

**Town of Erie
Ordinance No. 21-2022**

**An Ordinance of the Board of Trustees of the Town of Erie
Amending Title 1, Chapter 5, of the Erie Municipal Code to
Establish a Local Process for Local Campaign Finance Complaints**

Now Therefore be it Ordained by the Board of Trustees of the Town of Erie, Colorado, as follows:

Section 1. Title 1, Chapter 5, of the Erie Municipal Code is amended by the addition of the following new Section 1-5-6:

1-5-6 – Campaign finance complaints.

A. In addition to the campaign finance duties outlined in C.R.S. § 1-45-112 for a municipal clerk, the Town Clerk shall have the responsibilities set forth in this Section related to campaign finance complaints. The Town Clerk shall promulgate such rules as may be necessary to enforce and administer any provision of this Section.

B. 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 Town Clerk.

1. 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 Section 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.

2. 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 Town. The complaint must identify one or more respondents and include the information required to be provided on the form.

3. Upon receipt of a complaint, the Town Clerk shall notify the respondent of the complaint by e-mail or by regular mail if e-mail is unavailable.

4. Documents related to a complaint will be publicly available as set forth in 8 C.C.R. 1505-6, Rule 23.2, as amended.

C. The Town 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 Town Clerk shall take one or more of the following actions:

1. If the Town 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 Town Clerk shall notify the complainant and respondent of such determination by e-mail or by regular mail if e-mail is unavailable. The Town Clerk's determination hereunder is a final action subject only to judicial review pursuant to C.R.C.P. 106(a)(4).

2. If the Town Clerk determines that the complaint alleges one or more curable violations, the Town 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 subsection (D) below.

3. If the Town 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 Town Clerk shall forward the complaint to a hearing officer appointed by the Board of Trustees.

D. Upon the Town Clerk's determination that a complaint alleges a failure to file or otherwise disclose required information, or alleges another curable violation, the Town 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. The process for curing shall be as set forth in C.R.S. § 1-45-111.7(4), as amended.

E. The hearing officer shall schedule a hearing on a complaint referred by the Town 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.

1. The Town Attorney's office shall represent the Town's interest in such matter and shall provide representation for the Town in all proceedings before the hearing officer. Testimony shall be given under oath, and the hearing officer shall have the power to issue subpoenas and compel the attendance of witnesses.

2. The hearing shall be summary and not subject to delay and shall be concluded within sixty (60) days after the complaint 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).

F. The Town 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 23.3.3, both as amended. Recovery of a party's reasonable attorney fees and costs shall be as set forth therein.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 4. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

**Introduced, Read, Passed and Ordered Published this 27th day of
September, 2022.**

Justin Brooks, Mayor

Attest:

Debbie Stamp, Town Clerk