

CITY CLERK'S OFFICE MEMORANDUM
#5-2025

DATE: Aug. 25, 2025

TO: Honorable Mayor Meredith Leighty and City Council Members

THROUGH: Heather Geyer, City Manager *Hmg*

FROM: Johanna Small, City Clerk *JS*

SUBJECT: CB-2029 – Campaign Finance Complaints

PURPOSE

To consider CB-2029, an ordinance on first reading amending Chapter 14, Article 3 of the Municipal Code to authorize the City Clerk to refer qualifying municipal campaign finance complaints to the Colorado Secretary of State as permitted by House Bill 24-1283.

BACKGROUND

House Bill 24-1283 allows municipalities to refer campaign finance complaints to the Secretary of State in two circumstances:

1. When the City Clerk or Clerk's staff has an actual or potential conflict of interest; or
2. When the municipality does not have its own complaint and hearing process.

The City of Northglenn currently has a local process for handling campaign finance complaints. Under this process, the City Clerk must first review each complaint to determine if it:

- Was filed within the required timeframe;
- Specifically identifies one or more alleged campaign finance violations; and
- Provides sufficient facts to establish a legal and factual basis for the alleged violations.

If a complaint does not meet these requirements, the City Clerk must dismiss it. If a complaint alleges curable violations, the City Clerk must notify the respondent and provide an opportunity to correct the violations. If resolution of the complaint requires a factual determination or legal interpretation, the complaint is forwarded to a hearing officer appointed by City Council.

CB-2029 would authorize the City Clerk to refer a complaint to the Secretary of State for investigation and resolution if, during the initial review, a conflict is identified for the City Clerk or the City Clerk's staff. Such determinations must be made in writing. If no conflict exists, the City's existing complaint process would continue to apply.

The proposed ordinance will:

- Authorize the City Clerk to refer qualifying campaign finance complaints to the Secretary of State;
- Require that complaints be filed using the Secretary of State's form and meet statutory requirements;
- Direct the City to cooperate with the Secretary of State in the processing and investigation of complaints; and
- Disclaim any City interest in fines collected by the Secretary of State for referred complaints.

A legal memorandum from the City Attorney summarizing HB24-1283 has been provided separately for Council's reference.

BUDGET/TIME IMPLICATIONS

Campaign finance penalties are not budgeted as annual revenue, and staff does not anticipate a significant budget impact based on the low number of campaign finance complaints filed.

Complaints involving a conflict must be referred to the Secretary of State within 14 days of receipt. If CB-2029 is adopted, the City Clerk must provide a copy of the ordinance to the Secretary of State, and referrals cannot be made for elections occurring fewer than 180 days after the ordinance is provided to the state.

If CB-2029 is approved on first reading, a public hearing and second reading of the proposed ordinance will be scheduled for September 8, 2025.

STAFF RECOMMENDATION

Staff recommends approval of CB-2029 on first reading.

STAFF REFERENCE

If Council members have any questions, please contact Johanna Small, City Clerk at jsmall@northglenn.org or 303.450.8757.

SPONSORED BY: MAYOR LEIGHTY

COUNCIL MEMBER'S BILL

ORDINANCE NO.

No. CB-2029
Series of 2025

Series of 2025

A BILL FOR AN ORDINANCE AMENDING ARTICLE 4 OF CHAPTER 13 OF THE CITY OF NORTHGLENN MUNICIPAL CODE REGARDING CAMPAIGN FINANCE COMPLAINTS IN MUNICIPAL ELECTIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Article 13-4 of the City of Northglenn Municipal Code is amended to read as follows:

ARTICLE 4
CAMPAIGN FINANCE COMPLAINTS

Section 13-4-1. Campaign Finance Complaints. In addition to the campaign finance duties outlined in C.R.S. § 1-45-112 for a municipal clerk, the City Clerk, OR WHERE SPECIFIED, THE SECRETARY OF STATE, shall have the responsibilities set forth in this Article related to campaign finance complaints.

Section 13-4-2. Complaint Process. Any person who believes that a violation of Article XXVIII of the Colorado Constitution, the Fair Campaign Practices Act, C.R.S. § 1-45-101, *et seq.*, or the Secretary of State's rules concerning campaign and political finance has occurred in municipal campaign finance matters may file a complaint with the City Clerk.

(a) A “municipal campaign finance matter” has the meaning defined in C.R.S. § 1-45-111.7(9)(b) and 8 C.C.R. 1505-6, both as amended. The process for review and handling of complaints related to a municipal campaign finance matter shall be as set forth in this Article in a manner consistent with the Fair Campaign Practices Act, C.R.S. § 1-45-101, *et seq.*, specifically C.R.S. § 1-45-111.7, as amended, and the rules promulgated by the Colorado Secretary of State at 8 C.C.R. 1505-6, specifically Rule 23, as amended.

(b) A complaint must be filed no later than one hundred eighty (180) days after the date on which the complainant either knew or should have known, by the exercise of reasonable diligence, of the alleged violation and must meet the minimum requirements set forth in 8 C.C.R. 1505-6, Rule 23.1, as amended. A complaint must be filed in writing and signed by the complainant on the form provided by the City SECRETARY OF STATE. A complaint may be submitted

via fax, email, regular mail, or in person. The complaint must identify one or more respondents and shall include the following information: REQUIRED TO BE PROVIDED ON THE FORM.

~~(1) The name, address, e-mail address, telephone number and signature of the complainant. If the complainant is represented by counsel, include counsel's name, address, telephone number, and signature.~~

~~(2) The name and, if known, the address and telephone number or other contact information for the person alleged to have committed a violation (the "respondent").~~

~~(3) The particulars of the violation. Details about the violation, including how and when complainant became aware of the violation and what is known about the violation must be included.~~

~~(4) Any available documentation or evidence supporting the allegation.~~

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

(d) Documents related to a complaint will be publicly available as set forth in 8 C.C.R. 1505-6, Rule 23.23, as amended.

Section 13-4-3. Initial Determination. The City Clerk shall conduct an initial review of a complaint to determine whether the complaint was timely filed, specifically identifies one or more violations of Article XXVIII of the Colorado Constitution, the Fair Campaign Practices Act, C.R.S. § 1-45-101, *et seq.*, or the Secretary of State's rules concerning campaign and political finance; and alleges sufficient facts to support a factual and legal basis for the violations of law alleged in the complaint.

Within ten (10) business days of receiving a complaint, the City Clerk shall take one or more of the following actions:

(a) If the City Clerk determines that the complaint was not timely filed, has not specifically identified one or more violations of Article XXVIII of the Colorado Constitution, the Fair Campaign Practices Act, C.R.S. § 1-45-101, *et seq.*, or the Secretary of State's rules concerning campaign and political finance, or does not assert facts sufficient to support a factual or legal basis for an alleged violation, the City Clerk shall notify the complainant and respondent of such determination by e-mail or by regular mail if e-mail is unavailable. The City Clerk's determination hereunder is a final action subject only to judicial review pursuant to C.R.C.P. 106(a)(4).

(b) If the City Clerk determines that the complaint alleges one or more curable violations, the City Clerk shall notify the respondent and provide the respondent an opportunity to cure the violations. The process for curing shall be as set forth IN SECTION 13-4-4 below.

(c) If the City Clerk determines that the complaint has specifically identified one or more violations of Article XXVIII of the Colorado Constitution, the Fair Campaign Practices Act, C.R.S. § 1-45-101, *et seq.*, or the Secretary of State's rules concerning campaign and political finance, 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 City Clerk shall forward the complaint to a hearing officer appointed by the City Council.

(D) IF THE CITY CLERK DETERMINES THAT THE COMPLAINT HAS SPECIFICALLY IDENTIFIED ONE OR MORE VIOLATIONS OF ARTICLE XXVIII OF THE COLORADO CONSTITUTION, THE FAIR CAMPAIGN PRACTICES ACT, C.R.S. § 1-45-101, *ET SEQ.*, OR THE SECRETARY OF STATE'S RULES CONCERNING CAMPAIGN AND POLITICAL FINANCE, AND HAS ALLEGED FACTS SUFFICIENT TO SUPPORT A FACTUAL OR LEGAL BASIS FOR EACH ALLEGED VIOLATION, BUT PRESENTS AN ACTUAL OR POTENTIAL CONFLICT FOR THE CITY CLERK OR THE CITY CLERK'S STAFF TO INVESTIGATE IT, THE CITY CLERK SHALL REFER THE COMPLAINT TO THE SECRETARY OF STATE AS PROVIDED BY C.R.S. § 1-45-111.7(10)(c)(I).

(1) THE SECRETARY OF STATE IS AUTHORIZED TO USE THE PROVISIONS OF C.R.S. § 1-45-111.7(3)-(7) TO PROCESS, INVESTIGATE AND RESOLVE THE REFERRED COMPLAINT; EXCEPT THAT SECTION 13-4-2(b) HEREIN SHALL APPLY WHEN DETERMINING WHETHER THE COMPLAINT WAS TIMELY FILED;

(2) THE CITY SHALL COOPERATE WITH THE SECRETARY OF STATE IN PROCESSING AND INVESTIGATING THE REFERRED COMPLAINT; AND

(3) THE CITY SHALL DISCLAIM ANY INTEREST IN FINES COLLECTED IN CONNECTION WITH THE REFERRED COMPLAINT.

Section 13-4-4. Process for Curing.

(a) Upon the City Clerk's determination that a complaint alleges a failure to file or otherwise disclose required information, or alleges another curable violation, the City Clerk 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 (10) 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 City Clerk with notice of the respondent's intent to cure on the form provided the City Clerk and include a copy of any amendments to any report containing one or more deficiencies.
- (d) The City Clerk may ask the respondent to provide additional information and may grant an extension of time to file a notice of intent to cure in order to respond to such a request.
- (e) After the period to cure has expired, the City Clerk shall determine whether the respondent has cured any violation alleged in the complaint and, if so, whether the respondent has substantially complied or acted in good faith.
 - (1) If the City Clerk determines that the respondent has substantially complied or acted in good faith, the City Clerk will dismiss the complaint.
 - (2) If the City Clerk determines that the respondent neither substantially complied nor acted in good faith, the City Clerk will refer the matter to a hearing officer.
 - (3) The City Clerk's determination under this subsection is a final decision subject to review under Rule 106, C.R.C.P.

Section 13-4-5. Hearing Procedure. The hearing officer shall schedule a hearing on a complaint referred by the City Clerk within thirty (30) days of the filing of the complaint. The hearing may be continued upon the motion of any party for up to thirty (30) days or a longer extension of time upon a showing of good cause. The hearing shall be in compliance with C.R.S. § 1-45-111.7(6), as amended. Testimony shall be given under oath, and the hearing officer shall have the power to issue subpoenas and compel the attendance of witnesses. The hearing shall be summary and not subject to delay and shall be concluded within sixty (60) days after the petition is filed. No later than five (5) days after the conclusion of the hearing, the hearing officer shall issue a written determination. The hearing officer's written determination is a final action subject only to judicial review pursuant to C.R.C.P. 106(a)(4).

Section 13-4-6. Penalties. The City Clerk or a hearing officer, as appropriate, may impose penalties and sanctions as set forth in C.R.S. § 1-45-111.5, and 8 C.C.R. 1505-6, Rule 23.3-34, both as amended. Recovery of a party's reasonable attorney fees and costs shall be as set forth therein. IN ADDITION, THE CITY SHALL NOT BE ENTITLED TO ANY FINES COLLECTED IN CONNECTION WITH A COMPLAINT REFERRED TO THE SECRETARY OF STATE AS SET FORTH IN SECTION 13-4-3 OF THIS ARTICLE.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____,
2025.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, MMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2025.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, MMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney