AGENDA

1. Roll Call

2. Approval of Minutes – April 29, 2021

3. Choosing the Committee Chair and Vice-Chair

4. Overview of Committee Resources

5. Overview of Committee’s Recent Actions

6. Discussion – 2021 Proposed Amendments to the Lakewood Campaign Finance Ordinance

7. Discussion – Proposal to Allow Actively Campaigning Candidates to Use Campaign Funds for Child-Care or Care of Dependent Adults

8. Next Steps

9. Set Next Meeting Date/Time

10. Adjournment
Chairman Charley Able called the meeting to order at 6:01 pm.

1. Roll Call: Councilor Charley Able, Chair, Presiding
   Councilor Mike Bieda
   Councilor David Skilling
   Councilor Dana Gutwein

   Absent: Councilor Jacob LaBure

   Also present: Mark Grueskin, Outside Legal Counsel
                 Bruce Roome, City Clerk

2. Approval of Minutes – December 18, 2020

   Motion by Councilor to approve the December 18, 2020 meeting minutes. The motion was seconded.

   AYES: Able, Bieda, Skilling, Gutwein
   NAY: None

   Result
   Approved 4 – 0, the motion passed.

3. Discussion - Revisit Attorney Grueskin Recommendations and Committee decisions from December 18, 2020

   a) Campaign Finance Issues
      i. How can the City define “election cycle?”

      The committee agrees on the below definition to define “election cycle” in the ordinance.
      For general elections, 31 days after the date of the last general election through 30 days after the date of the next general election; and
      For special elections, 31 days after a general election through 30 days after a special election and 31 days after the special election through 30 days after the next general election.

      ii. How can the City lessen campaign finance penalties to account for innocent or clerical filing errors?

      The committee agrees on establishing a system of waivers that mimics what the Secretary of State does in order to minimize the impact on one-time or minor non-filing events.
iii. How can the City deal with contribution/expenditure reporting for non-institutional media outlets—specifically, ones that primarily deliver candidate advocacy rather than a range of news in more typical categories such as sports or weather?

The committee agrees on creating a new category of registered and reporting entities that requires full disclosure, either as “electioneering communications” or as a new category of expenditures.

Councilor Gutwein proposed adding specific language, “anything that is an expenditure over $3,000 within 120 days (or 90 days) of an election are required to be registered and disclosed as an electioneering communication.” Mr. Grueskin brought up that it is 60 days in the State election code. Committee members agreed to change the proposed 120 or 90 days changed to 60 days. After further discussion a consensus was reached to have multiple choices for dollar limit on expenditures (such as $3,000, $5,000, etc.) as all of Council will ultimately decide on the amount.

Public Comment  
1. Michael Gunstanson, commented about what is and is not defined as a newspaper.

4. Discussion – Consideration of allowing campaign funds to be used for family expenses

Last meeting, Councilor Able raised the issue of using campaign funds as relief for caregivers. He wants to include a provision whereby childcare expenses would be admissible expenditures for candidates and they can use campaign funds to pay a baby sitter or day care. This could also be extended to elder care as well. All committee members present agreed this is worth pursuing.

Public Comment  
1. Jim Kinney, wanted to know if other municipalities within the State have any current rules on Item iii as it relates to newspapers.  
2. Ray Milholland, spoke regarding campaign finance and special issue committees. He believes that fines need to have the ability to adjust the amount of fine based on the severity of the transgression.

5. Next Steps

• Mr. Grueskin will prepare a draft amended ordinance that addresses each of the changes that the committee requested.

• City Clerk Roome will work with the City Manager to schedule a Study Session as well as the first reading of the ordinance and the second reading and the public hearing two weeks later.

6. Adjournment - the meeting was adjourned at 7:11 pm

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Michele Millard, Interim City Clerk
“ELECTION CYCLE DEFINITION”
ADD the following to L.M.C. 2.54.02 (Definitions):

*Election cycle* means:
(I) for general elections, thirty-one days after the date of the last general election through thirty days after the date of the next general election; and
(II) for special elections, either of the following as applicable:
   (A) thirty-one days after a general election through thirty days after a special election; and
   (B) thirty-one days after the special election through thirty days after the next general election.

PENALTY WAIVER/REDUCTION
AMEND L.M.C. 2.54-050(B)(8) as follows:

(8) The City Clerk shall adopt rules that establish criteria for waiver of a penalty for noncompliance in the event a committee has substantially complied with this ordinance or any noncompliance occurred despite the good faith efforts of the committee to comply with this ordinance.

A. The Clerk may waive or reduce penalties imposed upon timely filing of a completed request for waiver or reduction that provides an explanation of all relevant factors relating to a delinquent or incomplete filing and any mitigating circumstances, including measures taken to avoid future delinquencies.

B. The Clerk’s rules shall specify standards relative to late or missing filings that are no more stringent than the table used to determine the appropriateness of waiving or reducing penalties as set forth in Secretary of State Rule 18.1.2, 8 CCR 1505-6, as such rule was in effect on May 1, 2021. The Clerk shall publish the adopted standards and table and provide them to all filing committees and entities.

[For your reference, here is SOS table: https://www.sos.state.co.us/pubs/rule_making/CurrentRules/8CCR1505-6CPF.pdf]
NON-INSTITUTIONAL MEDIA REPORTING

ADD the following to L.M.C. 2.54.02 (Definitions):

_Electioneering communication_ means any communication broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed, transmitted by means of the internet, or delivered by hand to personal residences or otherwise distributed that:

(I) Unambiguously refers to any candidate without expressly advocating that candidate; and

(II) Is broadcast, printed, mailed, delivered or distributed within 60 days before a municipal election; and

(III) Is broadcast to, printed in a newspaper distributed to, mailed to, delivered by hand or electronically transmitted to any communication by persons made in the regular course and scope of their business or any to an audience that includes members of the electorate for such public office.

For purposes of this definition, a “newspaper” is any publication of current information: that is distributed at least four times during the twelve months prior to an election by means of a hard copy periodical or a dedicated site on the internet, or both; the publishers of which incur expenses or liabilities of $3,000.00 or more per year on reporting, printing, publishing, and distributing news articles or opinion columns, or both; and a major purpose of which is to influence an election of one or more candidates for municipal office in the City of Lakewood.