in cases where copies of the ordinance are available to the Council and to those persons in attendance at said Council meeting, said ordinance may be read by title only.

(c) After the first reading of the ordinance, the same shall be approved or rejected by a vote of the Council.

(d) If the ordinance is approved on first reading, it shall be posted in full pursuant to resolution of council unless otherwise provided herein. The Council shall set a day, hour, and place at which Council shall hold a public hearing on the ordinance and notice of said day, hour and place shall be included in the first posting.

(e) The ordinance shall be introduced at Council a second time, at a meeting not earlier than seven (7) days after first posting, for final approval, rejection, or other action as may be taken by vote of the Council.

(f) Except as otherwise provided herein, an ordinance, if amended, shall be published after final passage, but if not amended, it shall be published either by title or in full as the Council may determine.

(g) Whenever an ordinance shall be published by reference or by title, the publication shall contain a summary of the subject matter of said ordinance and shall contain a notice to the public that copies of the proposed ordinance are available at the office of the City Clerk. The publication of any ordinance by reference or by title as provided herein must set forth in full any penalty clause contained in said ordinance.

Section 4.11 – Emergency Ordinances:

Emergency ordinances for the preservation of public property, health, peace, or safety shall be approved only by the unanimous vote of councilmen present or a vote of five (5) councilmen, whichever is less. The facts showing such urgency and need shall be specifically stated in the measure itself. No ordinance making a grant of any special privilege, levying taxes, or fixing rates charged by any city-owned utility shall ever be passed as an emergency measure. An emergency ordinance shall require passage at one (1) meeting of Council. However, neither a public hearing nor a first publication as provided in Section 4.10 shall be required. An emergency ordinance shall take effect upon final passage. Publication shall be within 10 days after passage, or as soon thereafter as possible.

Section 4.12 – Codification:

The Council shall cause the ordinances of a general and permanent character to be codified and thereafter maintained in current form. Revisions to the codes may be accomplished by reference as provided in Section 4.13. Review and codification of ordinances shall be accomplished at least every ten years.

Section 4.13 – Codes:

Standard codes, promulgated by the Federal Government, the State of Colorado, or by any agency of either of them, or by any municipality within the State of Colorado, or by recognized trade or professional organizations, or amendments or revisions thereof, may be adopted by reference; provided the publication of the ordinance adopting any said code shall advise that copies are available for inspection at the office of the City Clerk, and provided that any penalty clause in any code may be adopted only if set forth in full and published in the adopting ordinance.

Section 4.14 – Disposition of Ordinances:

A true copy of every ordinance, as adopted by Council, shall be numbered and recorded in the official records of the City. Its adoption and publication shall be authenticated by the signature of the Mayor, or Mayor pro-tem, and the City Clerk, and by the certificate of publication. A true copy of every ordinance, as adopted by the vote of the electors of the City, shall be separately numbered and recorded commencing with Peoples' Ordinance No. 1.

Section 4.15 – Public Records:

All public records of the City of Northglenn shall be open for inspection by any person at reasonable times in accordance with state statutes existing at the present time or hereafter enacted.

ARTICLE V

INITIATIVE AND REFERENDUM

Section 5.1 – General Authority:

(a) Initiative. The electors of the City shall have power to propose any ordinance to the City Council, in accordance with the provisions of this article of the Charter, except budget, capital program, appropriation or levy of taxes, or salaries of employees. In the event City Council fails to adopt said proposed ordinance without any change in substance, the said proposed ordinance shall be submitted to the electors at a City election for their acceptance or rejection.

(b) Referendum. The electors of the City shall have the power to require reconsideration by the City Council of any ordinance and, if the City Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election, in accordance with the provisions of this article of this Charter; provided that such power shall not extend to the budget, appropriation, levy of ad valorem taxes and those taxes required to be voted on by the people pursuant to this Charter, calling a special election, or authorizing the issuance of local improvement district bonds payable primarily from special assessments, levying special assessments, or ordinance to meet the contractual obligations of the City.

Section 5.2 – Commencement of Proceedings; Petitioners' Committee; Affidavit:

(a) Any five (5) electors may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

(b) Promptly after the affidavit of the petitioners' committee is filed, the City Clerk shall issue the appropriate petition blanks to the petitioners' committee.

Section 5.3 – Petitions:

(a) Number of Signatures. Initiative and Referendum petitions must be signed by qualified electors of the City in number to at least ten percent (10%) of the total number of qualified electors voting at the last general municipal election.

(b) Form and Content. All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) Affidavit of Circulator. Each page of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the petition, the number of signatures thereon, that all signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and

that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) Time for Filing Referendum Petitions. Referendum petitions must be filed within thirty (30) days after the adoption by the Council of the ordinance sought to be reconsidered.

(e) Time for Filing Initiative Petitions. Initiative petitions must be filed within one hundred eighty (180) days after issuance of the petition blanks to the petitioners' committee.

Section 5.4 – Procedure After Filing:

(a) Certificate of Clerk. Amendment. Within ten (10) days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk within two (2) days after receiving the copy of his certificate and files a supplementary petition upon additional forms within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 5.3, and within five (5) days after it is filed the Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under subsection (b) of this section within the time required, the Clerk shall promptly present his certificate to the City Council, and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) City Council Review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving a copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

(c) Court Review: New Petition. A final determination as to sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Section 5.5 – Referendum Petitions: Suspension of Effect of Ordinance:

When a referendum petition is filed with the City Clerk the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (a) There is a final determination of sufficiency of the petition, or
- (b) The petitioners' committee withdraws the petition, or
- (c) The Council repeals the ordinance, or

(d) Thirty (30) days have elapsed after a favorable vote of the City Council on the ordinance.

Section 5.6 – Action on Petitions:

(a) Action by Council. When an initiative or referendum petition has been finally determined sufficient, the City Council shall promptly consider the proposed initiative ordinance in the manner provided in Article IV or reconsider the referred ordinance by voting on the question of its repeal; provided, however, that the City Council shall have power to change the detailed language of any proposed initiative ordinance so long as the general character of the measure will not be substantially altered; and provided further that repeal of any referred ordinance may be effected only by a three fourths majority vote of the entire City Council.

(b) Submission to Voters. The vote of the qualified electors on a proposed or referred ordinance shall be held not less than 30 days and not later than 90 days from the date of the final City Council vote thereon. If no regular City election is to be held within the period prescribed in this subsection, the City Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the City Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available to the public within a reasonable time before the election and also at the polls at the time of the election.

(c) Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by at least three members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 5.7 – Submission by City Council:

The City Council, on its own motion, shall have the power to submit to a general or special election any proposed ordinance or question to a vote of the people.

Section 5.8 – Results of Election:

(a) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) Referendum. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

(c) An ordinance adopted by the electorate may not be amended or repealed for a period of twelve (12) months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted for a period of twelve (12) months after the date of the election at which it was repealed; provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory

procedure in accordance with the foregoing provisions of this article, or if submitted to the electorate by the Council on its own motion.

- (d) Any number of proposed ordinances may be submitted at the same election.

ARTICLE VI

CITY ADMINISTRATION

Section 6.1 – City Manager–Qualifications and Appointment:

(a) The City Manager shall be the chief administrative officer of the City. As such, he shall possess, have and exercise all the administrative powers vested in the City. He shall be chosen by the City Council solely on the basis of his administrative qualifications. The choice need not be limited to the inhabitants of the City or State. The City Council shall by ordinance establish residency requirements for the City Manager.

(b) His salary shall be fixed by the City Council. He shall be appointed for an indefinite period, and shall be removable by the Council at pleasure.

(c) The City Manager may appoint a department head to function in his capacity during short absences.

Section 6.2 – City Manager–Special Powers and Duties:

The City Manager shall have the special powers and duties hereinafter enumerated, and shall be directly responsible to the Council for the proper administration thereof, to-wit:

- (a) To see that all laws and ordinances governing the City are enforced.
- (b) To appoint and to remove, except as otherwise provided in this Charter, all directors of departments and other departmental employees.
- (c) To exercise control and supervision over all departments.
- (d) To make reports and attend meetings as required by Council.
- (e) To recommend to the Council for adoption such measures as he may deem necessary or expedient.
- (f) To keep the Council fully advised as to the financial condition of the City.
- (g) To see that all franchise rights and provisions are justly enforced.
- (h) To prepare and submit to the Council an annual budget.
- (i) To prepare the agenda for all regular and special meetings of Council.
- (j) To perform such other duties as may be prescribed by this Charter, or required of him by ordinance or resolution of the Council.

Section 6.3 – City Attorney–Qualifications and Duties:

(a) The City Council shall appoint a City Attorney to serve at the pleasure of the Council. He shall be an attorney at law admitted to practice in the State of Colorado.

(b) The City Attorney shall be the legal representative of the City and he shall advise the City Council and City officials in matters relating to their official powers and duties and perform such other duties as City Council may prescribe by ordinance or resolution.

(c) The City Council may provide the City Attorney such assistants as the City Council may deem necessary, and may, on its own motion or upon request of the City Attorney in special cases, employ special counsel to serve under the direction of the City Attorney.

(d) City Council shall establish compensation for the City Attorney, his assistants and special counsel.

Section 6.4 – City Clerk:

(a) The City Council shall appoint a City Clerk who shall be custodian of the City Seal and who shall keep a journal of Council proceedings and record in full all ordinances, motions and resolutions. The City Clerk shall have the power to administer oaths and take acknowledgements under Seal of the City and shall perform such other duties as required by this Charter or Ordinance. All records shall be made available for public inspection when and if requested, subject to the Colorado Open Records Law.

(b) The City Clerk may employ such deputies and other employees of the City Clerk's Office as the City Clerk deems necessary and appropriate, and such employees shall be employees of the City of Northglenn, but subject to the direction of the City Clerk.

Section 6.5 – Departments Created:

(a) The administrative functions of the City shall be performed by the Departments existing at the time this Charter is adopted, to-wit: Police, Finance, Public Works, Community Development and Parks and Recreation. Upon recommendation of the City Manager, the City Council may, by ordinance, establish, consolidate, merge or abolish departments, whether set forth in this Charter or created by ordinance. The Department Directors shall perform such duties as prescribed by Council or the City Manager.

(b) All appointments of Department Directors shall be made by the City Manager. The dismissal of Department Directors shall be accomplished by the City Manager subject to the advice and approval of City Council. The following Departments and Directors are hereby created:

Section 6.6 – Department of Finance:

The Department of Finance shall be supervised by a Director of Finance who shall also be the City Treasurer. He shall keep and supervise all accounts, receive and have custody of all monies of the City, make and keep public records of the City not specifically entrusted to any other department by this Charter or by ordinance, and perform such other duties pertaining to the Department of Finance as required by this Charter, the City Council or the City Manager.

The City Manager may also appoint a deputy or deputies to serve under the supervision of the Director of Finance who shall have authority to act in the absence of the Director of Finance.

Section 6.7 – Department of Public Works:

(a) The Department of Public Works shall be supervised by a Director of Public Works who shall, under the direction of the City Manager, have responsibility for the Department of Public Works and shall be a Registered Professional Engineer, licensed to practice in the State of Colorado.

(b) The Director of Public Works shall perform such duties as may be prescribed for him by this Charter, by the City Council upon recommendation by the City Manager, or by the City Manager.

Section 6.8 – Community Development Department:

(a) The Department of Community Development shall be supervised by a Director.

(b) The Director of the Department of Community Development shall have the following responsibilities:

(1) To advise the City Manager on any matter affecting the physical development of the City.

(2) To recommend to the City Manager a Comprehensive Plan and modifications thereof.

(3) To participate in the preparation and revision of the capital improvement program.

(4) To advise the City Planning Commission and Board of Adjustment in the exercise of their responsibilities and in connection therewith to provide necessary staff assistance.

(5) To provide for building control and inspections as indicated by City Ordinances.

(c) The Director of the Department of Community Development shall maintain a current Comprehensive Plan and modifications thereto.

Section 6.9 – Department of Parks and Recreation:

(a) Organization of Department: The chief administrative officer of the Department shall be the Director of Parks and Recreation.

(b) Functions of the Department: Under the direction of the City Manager, the Parks and Recreation Department:

(1) Shall supervise, administer and maintain all park property and recreation facilities.

(2) Shall supervise, administer and execute all park and recreation programs, plans, functions and activities of the City.

Section 6.10 – Police Department:

(a) Chief of Police: The Police Department shall be supervised by a Director, who may also be known as the Chief of Police.

(1) Except as otherwise provided in this Charter, he shall, in times of public danger or emergency, have exclusive power to deputize, appoint, and administer the oath of office to any necessary and additional policemen, patrolmen or firemen, as the nature of the emergency may require during the period of such public danger or emergency.

(2) Unless otherwise provided by City Council, the Chief of Police shall also serve as Director of Civil Defense.

(b) Functions, Duties and Powers of Department of Police: The duties of the Police Department, and of each officer in the Department, shall be to enforce all laws in the City of Northglenn, including ordinances of the City of Northglenn, statutes of the State of Colorado, statutes of the United States of America, the Constitution of the State of Colorado, and the United States Constitution; to keep the peace, to protect persons and property, to prevent crime, to apprehend persons reasonably believed to have committed crimes, and to promote justice.

(c) All police officers of the Department shall have all powers with respect to the service of criminal process and the enforcement of criminal laws as are customarily vested in police officers.

(d) The Chief of Police may create or abolish, from time to time, such bureaus and divisions within the Department as he shall deem necessary and proper to the proper organization of the Department.

Section 6.11 – Municipal Court:

(a) There shall be a Municipal Court which shall have jurisdiction to hear and determine all cases arising under this Charter or the ordinances of the City, subject to appeal to the District Court. The Court may enforce its orders and judgments in like manner as a Court of record may do, and as provided by general law, and may render final judgment on any forfeited bond or recognizance returnable to such Court subject to appeal as in other cases.

(b) Presiding Officer – Qualifications and Compensation:

(1) The Municipal Court shall be presided over, and its functions exercised by a Judge, who shall be a licensed member of the Bar of this state in good standing, appointed by City Council, for a term of up to two years. The Judge shall receive a fixed salary or compensation, not dependent upon the matters to be decided by the Judge. The rules of procedure, costs and fees in the Municipal Court shall be prescribed by ordinance.

(2) Council may appoint one or more deputy judges as it deems necessary. The deputy municipal judges shall all have the powers of the municipal judge when called upon to act by the municipal judge or the Council. The qualifications of such deputy judges shall be the same as for the municipal judge.

(c) Penalty for Violations: The City shall have the power to punish violations of its ordinances by fine or imprisonment or both. The City may also enforce its ordinances by any legal means.

(d) Violations Bureau: The Council shall have power and authority to establish by ordinance a Violations Bureau within the Court for the handling of such violations or ordinances and regulations of the City, or parts thereof, as prescribed in the ordinance establishing such Bureau. The creation of such a Bureau shall not operate so as to deprive any person of a full and impartial hearing in Court should such person so choose.

Section 6.12 – Insurance:

The City shall at all times carry insurance, or participate in a self insurance pool, in an amount determined by the Council, indemnifying the City against employee theft or embezzlement.

ARTICLE VII

PURCHASES – CONTRACTS – LEASES

Section 7.1 – Purchase and Sale of Property:

- (a) The City Manager shall be responsible for the purchase and sale of all City property.
- (b) Comparative prices shall be obtained for the purchase or sale in an amount not in excess of the dollar value established by ordinance by the City Council for all materials, supplies and public improvements.
- (c) In all sales or purchases in excess of the amount established by ordinance by City Council;
 - (1) The sale or purchase shall be approved by the City Council.
 - (2) Sealed bids shall be obtained, except that where the Council shall determine by majority resolution of those present at the meeting that the public interest will be best served by joint purchase with, or purchase from another unit of government; and
 - (3) The requirements of this section shall be complied with. No sale or purchase shall be divided for the purposes of circumventing the dollar value limitation contained in this section. The Council may authorize the making of public improvements or the performance of any other City work by any City agency without competitive bidding.
- (d) Purchases shall be made from the lowest competent bidder meeting specifications, and, unless the Council shall determine that the public interest will be better served by accepting a higher bid, sales shall be made to the bidder whose bid is most advantageous to the City. The City may accept or reject any and all bids.
- (e) All purchases, contracts, leases and sales shall be evidenced in such manner as may be provided by ordinance.
- (f) The purchase and sale of all City property shall be subject to the provisions of this Article.
- (g) Detailed purchasing, lease, sale and contract procedures shall be established by ordinance.

Section 7.2 – Emergency Purchases:

In case of emergency affecting the public peace, health or safety, the Council may waive all provisions for competitive bidding and direct the purchasing agent to purchase necessary supplies in the open market.

Section 7.3 – Contracts:

(a) All contracts and leases to which the City is a party when this Charter becomes effective shall remain in full force and effect for the life of the contract or lease.

(b) The authority to contract on behalf of the City is vested with the City Manager and shall be exercised in accordance with the provisions of Statute and of this Charter, provided that any contracts in excess of the City Manager's spending authority as provided by this Charter or by the Municipal Code must be approved by the City Council.

(c) Any contract or agreement in an amount in excess of the amount fixed by ordinance made with form or terms other than the standard City purchase order form, shall, before execution, be submitted to the attorney and his opinion obtained with respect to its form and legality. A copy of all contracts or agreements requiring such an opinion shall be filed with the office of the City Clerk, together with a copy of the opinion.

(d) Before any contract, agreement or purchase order is entered into which obligates the City to pay an amount in excess of the dollar value established by ordinance, the accounting officer of the City or the City Manager shall first have certified that an appropriation has been made for the payment thereof, or that sufficient funds will be available if it be for a purpose being financed by the issuance of bonds or by special assessments or for some other purpose not chargeable to a budget appropriation. In the case of a contract or agreement obligating the City for periodic payments in future fiscal years for the furnishing of a continuing service or the leasing of property, such certification need not cover those payments which will be due in future fiscal years, but this exception shall not apply to a contract for the purchase of construction of, a public improvement unless such purchase or construction is being financed by an installment contract. Certification by the accounting officer of the City or by the City Manager shall be endorsed on each contract, agreement or purchase order requiring same or shall be filed as an attachment thereto.

(e) No contract or purchase order shall be subdivided for the purpose of circumventing the dollar value limitations imposed by ordinance.

(f) No contract shall be amended after the same has been made except upon the authority of the Council, provided that the City Manager may amend contracts for those purchases and sales made by him when the dollar value is less than the limitation imposed by ordinance.

(g) No compensation shall be paid to any contractor except in accordance with the terms of the contract.

(h) No contract shall be made with any person, firm or corporation who is in default to the City.

Section 7.4 – Sale or Lease of Property:

(a) City Council may sell, exchange or dispose of public utilities, or permanent public buildings or real or personal property currently in use for public purposes, with or without first

obtaining the approval of a majority of the electors voting thereon, as shall be determined by the Council and enacted by ordinance.

(b) The Council may lease, for such term as Council shall determine, which may include a term in excess of one year, any real or personal property to or from any person, firm or corporation, public or private, governmental or otherwise, and such lease shall not be considered a debt of the City, and shall not be included as part of the indebtedness of the City for purposes of determining any debt limitation thereof.

ARTICLE VIII

CITY FINANCES

Section 8.1 – Fiscal Year:

The fiscal year of the City shall begin on the first day of January and end on the last day of December unless otherwise set by ordinance.

Section 8.2 – Submission of Budget and Budget Message:

The City Manager, prior to the beginning of each fiscal year, shall submit to the City Council the budget for said ensuing fiscal year and an accompanying message.

(a) The budget and all accounting records of the City shall be prepared and maintained in accordance with generally accepted accounting principles.

(b) In any year in which a general property tax levy is anticipated, such budget shall be submitted no later than the twentieth day of September of each year.

Section 8.3 – Budget Message:

The Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes, summarize the City's debt position, and include such other material as the Manager deems desirable or which the City Council may require.

Section 8.4 – Budget Content:

The budget shall provide a complete financial plan of all Municipal funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as will facilitate compliance with the State of Colorado Uniform Accounting Law. In organizing the budget, the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents and shall be so arranged as to show comparative figures for actual and estimated revenue, expenditures and encumbrances of the preceding fiscal year, estimated revenue, expenditures, and encumbrances for the current year, and it shall indicate in separate sections:

(a) Anticipated revenues and estimated fund balances at the beginning of the ensuing fiscal year;

(b) Proposed expenditures for current operations during the ensuing fiscal year, detailed by fund and by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures, including any deficit fund balances;

(c) Required expenditures for debt service.

(d) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure;

(e) The total of proposed expenditures shall not exceed the total of estimated revenue.

Section 8.5 – Capital Projects Program:

(a) Submission. The Manager, with such assistance as the City Council may direct, shall prepare and submit to the City Council a five-year capital projects program simultaneously with his recommended budget.

(b) Contents. The capital projects program shall include:

(1) A clear general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the following fiscal years, with appropriate supporting information as to the necessity for the improvement.

(3) Cost estimates, method of financing and recommended schedules for each such improvement.

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired. This information may be revised or extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 8.6 – Budget Hearing:

A public hearing on the proposed budget and proposed capital projects program shall be held by the City Council on any date at least fifteen days prior to the final day established by law for the certification of the ensuing year's tax levy to the County. Notice of the time and place of such hearing and that the budget is on file in the office of the City Clerk for public inspection shall be given in the manner prescribed by ordinance.

Section 8.7 – Council Amendments:

After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts except expenditures required by law or for debt service or for estimated cash deficit. No amendment to the budget shall increase the authorized expenditures to any amount greater than the total amount of estimated revenue.

Section 8.8 – Council Adoption:

The City Council shall adopt the budget by resolution pursuant to law. If it fails to adopt the budget by this date, the amounts appropriated for the current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly until such time as the City Council adopts the budget for the ensuing fiscal year.

Section 8.9 – Property Tax Levy:

REPEALED – November 6, 2001

Section 8.10 – Contingencies:

The budget may include an item for contingencies. Expenditures and encumbrances shall not be charged directly to contingencies; but instead, the necessary part of the appropriation for contingencies shall be transferred to the logical account, and the expenditure charged to such account. No such transfer shall be made without the expressed approval of the City Council, and then only for expenditures which could not readily be foreseen at the time the budget was adopted.

Section 8.11 – Public Records:

Copies of the budget and the capital projects program as adopted shall be public records and shall be made available to the public in the municipal building.

Section 8.12 – Amendments After Adoption:

(a) Supplemental Appropriations. If during the fiscal year the Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) Emergency appropriations. To meet a public emergency affecting life, health, property or the peace of the citizens of Northglenn, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the City Council may by emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made. Budget provision for the payment of such emergency notes and related interest in the next succeeding fiscal year shall be mandatory.

(c) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the City Council without delay, indicating the estimated amount of deficit, any remedial action taken by him and his recommendation as to any other steps to be taken. The City Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(d) Transfer of Appropriations. Any time during the fiscal year the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency, and, upon written request by the Manager, the City Council may by ordinance transfer part or all of any unencumbered appropriation balance from one fund, department, office, agency, or object to another.

(e) **Limitation – Effective Date.** No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriation and reduction or transfer of appropriations authorized by this Section may be made effective immediately upon adoption.

Section 8.13 – Administration of Budget:

(a) **Work Programs.** The City Manager may require each department, office or agency to submit work programs for the ensuing fiscal year, showing the allocation of its fund requests by activity, by period, or by other measure appropriate to the administration of such work program. He may revise such work programs at or after the time of adoption of the budget, or during the fiscal year, and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriation made pursuant to Section 8.13, after approval by the City Council in cases of transfer of funds from one department to another.

(b) **Payments and Obligations Prohibited.** No payments shall be made or obligation incurred against any appropriation except in accordance with the budget duly adopted and unless the Manager or Finance Director first certifies that there is a sufficient unencumbered balance in such appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed by special assessments, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such act was made or approved by ordinance.

(c) **Monthly Budget Report.** The City Manager shall submit to the City Council such reports as he deems appropriate or as requested by the City Council in the form of a monthly budget report.

Section 8.14 – Independent Audit:

An independent audit shall be made of all City accounts at least annually, and more frequently if deemed necessary by the City Council. Such audit shall be made by certified or registered public accountants, experienced in municipal accounting selected by the Council. Copies of such audit shall be made available for public inspection at the Municipal building.

Section 8.15 – Investments:

Subject to the provisions of this Charter, monies remaining in any fund which the Director of Finance may determine will not be required for current expenditures may, as provided by resolution, be invested in one or more of the securities permitted by the Statutes of Colorado governing investment of public funds. Interest on such investments shall be credited to the fund to which the invested money belongs.

Section 8.16 – Deposits:

City funds may be deposited in any account that is insured by an agency of the United States Government, but the amount of such deposit shall not exceed the amount that is so in-

sured unless securities of the United States Government or the State of Colorado, equal to such excesses, are pledged as security for the account, pursuant to law.

Section 8.17 – Water and Sewer Utility Fund:

(a) There is hereby established a dedicated water and sewer utility fund to account for all activities and revenues associated with providing water and wastewater services including, but not limited to, water conservation efforts, the acquisition of water rights, maximization of storage facilities, provision of water and wastewater services and the construction, operation, administration, maintenance, repair and replacement of the water supply, distribution system, collection system and treatment facilities. Specifically excluded from the fund are all urban drainage facilities, programs, revenues and expenses.

(b) The revenues referred to in Section (a) are defined as: All fees, rates, toll charges, availability fees, tap fees, connection fees, penalties, grants, loans, surcharges, investment income, any voter authorized sales taxes dedicated to water acquisition or capital charge reduction, including food and other sources established by the Council now or in the future for the exclusive use of the fund.

(c) The City Council, City Manager and other administrative officials are prohibited from expending, transferring or loaning any revenues or unencumbered appropriation balance of the fund permanently or temporarily for any purpose not reasonably related to the purpose of the fund, notwithstanding any Charter provisions to the contrary.

ARTICLE IX

TAXATION

Section 9.1 – Authority to Levy Taxes with Limitation on Powers:

REPEALED – November 6, 2001

Section 9.2 – Collection of Taxes:

(a) Unless otherwise provided by ordinance, the County Treasurer shall collect City ad valorem taxes in the same manner and at the same time as general ad valorem taxes are collected. In like manner the City Council may provide for collection of special improvement assessments by said Treasurer.

(b) All laws of this State for the assessment of property and the levy and collection of ad valorem taxes, sales of property for taxes, and the redemption of the same, shall apply and have full force and effect in respect to taxes for the City as to such general ad valorem taxes, except as may be modified pursuant to this Charter.

Section 9.3 – Authority to Acquire Property:

In addition to all other power which it has to acquire property, the City is hereby authorized to purchase or otherwise acquire property on which there are delinquent taxes and delinquent special assessments. The City may also dispose of any property acquired under this authority in like manner as any other property.

Section 9.4 – Assessments:

Assessments of real and personal property within the City for ad valorem taxes shall be made by the County Assessor.

Section 9.5 – Existing Taxes:

All taxes levied or imposed by ordinance at the time of the effective date of this Charter shall remain in full force and effect unless or until repealed by City Council, any other provisions of this Charter to the contrary notwithstanding.

ARTICLE X

MUNICIPAL BORROWING

REPEALED – November 6, 2001

ARTICLE XI

UTILITIES AND FRANCHISES

Section 11.1 – City Powers, Functions and Authority:

(a) The City Council shall have and exercise with regard to all public utilities and franchises all Home Rule municipal powers, functions, and authority now existing and which may be hereafter provided by the Constitution and the Statutes of the State of Colorado.

(b) Subject to the laws of the State of Colorado applicable to the Home Rule Cities and the Constitution of the State of Colorado, the City Council, upon obtaining a majority vote of the qualified electors of the City, shall have the power and authority within or without the territorial limits of the City to construct, condemn, purchase, acquire and lease public utilities and cable television assets, equipment and everything in relation to or in connection therewith, in whole or in part, for the use of the City and its inhabitants.

(1) The term “public utility” or “public utility corporation” when used in this Charter shall mean any person, firm or corporation operating a heat, power, gas or light system, a communication system, or a water sewer or scheduled transportation system, and serving or supplying the public. It shall not include any person, firm or corporation owning or operating sidetracks or switches for the accommodation of manufacturing plants and business houses or private telephone lines and shall not include City of Northglenn owned utilities.

(c) The City shall have the power to own and control water rights and to exchange water rights owned by it for water rights owned by other municipalities or quasi-municipal corporations or by other persons, and to purchase, obtain or acquire water and water rights from any source including such existing water rights as may be used upon any land which is annexed to the City from time to time. The City shall have the right to contract with municipalities or quasi-municipal corporations or any person for the purpose of forming consolidated water or sewer districts or for furnishing any municipal service.

(d) Any exercise of authority pursuant to this Charter, subsequent to acquisition of facilities hereunder, shall be administered through a regular department of the City government under the management and supervision of the City Manager.

(e) The City Council, by ordinance, upon recommendation of the City Manager, may authorize the extension of any City service or City owned facilities, provided under authority of this Charter, to consumers outside the corporate limits of the City, under such terms and conditions as may be agreed upon, subject to laws applicable to Home Rule Cities.

(f) The City shall have all the powers under the State Constitution and Laws to regulate the use and exploration of all energy resources for the general benefit and welfare of the citizens.

Section 11.2 – Use of Public Places by Utilities:

(a) No public utility, whether it has a franchise or not, may use the City streets, alleys, bridges and other public space (air, surface or underground) except upon such terms, conditions or requirements as are provided by the City Council or by the City Manager, and such public utility shall pay that part of the cost of improvement or maintenance of City streets, alleys, bridges and other public space as shall arise from its use thereof and shall protect and save the City harmless from all damages arising from said use.

(b) Every such public utility may be required by the City to permit joint use by the City and by other public utilities of its property and appurtenances located in the City streets, alleys or other public space insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefore.

(c) In the absence of agreement and upon application by any public utility or by the City, the City Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefore, and the arbitration award shall be final.

Section 11.3 – Utility Rates:

(a) The City Council shall, by ordinance, establish rates, rules and regulations and extension policies for services provided by City owned utilities, both within and outside the corporate limits of the City.

(b) The City shall have the power to regulate the rates and charges of any utilities within the City not regulated by the Public Utilities Commission of the State of Colorado.

Section 11.4 – Present Franchises:

All franchise ordinances and agreements of the City in effect at the time this Charter is effective shall remain in full force and effect in accordance with their respective terms and conditions unless modified by another franchise.

Section 11.5 – Grant of Public Utility Franchises:

(a) Grants of public utility franchises and all extensions and amendments shall be granted only by ordinance.

(1) With respect to any franchise, after mutual agreement with the holder of the franchise, the City Council may, by ordinance extend the area served by the franchise, including streets, alleys, public space and property not originally embraced in such franchise, when public convenience and necessity requires, subject to the terms and conditions of such original franchise, and coextensive with the terms thereof. Provided, however, that if provision is made for such extension of facilities in the original franchise agreement, City Council need not act by ordinance to permit such extension and the holder of the franchise may proceed to extend such facilities in accordance with the terms and conditions of the original franchise.

(2) For purposes of this Charter, cable television and garbage, trash or rubbish disposal shall not be deemed to be public utilities.

(b) No exclusive franchise shall be granted.

(c) No franchise shall be granted without reserving to the City such fair fee arising from the use thereof as shall be fixed in the grant of such franchise.

Section 11.6 – Compensation for Franchises:

Every grant of a franchise shall fix the amount and manner of payment of the compensation to be paid by the grantee for the use of the franchise and no other compensation shall be exacted for such use during the life of the franchise. This provision shall not exempt the grantee from any lawful taxation upon his or its property, nor from any license, charges or other impositions levied by the City Council not levied on account of the use granted by the franchise.

Section 11.7 Conditions of Franchises:

All public utility franchises granted after the effective date of this Charter, whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the City, except as otherwise provided by the Statutes of Colorado applicable to Home Rule Cities and the Constitution of the State of Colorado; but this enumeration shall not be exclusive or impair the right of the Council to insert in such franchise any provision within the power of the City to impose or require:

(a) The ability to repeal and revoke the same for failure of the grantee to comply with the provisions thereof.

Section 11.8 – Matters in Charter Not to Impair Right of City Council to Insert Other Matters in Franchise:

The enumeration and specification of particular matters in this Charter which must be included in every franchise or grant, shall never be construed as impairing the right of the City Council to insert in such franchise or grant such other and further matters, conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, rates, rentals, charges, control, forfeitures or any other provision whatever, as the City Council shall deem proper to protect the interest of the people.

Session 11.9 – Assignment and Leasing of Franchises:

(a) No franchise granted by the City shall be leased, assigned or otherwise alienated without the approval of City Council given by ordinance, and no negotiation with the lessee or assignee on the part of the City to require the performance of any act or the payment of any compensation by the lessee or assignee shall be deemed to operate as such consent. Any assignment, lease or sale of such franchise without the consent of the City shall, at the option of the City Council, operate as a forfeiture of such franchise.

(b) The right of City Council to deny any assignment, lease or sale of a franchise is reserved.

(c) City Council, upon approving any such assignment, lease or sale of franchise, may impose such reasonable conditions and terms deemed necessary.

Section 11.10 – Railroad Facilities:

Subject to the Statutes of Colorado, applicable to Home Rule Cities, City Council may require, upon fair apportionment of the cost, subject to arbitration, any railroad or other transportation system to elevate or lower any of its right-of-way or tracks running over, under, along or across any public thoroughfare; to construct and maintain in good condition with proper approaches and safety devices those street crossings, bridges, viaducts or other conveniences affected by railroad or other transportation system rights-of-way; and to take such other measures for the protection of the health, safety, and welfare of the public as are deemed necessary by City Council.

Section 11.11 – Revocable Permits:

The City may grant a permit at any time for the temporary use or occupation of any street, alley or City owned place, provided such permit shall be revocable by the City at its pleasure, regardless of whether or not such right to revoke be expressly reserved in such permit.

Section 11.12 – Franchise Records:

(a) The City Council shall cause to be kept in the office of the City Clerk an indexed franchise record which shall contain copies of all public utility franchises granted by the City.

(b) The index shall give the name of the grantee and any assignees. The record shall be a complete history of all such franchises, shall include a convenient reference to all actions at law affecting the same, copies of all annual reports and such other information as the City Council or City Manager may require.

ARTICLE XII

BOARDS AND COMMISSIONS

Section 12.1 – General Provisions:

(a) All existing Boards and Commissions, including the City Planning Commission, Board of Adjustment and the Recreation Board shall continue as established by ordinance or agreements, except as otherwise provided by ordinance or this Charter.

(b) The City Council shall have the power and authority to create such Boards and Commissions as it may desire or require, provided no such Board or Commission shall have authority to perform functions or duties otherwise assigned in this Charter or to interfere with any function or duty otherwise assigned in this Charter.

(c) Unless otherwise provided by this Charter by general law applicable to Home Rule Cities, or by ordinance, the following provisions shall apply:

(1) Boards and Commissions shall be appointed by the City Council and have such powers and perform such duties as are required by this Charter or by City Council.

(2) Advisory Boards or Commissions may be created by motion or resolution and all other Boards or Commissions shall be created by ordinance.

(3) Initial appointments by the City Council shall specify the term of office of each individual and such appointments, in the discretion of the City Council, may provide for overlapping tenure. City officials appointed to the Planning Commission or Board of Adjustment shall serve in an ex-officio capacity only.

(4) Board members may be removed from office only for neglect of duty or malfeasance.

(5) The City Council shall make appointments to fill vacancies for unexpired terms.

(6) Each Board or Commission shall choose its own officers, adopt its own rules of procedure and recommend the removal of any member who displays a lack of interest in its proceedings.

(7) All meetings of the Boards and Commissions shall be held in conformity with Article IV, Section 4.5 of this Charter.

(8) Copies of records and minutes of meetings of all Boards or Commissions shall be placed and kept in the office of the City Clerk for public inspection.

(9) Reports from such Boards or Commissions shall be made as the City Council may require.

(d) Any Board or Commission created under this Charter and which is not otherwise required by this Charter or by general law applicable to Home Rule Cities may be abolished by City Council in the same manner as the Board or Commission was created.

(e) Any requirement included in (c) and (d) above which is in conflict with the provision for the Citizens' Affairs Board shall not apply thereto.

ARTICLE XIII

CITIZENS' AFFAIRS BOARD

Section 13.1 – Establishment:

There is hereby created the Citizens' Affairs Board, hereinafter called "Board".

Section 13.2 – Intent:

It is declared by the people of the City of Northglenn that their intent in creating the Board is to provide a body within the City government to which citizens of the City and other interested persons may freely present complaints and proposals. It is their further intent that such body be composed of people who are not otherwise involved in the day-to-day operations of City government, so that those persons regularly involved in City government may devote adequate time to their regular duties. It is their intent that the Board have no power to administer or legislate, or to interfere with those persons who do have the administrative and legislative powers. It is their further intent that the Board shall always be authorized to make public any complaints and proposals which it shall receive, and to publicize any findings and recommendations the Board shall make.

Section 13.3 – Appointments:

The original Board shall be appointed by the Mayor and shall have the approval of the City Council, and shall be composed of five qualified electors of the City who are in sympathy with the intent and purposes of this provision of the Charter. The first members of the Board shall be appointed within thirty days of the effective date of this Charter. One of them shall be appointed for a one-year term, one for a two-year term, one for a three-year term, one for a four-year term, and one for a five-year term. Thereafter upon the expiration of the term of a member of the Board, his successor shall be appointed for a term of five years. Board members may be removed from office only for neglect of duty or malfeasance. Upon the death, resignation, or removal from office of a member of the Board, the Mayor shall appoint a successor to serve the unexpired portion of the term. All subsequent appointments or reappointments by the Mayor to the Board shall be subject to approval by the Board.

Section 13.4 – Districts Represented:

Each district shall be represented on the Board by at least one Board member residing in such district.

Section 13.5 – Residence in District:

If a Board member changes his place of residence from the district in which he resided at the time of his appointment, he shall no longer hold office and a successor shall be appointed from the same district if that district would otherwise not have representation on the Board.

Section 13.6 – Residence in City:

If a Board member changes his place of residence from the City of Northglenn he shall no longer hold office, and a successor shall be appointed.

Section 13.7 – Contractors and Employees:

A Board member shall not be a contractor of the City. Any Board member who, after his appointment, becomes an officer, employee or contractor of the City, shall be automatically removed from office and a successor appointed.

Section 13.8 – Compensation:

The members of the Board shall serve without salary.

Section 13.9 – Meetings:

The Board shall meet at least once each month in an announced public meeting at a place within the City designated by the Board. All meetings shall be open to the public.

Section 13.10 – Officers – rules:

The Board shall choose its own officers from its own members and adopt its own rules of procedure. Three members shall constitute a quorum of the Board.

Section 13.11 – Function:

The Board shall be an advocate in behalf of the citizens of Northglenn. The Board shall receive and consider complaints and proposals from the citizens of the City concerning the City and its government.

Section 13.12 – Procedure:

The Board should direct all inquiries and requests to the City Manager, who shall refer the inquiries and requests to the proper City employee. The employees of the City shall provide the Board with the most complete cooperation in answering inquiries of the Board and in supplying requested documents to the Board. The term “employee” as used in this Section does not include the Mayor and the members of the City Council.

Section 13.13 – Reports and findings:

The Board may, after due consideration of any complaint or proposal, report its findings and recommendations to the Mayor, the City Council, and the person or group who presented such complaint or proposal.

Section 13.14 – Miscellaneous:

This article shall, in all respects, be self-executing. However, nothing herein shall be construed to prohibit the City Council from appropriating monies to the Board for necessary staff assistance, supplies and equipment, or personal expenses.

ARTICLE XIV

MISCELLANEOUS LEGAL PROVISIONS

Section 14.1 – Eminent Domain:

The City shall have the right of eminent domain as provided by the Constitution and the Statutes of the State of Colorado.

Section 14.2 – Reservation of Power:

The power to supersede any law of this State now or hereafter in force, insofar as it applies to local or municipal affairs shall be reserved to the City, acting by ordinance, subject only to restrictions of Article XX of the State Constitution.

Section 14.3 – Liability of City:

No action for recovery of compensation for personal injury, death, or property damage against the City on account of its negligence shall be maintained unless written notice of the alleged time, place and cause of injury, death, or property damage is given to the City Clerk by the person injured, his agent, or attorney, within 180 days of the occurrence causing the injury, death, or property damage as required by the Colorado Governmental Immunity Act.

Section 14.4 – Bequests, Gifts, and Donations:

The City Council, on behalf of the City, may receive or refuse bequests, gifts, and donations of all kinds of property in fee simple or in trust for public, charitable, or other purposes, and do all things and acts necessary to carry out the purpose of such gifts, bequests, and donations with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust.

Section 14.5 – Severability of Charter Provisions:

If any provision, section, article or clause of this Charter or the application thereof to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect any remaining portion or application of the Charter which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end this Charter is declared to be severable.

Section 14.6 – Charter Amendments:

This Charter may be amended at any time in the manner provided by the Constitution or Statutes of the State of Colorado.

Section 14.7 – Interpretations:

Except as otherwise specifically provided or indicated by the context hereof, all words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein. The singular number shall include the plural, the plural shall include the singular and the masculine gender shall extend to and include the feminine gender and neuter, and the word “person” may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.

Section 14.8 – Definitions:

As used in this Charter the following words and phrases shall have the following meaning:

- (a) Appropriation. The authorized amount of monies set aside for expenditures during a specified time for a specific purpose.
- (b) City. The City of Northglenn, Colorado, a municipal corporation.
- (c) Council. The City Council of the City of Northglenn, including the Mayor, unless provided otherwise.
- (d) Manager. The City Manager of the City of Northglenn appointed pursuant to Section 6.1(a).
- (e) Franchise. An irrevocable privilege granted by the City permitting a specified use of public property for a specified length of time.
- (f) Employee. A person employed by the City of Northglenn.
- (g) General Municipal Election. A municipal election held every two years at which candidates for elective offices of the City are voted upon in accordance with this Charter.
- (h) Officer. Any person elected to office or appointed by City Council, including appointees to Boards and Commissions.
- (i) Constitution. The Constitution of the State of Colorado.
- (j) Statutes. The applicable laws of the State of Colorado as they now exist or as they may be amended, changed, repealed or otherwise modified by legislative procedure.
- (k) Qualified Elector. A person qualified to vote in municipal elections under the Constitution and Statutes of the State of Colorado, or ordinances of the City of Northglenn.

ARTICLE XV

TRANSITION PERIOD

Section 15.1 – Effective date:

This Charter shall become effective immediately upon voter approval.

Section 15.2 – Prior City Legislation:

All bylaws, ordinances, resolutions, rules and regulations of the City which are not inconsistent with this Charter and which are in force and effect at the effective date of this Charter shall continue in full force and effect until repealed or amended. Those provisions of any effective bylaw, ordinance, resolution, rule or regulation which are inconsistent with this Charter are hereby repealed.

Section 15.3 – Present Elected officials to Continue in Office:

The present elected City Officials in office at the time of the adoption of this Charter whose offices are continued by the provisions of this Charter, shall continue at their present salaries, to serve and carry out the functions, powers and duties of their offices until their successors assume the duties of their offices. The functions, powers and duties of the present elective officers whose offices are abolished or appointive pursuant to the provisions of this Charter shall cease upon the appointment of officers to perform such functions pursuant to the Charter.

Section 15.4 – Continuation of Present Boards & Commissions:

All Boards and Commissions in office at the time of adoption of this Charter shall continue to function with their present powers and duties as provided in the respective ordinances.

Section 15.5 – Continuation of Appointed Officers and Employees:

Except as otherwise provided herein, after the effective date of this Charter, all appointive officers and all employees of the City shall continue in that City office or employment, which corresponds to the City office or employment which they held prior to the effective date of this Charter, as though they had been appointed or employed in the manner provided in this Charter, and they shall in all respects be subject to the provisions of this Charter, except that any officer or employee who holds a position which this Charter provides be held at the pleasure of the appointing officer or body, shall hold such position only at such pleasure regardless of the term for which originally appointed.

Section 15.6 – Saving Clause:

This Charter shall not affect any suit pending in any court or any document heretofore executed in connection therewith. Nothing in this Charter shall invalidate any existing contracts between the City of Northglenn and individuals, corporations or public agencies.

CERTIFICATE OF FINAL ADOPTION

We, the undersigned, present members of the Northglenn Charter Convention, duly elected by the people of Northglenn, Colorado, at a special election held on August 6, 1974, or duly appointed according to law, under authorization of Article XX, Constitution of the State of Colorado, to frame a Home Rule Charter for the City of Northglenn, do hereby certify that the foregoing is the Proposed Charter as finally approved and adopted by the members of the Convention on the 3rd day of December, 1974, for submission to the people of Northglenn at a special election to be held pursuant to Colorado Revised Statutes, Article 139-90-7, as amended.

Executed in triplicate at Northglenn, Colorado, this 4th day of December 1974.

E. E. Woody Curtis (Chairman)

Jack Strimbu (Vice-Chairman)

Eleanor M. Wyatt (Secretary)

Dalrie A. Berg	Ruth Holton
John M. Hutchins	William A. Sheppard, Jr.
Raymond DeWeese	Carl R. Fox
Oscar Niemeier	Robert Moderhak II
L.T. Hall	Joseph Villarreal
Catherine Oetting	Hugo G. Rodeck
David Cran	Gerald A. Holtgrewe
Dennis A. Bean	Audrey Himmelmann
Patrick Shanley	Steven E. Stegall

NORTHGLENN MUNICIPAL CODE

CHAPTER 2 ADMINISTRATION

Article 11. CODE OF ETHICS

- 2-11-1. Legislative Intent.
- 2-11-2. Definitions.
- 2-11-3. Gifts to City Officials and Employees.
- 2-11-4. Conflicts of Interest.
- 2-11-5. Confidential Information.
- 2-11-6. Enforcement.
- 2-11-7. Disclosure of Conflicts of Interests.
- 2-11-8. Failure to Disclose Conflicts of Interest.
- 2-11-9. Hearing.
- 2-11-10. Sanctions.

CHAPTER 2 ADMINISTRATION

Article 11. CODE OF ETHICS.

Section 2-11-1. Legislative Intent. It is the intent of the City Council to ensure that all of the City's council members, board members, and employees adhere to high ethical conduct so that the public will have confidence that the City's government operates in a fair, ethical, and accountable manner. All officers, officials, and employees of the City shall adhere to the letter and spirit of the Code of Ethics and strive to avoid situations which create impropriety or the appearance thereof.

[Source: Ord. 1481, 2007]

Section 2-11-2. Definitions.

(a) "**Board Member**" means any person appointed to a City board or commission by the City Council or the Mayor under the authority of the City Charter, ordinance, or State law.

(b) "**City Official**" means any Board Member or member of the City Council.

(c) "**Confidential information**" means matters required by state or federal law or regulation to be kept confidential, attorney-client communications, and other matters which may be discussed in executive session.

(d) "**Councilmember**" means a member of the City Council.

(e) "**Employee**" means any person in the employ of the City or of any of its agencies or departments, except independent contractors.

(f) "**Immediate Family Member**" means husband, wife, son, daughter, mother, father, step-son, step-daughter, step-mother, step-father, grandmother, grandfather, grandchildren, brother, or sister.

(g) "**Official Action**" means any action which involves:

(1) Negotiating, approving, disapproving, administering, enforcing, or recommending for or against a contract, purchase order, lease, concession, franchise, grant, or other similar instrument in which the City is a party. With regard to "recommending," official action occurs only if the person making the recommendation is in the formal line of decision making;

(2) Enforcing laws or regulations or issuing, enforcing, or regulation permits;

(3) Selecting or recommending vendors, concessionaires, or other types of entities to do business with the City;

(4) Appointing and terminating employees, temporary workers, and independent contractors;

(5) Doing research for, representing, or scheduling appointments for a city official or employee, provided that these activities are provided in connection with that city official's or employee's performance of (1) through (4) above.

[Source: Ord. 1481, 2007]

Section 2-11-3. Gifts to City Officials and Employees.

(a) Except when acceptance is permitted by paragraph (b) below, it shall be a violation of this Article for any city official, employee, or any immediate family member of a city official or employee, to solicit or to accept any of the following items if the city official or employee is in the position to take an official action with regard to the donor, or if the City has an existing, ongoing, or pending contract, business, or regulatory relationship with the donor:

(1) A gift that would tend to improperly influence that city official or employee to depart from the faithful and impartial discharge of his or her public duties; or

(2) A gift that is solicited or given for the primary purpose of rewarding the city official or employee for an official action he or she has taken.

(b) City officials, employees, and members of their immediate family may accept the following even if the city official is in a position to take official action with regard to the donor or if the city official or employee has an existing, ongoing, or pending contract, business, or regulatory relationship with the donor:

(1) Gifts from other council members, board members, or employees and their family members on appropriate occasions;

(2) Campaign contributions as permitted by law;

(3) Nonpecuniary awards that are publicly presented by an organization in recognition of public service if the award is not extraordinary when viewed in light of the position held by the recipient;

(4) Educational scholarships and grants available to members of the general public who are similarly situated;

(5) Grants and services provided for medical, respite or hospice care or other social welfare needs available to members of the general public similarly situated;

(6) An occasional, unsolicited gift having a fair market value of fifty dollars (\$ 50.00) or less;

(7) Unsolicited informational material, publications, or subscriptions related to the city official's or employee's performance of his or her official duties;

(8) Items of perishable or nonpermanent value, including, but not limited to, meals, lodging, or tickets to sporting, recreational educational or cultural events, except that any such items with a value in excess of \$100 shall be disclosed by the recipient at a regular City Council meeting within thirty (30) days of receipt;

(9) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento, or other similar item;

(10) Payment of, or reimbursement for, actual and necessary expenditures for registration, travel, lodging and meals for attendance at a convention, training seminar, or other meeting at which the city official is scheduled to participate as a representative of the City or to attend as part of his or her official duties except that any such payment or reimbursement in excess of \$100 shall be disclosed by the recipient at a regular City Council meeting within thirty (30) days of receipt;

(11) An occasional unsolicited opportunity to participate in a business meeting or social function where a meal is served and/or entertainment is provided if the city official's attendance would not be considered extraordinary when viewed in light of the position held by the city official, except that any such opportunities with a value in excess of \$100 shall be disclosed by the recipient at a regular City Council meeting within thirty (30) days of receipt; and

(12) Gifts received by a city official arising from his or her employment that is unrelated to his or her official duties.

[Source: Ord. 1481, 2007]

Section 2-11-4. Conflicts of Interest.

(a) City officials shall not disclose or use any confidential or privileged information in furtherance of any personal or pecuniary interest or to further the personal or pecuniary interest of any other person.

(b) City officials shall not vote or render a final decision on an issue that directly affects a business or project in which the city official either has a financial interest or is engaged

as counsel, consultant, representative or agent, or on any issue in which the city official has personally appeared before the City Council or board.

(c) City officials shall not assist any person for a fee or other compensation in obtaining any contract, claim, license, permit, permission, approval or other economic benefit from the City.

(d) City officials shall not hold a substantial financial interest in any business or enterprise which is a party to a City contract made by the City Council or board upon which the city official has been appointed or elected.

(e) City officials shall not accept a fee, contingent fee, or any other compensation for promoting or opposing passage of legislation in their official capacity, except for the city official's authorized compensation as provided by the City Charter, ordinance or contract.

(f) City officials shall not appear on behalf of any private person, business or entity before the City Council or board upon which the city official has been appointed or elected, except that any city official may appear before the City Council or any board on his or her own behalf. Nothing herein shall preclude a city official, in the same manner and under the same circumstances as any other person, from appearing before the City Council or a board on an application for a permit, license, or other approval of the City Council or board, required by law, or on a matter of general interest.

(g) No city official may vote in his capacity as a council member or board member in any matter where the city official has appeared on his own behalf.

[Source: Ord. 1481, 2007]

Section 2-11-5. Confidential Information. All written materials and verbal information provided to city officials or employees on matters that are confidential under State law, or the City of Northglenn Home Rule Charter and ordinances adopted thereunder shall be kept in complete confidence. No disclosure or mention of any information in these materials may be made to anyone other than City Council members, the City Attorney, the City Manager, authorized employees, or other authorized individuals.

[Source: Ord. 1481, 2007]

Section 2-11-6. Enforcement.

(a) The City Council shall appoint an independent hearing officer to enforce the provisions contained in this Article. Any such appointed independent hearing officer shall hear complaints, issue findings, and assess penalties pursuant to this Article.

(b) Any person may file a written complaint with the City Manager's office asking whether a city official has violated this Article.

(c) The independent hearing officer is authorized to dismiss frivolous complaints without conducting a public hearing. Complaints dismissed as frivolous shall be maintained confidential by the independent hearing officer.

(d) The various provisions of this Article are cumulative, and not exclusive, and shall not be construed to limit any administrative, civil, or criminal action or proceeding which may be instituted by the City pursuant to Colorado statutes.

[Source: Ord. 1481, 2007]

Section 2-11-7. Disclosure of Conflicts of Interests.

(a) Before taking any official action, City officials who have any substantial personal, financial or property interest, or any kind of interest which may conflict or interfere with, influence, or be perceived by the public as influencing the City official's conduct shall disclose the nature of the conflict to the City Council or the applicable Board or Commission.

(b) In the event the City official or the City Council or the applicable Board or Commission believes the conflict of interest is a disqualifying conflict of interest requiring that the City official refrain from voting and attempting to influence others, then the city official shall be barred from voting on the issue and shall refrain from attempting to influence or participating in any manner in the deliberations or decisions of the members of the City Council or Board, or in the actions of any employees related to the matter.

[Source: Ord. 1481, 2007]

Section 2-11-8. Failure to Disclose Conflicts of Interest.

(a) In the event a complaint is received regarding whether a conflict of interest exists, the independent hearing officer shall determine whether the interest does in fact constitute a disqualifying conflict of interest under this Article. In deciding whether there is a disqualifying conflict of interest, the hearing officer shall consider, among other criteria, the following:

- (1) Whether the conflict of interest impedes independence of judgment;
- (2) The effect of the city official's participation on the public confidence and the integrity of the governing body;
- (3) Whether the city official's participation is likely to have any significant effect on the ultimate disposition of the matter; and
- (4) The city official's fiduciary obligations to the City.

(b) If the independent hearing officer concludes that there is a disqualifying conflict of interest, the city official shall be disqualified from acting or voting on the matter or any related business. In addition, the disqualified city official shall refrain from attempting to influence the decisions of members of the City Council or other Boards, or the actions of other employee related to the matter, and refrain from participating in any manner in the deliberations of the City Council or other Boards.

[Source: Ord. 1481, 2007]

Section 2-11-9. Hearing. Upon the sworn complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this Article, the independent hearing officer shall conduct a public hearing in accordance with all of the requirements of due process of law depending on the nature of the complaint, and in written findings of fact and conclusions based thereon, make a determination concerning the propriety of the conduct alleged and shall sanction any improper conduct pursuant to Section 2-11-10.

[Source: Ord. 1481, 2007]

Section 2-11-10. Sanctions. Any city official or employee who is found to have violated any of the provisions of this Article shall be subject to any of the following sanctions:

(a) For a member of the City Council, formal censure by the City Council, if the City Council determines a formal censure is warranted based on the recommendation of the independent hearing officer;

(b) A fine of double the amount of the financial equivalent of any benefits obtained by unethical conduct;

(c) Loss of committee or board member assignment;

(d) Formal written warning;

(e) For an employee, referral to the City Manager for action in accordance with the then applicable provisions of the City's employment policies and procedures.

[Source: Ord. 1481, 2007]



COLORADO
MUNICIPAL
LEAGUE

Colorado Municipal **CANDIDATE GUIDE**



The *Colorado Municipal Candidate Guide* has been prepared by the Colorado Municipal League as a guide for prospective candidates who are seeking useful information on municipal government. The guide includes tips on how to be an effective municipal official, as well as an overview of how municipal government works.

Published in 2021 by the Colorado Municipal League.



**There are countless reasons why people choose
to run for public office.**

**As an elected official, you have the
opportunity to make important contributions
toward shaping the future of your community.**

Becoming a MUNICIPAL OFFICIAL

Serving as an effective municipal elected official requires dedication, knowledge, and a substantial time commitment.

There are countless reasons why people choose to run for public office. Whatever your reason may be, as a member of the municipal governing body, you have the opportunity to make important contributions toward shaping the future of your community. For this reason, becoming a municipal elected official can be one of the most rewarding experiences of your life. Whether you are still undecided about your candidacy or you have already made the decision to run for a municipal elected office, the information in this guide can help you. What follows is general information on what it takes to be an effective member of a governing body, a synopsis of municipal government in Colorado, and information about the Colorado Municipal League.

Material contained in this brochure should not be viewed as a substitute for legal advice or specific information applicable to your community. If you are serious about your candidacy, you should consider other, more detailed information sources available to you, including:

- attending city council or board of trustee meetings;
- examining your charter, if your municipality is home rule;
- checking the Colorado Revised Statutes;
- reviewing municipal ordinances; and
- for elections, asking the municipal clerk for additional information, consulting your own attorney, or otherwise making yourself familiar with the requirements of the election laws.





Qualifications for MUNICIPAL OFFICE

At a minimum, successful elected officials must devote a significant amount of time and energy to fulfill a position that answers directly to citizens. Some desirable leadership attributes include:

- a general understanding of municipal government;
- willingness to learn about a wide range of topics;
- integrity;
- consistency;
- confidence;
- dedication to the interests of citizens and the community as a whole;
- strong communication and team-building skills, including being a good listener;
- openness to the thoughts and ideas of others;
- being approachable and accessible; and
- a willingness to work cooperatively with others.

MAYORS, COUNCILS, BOARDS OF TRUSTEES, AND PRESIDING OFFICERS

The mayor and city council or town board of trustees collectively serve as the governing body for a municipality and normally possess all legislative powers granted by state law. The positions of both councilmember and trustee have been compared to those of the members of state legislatures and U.S. Congress. All of these positions require elected officials to represent their constituents, make policy decisions, budget for the execution of policies, and ensure that their policies

are carried out. Unlike their counterparts in state and federal offices, municipal officials are in direct contact with the people they serve on an ongoing basis.

AN ELECTED OFFICIAL WEARS MANY HATS

To meet the responsibilities of being a municipal elected official, candidates should consider the number of disciplines involved in becoming an effective mayor, councilmember, or trustee.

Municipal elected officials share the following job titles as part of their responsibility:

- legislator;
- decision-maker;
- financier;
- employer of municipal staff;
- constructive critic;
- intergovernmental participant;
- public relations representative; and
- facilitator.

ARE YOU ELIGIBLE?

To run for office in a statutory municipality in Colorado, you must:

- be a citizen of the United States;
- be registered to vote;
- be at least 18 years old on the date of the election; and
- have resided in your city or town for at least 12 consecutive months prior to the election.

In home rule municipalities, check with your municipal clerk on whether additional or different requirements apply.



Petitions, PRACTICES, AND BASICS

NOMINATION PETITIONS

To run for municipal office, you must get a nominating petition from your municipal clerk and have that form signed by a specific number of registered voters in your community. The number of signatures needed will vary depending on whether you live in a statutory or home rule municipality. Most candidates try to get more signatures than needed in case some are ruled invalid.

Different municipalities have different rules about how the petition must be signed and the date on which the petition must be returned. Your municipal clerk will inform you of the nomination procedure rules and deadlines.

FAIR CAMPAIGN PRACTICES ACT

Candidates for a municipal office who accept contributions must meet the filing requirements of the state Fair Campaign Practices Act, unless you live in a home rule municipality that has adopted its own campaign finance laws. Among other requirements, you must register any “candidate committee” and report its contributions and expenditures. Information about reporting deadlines and copies of the reporting forms are available from your municipal clerk.

MUNICIPAL GOVERNMENT BASICS

Municipal elected officials should have a basic understanding of municipal government and the duties, authority, and limitations of an elected body. Of course, there is no better way to understand what elected officials do than to attend council or board of trustee meetings. In addition, most cities and towns have advisory boards that are formed to make or recommend policy or quasijudicial decisions, such as a planning commission or parks and recreation commission. Serving on these and other appointed boards is another excellent way to become informed.

Finally, reviewing Title 31 of the Colorado Revised Statutes and — if you are in a home rule municipality — having a basic familiarity with the municipal home rule charter will help you have a better understanding of municipal government and your role as an elected official.

What follows is a brief introduction to a few basic governance issues.



Photo by John Ott.

What is a MUNICIPALITY?

WHAT IS A MUNICIPALITY?

An area becomes a municipality when residents vote to incorporate as a city or town. Colorado has four classes of municipalities:

HOME RULE MUNICIPALITIES

- have chosen to adopt a home rule charter based on the principle that local citizens should have the right to decide how their local government should be organized and how local problems should be resolved;
- have their own form of government set forth in their charters;
- may call themselves either a city or town; and
- have considerable protection from state interference in their affairs (except where the courts determine that a matter is of statewide concern or mixed state and local concern, then state law may prevail over home rule authority).

STATUTORY TOWNS

- traditionally are less than 2,000 in population; and
- have a mayor–council (board of trustees) form of government in which the mayor is elected by popular vote, with legislative power held by the board of trustees.

STATUTORY CITIES

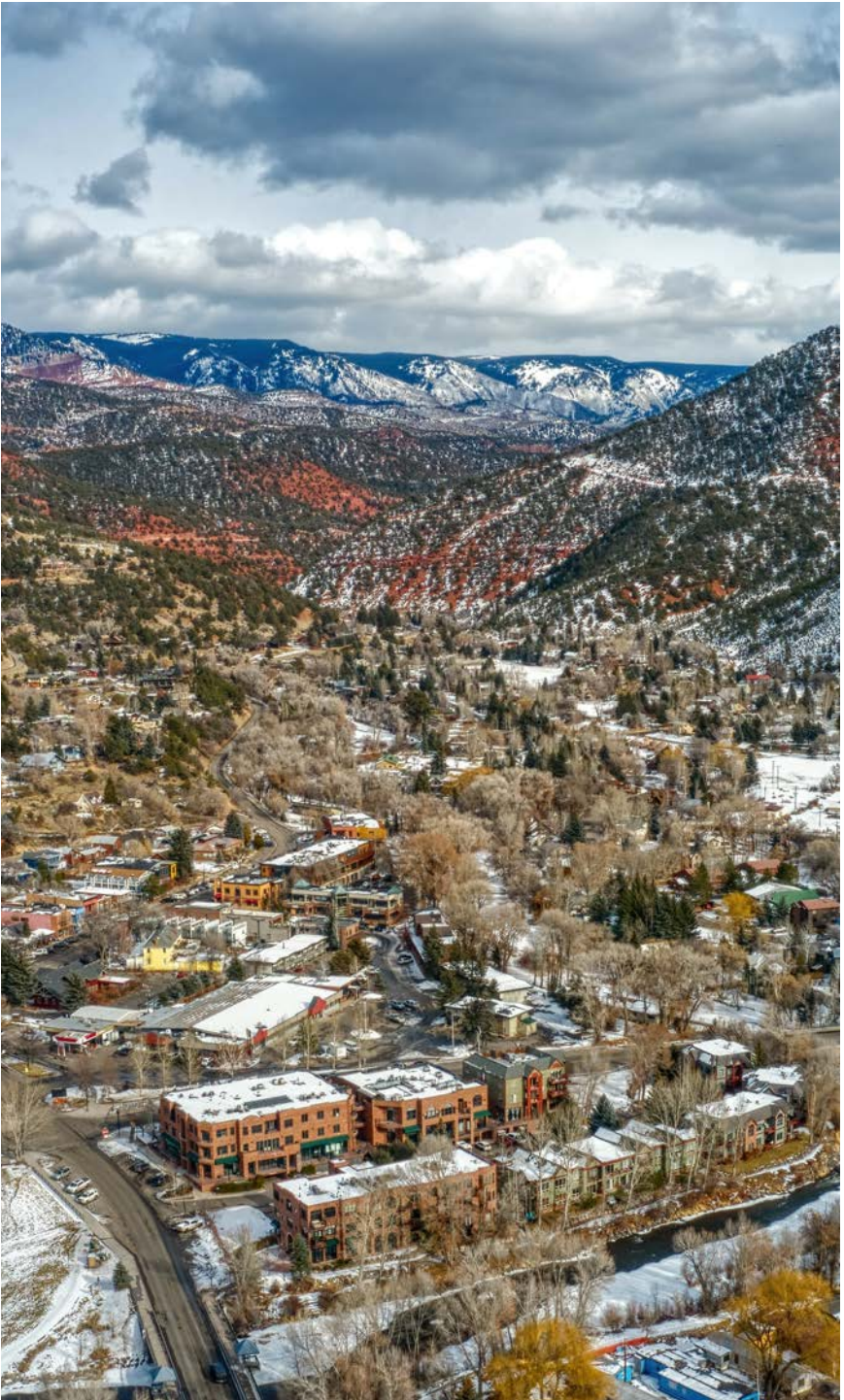
- usually are more than 2,000 in population; and
- may have a mayor–council or council–manager form of government, with the mayor elected by the people or by the council.

Statutory towns and cities are under greater legal control of the state legislature. They look to state law (generally Title 31 of the Colorado Revised Statutes) to determine their legal authority and limitations. Nevertheless, state laws traditionally have given statutory cities and towns considerable authority to make decisions on local issues.

TERRITORIAL CHARTER CITIES

The only remaining territorial charter city is Georgetown. Its charter dates from before Colorado became a state.

The charter can only be changed by the state legislature.



Forms of MUNICIPAL GOVERNMENT

There are two prevalent forms of municipal government in Colorado: mayor–council and council–manager.

MAYOR–COUNCIL STRUCTURE

- The mayor is the ceremonial head of government and presides over council or board of trustee meetings.
- The council or board of trustees sets policy.
- Depending on local charter, applicable statute, or local practice, broad or limited administrative authority is vested with the mayor, members of the council, board of trustees, an administrator, or designated department heads appointed by the mayor, council, or board of trustees.

COUNCIL–MANAGER STRUCTURE

- The mayor is the ceremonial head of government and presides over council meetings.
- The council sets policy and hires and fires the manager.
- The city manager normally has broad administrative authority.



Photo by Vincent Ledvina

Basic MUNICIPAL SERVICES

Services provided by municipalities vary from community to community.

However, typical services include:

- **Public safety** (police, fire, and sometimes ambulance service);
- **Utilities** (water and wastewater, and sometimes trash collection, electric power, and natural gas);
- **Land use** (planning, zoning, code enforcement, and other regulatory activities);
- **Transportation** (street construction and maintenance, traffic safety, and sometimes public transit);
- **Recreation/cultural facilities** (parks, recreation, libraries, and sometimes cultural facilities); and
- **Legal** (ordinances protecting the public health, safety, and welfare of the community).



Municipal FINANCE

In budgeting, the governing body makes important decisions about the operation and priorities of the municipality. Is a swimming pool more important than storm drains? Does the municipality need a new library more than it needs additional police personnel? Should the potholes be filled or the street completely rebuilt?

Budgeting is a process by which the governing body determines the community's standard of living — what the community needs and wants, what it is willing and able to pay, and what services it can expect to receive for its tax dollars.

Municipalities levy specific taxes to finance municipal services. The following are the most common taxes levied by Colorado municipalities:

- **Sales tax** is levied on retail sales of tangible personal property and some services.
- **Use tax** is levied on the retail purchase price of tangible personal property and some services purchased outside the municipality, but stored, used, or consumed within the municipality.
- **Property tax** is levied on the valuation of taxable property located within the municipality.
- **Occupation tax or business license fee** is levied at a standard rate for all or specified businesses and professions.

- **Liquor and beer occupation tax** is a special occupation tax levied on retail liquor and beer establishments.
- **Utility occupation tax and/or franchise fee** is levied on non-municipally owned utilities (telecommunications, electric, gas, cable TV).

In addition, many municipal services are financed in whole or in part by user fees and charges. Finally, municipalities receive revenues from various federal and state grant and allocation programs.



Knowing the LAW

TERM LIMITS

In 1994, the Colorado Constitution was amended to place term limits on local elected officials, including all mayors, councilmembers, and board of trustee members in both statutory and home rule municipalities. All municipal elected officials (except judges) are limited to serving two consecutive terms in office, except if the term of office is two years or shorter, in which case officials are limited to serving three consecutive terms in office.

Terms are considered consecutive unless they are four years apart. Municipal voters may modify or eliminate term limits through a local option election; you should check to determine the status of term limits in your community.

ETHICS AND CONFLICT OF INTEREST

A municipal elected official must adhere to an ethical level of conduct while in office. Elected officials are vested with the public trust and must carry out their responsibilities in an ethical manner. Ethics and conflict of interest requirements for local government officers are addressed in the Colorado Constitution, state statutes, and sometimes in local charter or ordinance provisions. In general, these requirements are aimed at preventing those in a position of public trust from using that position for personal financial gain.

State law provides that, among other things, elected officials may not:

- use confidential information for personal benefit;
- accept gifts or economic benefits as rewards or inducements for official action;
- engage in substantial business with one who supervises or inspects; or
- vote on matters involving a “personal or private interest.”

OPEN MEETINGS

Before assuming public office, become familiar with Colorado's Open Meetings Law, which covers local public bodies such as a municipal governing council or board. You will need a basic understanding of what constitutes a public meeting, the minimum requirements for a quorum, when “full and timely notice” prior to a meeting is required, and the basic requirements concerning “executive sessions” (that is, portions of meetings that are not open to the public).

The open meetings law reflects the policy that public bodies are engaged in the public's business. Consequently, their meetings should be open to the public and held only after “full and timely” public notice. Therefore, the open meetings law permits executive sessions only on specific topics. The law also requires that these sessions be for deliberation only; decisions must be reached in an open meeting. In home rule municipalities, you may be subject to additional or varying requirements under your charter or ordinances.

A municipal elected official must adhere to an ethical level of conduct while in office.

About CML



Founded in 1923, CML is a nonprofit, nonpartisan organization that represents and serves Colorado's cities and towns. Of Colorado's 272 Colorado cities and towns, 270 are members of CML, representing more than 99% of the municipal population in the state.

The Colorado Municipal League believes that local problems are best resolved at the local level of government and that people are best served by a strong and responsive local government.

The League's core functions are advocacy, information, and training.

ADVOCACY

CML represents the interests of Colorado municipalities before the state and federal governments and in the courts.

The League employs a team of legislative and legal advocates to ensure that all municipalities are well-represented in the state capitol and that the interests of cities and towns and their residents are protected through participation in certain appellate court cases. The work of state agencies also is under the watchful eye of CML, as are statewide ballot issues.

INFORMATION

CML provides accessible information that you need to serve your municipality and its residents. Each year, staff responds to individual inquiries with information, advice, and sample documents.

CML periodicals include the award-winning quarterly magazine, *Colorado Municipalities*; biweekly *CML Newsletter*; and *Statehouse Report*, a weekly report on legislation of municipal interest that is sent while the General Assembly is in session.

Publications produced by CML reflect important technical and legal research on a variety of issues impacting municipal government.

The CML website, www.cml.org, and presence on social media platforms, ensure that the most up-to-date information is available to our members. CML also produces short, informative videos on topics important to municipal officials; visit the CML website to view.

TRAINING

Each year, CML offers dynamic events and workshops to support your continuing education and training on such topics as leadership, council collaboration, municipal finance, land use and planning, personnel issues, telecommunications, legislative issues, strategic planning, and more.

MUNiversity recognizes the efforts of officials who go the extra mile to increase their knowledge and their capacity to lead. Since 1991, hundreds of municipal elected officials have participated in this highly successful program.

MUNiversity is based on interactive, affordable, capacity-building learning opportunities that promote a better understanding of municipal government and provide the tools to be a more effective community leader. The program is simple:

- Any municipal elected official may participate. This includes mayors, councilmembers, and trustees.
- There is no cost for enrolling.
- There are no required courses. You select the credited training that fits your specific needs from CML workshops and conferences.

For more information about this program and other CML services, contact the CML office in Denver at 303-831-6411 / 866-578-0936.

Colorado's municipalities BY THE NUMBERS

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The numbers tell a story of resiliency, adaptation, and dedication to providing continued service to CML members and they to their citizens and businesses.



Colorado
population¹

5,782,915



Residents who live
in cities/towns¹

4,307,926



City/town managers/
administrators

180



Mayors, council
members, and trustees

1,830



Home rule municipalities

104

Residents living in home
rule municipalities¹

4,013,569



Statutory municipalities

167

Residents living in statutory
municipalities¹

293,244



Territorial charter towns

1

Residents in territorial
charter town¹

1,113



Municipal members

270



Largest municipality¹

Denver

717,632



Smallest municipality¹

Lakeside

16

Taxes



Municipalities with
a local sales tax

224



Municipalities that
self-collect tax

70



Highest tax rate²

7.0%



Lowest tax rate²

1.0%



Assessed valuation of
property in municipalities¹

\$90B



Total Colorado property
tax assessment¹

66.4%



503 of 581

revenue retention
questions passed¹



712 of 1158

municipal tax or tax rate
questions passed¹



321 of 461

debt and obligation
questions passed¹

¹Since 1993



¹ Colorado Department of Local Affairs, ² Colorado Department of Revenue.

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COLORADO
MUNICIPAL
LEAGUE

**Empowered cities and towns,
united for a strong Colorado**

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