AGENDA

1. Roll Call

2. Introductory Comments from Committee Members

3. Presentation on Municipal Campaign Finance from Karen Goldman, Colorado Municipal Clerk Advisor Program

4. Discussion Regarding Proposed Amendments to Chapter 2.54 LMC

5. Next Steps

6. Next Meeting Date/Time

7. Adjournment
INTRODUCTION:

Why revisions are needed:
1. Remove inherent conflicts imposed on City Clerk and City Attorney’s offices in prosecuting violations against municipal candidates and currently elected public officials.
2. Lack of enforcement and meaningful penalties; and
3. Lack of clear timelines for action, public transparency, and reporting deadlines.

Objectives:
1. Remove existing inherent conflicts regarding enforcement;
2. Update and clarify terms;
3. Provide additional and more timely public transparency on all filings and reports;
4. Eliminate enforcement loopholes, undefined discretion in assessing penalties, and ensuring penalties will be impactful;
5. Remove unnecessary and used provisions; and
6. Improve electronic reporting transparency.

Summary of Proposed Changes to Discuss:

Eliminate Inherent Conflicts Regarding Enforcement

- Eliminate conflict for both the City Clerk and City Attorney in prosecuting violations and imposing penalties against Lakewood candidates and Lakewood elected officials.
- Add specific timelines for all steps in the complaint process and impose only non-discretionary ministerial tasks on City Clerk and City Attorney.
- Shorten the time to conduct a complaint hearing and issue a decision to provide greater transparency to voters.

Update and Clarify Terminology

- Update and add clarity to the definition of “electioneering communication” specifically including digital communications and physical signage.
- Update the definition of “major purpose” regarding issue committee activities.
- Make absolutely clear there is a prohibition on all anonymous contributions, and specifically prohibits anonymous solicitations like “pass the hat” and “fish bowl” solicitations.

Provide Additional and More Timely Transparency

- Require reporting by Issue Committees making expenditure of $200 or more rather than current $500 or more for issue committee communications.
- Require on-line posting of all filings within specific quick deadlines.
- Require the Clerk to provide sufficient training to candidates and committees on compliance.
- Eliminate Loopholes, Undefined Discretion in Assessing Penalties, and Ensuring Penalties will be Impactful
- Eliminate a loophole in the definition of electioneering communication where the candidate alleges there was no expenditure made.
• Clarify current law that ignorance of the ordinance requirements is not a defense.
• Eliminate undefined discretion on the amount of an applicable penalty. Currently, most penalties are listed within a range without any guidance on how to assess a penalty within the range.
• Eliminate the provision that allows evasion of a clearly applicable penalty simply because the City Clerk failed to inform the violator in time.
• Make clear that every violation has a penalty. Currently, hearing officers have found violations but do not impose any penalty because the ordinance did not state a penalty for that specific violation. A specific penalty is identified, or if not, a standard penalty must be imposed.

**Remove Unnecessary and Unused Provisions**

• Remove all provisions related to exploratory committees because these provisions are unused and complicate reporting for candidates.

**Improve Electronic Reporting Transparency**

• Require cumulative reporting of all contributions, expenditures, loans, and loan repayment in each report.
• Eliminate confusion regarding report filing periods and deadlines by providing consistent dates for filing reports.
• Require the Clerk to use the same electronic reporting system as the Colorado Secretary of State, if possible.