

**ORDINANCE NO. 2026-\_\_**

**AN ORDINANCE REPEALING AND REENACTING CHAPTER 2.01 OF  
THE CASTLE ROCK MUNICIPAL CODE REGARDING THE  
CONDUCT OF TOWN ELECTIONS**

**WHEREAS**, the Town of Castle Rock, Colorado, (the “Town”), is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution (the “Home Rule Amendment”); and

**WHEREAS**, Town staff has completed a review and analysis of Town Charter (“Charter”), Castle Rock Municipal Code (“Code”) and State law provisions concerning the Town’s election processes and has recommended amendments to the Code to both streamline and improve these processes; and

**WHEREAS**, with regard to the rules governing those regular elections conducted as coordinated mail ballot elections by the Douglas County Clerk and Recorder, Section 4-1 of the Charter requires that such elections shall be conducted under the Colorado Uniform Election Code of 1992, as from time to time amended; and

**WHEREAS**, with regard to the rules governing the conduct of all other elections, Town staff recommends that such elections be conducted under Colorado Municipal Election Code of 1965, as from time to time amended; and

**WHEREAS**, with regard to campaign finance, the Town staff recommends that the Town exercise its authority under the Home Rule Amendment to adopt its own ordinances regulating reporting and contribution requirements for local ballot issue and ballot question elections and elections pertaining to the office of Mayor and Town Council; and

**WHEREAS**, with regard to the recall, Charter amendment initiative, and ordinance initiative and referendum powers reserved to Town voters, Town staff recommends consolidating the processes for the exercise of these powers and providing a uniform petitioning process for use by the Town’s registered electors; and

**WHEREAS**, the Town Council has reviewed the proposed amendments and additions to the Code and has determined that such amendments and additions are in the best interests of the public health, safety, and welfare and desires to adopt the same.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:**

**Section 1. Legislative Findings.** The recitals to this Ordinance are adopted as findings of the Town in support of enactment of this Ordinance.

**Section 2. Repeal and Reenactment.** Chapter 2.01, Articles I through IV and Articles VI through VII of the Castle Rock Municipal Code are hereby repealed and reenacted as Chapter 2.01, Article I, which Article reads as follows:

Article I. – General

2.01.100 - Town elections; Election Commission; powers of Town Clerk or designee.

- A. All Town elections shall be held pursuant to this Article.
- B. In accordance with the Charter, the Election Commission shall have charge of all activities and duties required of it by the Charter and this Article relating to the conduct of elections in the Town. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.
- C. The Election Commission shall have such authority to adjust the boundaries of districts as is provided for by Section 4-5 of the Charter. In addition, upon the annexation of territory into the Town, the Election Commission shall determine into which district such territory shall be included; provided, however, that no such determination shall be made within the one hundred twenty (120) days before a regular Town election.
- D. The Election Commission shall have the power to adopt reasonable rules and regulations not inconsistent with the Constitution and the State of Colorado, the Charter and this Article.
- E. Except where otherwise provided in this Article, the Town Clerk shall render all interpretations and shall make all initial decisions as to controversies or other matters arising in the operation of this Article. All powers and authority granted to the Town Clerk by this Article may be exercised by the Town Clerk's designee in the absence of the Town Clerk or in the event the Town Clerk for any reason is unable to perform his or her duties.

2.01.110 - Affidavit of intent.

No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the Town Clerk by the person whose name is written in at least sixty-three (63) days before the date of the election, indicating that such person desires the office and is qualified to assume the duties of that office if elected. The Town Clerk shall maintain an appropriate form of affidavit in the Town Clerk's office.

2.01.120 - Election may be cancelled.

If the only matter before the voters in any district of the Town is the election of persons to office and if, at the close of business on the sixty-first (61<sup>st</sup>) day before the election, there are not more candidates than offices to be filled at such election for the district, including candidates filing affidavits of intent pursuant to Section 2.01.110, the Town Clerk, if instructed by resolution of the Town Council either before or after such date, shall cancel the election for such district and by

resolution declare the candidates elected. Notice of such cancellation shall be published in order to inform the electors of the Town. If the election was to be conducted as a polling place election pursuant this Article, notice of such cancellation shall also be posted at each polling place and in not less than one other public place.

#### 2.01.130 - Coordinated and Contracted Elections.

- A. The Town Council may determine that any regular or special election shall be conducted as a coordinated election by ordinance adopted no later than seventy (70) days prior to the date of the election. Coordinated elections shall be conducted in accordance with an intergovernmental agreement between the Town and the County Clerk signed no later than seventy days prior to the election.
- B. The Town Council may determine that any regular or special election shall be conducted through Douglas County on behalf of the Town by ordinance adopted no later than sixty (60) days prior to the date of the election. Such elections shall be conducted in accordance with an intergovernmental agreement between the Town and the County Clerk signed no later than forty-five (45) days prior to the election.
- C. An ordinance is deemed adopted under this Section on the date the Town Council has taken final action on such ordinance, irrespective of any provision in this Code.

#### 2.01.140 - Applicable law.

Except as otherwise provided by this Code or by council ordinance or resolution calling an election or submitting an issue to the voters at an election:

- A. The Colorado Municipal Election Code of 1965 (Section 31-10-101, *et seq.*, C.R.S.) as now existing or hereafter amended or modified, shall govern Town elections, including mail ballot elections not coordinated by the Douglas County Clerk and Recorder; and
- B. For the purposes of participating in coordinated elections, as defined in the Colorado Uniform Election Code of 1992 (Section 1-1-101, *et seq.*, C.R.S.), including coordinated mail ballot elections, as defined in the Colorado Mail Ballot Election Act (Section 1-7.5-101, *et seq.*, C.R.S.), the Town adopts and will follow all applicable provisions of those statutes, as now existing or hereafter amended or modified, notwithstanding any contrary provisions of the Colorado Municipal Election Code of 1965 (Section 31-10-101, *et seq.*, C.R.S.).

**Section 3. Repeal and Reenactment.** Chapter 2.01, Article V, of the Castle Rock Municipal Code is hereby repealed and reenacted as Chapter 2.01, Article II, which Article reads as follows:

#### Article II. – Local Campaign Finance – Reporting Requirements

#### 2.01.200 - Legislative declaration.

- A. The Town Council hereby finds and declares that that preserving the integrity and openness in the political process is a matter of the highest public interest; that the people of the Town can be better served through a more informed electorate; that the trust of the people is essential to representative government; and that full and timely public disclosure of campaign contributions and expenditures is necessary to promote public confidence in government and to protect the integrity of the electoral process.
- B. The Town Council enacts the ordinances contained in this Article for purposes of superseding the requirements of state law and regulating reporting and contribution requirements for local ballot issue and ballot question elections and elections pertaining to the office of Mayor and Town Council, including elections related to the recall of such officers.

#### 2.01.205 - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section:

*Anything of value* shall mean, by illustration only, goods, equipment, devices, products, in kind services, labor, assistance and professional advice.

*Ballot issue* or *ballot question* (also referred to as *issue*) shall mean any measure put to a vote of the registered electors of the Town at any election held under the provisions of the Town Code or Charter. For purposes of this Article, ballot issue or ballot question (or issue) shall also mean any measure for which recall, initiative or referendum proceedings have been commenced. As used in this Section, commenced shall mean the date the form of the petition is approved by the Town Clerk.

*Candidate* shall mean any person who seeks nomination or election to the office of Mayor or Town Council at any Town election, including an election seeking the recall of the Mayor or a member of the Town Council. A person is a candidate if the person has publicly announced an intention to seek such election or has filed a nominating petition in person with the Town Clerk for the office of mayor or Town Council. Candidate shall also mean any elected official who is the subject of recall proceedings, or one who seeks to replace such an elected official upon recall.

*Candidate committee* shall mean 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 shall have only one candidate committee. A contribution to a candidate shall be deemed a contribution to the candidate committee. A candidate committee shall be considered open and active until the committee has filed a termination report with the Town Clerk.

Committee expenditure shall mean an expenditure made directly from a committee's account.

*Contribution* shall mean:

1. The payment, loan, pledge, gift or advance of money, or guarantee of a loan, made to any candidate committee, issue committee, small scale issue committee, or political committee;
2. Any payment of money made to a third party for the benefit of any candidate committee, issue committee, small scale issue committee, or political committee;
3. Anything of value given, directly or indirectly, to a candidate committee for the purpose of promoting the candidate's nomination, retention, recall or election; or
4. With regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value for 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 or political committee.

“Contribution” shall include expenditures that are controlled by or coordinated with a candidate or candidate's agent. Such coordinated expenditures are deemed to be both contributions by the maker of the expenditures, and expenditures by the candidate committee.

“Contribution” shall not include services provided without compensation by individuals volunteering time on behalf of a candidate, candidate committee, issue committee, small scale issue committee, or political committee.

*Contribution in-kind* shall mean the fair market value of a gift or loan of any item of real or personal property, other than money, made to or for any candidate committee, issue committee, small scale issue committee, or political committee for the purpose of influencing the nomination, retention, election or defeat of any candidate or passage or defeat of a ballot issue or ballot question. Personal services shall be considered a contribution in kind by the person paying compensation therefor. In determining the value to be placed on contributions in-kind, a reasonable estimate of fair market value shall be used. Contribution in-kind shall not include an endorsement of a candidate by any person and shall not include the payment of compensation for legal and accounting services rendered to a candidate, candidate committee, issue committee, small scale issue committee or political committee if the person paying for the services is the regular employer of the individual rendering the services and the services are solely for the purpose of ensuring compliance with the provisions of this Article.

*Expenditure* shall mean the payment, distribution, loan, gift or advance of any money for goods or services by any person or organization for the purpose of expressly advocating the election or defeat of any candidate. or passage or defeat of a ballot issue or ballot question. An expenditure occurs when the actual payment is made or cost is incurred or when there is a contractual agreement and the amount is determined or when goods are first delivered or services commence, the date of the expenditure being the date when the first of any of these events occurs.

1. If any portion of goods or services obtained or purchased by a person are used in any manner by any person or organization for the purpose of expressly advocating the election or defeat of any candidate, or passage or defeat of a ballot issue or ballot question, the pro rata value of such portion of goods or services shall constitute an expenditure.
2. "Expenditure" shall not include any cost incurred in covering or carrying any news story, editorial endorsements, opinion or commentary writings, or letters to the editor by any broadcasting station (including a cable television operator, programmer or producer), newspaper, magazine, or other periodical publication, including any Internet or electronic publication, that is viewable by the general public and is primarily devoted to the dissemination of news and editorials to the general public, and is not owned or controlled by a candidate, candidate's committee, issue committee, small scale issue committee or political committee.
3. 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.

*Immediate family* shall mean a spouse, domestic partner, child, brother, sister, parent, parent-in-law, uncle or aunt. "Domestic partner" shall mean an unmarried adult, unrelated by blood, with whom an unmarried official or employee has an exclusive, committed relationship, maintains a mutual residence, and shares basic living expenses.

*Independent expenditure* shall mean the payment of money by any person for the purpose of advocating the election, defeat or recall of a candidate, which expenditure is not controlled by, or coordinated with, any candidate or any agent of such candidate. "Independent expenditure" shall include, but not be limited to:

1. Expenditures for political messages which unambiguously refer to any specific public office or candidate for such office; "
2. The payment of money by any person for supporting or opposing a ballot issue or ballot question that is not controlled by, or coordinated with, an issue committee or a small-scale issue committee: and
3. Advertisements placed for a fee on another person's website or advertisement space provided for no fee or a reduced fee where a fee ordinarily would have been charged.

"Independent expenditure" shall not include:

1. Expenditures made by persons in the regular course and scope of their business and political messages sent solely to their members;
2. Expenditures made by small-scale issue committees; or

3. Any news articles, editorial endorsements, opinion or commentary writings, or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by the candidate, or communications other than advertisements posted or published on the internet for no fee.

*Issue committee* shall mean:

1. Two (2) or more persons who are elected, appointed or chosen, or have associated themselves, and that take steps in furtherance of an intent to accept contributions or contributions in kind, or make expenditures, to support or oppose any ballot issue or ballot question;
2. Any person that takes steps in furtherance of an intent to accept contributions or contributions in kind for the purpose of supporting or opposing any ballot issue or ballot question; or
3. Any person or associated persons upon making independent expenditures of five thousand dollars (\$5000.00) or more for the purpose of supporting or opposing any ballot issue or ballot question.

“Issue committee” shall not include small-scale issue committees as otherwise defined in this Section.

*Non-committee expenditure* shall mean an expenditure by any person other than a candidate, or political committee that is not controlled by or coordinated with any candidate or agent of such candidate or candidate's committee.

*Person* shall mean any individual, partnership, committee, association, corporation, labor organization or other organization or group of persons.

*Political committee* shall mean any person(s), who are elected, appointed or chosen, or have associated themselves, for the purpose of making contributions to a candidate or candidate's committees or other political committees, or to make expenditures in support of or opposition to candidates, or in support of or opposition to recall questions.

“Political committee” shall not include:

1. Candidate committees as otherwise defined in this section; or
2. Any partnership, committee, association, corporation, labor organization or other organization or group of persons previously established for a primary purpose outside the scope of this Article.

*Publicly announced* 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.

*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. The following are treated as a single small-scale issue committee:

1. 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;
2. 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
3. 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.

*Termination report* shall mean a final report prepared by a candidate committee, or political committee and filed with the Town Clerk which discloses the committee's contributions received, expenditures made and obligations entered into, when the following conditions have been met:

1. The committee no longer intends to receive contributions or make expenditures; and
2. A zero balance exists in the account established and maintained by the committee and the committee has no outstanding debts or obligations.

*Unexpended campaign contributions* shall mean the balance of funds on hand in any candidate committee, or political committee following an election, less the amount of all unpaid monetary obligations incurred prior to the election.

#### 2.01.210 - Candidate affidavit; failure to file.

- A. When any individual becomes a candidate, such individual shall certify, by affidavit filed with the Town Clerk within ten (10) days thereafter that the candidate is familiar with the provisions of this Article.
- B. Failure of any person to file the affidavit and disclosure statement required under this section shall result in the disqualification of such person as a candidate for the office being sought. Disqualification shall occur only after the Town Clerk has sent a notice to the person by certified mail, return receipt requested, addressed to the person's last known residence address. The notice shall state that the person will be disqualified as a candidate

if the person fails to file the affidavit and disclosure statement within five (5) business days of receipt of the notice.

- C. The requirements of this section shall not apply to any elected official who is the subject of recall proceedings.

#### 2.01.215 - Registration of committees.

All candidate committees, issue committees, and political committees shall register with the Town Clerk before accepting or making any contributions. Registration shall be on forms provided by the Town Clerk and shall include the following information:

- A. The committee'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.

#### 2.01.220 - Campaign contributions.

- A. **No Limits on Contributions.** Notwithstanding Section 1-45-103.7(1.9), C.R.S., there shall be no limit on the amount of aggregate contributions that any one person may make to a candidate committee of a candidate for a municipal office, and that a candidate committee for such candidate may accept from any one such person.
- B. **Contributions from one candidate committee to another.**
  - 1. No candidate committee shall make a contribution or contribution in kind to, or accept a contribution or contribution in kind from, a candidate committee of another candidate.
  - 2. No candidate committee shall accept a contribution or contribution in kind from a candidate committee of the same candidate that was established or maintained for a federal, state or county election campaign or office.
  - 3. Contributions made to a candidate committee by another candidate committee established by the same candidate for the office of Mayor or Town Council are expressly permitted.
- C. **Recordkeeping.** All contributions received by a candidate committee, issue committee, or political committee shall be deposited and maintained in a financial institution in a separate account whose title shall include the name of the committee. All records pertaining to such

accounts shall be maintained by the committee for ninety (90) days following any election in which the committee received contributions unless a complaint has been filed alleging a violation of the provisions of this Article, in which case they shall be maintained until final disposition of the complaint and any subsequent court proceedings. Such records shall be subject to inspection at any hearing held pursuant to this Article.

- D. Reimbursements prohibited. No person shall make a contribution to a candidate committee, issue committee, or political committee 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, or political committee, nor shall any person make such reimbursement.

2.01.225 - Disclosure; filing of reports by candidates, candidate committees, issue committees and political committees.

- A. All candidate committees, issue committees, and political committees shall report to the Town Clerk their contributions and contributions in kind received, including the name and address of each person who has made contributions or contributions in kind in the amount of \$20.00 or more, all expenditures made, and all obligations entered into by the committee. Copies of receipts must be attached to the form for all single expenditures exceeding \$100.00.
- B. Reports shall be due on the thirty-second (32<sup>nd</sup>) day prior to the election; the twenty-first (21<sup>st</sup>) day prior to the election; the eleventh (11<sup>th</sup>) day prior to the election; the Friday before the election; fifteen (15) days after the election; and on the first (1<sup>st</sup>) day of each quarter (July 1, October 1, January 1 and April 1) following the election until a termination report is filed. If the reporting day is on a weekend or a legal holiday, the report shall be filed by the close of the next business day. The reporting period shall close five (5) calendar days prior to the date the report is due.
- C. The reports required by this section shall 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.
- D. All reports shall be submitted on forms provided by the Town Clerk and shall be complete in all respects. Reports shall be current in all respects as of two (2) days prior to the date upon which each such report is to be filed.
- E. A report required to be filed by this Article is timely if the original report is received by the Town Clerk not later than the close of business on the due date or if a copy of the report is filed by electronic mail on or before the date due and the original report is filed not later than the close of business on the next business day. For purposes of this provision, the original report shall mean a copy containing an original signature of the person completing the report.

- F. Any report that is deemed by the Town Clerk to be incomplete or inconsistent with the requirements of this Article shall be accepted on a conditional basis, and the committee treasurer shall be notified in writing as to any deficiencies. Such notice may be delivered in person, by United States mail, or by electronic mail. The committee treasurer shall have seven (7) business days from the date of delivery of such notice to file an amended report that cures the deficiencies. Any such amended report shall supersede the original report filed for the reporting period.
- G. Any candidate committee, issue committee, or political committee that has not accepted any contributions or contributions in kind, made any expenditures, or entered into any obligations during a reporting period, shall file a report with the Town Clerk on the days specified in Subsection C, above, certifying that the committee has not accepted any contributions or contributions in kind, made any expenditures or entered into any obligations during the relevant reporting period.

2.01.230 - Disclosure; filing of reports by small scale issue committees.

- A. Notwithstanding any of the requirements of this Article to the contrary, 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 (\$200.00) 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. 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 (\$200.00) and five thousand dollars (\$5,000.00) shall register with the Town Clerk within ten (10) business days of the date on which the aggregate amount of contributions or expenditures exceeds two hundred dollars (\$200.00). Registration shall be on forms provided by the Town Clerk and shall include the following information:
  - 1. The committee's full name, spelling out any acronyms used in the name;
  - 2. The name of a natural person authorized to act as a registered agent of the committee;
  - 3. A street address for the principal place of business of the committee;
  - 4. The purpose or nature of interest of the committee; and
  - 5. 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.
- C. A small-scale issue committee described in Subsection B, above, is not required to make any disclosure about any contributions or expenditures it has made or received.

- D. 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 (\$5,000.00), the committee shall:
1. Report to the Town Clerk, 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;
  2. 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 pertaining to the disclosure by an issue committee of its contributions or expenditures accepted or made; and
  3. Report this change in the committee's status through its registered agent to the Town Clerk within fifteen (15) days of becoming subject to the applicable requirements governing an issue committee under this Article.

#### 2.01.235 - Independent Expenditures

- A. Any person, excluding a committee required to register under this Article, who makes independent expenditures in connection with any particular ballot totaling in the aggregate more than one thousand dollars (\$1000.00) shall report any such independent expenditures made after that threshold is met to the Town Clerk on a form provided by the Town Clerk no later than three (3) business days after the day that funds are obligated to pay for said independent expenditure. Said notice shall include the following information, together with any other information required by the Town Clerk:
1. The name, address and telephone number of the person making the independent expenditures;
  2. The name of the candidate whom the independent expenditures are intended to support or oppose;
  3. The name and address of the vendor(s) providing the property, materials or services;
  4. A detailed description of the independent expenditures sufficient to allow for determination of compliance with this section;
  5. The amount of the independent expenditures;
  6. The date the funds were obligated; and

7. Copies of receipts, invoices, or other documentation related to the independent expenditure.
- B. For the purposes of this provision, funds shall be considered to have been obligated as soon as an agreement is reached for the provision of the property, materials or services in question, regardless of when payment is to be made for such property or services.
  - C. All independent expenditures shall be documented and all records pertaining to independent expenditures, including but not limited to invoices, receipts, instruments of payment, and copies of any public communications produced as a result of the expenditure, shall be maintained for one (1) year following any election in which the funds were expended unless a complaint has been filed under Section 2.01.260.A alleging a violation of the provisions of this Article, or the person or committee has received notice of an investigation or prosecution of a violation of this Article by the Town or other law enforcement authority, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Such records shall be made available within three (3) business days upon request of the Town and subject to inspection in connection with any hearing held pursuant to this Article.
  - D. Any person or persons, excluding a committee otherwise required to register under this Article, who makes or make independent expenditures in connection with any particular Town election (including either candidate races or ballot questions or issues) totaling in the aggregate five thousand dollars (\$5,000.00) or more, shall register as an issue committee or political committee, as applicable, within three (3) business days of having made expenditures in excess of such threshold. The initial report of any such committee shall provide the dates of any reports of independent expenditures previously made and the source of funds for said previously reported expenditures.

#### 2.01.240 - Reports to be public record.

- A. Upon receipt of any campaign report submitted pursuant to this Article, the Town Clerk shall, in accordance with applicable law, make such report available for public inspection upon written request therefore.
- B. No information contained in any campaign report submitted pursuant to this Article shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

#### 2.01.245 - Unexpended campaign contributions.

- A. Unexpended campaign contributions to a candidate committee may be:
  1. Contributed to a candidate committee established by the same candidate for a subsequent campaign, if the candidate committee making such a contribution is closed by the candidate not later than ten (10) days after the date such a contribution is made;

2. Donated to a charitable organization recognized by the Internal Revenue Service;  
or
  3. Returned to the contributors.
- B. In no event shall contributions to a candidate committee be used for personal purposes not reasonably related to supporting the election or retention of the candidate.
- C. In addition to any use described in Subsection A, above, a person elected to the office of Mayor or Town Council, or retained in office following a recall attempt, may use unexpended campaign contributions held by the person's candidate committee for any of the following purposes:
1. Voter registration;
  2. Political issue education, which includes obtaining information from or providing information to the electorate;
  3. Postsecondary educational scholarships;
  4. To defray reasonable and necessary expenses related to mailings and similar communications to constituents;
  5. 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.
- D. 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 Subsection A, above, not later than five (5) 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.
- E. Unexpended contributions to an issue committee or political committee may be donated to any charitable organization recognized by the Internal Revenue Service or returned to the contributors.

#### 2.01.250 - Duties of Town Clerk.

The Town Clerk shall:

- A. Prepare forms and complete instructions and make them available with information about the provisions of this Article to assist candidates and the public in complying with the reporting provisions and requirements of this Article;
- B. Develop a filing and indexing system consistent with the purposes of this Article;
- C. Keep a copy of any report or statement required to be filed by this Article for a period of one (1) 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 (1) year after the candidate leaves office;
- D. Make reports and statements filed under this Article available as required by law for public inspection and copying not later than the end of three (3) business days after the date of filing;
- E. Upon request by the Secretary of State or in response to any order issued by a court of competent jurisdiction, transmit records and statements filed under this Article to the Secretary of State or as otherwise directed by court order;
- F. Notify any person who has failed to fully comply with the provisions of this Article;
- G. Report apparent violations of this Article to the Town Manager or designee, who may refer such violations to an independent hearing officer in accordance with Section 2.01.260.H for determination of violations of this Article; and

#### 2.01.255 - Immunity from penalty.

Any individual volunteering his or her time on behalf of a candidate, candidate committee, issue committee, political committee, or small scale issue committee shall be immune from any liability for a penalty imposed if:

- A. The volunteer was acting in good faith and within the scope of such volunteer's functions and duties; and
- B. The violation was not caused by willful and intentional misconduct by such volunteer.

#### 2.01.260 – Violations and complaints.

- A. Any resident of the Town or Town employee charged with duties related to this Article who believes that a violation of this Article or, if applicable, any state campaign finance law has occurred in relation to a Town election may file a written complaint with the Town Clerk.
- B. Complete complaints must be filed no later than thirty (30) calendar days after the complainant knew or should have known by the exercise of reasonable diligence of the alleged violation.

- C. A complete written complaint filed with the Town Clerk shall include the Town Clerk's complaint cover sheet which must include the following information:
1. The name, address, e-mail address, telephone number and signature of the complainant; provided, that, if the complainant is represented by counsel, include the counsel's name, address, e-mail address, telephone number and signature along with the name, address, e-mail address, telephone number and signature of the complainant;
  2. The name and, if known, the telephone number and address of the respondent(s) (i.e., each person alleged to have committed a violation);
  3. The particulars of the alleged violation including a citation to the law(s) alleged to have been violated; and
  4. Any documentation or other evidence supporting the allegation(s).
- D. If an incomplete complaint is received, the date on which the originally filed complaint was received shall be considered the filing date if a complete copy is received within three (3) business days of notification from the Town Clerk that the complaint was incomplete.
- E. A complaint may be submitted by electronic mail if a signed original is received in person or by mail by the Town Clerk no later than three (3) business days thereafter.
- F. Initial review.
1. The Town Clerk will review the complaint to determine:
    - a. Whether the complaint was timely filed; and
    - b. Whether the complainant has specifically identified one or more violations of this Article or, if applicable, any state campaign finance law.
  2. Within ten (10) business days of receiving the complaint, the Town Clerk shall take one or more of the following actions:
    - a. If the Town Clerk determines that the complaint was not complete as described in Subsection C, above, not timely filed, or has not specifically identified one or more violations of this Article, or if applicable, any state campaign finance law, the Town Clerk will dismiss the complaint and notify the complainant and respondent of the reasons for dismissal. The Town Clerk's dismissal is a final decision that is subject to review under Rule 106 (a)(4) of the Colorado Rules of Civil Procedure.

- b. If the Town Clerk determines that the complaint alleges one or more curable violations as described in Subsection G, below, the Town Clerk will notify the respondent(s) and provide an opportunity to cure as described in Subsection G, below.
- c. If the Town Clerk determines that the complaint alleges one or more violations, and that the asserted violations may not be curable as described in Subsection G, the Town Clerk will take the actions set forth in Subsection H, below.

G. Curing violations.

- 1. Upon the Town Clerk's determination that a complaint alleges a failure to file or otherwise disclose required information, or any other curable violation of an obligation under this Article or, if applicable, any state campaign finance law, the Town Clerk will notify the respondent(s) by electronic mail, or United States mail if electronic mail is unavailable, of the curable deficiencies alleged in the complaint.
  - 2. Respondent(s) shall have ten (10) business days from the date the notice is mailed electronically or by United States mail to file an amendment to the relevant report or reports that cures any deficiencies specified in the notice.
  - 3. After the period for cure, the Town Clerk will determine, within five (5) business days, whether the respondent(s) cured the violation(s).
    - a. If the Town Clerk determines that respondent(s) cured the violation(s), the Town Clerk shall dismiss the complaint and notify complainant and respondent of such cure and dismissal.
    - b. If the Town Clerk determines that respondent(s) failed to cure the violation(s), the Town Clerk shall notify respondent(s) of such determination, together with the fine or other penalty imposed pursuant to Subsection O, below.
    - c. Respondent(s) shall have ten (10) business days from the date of the Town Clerk's notice of determination to either pay the fine and accept any penalty imposed or contest the violation by submitting to the Town Clerk a request for a hearing.
- H. Upon receipt of a request for a hearing under Subsection G.3.c, above, or upon the Town Clerk's determination that the complaint falls under Subsection F.2.c., above, the Town Clerk shall notify the Town Manager of the complaint. The Town Manager, after consultation with the Town Clerk and the Town Attorney, shall refer the complaint to an independent hearing officer to hear and determine such complaint. The hearing officer may receive reasonable compensation for his or her services.

- I. An informal hearing shall be scheduled as soon as practicable with due regard for the convenience and necessity of the parties but, unless an extension of time is granted as set forth in Subsection K, below, the hearing shall be held within fifteen (15) calendar days of referral of the complaint to the hearing officer.
- J. Notice of the hearing and any applicable rules governing the hearing process shall be sent to the complainant and to the respondent(s), who shall also receive a copy of the entire complaint received by the Town Clerk, within two (2) business days of the date of referral of the complete complaint to the hearing officer and may be delivered by electronic mail or by United States mail, if electronic email is unavailable, to the address of the complainant shown on the complaint form and to the respondent(s).
- K. Upon written motion, the hearing officer may grant the respondent(s) a continuance of the hearing of up to thirty (30) calendar days upon a showing of good cause.
- L. The testimony in every such hearing shall be under oath. Upon the request of either party, the hearing officer shall have the power to issue subpoenas and compel the attendance of witnesses.
- M. The hearing shall be electronically audibly recorded. The hearing may be held virtually, at the discretion of the hearing officer. At the hearing, the complainant and the respondent(s) shall be present and the complainant shall have the burden of proof by a preponderance of the evidence presented.
- N. Following the hearing, the hearing officer shall issue a decision within seven (7) business days. The decision may be issued orally at the conclusion of the hearing or may be issued in writing, at the discretion of the hearing officer.
- O. If the hearing officer determines, after a hearing, that a violation has occurred, the hearing officer's decision shall include any appropriate order, sanction or relief authorized hereunder and may include, without limitation, sanctions as follows:
  - 1. Impose a civil penalty of at least double and up to five times the amount contributed, received or spent in violation of any contribution prohibition or limitation or in violation of a contribution reporting requirement.
  - 2. Impose a civil penalty of up to \$50.00 per day for each day that a statement or other information required to be filed pursuant to this Article, or if applicable, any state campaign finance law is not filed by the close of business on the day due.
  - 3. Order disclosure of the source and amount of any undisclosed contributions or expenditures.
  - 4. Order the return to the donor of any contribution made which was the subject of the violation.

- P. The hearing officer's determination under Subsections N and O, above, is a final decision subject to review under Rule 106(a)(4) of the Colorado Rules of Civil Procedure.
- Q. Candidates shall be personally liable for penalties imposed upon the candidate's committee.
- R. Civil penalties may be collected in the same manner as a municipal court judgment under this Code, including the use of a private collection agency.
- S. In no event shall the Town take any action, including referring the penalty debt to a collection agency as contemplated by Subsection R, above, but not including action of the collection agency, to collect civil penalties assessed hereunder after the date that is more than one year from the date that the filing was due.

**Section 4. Repeal and Reenactment.** Chapter 2.01, Article VIII, of the Castle Rock Municipal Code is hereby repealed and reenacted as Chapter 2.01, Article III, which Article reads as follows:

Article III. – Miscellaneous Requirements

2.01.300 - Recall from Office

- A. Authority. Pursuant to Section 15.3 of the Charter, any person holding elective office, including the office of Mayor or Town Council, may be recalled at any time after six (6) months in office, pursuant to the procedures set forth in the Charter and in those State statutes, as from time to time amended, which do not conflict with the Charter and which establish procedures for the recall of municipal elective officers.
- B. Limitation. No recall election shall be held if the person sought to be recalled occupies one of the offices to be filled at a regular election which is scheduled within ninety (90) days after submission of the recall petition.
- C. Petition representatives. Petition representatives shall only be those registered electors who may vote in the subsequent recall election, if such election is held.
- D. Petition process. A recall petition will be circulated as generally set forth in Section 2.01.330.
- E. Time for filing. No signature on a recall petition shall be valid if signed on a date more than thirty (30) days prior to the date the signed petition is filed with the Town Clerk.
- F. Signatures required. A recall petition of the Mayor shall be signed by registered electors of the Town. A recall petition of a Councilmember shall be signed by registered electors of the district from which the incumbent sought to be recalled was elected. The signers of a recall petition for Mayor or Councilmember shall number at least twenty-five percent (25%) of the entire vote cast at the last preceding election for all candidates for the office

which the incumbent sought to be recalled occupies. For the purpose of this subsection, the "last preceding election" shall be the last preceding election at which the person sought to be recalled was elected to office, unless the person sought to be recalled was appointed to fill a vacancy, in which event it shall be the last preceding election at which the person who created the vacancy was elected to office.

- G. Additional signature requirement. After one recall petition and election, no further petition shall be filed against the same person during the term for which such person was elected or appointed, unless the signers number at least fifty percent (50%) of the votes cast at the last preceding election for all candidates for the office held by such person, the number to be determined in the manner described in Subsection F, above.
- H. Commencement of the recall process. The recall of a councilmember or the mayor shall be commenced by the recall proponents submitting a draft form of a recall petition to the Town Clerk for approval, as provided in Section 31-4-502(1)(c), C.R.S., and Section 2.01.330.D.4

#### 2.01.310 - Charter Amendment Initiatives

- A. Authority. The provisions of this section are intended to supplement and not conflict with State statutory provisions for charter amendments set forth in the Municipal Home Rule Act of 1971, located at Section 31-2-210, C.R.S., and as amended from time to time.
- B. Measure in ordinance form. All proposed charter amendment measures shall be presented in ordinance form.
- C. Petition process. A charter amendment petition will be circulated as generally set forth in Section 2.01.330.
- D. Time for filing. A petition for a Charter amendment initiative ordinance shall be filed with the Town Clerk not later than ninety (90) days from the date the petition was approved as to form, pursuant to the provisions of Section 2.01.330(D)(4). The Town Clerk shall not accept any petition for filing which is not timely filed under this section. A petition for a Charter amendment initiative ordinance shall be placed upon the ballot at either a regular or special municipal election subject to all constitutional, statutory, and municipal ordinance deadlines having been met.
- E. Signatures required.
  - 1. Regular election. A petition to submit an amendment at the next regular election must be signed by at least five percent (5%) of the registered electors of the Town registered on the date of filing the statement of intent and must be filed with the Town Clerk at least ninety (90) days prior to the date of said regular election.
  - 2. Special election. A petition to submit an amendment at a special election must be signed by at least ten percent (10%) of the registered electors of the Town registered

on the date of filing the statement of intent and must be filed with the Town Clerk at least ninety (90) days prior to the approximate date of the special election stated in the petition.

- F. Commencement of the charter amendment initiative process. The petition process shall be commenced by filing with the Town Clerk a written statement of intent to circulate a petition, signed by at least five (5) registered electors of the Town, as provided in Section 31-2-210(1)(a)(I), C.R.S., and as amended from time to time.

#### 2.01.320 - Initiative and Referendum

A. Initiative and referendum petitions – Generally.

1. Measure in ordinance form. All proposed initiative or referred measures shall be presented in ordinance form.
2. Authority and scope of initiative power. As reserved in Section 15-1(a) of the Charter, the initiative power is extended to the Town's registered electors as to ordinances of every character, including legislative and administrative ordinances. Any initiated measure shall be in the form of an ordinance. The measure shall be initiated pursuant to the procedures set forth in the Charter and in those State statutes, as from time to time amended, which do not conflict with the Charter and which establish procedures for a municipal initiative.
3. Authority and scope of referendum power. As reserved in Section 15-2(a) of the Charter, the referendum power is hereby extended to the Town's registered electors as to ordinances of every character, including legislative and administrative ordinances, but not to any ordinance which is necessary for the immediate preservation of the public peace, health, or safety unless otherwise provided in the Charter. The ordinances to which the referendum power is extended may be referred pursuant to the procedures set forth in the Charter and in those State statutes, as from time to time amended, which do not conflict with the Charter and which establish procedures applicable to a municipal referendum.

- B. Commencement of proceedings. Any registered elector of the Town may commence initiative or referendum proceedings by filing written notice with the Town Clerk stating their intention to circulate an initiative or referendum petition, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

- C. Petition process. An initiative or referendum petition will be circulated as generally set forth in Section 2.01.330.

D. Deadline for filing petition.

1. Initiative. No signature on an initiative petition shall be valid if signed on a date prior to the date the form of the petition was approved by the Town Clerk or if

signed on a date more than ninety days prior to the date the signed petition is filed with the Town Clerk.

2. Referendum. A petition for a referendum shall not be of any force or effect unless filed with the Town Clerk within thirty (30) days after adoption by the council of the ordinance sought to be reconsidered.

E. Number of Signatures.

1. Initiative. An initiative petition shall be signed by registered electors of the Town equal in number to at least ten percent (10%) of the total number of electors of the Town registered on the date the form of the petition is approved by the Town Clerk.
2. Referendum. A referendum petition shall be signed by registered electors of the Town equal in number to at least ten percent (10%) of the total number of electors of the Town registered on the date the form of the petition is approved by the Town Clerk.
3. Suspension of ordinance. If a referendum petition is timely filed, the ordinance or part thereof protested against shall be suspended from taking effect. Such suspension shall terminate when:
  - a. There is a final determination of insufficiency of the petition, as provided in Section 2.01.330;
  - b. The petitioner's committee withdraws the petition;
  - c. The Town Council repeals the ordinance, as provided in Section 2.01.330.F; or
  - d. Thirty (30) days have elapsed after a favorable vote by Town electors on the ordinance.

F. Council action; election.

1. Council consideration and referral. Within twenty (20) days after the Town Clerk's final determination of sufficiency, as provided in Section 2.01.830.K, the Town Council shall consider adoption of the proposed initiative ordinance without any change in substance or reconsider the referred ordinance by voting on its repeal. If the Town Council fails to adopt the proposed initiative ordinance or fails to repeal the referred ordinance, it shall submit the proposed or referred ordinance to the voters of the Town.
2. Timing of election. The vote of the Town on a proposed or referred ordinance shall be held not less than sixty (60) days and not more than one-hundred and fifty (150) days from the date of the Town Clerk's final determination of petition sufficiency,

as provided in Section 2.01.330. K. If no regular Town election is to be held within the period prescribed in this subsection, the Town Council shall provide for a special election. Otherwise, the vote shall be held at the same time as such regular election, except that the Town Council may in its discretion provide for a special election at an earlier date within the prescribed period.

3. Form of question on ballot:

- a. Initiative. The ballot upon which such ordinance is submitted shall contain the ballot title set pursuant to Section 2 01.330.J presented in the form of a question, as a submission clause, and shall contain the words "yes" and "no" in order to indicate whether the voter supports the proposed ordinance or not.
- b. Referendum. The ballot question upon which the referendum is submitted shall be "Shall Ordinance X be approved" with a "yes" vote meaning the ordinance as adopted by Town Council is in effect and a "no" vote meaning the ordinance as adopted by Town Council is rejected.

G. Election results.

1. Initiative. If a majority of the registered electors voting approve the initiated ordinance, it shall be adopted and take effect upon certification of the election results.
2. Referendum. If a majority of the registered electors voting vote "yes," the ordinance shall be effective upon certification of the election results. If a majority of the registered electors voting vote "no" the ordinance shall be repealed in its entirety upon certification of the election results.

H. Publication. If a majority of the registered electors voting vote in favor of the ordinance, such ordinance shall become effective upon certification of the election results, without further publication.

I. Referral by Town Council.

1. The Town Council shall have the power to submit any question to a vote of the registered Town electors without the receipt of a petition. Submission by Town zcouncil shall be by resolution, except as otherwise required by the Charter.
2. The Town Council shall have the right to revive, repeal, amend, or pass any ordinance submitted by the Town Council upon its own initiative.
3. Initiative and referendum amendments shall be referred to the Town's registered electors by resolution.

- J. Conflicting provisions. Alternative ordinances may be submitted at the same election, and if two or more conflicting ordinances are approved by the voters, the one which receives the greatest number of affirmative votes shall be adopted in all particulars as to which there is a conflict.

#### 2.01.330 – Uniform Petition Requirements

- A. Applicability of article. This article applies to all citizen petitions for recall, charter amendments, initiatives, and referendums.
- B. Computation of time. Calendar days shall be used in all computations of time made under this Article. In computing time for any act to be done before any municipal election, the first day shall be included, and the last, or election, day shall be excluded. Saturdays, Sundays, and legal holidays shall be included, but, if the time for any act to be done or the last day of any period is a Saturday, Sunday, or a legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.
- C. Definitions. As used in this Article unless the context otherwise requires:

*Ballot title* means the language that is printed on the ballot that is comprised of the submission clause and the title.

*Final determination of petition sufficiency* means the occurrence of one of the events described in Subsection K of this Section.

*Petition section* means the stapled or otherwise bound package of documents described in Subsection D of this Section.

*Submission clause* means the language that is attached to the title to form a question that can be answered by “yes” or “no.”

*Title* means a brief statement that fairly and accurately represents the true intent and meaning of the proposed initiative, referendum, or referred measure.

- D. Petition requirements.
  - 1. Form of petition prepared by Town. The Town Clerk shall prepare a form of the petition for recall, charter amendment initiative and referendum and have it available at the Town Clerk’s office and on the Town’s website.
  - 2. Form of petition. All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing.
    - a. The form shall include the following warning to be printed in red and in plain block letters no smaller than the impression of ten (10)-point type:

**WARNING:**

**IT IS AGAINST THE LAW:**

For anyone to sign this petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A  
REGISTERED ELECTOR  
AND ELIGIBLE TO VOTE ON THIS MEASURE.  
TO BE A REGISTERED ELECTOR,  
YOU MUST BE A CITIZEN OF COLORADO  
AND REGISTERED TO VOTE.**

Do not sign this petition unless you have read or have had read to you the proposed measure or the summary in its entirety and understand its meaning.

- b. Space to insert the summary of an initiated or referred measure or charter amendment; or for a recall petition, the statement in support of the recall by proponents of the recall;
- c. Space to insert the name, street address and email address of the petition representatives;
- d. Space to insert the full text of an initiated or referred measure, as provided in subparagraph (4)(iii) of this section;
- e. Signature lines numbered consecutively; and
- f. Notarized affidavit of petition circulator, stating the following:
  - i. The affiant's printed name, the address at which the affiant resides, including the street name and number, the municipality, the county, and the date the affiant signed the affidavit;
  - ii. That the affiant has read and understands the laws governing the circulation of petition;
  - iii. That the affiant was eighteen (18) years of age or older at the time the section of the petition was circulated and signed by the listed electors;
  - iv. That the affiant circulated the section of the petition;
  - v. That each signature thereon was affixed in the affiant's presence;

- vi. That each signature thereon is the signature of the person whose name it purports to be;
  - vii. That, to the best of the affiant's knowledge and belief, each of the persons signing the petition section was, at the time of signing, a registered elector; and
  - viii. That the affiant has not paid or will not in the future pay and that the affiant believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition.
- g The Town Clerk shall not accept for filing any section of a petition that does not have attached thereto the notarized affidavit required by Subsection D.2.f, above. Any disassembly of a section of the petition that has the effect of separating the affidavit from the signature page or pages shall render that section of the petition invalid and of no force and effect.
3. Petition representatives. Each petition shall designate by name, street address, and email address not less than three nor more than five registered voters of the Town, to represent the petition and its signers from the time of submittal of the notice of intent to final disposition of the petition.
4. Town Clerk's initial review of form of petition; summary. Within five (5) business days of receipt of the written notice for initiatives and referendums pursuant to Section 2.01.820, B, or charter amendment initiatives pursuant to Section 2.01.810, B, a draft petition indicating that citizens wish to circulate a recall petition under Section 2.01.800, E, the Town Clerk shall do the following:
- a. Approval as to form.
    - i. After consultation with the Town Attorney and such other Town officials as the Town Clerk deems necessary, the Town Clerk shall issue a written determination whether the proposed petition meets the requirements of this Section.
    - ii. Upon approval of a recall petition as to form, the Town Clerk shall mail or transmit electronically notice of such action to the person sought to be recalled.
    - iii. The Town Clerk may reject an initiative or referendum petition on the grounds that the petition or portion of a petition does not propose municipal legislation pursuant to section 1(9) of article V of the Colorado Constitution.

- b. Summary. For petitions for initiated or referred measures or charter amendments, if the Town Clerk approves the form of the petition, the Town Clerk shall prepare a summary of the proposed measure to be placed on the petition. The summary shall be true and impartial and shall not be an argument, or likely to create prejudice, either for or against the measure. The Town Clerk may consider all or a portion of a summary submitted by the petition representatives.
- c. Full text. The full text of a proposed initiated measure or ordinance that is the subject of a referendum petition shall be printed following the summary on the first page or pages of the petition section that precede the signature page without any exhibits that may be a part of said ordinance, clearly identifying the protested portions if only a partial repeal is sought. In the case of an ordinance exceeding five (5) pages in length, a summary meeting the standards set forth in Subsection D.4.b, above, prepared by the Town Clerk in consultation with the Town Attorney will replace said ordinance.
- d. Petition form. The Town Clerk shall provide the petition representatives with the final form of the petition. In the instance of recall petitions, the Town Clerk shall provide the petition representatives with the final form of the petition within three business days of the receipt of the public officeholder's response, if any.
- e. Petition sections. Any petition shall be circulated in sections. Each section must meet all of the requirements of this Article. All petition sections shall be prenumbered serially. Circulation of any petition described by this Article by any medium other than personally by a circulator is prohibited. If the text of the proposed initiated, referred measure, charter amendment, or recall statement requires more than one page of a petition section, the warning and summary need not appear at the top of pages other than the initial text page.
- f. Any petition that fails to conform to the requirements of this Article or that is circulated in a manner other than that permitted in this section shall be invalid.

E. Ballot Title and Submission Clause.

- 1. If the Town Clerk determines that a proposed petition meets the requirements of this Section, a committee of the Town Clerk or designee, the Town Attorney or designee, and the Town Manager or designee shall prepare a ballot title for the proposed measure.
- 2. In fixing the ballot title, the committee shall consider the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a "yes" or "no" vote would be

unclear. The ballot title shall not conflict with those titles selected for any other measure that will appear on the municipal ballot in the same election. The ballot title shall correctly and fairly express the true intent and meaning of the measure.

3. A copy of the ballot title and submission clause shall be provided to the petition proponents with the Town Clerk's written determination that a petition meets the requirements of this Article and shall be posted on the Town's website, together with the text of the proposed petition.

F. Ballot Title Protest.

1. If any Town registered elector believes that the ballot title or submission clause do not correctly and fairly express the true intent and meaning of the proposed measure, that person may, within seven days after the ballot title is posted on the Town's website, file a protest with the Town Clerk.
2. The Town Clerk shall appoint an independent hearing officer to conduct the hearing who shall not be an officer, employee, or agent of the Town, and who shall not have any relationship with the petition representatives or protestants.
3. The burden of proof at the protest hearing shall be on the protesters by a preponderance of the evidence.
4. At the protest hearing, the Town will defend the ballot title and submission clause.
5. The protest hearing shall be concluded and a decision by the appointed hearing officer rendered no later than seven days after the conclusion of the hearing. The petition representatives and protest representatives shall be notified of the result of the hearing. The result of such hearing shall be emailed to the petition representatives and protest representatives.
6. No petition may be circulated or signed until after:
  - a. The date by which a protest under Subsection F.1, above, must be filed, or
  - b. The conclusion of such a protest, whichever is later.

G. Signature requirements; withdrawal of signatures.

1. Petitions may be signed only by registered Town electors. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Each registered elector shall sign their own signature, after which they shall print their name, place of residence, including house or apartment number, street address, and Town; and the date of signing the petition. Signatures which do

not contain all of the information required by this Article shall be considered invalid.

2. Withdrawal of signatures. A registered elector may request that his or her name be withdrawn from a petition on or before the date the petition is filed with the Town Clerk for a determination of petition sufficiency. Such request shall be made as follows:
  - a. The request for the withdrawal shall be in writing and contain the following information:
    - i. Statement that the registered elector is requesting their signature be withdrawn from the petition.
    - ii. Registered elector's name.
    - iii. Registered elector's address.
    - iv. Signature of elector.
    - v. Date of signature.
  - b. The request may be submitted to the Town Clerk via email, fax, regular mail, or hand delivery. If submitted by regular mail, the request must be postmarked on or before the date the Petition is submitted to the Town Clerk. Requests by phone will not be accepted.

H. Initial determination of sufficiency of petitions.

1. Not later than ten (10) business days from the date of filing of a petition, the Town Clerk shall issue a written initial determination as to its sufficiency. If it is insufficient, the Town Clerk shall specify the particulars wherein it is defective and shall promptly send a copy of the written determination to the petitioners' committee by electronic mail or United States mail.
2. The Town Clerk shall disqualify the signatures of the individuals in the following categories:
  - a. The address of the signer is not located within the Town limits.
  - b. An address is illegible, making it impractical to verify location as being within the Town.
  - c. A signature appears on the petition more than once. In such event all signatures of the individual shall be disqualified except the signature signed on the earliest date.

- d. More than one individual signs on the same signature line. In such event, only the first signature on the line shall be deemed valid.
  - e. An incomplete address has been given by the signer (e.g., omitted designation of street, avenue, drive, court, place, way, or unit number), resulting in an address that cannot practically be verified as the residence of the signer.
  - f. An address that can be applied to more than one resident with the same name at that address.
  - g. Failure to be a registered elector at the address listed on the petition.
  - h. The date is omitted or incomplete, or inappropriate. The omission of a year in the date shall not constitute an incomplete date.
  - i. The use of ditto marks as a substitute for any required information.
3. Disqualification of petition sections. The Town Clerk shall disqualify all signatures on any section of a petition that:
    - a. Do not have attached thereto the notarized affidavit required by this Article.
    - b. Have been disassembled in a manner that has the effect of separating the affidavit from the signature page or pages.
    - c. Have a signature added to the section before submission of the final form to the Town Clerk or after the affidavit has been executed.
  4. Signatures to be excluded from determination of sufficiency. The Town Clerk shall not include in a determination of sufficiency any signature on the petition:
    - a. That does not contain all of the elements required.
    - b. For which the signer has submitted a valid withdrawal request.
    - c. That does not comply with this Article or other applicable law.
  5. Cure. If a recall or charter amendment petition is determined not sufficient in the Town Clerk's written initial determination or the hearing officer's written determination, the petition may be withdrawn by a majority of the committee and, within fifteen days after a determination that the petition is not sufficient, may be amended by the addition of any required information relating to the signers of the petition or the attachment of proper circulator affidavits and refiled as an original petition; except that any petition amended and refiled as provided in this subsection

(e) may not again be withdrawn and refiled. The Town Clerk shall issue a written initial determination that a refiled petition is sufficient or not sufficient within four business days after the petition is filed. The Town Clerk's written initial determination as to a refiled petition will become final if no protest is filed as provided in Subsection G, above. Any protest concerning a refiled petition shall be filed within five business days of the date on which the petition was refiled, and any hearing shall be conducted as provided in this Subsection H.

I. Protest of initial determination of sufficiency.

1. Within twenty (20) days after the Town Clerk's initial determination of petition sufficiency, a protest in writing under oath may be filed in the office of the Town Clerk by any registered elector who resides in the Town, setting forth specifically the grounds for such protest. The grounds for protest may include, but shall not be limited to, the failure of any portion of a petition or circulator affidavit to meet the requirements of this Section. No signature may be challenged that is not identified in the protest by section and line number. The Clerk shall forthwith mail a copy of such protest to the persons designated as representing the petition proponents pursuant to Subsection D.3, above, and to the protester, together with a notice fixing a time for hearing such protest that is not less than five (5) or more than ten (10) days after such notice is mailed.
2. The Town Clerk shall furnish a requesting protester with a list of the registered electors in the municipality and shall charge a fee to cover the cost of furnishing the list.
3. The Town Clerk shall not accept any protest filed prior to an initial determination of sufficiency of the petition has been issued. The Town Clerk shall reject any protests that do not meet the requirements of this Article.
4. Upon the filing of any protest with the Town Clerk all proceedings upon the petition shall be suspended until final disposition of such protest. If an election is thereafter required to be held, the period of time required for protest procedures shall not be included in the computation of time periods under this Article and any such periods shall be extended by the time required for such procedures.

J. Protest hearing of initial determination of sufficiency.

1. The Town Clerk shall designate an independent hearing officer to conduct the hearing. The hearing officer may receive reasonable compensation for his or her services.
2. The testimony in every such hearing shall be under oath. Upon the request of either party, 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 forty (40) days after the Town Clerk's initial determination of sufficiency.

2. No later than five (5) days after the conclusion of the hearing, the hearing officer shall issue a written determination of whether the petition is sufficient or not sufficient. If the hearing officer determines that a petition is not sufficient, the officer shall identify those portions of the petition that are not sufficient and the reasons therefor.
3. The result of the hearing shall be forthwith certified to the protester and to the persons designated as representing the petition proponents pursuant to Subsection D.3, above.

K. Town Clerk's final determination of sufficiency. If a petition or amended petition is certified sufficient and:

1. The time for filing a protest pursuant to Subsection I, above, has passed without a protest being filed, or
2. A protest pursuant to Subsection I, above, has concluded that the petition is sufficient,

then the Town Clerk shall promptly present the certificate to the Town Council, and the certificate shall then be a final determination as to the sufficiency of the petition.

L. Court review: new petition. The determination as to petition sufficiency or insufficiency is a final decision subject to review under Rule 106(a)(4) of the Colorado Rules of Civil Procedure. A determination of petition insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

M. Presentation of petition to Town Council. As soon as practicable following the final determination of sufficiency, the Town Clerk shall present the petition to the Town Council at a regular or special meeting.

**Section 5. Severability.** If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 6. Safety Clause.** The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this \_\_\_ day of \_\_\_\_\_, 2026, by the Town Council of the Town of Castle Rock, Colorado, by a vote of \_\_ for and \_\_ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING** this \_\_\_ day of \_\_\_\_\_, 2026, by the Town Council of the Town of Castle Rock, Colorado, by a vote of \_\_ for and \_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Lisa Anderson, Town Clerk

\_\_\_\_\_  
Jason Gray, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Michael J. Hyman, Town Attorney

\_\_\_\_\_  
David L. Corliss, Town Manager