



2023 Candidate Information

NOVEMBER 7, 2023

Westminster Municipal Election

2023 Candidate Information

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Introduction

The Westminster Municipal Election

The 2023 Candidate Information packet has been prepared as a general guide about the basic requirements and deadlines for candidacy for the office of Mayor or the office of City Councillor in the City of Westminster. The packet is not intended to be comprehensive in scope or depth. If you have questions regarding the interpretation of applicable laws and regulations for your particular situation, you may wish to consult with a private attorney who can provide you with that interpretation. The City Clerk's Office cannot provide legal advice.

Throughout this packet, there will be references to additional materials, such as sections of the Westminster City Charter, the Westminster Municipal Code (W.M.C), the Colorado Revised Statutes (C.R.S.), and the Campaign and Political Finance Manual. Those additional materials are provided either as a reference at the end of this packet or are available online on the City Clerk's elections webpage.

Applicability of State Law

As stated in the Westminster Municipal Code, § 7-1-2:

- A. Subject to the Charter of Westminster and provisions of this Chapter, City elections will be conducted in accordance with the relevant portions of the Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S., and the Colorado Municipal Election Code, Article 10 of Title 31, C.R.S., as they may be amended from time to time. As the uniform election code was adopted by the legislature to cover many types of elections, various portions of that code are not applicable to municipal elections. In some instances, the Uniform Election Code and the Colorado Municipal Election Code have differing provisions regarding the same subject. For these reasons, in the event of a conflict of laws or an inconsistent provision therein, these laws shall be applied in the following order of priority:
 - (1) The provisions of the Charter of Westminster;
 - (2) The provisions of the Westminster Municipal Code;
 - (3) The provisions of the Colorado Municipal Election Code of 1965; and
 - (4) The relevant provisions of the Uniform Election Code of 1992.

- B. Notwithstanding the prioritization listed in subsection (A), when a City election is being conducted as a coordinated election, the Colorado Revised Statutes governing coordinated elections will control, to the extent said statutes are applicable to municipal elections.

Election Administration

The City of Westminster contracts with the County Clerks of Adams and Jefferson counties to conduct a coordinated mail ballot election. All ballots are printed and mailed by the County Clerks' election offices. Each county also operates and manages several ballot drop boxes located within the City of Westminster.

For a full list of current drop boxes in Westminster, please visit the City Clerk's elections webpage. For full listings of all Adams County and/or Jefferson County drop boxes, please visit the respective county clerk's elections webpage.

The City Clerk's Office is open Monday – Friday from 8 am – 5 pm.

Important Contact Information

Election-related Questions

Abby Fitch, City Clerk (303) 658-2493
Email: afitch@cityofwestminster.us

City Clerk's Office - Main (303) 658-2400
Email: cityclerk@cityofwestminster.us
Website: www.cityofwestminster.us/Government/Departments/CityClerk/elections

Voter Registration, Replacement Ballot, and/or Polling Place Questions

Adams County Clerk Elections Department (720) 523-6500
Email: adams.elections@adcogov.org
Website: www.adamsvotes.com

Jefferson County Clerk Elections Department (303) 271-8111
Email: elections@votejeffco.com
Website: www.votejeffco.com

Questions/Complaints Regarding Placement of Campaign Signs

Aric Otzelberger, Westminster Code Enforcement (303) 658-2122
Email: aotzelbe@cityofwestminster.us

Key Dates for Candidates

No specific date	Candidate Affidavit must be filed within 10 days of becoming a candidate. § 1-45-110, C.R.S. "Candidate" is defined as any person who seeks nomination or election to a local public office that is to be voted on in this municipal election. A person is a candidate for election if the person has publicly announced an intention to seek election to public office or retention of a judicial office and thereafter has received a contribution or made an expenditure in support of the candidacy. Const. Article XXVIII 2(2).
No specific date	Candidate Committee Registration or Small Donor Committee Registration (for City candidates) must be filed with the City Clerk <u>before</u> accepting or making any contributions. § 1-45-108(3), C.R.S.
May 24	City Council Candidate Information Session; 7:00-8:30 pm
August 7	First day candidates may pick up nomination petition packets from the City Clerk's Office.
August 8	First day nomination petitions may be circulated for signatures (91 days out).
August 28	Last day to file nomination petitions with the City Clerk; 5 p.m. deadline (71 days out).
August 28	Candidate qualification affidavit is due
September 6	Election Commission meets with all candidates in City Hall Chambers to draw names to determine ballot order.
October 16	First day ballots may be mailed by county clerks to eligible voters.
October 17	First contribution & expenditure report due.
November 3	Second contribution & expenditure report due.
November 7	Election Day; mail ballots accepted at drop-off ballot boxes until 7:00 p.m.
December 12	Third contribution & expenditure report due.

Note on Computation of Time:

If the last day for any act to be done or the last day of any period is a Saturday, Sunday, or legal holiday and completion of the act involves a filing or other action during business hours, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday. **§ 1-1-106(4), C.R.S.**

If a statute or rule requires doing an act in "not less than" or "no later than" or "at least" a certain number of days or "prior to" a certain number of days or a certain number of months before the date of an election, the period is shortened to and ends on the prior business day that is not a Saturday, Sunday, or legal holiday. **§ 1-1-106(5), C.R.S.**

Candidacy

Offices on the Ballot

All municipal elections are non-partisan. Party affiliation is not disclosed on candidacy forms and will not appear on the ballot next to a candidate's name. As such, Staff cannot answer questions regarding a candidate's party affiliation, but will refer such inquiries directly to the candidate.

This year, three (3) City Councillor seats are on the ballot. These three (3) seats are for regular, four-year terms. Both the Mayor and City Councillors are elected at-large; there are no wards or districts.

To be elected as City Councillor, the top 3 highest vote recipients will serve the three open four-year terms.

Candidates elected to office will be sworn in and begin their respective terms at 8 p.m. on the first Monday after the canvass is completed and the election is certified by both counties.

Qualifications

Per Westminster City Charter, § 5.1:

- Resident of the City for at least one (1) year immediately prior to the last day for filing original nomination petitions for such office (August 28, 2023).
- Qualified and registered elector of the City on the last day for filing original nomination petition (August 28, 2023) and throughout tenure of office.
- No person shall be eligible for any elective office when in default to the City or to any other governmental unit of the State.
- Each candidate for elective office shall file with his or her petition an affidavit that the candidate possesses the qualifications for such office. Failure to file such affidavit shall invalidate the petition.
- At the time a candidate submits the petition for elected office such person shall also submit an affidavit indicating whether he or she has been convicted of a felony under the laws of the State of Colorado or in another jurisdiction. The report of the felony shall include the type of offense, the date of the offense, and may include the circumstances and any evidence of rehabilitation. Each candidate shall also give written permission for a criminal background investigation by the City of Westminster. The City Clerk shall maintain the report in a file available to the public. City Charter § 5.1(d). Please note, Westminster City Code §1-11-2(E) allows for the City

Clerk to redact personally identifying information, other than name and address, prior to disclosure of the remainder of the report.

- No elective officer may be appointed to any City office or be employed by the City during the term of office for which he or she was elected or for two (2) years thereafter, provided that after the expiration of the term of office the person may be appointed as a member of an independent board or commission or fill a vacancy in the position of Councillor.

Declaring Your Candidacy

A Candidate Affidavit must be filed with the City Clerk within 10 days of becoming a candidate. § 1-45-110, C.R.S.

“Candidate” is defined as any person who seeks nomination or election to a local public office that is to be voted on in this municipal election. A person is a candidate for election if the person has publicly announced an intention to seek election to public office or retention of a judicial office and thereafter has received a contribution or made an expenditure in support of the candidacy.

Candidate Committee Registration or Small Donor Committee Registration (for City candidates) must be filed with the City Clerk before accepting or making any contributions. § 1-45-108(3), C.R.S.

Nomination Petitions: August 8 – 28, 2023

Form of Petition

Nomination petitions and instructions can be obtained through the City Clerk’s office, starting on **Wednesday, August 7**. You must use the 2023 Nomination Petition format provided.

Circulation Period

Nominating Petitions for the office of City Councillor may be circulated and signed beginning ninety-one (91) days prior to the election and shall be filed with the City Clerk no later than seventy-one (71) days before the election. W.M.C, § 7-1-8(B)

This year, the circulation period is from **August 8 – August 28, 2023**.

Signature Requirements

A candidate's petition must contain the signatures of at least 25 registered electors residing within the City of Westminster. The voter registration record of the petition signer must reflect a residence address in the City of Westminster to be counted. Candidates are

encouraged to obtain more than the required 25 signatures, to ensure a safety net for signatures that may be ineligible.

A registered elector may sign only petitions equal in number to the number of offices to be filled at the election. For this election, that is three (3) petitions for the office of City Councillor.

Acceptance of Nomination

The Acceptance of Nomination form, included in the petition packet, must be attached as a notarized affidavit to the nominating petition when filed with the City Clerk's office (C.R.S. § 31-10-302(6)). The affidavit must also include affirmation that the candidate meets all the qualifications for office outlined above (City Charter, § 5.1(c)). Additionally, in the space provided on the form, the candidate must print their name as it shall appear on the ballot. Titles and degrees are not allowed.

Voluntary Code of Ethics

The public relies on the ethical and moral behavior of its elected officials and those who seek public office. The public expects that an individual who wishes to govern should refrain from any conduct which would be derogatory, unseemly or unlawful.

To this end, the Leagues of Women Voters of Adams and Jefferson Counties, using information provided by a citizens' focus group and the City of Westminster Election Commission, drafted the Voluntary Code of Ethics for the City of Westminster. All persons who are seeking office and those organizations working to support or oppose their candidacy, are encouraged to commit to conduct their campaigns in the manner outlined in the Voluntary Code of Ethics in writing (form provided in petition packet). Further, any person or group working to support or oppose a ballot issue is encouraged to commit to conduct themselves and their campaigns in accordance with the code.

City Employees Prohibited

All City employees are specifically prohibited from endorsing or working for the election or defeat of any candidate for office while in city uniform, during working hours, at city facilities, or using any resources of the City of Westminster in accordance with W.M.C. §1-24-4.

Employees shall not be eligible to be a candidate for or hold any City elective office.

No elective officer may be appointed to any City office or be employed by the City during the term of office for which he or she was elected or for two (2) years thereafter, provided that after the expiration of the term of office the person may be appointed a member of an independent board or commission or fill a vacancy in the position of Councillor. City Charter, § 5.1(g)

It is unlawful for a candidate for the office of City Councillor to solicit knowingly, directly or indirectly, a City employee to contribute money or campaign for or against any candidate for the office of City Councillor. This provision shall not prohibit coincidental contacts with City employees through mass mailings or distribution of literature. W.M.C. § 1-24-4(D).

Certification of Petition

After timely filing of the nomination petition, the City Clerk will validate signatures **within 3 working days** and notify the candidate and/or the person filing the petition whether the petition is found to be signed by the required number of registered electors or not. If lacking the required number of signatures or deficient for any reason, a petition can be amended to cure the deficiency(s), as long as they are submitted no later than close of business (5 p.m.) on **Tuesday, September 5, 2023**.

Withdrawal from Nomination

A person who has been nominated may withdraw by filing a written request with the City Clerk. The deadline to withdraw from nomination is Tuesday, September 5, 2023.

Ballot Order Drawing

The order of candidate names on the November 7 ballot will be determined by the drawing of lots. At 6:00 p.m. on Wednesday, September 6, 2023, in the Council Chambers of City Hall, the Election Commission will meet with all candidates to conduct a random drawing to determine the order of names on the ballots. A single drawing will determine the order for both counties.

Qualification Affidavit: August 28

Qualifications affidavit is due along with the petitions on August 28. This is an affidavit swearing that an individual meets the requirements of the office in which they seek.

Campaign Regulations

Commencement of Campaign Activities

There is no limitation on the point in time when a candidate for office may commence campaign activities. As noted above, "Candidate" is defined as any person who seeks nomination or election to a local public office that is to be voted on in this municipal election. A person is a candidate for election if the person has publicly announced an intention to seek election to public office or retention of a judicial office and thereafter has received a contribution or made an expenditure in support of the candidacy.

Electioneering

The term “Electioneering” includes campaigning for or against any candidate who is on the ballot or any ballot issue or ballot question that is on the ballot. “Electioneering” also includes soliciting signatures for a candidate petition, a recall petition, or a petition to place a ballot issue or ballot question on a subsequent ballot. §1-13-714(1), C.R.S.

Electioneering is not allowed within 100 feet of any building in which a polling location is located, on the day of any election or during the time when voting is permitted for any election. Electioneering is not allowed within 100 feet of ballot drop boxes.

Election/Campaign Signs

City of Westminster Sign Code Regulations

"Political signs" are not regulated as a specific class, and the City imposes no regulations on the content of signs, nor does the City make any differentiation between signs based on their content. The type of sign construction which is usually used for "political signs" is regulated as incidental or temporary signs under W.M.C. Section 11-11-11(B).

- Signs may only be placed on private property—not in the public right-of-way or on public property.
- Under no circumstances should signage of any type, size, or scale be positioned in such a way as to cause unsafe blind spots or visual distractions for motorists.
- Signs may not be of any type of sign that is expressly forbidden in [Section 11-11-5](#) of the Westminster Municipal Code (for example, a sign erected with moving parts or flashing lights).
- Signs must be placed at least 100 feet away from a polling place, but not on a public right-of-way.
- Pursuant to WMC 11-11-4(B)(6), sign-users may place up to 5 signs or banners of up to six square feet in area each for 100 feet or less of property frontage, with the property owner’s written permission. One additional sign or banner of up to six square feet in area may be erected for each additional 20 feet of frontage over 100 feet.
 - No permit is required, and no timing restrictions apply to such signs.
- Sign users may have more and/or larger signs, however:
 - Signs larger than six square feet in area must be approved with a permit prior to placing them, and
 - Timing restrictions may apply, based on the type of sign.
- For details in permitting more or larger signs, please contact the Planning Department.
- For concerns related to sign violations, please contact Code Enforcement.

BE A GOOD NEIGHBOR AND REMOVE ALL THE SIGNS YOU HAVE PLACED THROUGHOUT THE CITY ONCE THE ELECTION IS OVER

Campaign Reporting

The Fair Campaign Practices Act

Westminster Municipal Code, § 7-1-13. Fair Campaign Practices Act. All relevant provisions of the Fair Campaign Practices Act, found at Article 45 of Title 1, C.R.S., as amended from time to time, are herewith adopted, and all candidates and committees in support of or in opposition to any municipal candidates or municipal issues shall file documents and reports required under that Act with the City Clerk.

Candidate Responsibility

It is the candidate's responsibility to familiarize themselves with the provisions of the Fair Campaign Practices Act, relevant provisions of the Westminster City Charter and Westminster Municipal Code. It is highly recommended that candidates who have specific questions about compliance with campaign finance law consult with a private attorney who can provide legal advice, as the office of the City Clerk is prohibited from doing so.

Candidates, Candidate Committees, and their authorized agents are responsible for ensuring accurate reporting on forms provided and for meeting reporting deadlines.

City Clerk's Office Responsibility

The office of the City Clerk, as custodian of campaign finance reports, is responsible for providing current forms, notifying all parties of applicable deadlines, accepting campaign finance reports from candidates and/or committees, making them available for public inspection, and retaining them in compliance with the city's Document Management Policy and Retention Schedule.

The City Clerk is also responsible for notifying any candidate or committee who has failed to comply with provisions of the Fair Campaign Practices Act and for notifying any person against whom a complaint has been filed.

The City Clerk's Office cannot audit individual reports, check reports for mathematical errors, or give legal advice on how contributions/expenditures should be disclosed.

Reports are Public Record

Any report submitted pursuant to the Fair Campaign Practices Act will be made available for public inspection and will be available on the city's website.

Candidate Affidavit

A Candidate Affidavit must be filed with the City Clerk within 10 days of becoming a candidate. § 1-45-110, C.R.S.

“Candidate” is defined as any person who seeks nomination or election to a local public office that is to be voted on in this municipal election. A person is a candidate for election if the person has publicly announced an intention to seek election to public office or retention of a judicial office and thereafter has received a contribution or made an expenditure in support of the candidacy.

The Candidate Affidavit form is provided with this packet and is available for download on the City Clerk's elections webpage, or by calling the City Clerk's office.

Candidate Committees

A Candidate Committee consists of 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 can only have one committee.

Committee Registration

All Committees must register with the City Clerk **before** accepting contributions or making any expenditures in support of a campaign. § 1-45-108(3), C.R.S.

The New Committee Registration form is provided with this packet and is available for download on the City Clerk's elections webpage, or by calling the City Clerk's office.

Campaign Reporting Deadlines

Reports are due on three (3) different dates during the election cycle:

October 17, 2023: 21st Day before the Election Report (First Report)
Covers the reporting period ending October 12, 2023
The start date of the reporting period depends on whether this is a new committee, or an existing committee.

November 3, 2023*: Friday before the Election Report (Second Report)
Covers the reporting period of October 13 - October 27, 2023

December 12, 2023 Post-Election Report (Third Report)
Covers the reporting period of October 28 - December 7, 2023

Electronic Submission of Reports

The City Clerk's Office accepts and encourages filing campaign finance reports by email. Your report may have either an electronic signature, or you may submit a scanned copy of the report with a wet signature. Electronically filed reports are due by 11:59 p.m. of the deadline date to be considered timely filed. Once received by the City Clerk's Office, the report will be time-stamped, indicating the date of receipt. The candidate or candidate's agent will be notified that the City Clerk's Office has received the report.

*Please note that any hard copy report filed with the City Clerk must arrive in the office by 5:00 p.m. on the day it is due.

Contribution Limits

The Westminster Municipal Code does not specify any amount for contribution limits. However, you are required to disclose ALL campaign contributions. The following is a guideline for disclosing those contributions:

- **\$19.99 or less:** Do not need to be itemized; total amount for the reporting period can be aggregated.
- **\$20 or more:** Must be itemized and include the name and address of the contributor.
- **\$100 or more:** Must also include the occupation and employer of the contributor
- **\$1,000 or more:** If received within 30 days prior to the election, must be reported within 24 hours of receipt as a Notice of Major Contributor report. Form may be obtained from the City Clerk.
- **Cash/Coin Contributions:** Cannot exceed \$100.

Conflicts Based on Prior Pecuniary Benefits

The Westminster City Charter, § 5.12.1(a) states:

The acceptance or receipt by any Councillor or member of that Councillor's immediate family, or an organization formed to support the candidacy of that Councillor, of any thing of value **in excess of one-hundred dollars (\$100)** from any person, organization, or agent of such person or organization, shall create a conflict of interest with regard to that Councillor's vote on any issue or matter coming before the Council involving a benefit to the contributing person, organization, or agent, unless such interests are merely incidental to an issue or question involving the common public good.

The full text of this section is included in the Appendix of this packet on page 36.

Prohibited Contributions

In addition to other laws governing the conduct of campaigning for public office, candidates and their committees may not accept certain types of contributions. It is the responsibility of the candidate and their committee to ensure that they are complying with all applicable campaign finance laws, including but not limited to, Article XXVIII of the Colorado Constitution, and Title 1, Article 45 of the Colorado Revised Statutes (the Colorado Fair Campaign Practices Act).

It is strongly recommended that candidates and their committees consult with their own legal counsel for guidance as to compliance with all applicable laws.

Expenditures

An expenditure occurs when it is made, when funds are obligated, or when a contract is established, whichever occurs first.

All expenditures must be itemized and include the name and address of the payee and the purpose of the expense.

No committee or candidate may spend more than \$100 in cash/coin on any single expenditure.

Candidate committees may not make contributions to another candidate committee.

Unexpended Campaign Contributions

For candidate committees, unexpended campaign contributions may be:

- Contributed to a political party

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- Contributed to a candidate committee established by the same candidate for a different public office
 - Donated to a charitable organization recognized by the IRS
 - Returned to contributors
 - Retained by the committee for use by the candidate in a subsequent campaign

For more information, see the Appendix section, “Amended Campaign and Political Finance Rule 2.2.4 – Rollover of Candidate Committee Funds at the end of an Election Cycle” on page 38.

Complaint Process

Complaints asserting violations of any Fair Campaign Practices Act provisions shall be filed with the City Clerk’s Office. The office of the Colorado Secretary of State will neither accept nor consider municipal complaints and will redirect them to the City Clerk’s Office.

Contact the City Clerk’s Office to request the form in which to file any complaint related to the Fair Campaign Practices Act.

The City Council

Term of Office

The three (3) candidates elected to the office of City Councillor will begin their terms of office on the first Monday after the canvass at 8:00 p.m. The terms of office for three (3) highest vote recipients will be for four years, expiring in November 2027. Article XVIII, Section 11 of the State Constitution limits elected officials to two consecutive terms.

City Council Meetings

Per the Westminster City Charter, § 7.1, the City Council shall hold at least two (2) regular meetings each month.

The City Council meetings are held on the second and fourth Monday of each month, beginning at 7:00 p.m. Study Sessions are held on the first and third Monday of each month, beginning at 6:30 p.m. Occasionally, special meetings or an extra Study Session may be scheduled for a fifth Monday, at the City Council’s discretion.

Agenda packets for all Monday meetings are published on the Wednesday prior to the meeting.

Compensation

Council Salaries and Allowances: Per the Westminster Municipal Code, the salaries of the City's elective officers shall be as follows:

	<u>Base</u>	<u>2023 Amount</u>	<u>2023 Annual</u>
Mayor	\$1,400/ month	\$1,537/ month	\$18,444/ year
Mayor Pro Tem	\$1,200/ month	\$1,317/ month	\$15,804/ year
Councillors	\$1,000/ month	\$1,098/ month	\$13,176/ year
Monthly allowances (all):	\$300/ month	\$338/ month	\$4,068/ year

In addition, the City contributes to the City deferred compensation accounts of each such officer an amount equal to the officer's City deferred compensation contributions. The combined contributions from the City and the elective officer are subject to all applicable I.R.S. regulations, but in no event can such combined contributions from the City and the elective officer exceed 25% of the officer's total City salary. Westminster Municipal Code, § 1-7-1.

APPENDIX

Sections of the Westminster Municipal Code

Westminster Municipal Code, Title I - Chapter 7. Salaries.

1-7-1. - Elective Officers. (1357 1899 2170 2465 3204 3246 3433 3744)

The salaries of the City's elective officers shall be as follows:

Mayor	\$1,400.00 per month
Mayor pro tem, elected by council	\$1,200.00 per month
Councillors, other than Mayor or Mayor Pro Tem	\$1,000.00 per month

Commencing the first full pay period of 2016, city elective officer salaries shall be adjusted by the percentage of the 2015 non-exempt general employee pay plan adjustment rounded to the nearest whole dollar. Biennially thereafter in the first full pay period of the year, city elective officer salaries shall be adjusted by the cumulative percentage of the two previous years' non-exempt general employee pay plan adjustments rounded to the nearest whole dollar.

The City's elective officers shall receive an additional monthly allowance for expenses related to the performance of their respective duties. Commencing January 1, 2011, the below-stated allowance shall be adjusted, and biennially thereafter in the first full pay period in January, by the then current Denver/Boulder Consumer Price Index, rounded to the nearest whole dollar. This allowance shall be in lieu of any reimbursement to which the Mayor, Mayor Pro Tem or Councillor may otherwise be entitled to for internet service, fax communications, cell phone usage, and local commuting costs within the City limits. All mileage for trips outside of the City limits shall be a reimbursable expense.

The allowances shall be as follows:

Mayor, Mayor Pro Tem and Councillors	\$300.00 per month
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In addition, the City shall contribute to the City deferred compensation accounts of each such officer an amount equal to the officer's city deferred compensation contributions. The combined contributions from the City and the elective officer shall be subject to all applicable I.R.S. regulations, but in no event shall such combined contributions from the city and the elective officer exceed 25 percent of the officer's total city salary.

1-10-1. - Election and Term Limitation of Mayor.

- (A) The Mayor shall be elected for a four-year term by a vote of the electorate at a regular city election. To be elected, a candidate must receive at least 40 percent of the votes cast for the office of Mayor. If no candidate receives at least 40 percent, the two candidates with the highest number of votes for Mayor shall participate in a run-off election, which shall be held at the earliest possible date after the regular city election, and subject to the rules and procedures for municipal elections adopted by the City, as applicable. The successful candidate in the run-off election shall take office at the first regular council meeting following the run-off election. Until the newly elected mayor takes office, the previous Mayor shall continue in office.
- (B) No person shall be elected for more than two consecutive terms as Mayor. Terms are considered consecutive unless they are at least four years apart. A term as councillor shall not be considered a consecutive term to that of a term as Mayor, nor shall a term as Mayor be considered a consecutive term to that of councillor. This term limitation shall apply beginning with the regular election in 1995. The term of any person appointed to fill a vacancy shall not be considered to be part of a consecutive term for purposes of this section.
- (C) Any councillor may be a candidate for the office of Mayor, but no person may run for the office of Mayor and councillor at the same election. If a councillor with an unexpired term is elected Mayor, the unexpired term shall be filled in the manner prescribed by section 1-11-4, W.M.C.
- (D) If the Mayor resigns or if the office otherwise becomes vacant, the Mayor Pro Tempore shall assume the office of Mayor and shall hold office until the next regular city election. At said election, a Mayor shall be elected for a four-year term. The position of the councillor/Mayor Pro Tempore shall then be filled according to the provisions of section 1-11-4, W.M.C. This Section shall not apply to a vacancy that is the result of a recall petition or recall election, in which case City Charter procedures applicable to recall shall apply.

1-10-2. - Mayor Pro Tempore.

- (A) The City Council shall, at its first meeting following each regular city election, or at the first regular meeting following a run-off election if applicable, and after the newly elected Mayor and councillors take office, elect one councillor to serve as Mayor Pro Tempore for a term of two years expiring at the first City Council meeting following the next regular city election.

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- (B) Such election shall be by written ballot and by majority of the members of the City Council in office at the time.
 - (C) The Mayor Pro Tempore, when acting in the absence or disability of the Mayor, shall have all the authority of the Mayor granted by City Charter, ordinance, rules or regulations.
 - (D) In the event of absence, disability, or vacancy in the office of both the Mayor and Mayor Pro Tempore, the City Council may designate another of its members to serve as acting Mayor during such absence, disability, or vacancy. Such person, when acting in the absence, disability, or vacancy in office of the Mayor and the Mayor Pro Tempore, shall have all the authority of the Mayor granted by City Charter, ordinance, rules or regulations.

1-10-3. - Duties of Mayor.

- (A) The Mayor shall have voice and vote in all proceedings of the City Council equal with that of other members of the City Council but shall have no veto power. The Mayor shall be the presiding officer of the City Council. Unless otherwise stated, the Mayor shall be considered a member of City Council for all purposes, including recall.
- (B) The Mayor shall be a conservator of the peace, and in emergencies may exercise within the City the powers conferred by the governor of the State of Colorado for purposes of military law, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the laws of the City and to suppress riot and disorder.
- (C) The Mayor shall execute and authenticate by signature such instruments as the City Council, the Charter, or any statutes of the State of Colorado or laws of the United States shall require.
- (D) Except as may be required by statute, the mayor shall exercise only such power as the Charter or the City Council shall specifically confer.

Westminster Municipal Code, Title I, Chapter 11. City Council.

1-11-1. - Members. (355 1699)

The City Council shall consist of seven members, one of whom shall serve as Mayor. The City Council shall constitute the legislative and governing body of the City and shall, consistent with the Charter and the constitution of the State of Colorado, have power and authority to exercise all powers conferred upon or possessed by the City, including the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

1-11-2. - Qualifications. (355 1699 3372)

- (A) No person shall be eligible for election to the City Council who is in default to the City or to any other governmental unit of the State of Colorado. The seat of any member of City Council who is in such default shall become vacant unless such default shall be eliminated within 30 days after written notice thereof by the City Council or unless such person shall in good faith be contesting the liability of such default. Every candidate for elective office shall file with his petition his affidavit that he possesses the qualifications for such office as provided herein. Failure to file such affidavit shall invalidate his petition.
- (B) Any candidate for elective office of the City must be a United States citizen.
- (C) Any candidate for elective office of the City must have been a resident of the City for at least one year immediately prior to the last day for filing original petitions for such office or prior to the time of his appointment to fill a vacancy, and must be a qualified and registered elector of the City on the last day for filing or prior to the time of his appointment and throughout his tenure in office.
- (D) No member of City Council may be appointed to any city office or be employed by the City during the term of office for which he was elected or for two years thereafter; provided, however, that after the expiration of his term of office, any member of City Council may be appointed as a member of an independent board or commission or fill a vacancy on the City Council.
- (E) Any personally identifying information, other than name and address, provided by a candidate for City Council, pursuant to Charter Section 5.1(d) or in connection with a candidate petition or application for office, will be deemed as having been received in confidence and not subject to disclosure under the Colorado Open Records Act, except as may be required by an order of district court. Any such personally identifying information contained in a report, required to be maintained pursuant to Charter Section 5.1(d), shall be redacted by the City Clerk prior to disclosure of the remainder of the report.

1-11-3. - Meetings. (355 1926 2006 2820)

- (A) The City Council shall hold regular sessions at a time and place to be authorized by resolution of the City Council duly passed and published as a part of the council's summary of proceedings.
- (B) The City Council may hold study sessions on days and at times mutually agreed to by the councilmembers. These sessions shall be for the purpose of discussing matters of city business with members of city staff, hearing presentations from non-staff individuals, scheduling attendance of councilmembers at formal and informal functions, and any other lawful purpose. City Council shall take no official action at a

study session. The City Clerk shall provide interested parties with the date, time, place and agenda for study session, and shall post such information in a prominent location at the City Hall. Study sessions shall be open to the public, except as set forth in this Section.

- (C) The City Council may hold a closed executive session in conjunction with a regular or special meeting or a study session for the purpose of:
 - (1) Discussing personnel matters, except where the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting.
 - (2) Discussing strategy and progress on the sale, acquisition, trade or exchange of property or property rights;
 - (3) Consulting with an attorney representing the City Council on pending or ongoing litigation;
 - (4) Discussing strategy and progress on economic development matters in which the disclosure of information such as financial data or proposed incentives would, if made public, seriously jeopardize the City's ability to secure the development;
 - (5) Discussing matters required by law, signed agreement or court order to be kept confidential, such as personnel files, medical and psychological data on individual persons, confidential commercial and financial information, privileged information and the terms and amounts of settlement agreements;
 - (6) Discussing matters which may, by law, be kept confidential on the grounds that disclosure would be contrary to the public interest, such as information that would compromise measures necessary to prevent violation of a law;
 - (7) Discussing the City's position on issues subject to formal negotiation or arbitration, and the progress and status of such negotiation or arbitration;
 - (8) Discussing communications made to the City Attorney by the City Council and the advice given thereon by the City Attorney in the course of his professional employment; and
 - (9) Discussing the appointment, renewal or dismissal of board and commission members.
- (D) City Council shall not take any final action in a closed executive session.
- (E) If an executive session has been previously scheduled during or immediately before or after a regular or special City Council meeting or study session, the executive session shall be shown on the agenda for the meeting, along with the category of its purpose, as listed in subsection (C) of this Section. If an executive session has not been previously scheduled, it shall be announced at the meeting or study session, along with the category of its purpose.
- (F) The Mayor, any member of council, the City Manager or the City Attorney may request an executive session to be held or scheduled pursuant to this Section. Any such request

shall include the category of its purpose. However, no executive session may be held by council except upon the approval of a majority of the members of council present at the time the executive session is requested.

1-11-4. - Filling Vacancies. (355 1699 3129)

- (A) Any vacancy that occurs in the council shall be filled within 30 days by a majority vote of the remaining members of the City Council, said appointee to hold office for the balance of the unexpired term.
- (B) If any vacancy on city council that the City Council is authorized to fill is not so filled within 30 days after such vacancy occurs, or if three or more vacancies exist simultaneously, such vacancies shall be filled for the respective unexpired terms at a special election.

1-11-5. - Resignation. (355)

Resignation of elective officers shall be made in writing and filed with the City Clerk and shall be acted upon by the City Council at its next regular meeting following receipt thereof by the City Clerk.

1-11-6. - Rules. (355)

The City Council shall determine its own organization, rules and order of business subject to the following provisions:

- (A) A journal of the proceedings of each meeting shall be kept in the English language by the City Clerk and shall be signed by the presiding officer and clerk of the meeting.
- (B) A vote upon all ordinances and resolutions shall be taken by "Yes" or "No" vote and entered upon the records, except that where the vote is unanimous, it shall only be necessary to so state.
- (C) No member of the City Council shall vote on any question in which he has a financial interest, other than the common public interest, or on any question concerning his own conduct, but on all other questions, each member who is present shall vote when his name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote, except when not so required by this paragraph, shall be guilty of misconduct in office.
- (D) In all roll call votes, the names of the members of the City Council shall be called in alphabetical order and the name to be called first shall be advanced one position alphabetically in each successive roll call vote.

(E) The proceedings of the City Council, or a brief summary thereof, shall be published within ten days following each meeting. Any such summary shall be prepared by the City Clerk and approved by the Mayor and shall show the substance of each separate proceeding of the City Council.

(F) There shall be no standing committees of the City Council.

1-11-7. - Investigations. (355 1699)

(A) The City Council, or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office or officer and to make investigations as to the matters in which the City has an interest. The City Council, for the purpose stated herein, may by subpoena compel the attendance of witnesses and the production of books, papers and other evidence. The City Council may require testimony and other evidence be given under oath.

(B) Failure on the part of any officer to obey any subpoena issued under the provisions of this Section shall constitute misconduct in office. Failure on the part of any employee or other person to obey any subpoena issued under the provisions of this Section shall constitute a violation of this Chapter and such person shall be punished as provided by this Code.

(C) In addition to the provisions of subsection (B), the City Council, or any person or committee authorized by it for the purpose, shall have power to apply to the municipal court for an order enforcing the subpoena. If the person fails to appear, municipal court may issue a bench warrant to compel the person to appear before the court to show cause why he should not be fined for contempt pursuant to Section 1-22-5, W.M.C., or order that a summons be issued under Section 1-22-4, W.M.C.

1-11-8. - Regional Modifier. (1741)

The City Council shall be empowered to determine a regional modifier for building valuation, which the chief building official shall use in determining value or valuation in the issuance of permits and collection of fees for all permits based on the building valuation date in "Building Standards" published bimonthly by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, 90601.

1-11-9. - Oaths; Subpoenas. (2275)

The Mayor may administer oaths and sign and issue subpoenas to compel the attendance of witnesses and the production of books, papers, and other evidence when City Council is conducting any public hearing. Subpoenas shall be enforced as provided in Section 1-22-5, W.M.C.

Westminster Municipal Code, Title I, Chapter 24. Selected Sections.

1-24-4. - Political Activity. (3720)

- (A) Employee Political Activity: City employees are hereby restricted from actively participating in the municipal politics of the City, but shall not be otherwise restricted from engaging in their normal rights and responsibilities as citizens.
- (B) Prohibited Political Activity:
- (1) An employee shall not:
- (a) Use any City resource in support of or in opposition to any issue or candidate;
 - (b) Distribute or display political stickers, buttons or similar materials while in city uniform, during working hours or at City facilities;
 - (c) Actively campaign for or against any issue or candidate during working hours or at City facilities;
 - (d) Actively campaign for or against any issue or candidate while wearing a uniform that identifies the employee as a City employee;
 - (e) Serve as an officer of any organization which has the primary purpose of promoting the candidacy of any person for City office;
 - (f) Directly solicit, receive, collect, handle, disburse, contribute, or account for assessments, contributions, or other funds in support of the candidacy of any person for City office;
 - (g) Actively participate in a fund-raising activity of a candidate for City office;
 - (h) Actively organize or manage the political campaign of a candidate for City office;
 - (i) Solicit votes in support of or in opposition to a candidate for City office;
 - (j) Drive voters to the polls on behalf of a candidate for City office;
 - (k) Endorse or oppose a candidate for City office in a political advertisement, broadcast, campaign literature, or similar material; or
 - (l) Address a convention, caucus, rally, or similar gathering in support of or in opposition to a candidate for City office.
 - (m) The foregoing restrictions shall not be construed as (1) limiting the political activity of a spouse or any family member of an employee; (2) including an employee's unintentional or unwitting participation in City Council campaign materials or election activities or (3) "friending," "following" or similar interactions with City Council and mayoral candidates through social media sites such as Facebook, Twitter and LinkedIn, to the extent such interactions do not include any activity otherwise prohibited by this ordinance.
- (2) All employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law and this Section, so long as any such activity is done in the employee's capacity as a private citizen and not in the capacity of a City

employee. Subject to the limitations of subsection one of this Section, each employee retains the right to:

- (a) Register and vote in any election;
- (b) Display a political yard sign, picture, sticker, badge, or button;
- (c) Participate in the nonpartisan activities of a civic, community, social, labor, or professional organization;
- (d) Be a member of a political party or other political organization and participate in its activities to the extent consistent with this ordinance;
- (e) Attend a political convention, rally, fund-raising function, or other political gathering, including those of candidates for City office;
- (f) Sign a political petition as an individual, other than a petition for the nomination or recall of a City Councillor or the Mayor;
- (g) Expend personal funds, make contributions in kind, and use personal time to urge electors to vote in favor of or against any issue or candidate before the electorate, except any candidate for City office;
- (h) Seek election to City office, provided that the employee resigns or takes formally authorized unpaid leave from City employment prior to any campaign activities being undertaken on his or her behalf or filing a nomination petition;
- (i) Run for nomination or election as a candidate in any election not involving City government;
- (j) Be politically active in connection with a charter or constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character; and
- (k) Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise the public's confidence in the neutrality, efficiency, or integrity of the employee or the City government.

(C) Supervisors: No supervisor shall in any way coerce an employee to campaign for or against any candidate or issue, nor retaliate, intimidate or discriminate against any employee for any political activity permitted by this ordinance.

(D) Solicitation: It shall be unlawful for a candidate for the office of City Councillor or Mayor to solicit knowingly, directly or indirectly, a City employee to contribute money or campaign for or against any candidate for the office of City Councillor or Mayor. This provision shall not prohibit coincidental contacts with city employees through mass mailings or distribution of literature.

Westminster Municipal Code, Title VII, Chapter 1. Selected Sections.

7-1-1: LEGISLATIVE INTENT. (3372)

- (A) The purpose of this Chapter is the establishment of procedures for the regular and special elections of the City of Westminster, whether or not those elections are conducted as coordinated elections with Adams and Jefferson Counties.
- (B) The Council intends that interpretations of this Chapter be consistent with the City's home rule authority to regulate its municipal elections under Article XX of the Colorado Constitution.

7-1-2: ADOPTION AND APPLICABILITY OF STATE LAW. (1748 2318 3228 3372)

- (A) Subject to the Charter of Westminster and provisions of this Chapter, City elections will be conducted in accordance with the relevant portions of the Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S., and the Colorado Municipal Election Code, Article 10 of Title 31, C.R.S., as they may be amended from time to time. As the Uniform Election Code was adopted by the legislature to cover many types of elections, various portions of that code are not applicable to municipal elections. In some instances, the Uniform Election Code and the Colorado Municipal Election Code have differing provisions regarding the same subject. For these reasons, in the event of a conflict of laws or an inconsistent provision therein, these laws shall be applied in the following order of priority:
 - (1) the provisions of the Charter of Westminster
 - (2) the provisions of the Westminster Municipal Code
 - (3) the provisions of the Colorado Municipal Election Code of 1965, and
 - (4) the relevant provisions of the Uniform Election Code of 1992.
- (B) Notwithstanding the prioritization listed in subsection (A), when a City election is being conducted as a coordinated election, the Colorado Revised Statutes governing coordinated elections will control, to the extent said statutes are applicable to municipal elections.

7-1-3: WARDS; PRECINCTS; POLLING PLACES. (1172 1515 1718 1884 2002 2010 2163 2780 3014 3228 3372)

- (A) The City shall consist of one ward.
- (B) The Council shall, by resolution, from time to time, establish convenient election precincts, when required in order to conduct a City election.

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- (C) No later than thirty (30) days before an election, other than a mail ballot election or a coordinated election, the City Council shall designate, by motion, the official polling places for said election.
 - (D) When required in order to conduct a City election, City precinct boundaries will be reviewed by the Election Commission after any State redistricting or County reprecincting has occurred. The Election Commission will then make a recommendation to Council if any precinct changes are necessary.

7-1-4: ELECTION OFFICIAL. (3372)

The City Clerk is the designated election official of the City of Westminster for all purposes specified in the Charter, this Code, or any applicable state statute.

7-1-5: ELECTION COMMISSION. (3372)

The Election Commission, created by Charter Section 3.10, consists of the City Clerk and four (4) qualified and registered electors of the City, who during their term of office shall not be City officers or employees or candidates or nominees for elective City office. Such four (4) members shall be appointed by the Council for a term of two (2) years at the first January Council meeting following a regular City election. They shall serve without compensation. The City Clerk shall be chairperson. The Election Commission shall appoint the Board of Election, judges and clerks for each precinct and have charge of all activities and duties required of it by applicable statute, this Code, and the Charter relating to the conduct of elections in the City. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed. The Election Commission shall provide for ballots and sample ballots, for voting machines or electronic voting equipment, for determination of the winner in event of a tie vote, for canvas of returns, and for issuance of appropriate certificates.

7-1-6: COORDINATED ELECTIONS. (2318 3228 3372)

- (A) City elections shall be conducted, whenever possible, as a coordinated election conducted by Adams County or Jefferson County or both.
- (B) For all coordinated elections, the City Council shall adopt, by resolution or ordinance as appropriate, the language of ballot issues or ballot questions prior to the date of the City Clerk's required certification of ballot contents to the respective county election official.
- (C) The City Manager is authorized to sign all intergovernmental agreements regarding coordinated elections with the respective counties.

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- (D) For all coordinated elections, election precincts and polling places shall be determined by the coordinated election official of the respective county.

7-1-7: MAIL BALLOT ELECTIONS. (3372)

- (A) Upon the call of an election by the City Council, the City Clerk is authorized to conduct elections by mail ballot.
- (B) Unless provided otherwise by the Charter or this Code, such elections will be conducted pursuant to the requirements of Article 7.5 of Title 1, C.R.S., the Colorado Mail Ballot Election Act, as it may be amended from time to time, except the following provisions thereof:
 - (1) Section 1-7.5-107.3, C.R.S.
 - (2) Section 1-7.5-109, C.R.S. and
 - (3) Any provisions of the Act that the City determines are inconsistent with the City's authority over its elections pursuant to Article XX of the Colorado Constitution.

7-1-8: MAYOR AND COUNCILLOR ELECTIONS. (3372 3987)

- (A) General Conditions. Part 3 of Article 10 of Title 31, C.R.S., shall govern City elections for the Mayor or Councillors, except as provided in this Section.
- (B) Nominating Petitions. Except as provided in (C) below, for all Councillor elections except recall elections, nominating petitions for the office of Mayor or Councillor may be circulated and signed beginning ninety-one (91) days prior to the election, and shall be filed with the City Clerk not later than seventy-one (71) days prior to the election. All candidates must be residents of the City for at least one (1) year immediately prior to the last day for filing nominating petitions.
- (C) Nominating Petitions for Special Councillor Elections. For elections to fill a vacancy in elective offices pursuant to Section 5.7(b) of the Charter, the dates for the filing and circulating of nominating petitions shall be established by the City Council in the resolution setting the special election.
- (D) Nominated Candidates. Only candidates whose names have been placed in nomination through the process designated in this Chapter are eligible to be placed on the ballot.
- (E) Vacancies in Nominations. If any candidate dies or withdraws his or her name from nomination prior to the date upon which the City Clerk submits the ballot content to the ballot printer or, in the case of a coordinated election, to the respective County

election official, the City Clerk shall use his or her best efforts to cause the candidate's name to be removed from the ballot.

- (F) Content of Ballot. Every ballot shall contain the names of all duly nominated candidates for offices to be voted for at that election, except those who have died or withdrawn, and the ballot shall contain no other names. The arrangement of the names on the ballot shall be established by lot at any time prior to the certification of the ballot. The City Clerk shall notify the candidates of the time and place of the lot-drawings for the ballot. The lot-drawing shall be held to establish the order of names which is to be identical on both the respective ballots of Adams County and Jefferson County. The drawing shall be performed by the City Clerk or the clerk's designee.
- (G) Write-in Candidate Affidavit. No write-in vote for any elective officer shall be counted unless an affidavit of intent has been filed with the City Clerk by the person whose name is written in indicating that such person desires the office and is qualified and eligible to assume the duties of that office if elected. Such affidavit of intent shall be filed by the close of business on the sixty-fourth day before a regular municipal election or, for a special election, on the date set in the Council resolution for the filing of nominating petitions.
- (H) Notice. At least ten (10) days before election for the office of Mayor or Councillor, the City Clerk shall publish notice in at least one newspaper having general circulation in the City, stating the day and date of the election, the hours during which the polls will be open unless it is a mail ballot election, naming the officers to be elected, and listing the names of those candidates as nearly as possible in the form in which such nominations shall appear upon the official ballot. Additionally, a copy of such notice shall be posted until after the election in a conspicuous place in the office of the City Clerk.

7-1-11: SPECIAL ELECTIONS. (297 1748 2780 3372)

- (A) Special elections shall be held when called by resolution of the Council at least forty (40) days in advance of such election, or when required by this Code, the Charter, or applicable statute. Any resolution calling a special election shall set forth the purpose of such election.
- (B) The conduct of special elections shall be as nearly as practicable the same as for general elections.

7-1-12: PENALTIES FOR ELECTION OFFENSES. (1748 2780 3228 3372)

In addition to any penalties established for violation of this Code, it is the intention of the City Council to authorize the district attorneys of Adams and/or Jefferson County and the attorney general to prosecute violations of any election offenses occurring within the City as

provided for in Part 15 of Article 10 of Title 31, C.R.S., regarding Election Offenses. The penalties for violation of these offenses shall be as established, from time to time, by the Colorado General Assembly.

7-1-13: FAIR CAMPAIGN PRACTICES ACT. (3372)

All relevant provisions of the Fair Campaign Practices Act, found at Article 45 of Title 1, C.R.S., as amended from time to time, are herewith adopted and all candidates and committees in support of or in opposition to any municipal candidates or municipal issues, shall file documents and reports required under that Act with the City Clerk.

Sections of the Westminster Home Rule Charter

City of Westminster City Charter Chapter V. General Provisions Regarding Officers and Personnel of the City.

Section 5.1. Eligibility for Office and Employment in City.

(a) No person shall hold any elective office of the City unless he or she has been a resident of the City for at least one (1) year immediately prior to the last day for filing original petitions for such office or prior to the time of appointment to fill a vacancy. No person shall hold any elective office unless he or she is a qualified and registered elector of the city on such last day for filing or at such time of appointment and throughout tenure of office. (Amended 11-05-96)

(b) No person shall be eligible for any elective or appointive City office who is in default to the City or to any other governmental unit of the State. The holding of office by any person who is in such default shall create a vacancy unless such default shall be eliminated within thirty (30) days after written notice thereof by the Council or unless such person shall in good faith be contesting the liability for such default.

(c) Each candidate for elective office shall file with his or her petition his or her affidavit that the candidate possesses the qualifications for such office provided in this section. Failure to file such affidavit shall invalidate the petition. (Amended 11-05-96)

(d) At the time a candidate submits a petition for elected office, or an applicant submits an application for appointment to a Board or Commission, such person shall also submit an affidavit indicating whether he or she has been convicted of a felony under the laws of the State of Colorado or in another jurisdiction. The report of the felony shall include the type of offense, the date of the offense, and may include the circumstances and any evidence of rehabilitation. Each candidate or applicant shall also give written permission for a criminal background investigation by the Westminster Police Department. The Police Department shall report to the City Clerk any felony convictions of a candidate or applicant found in its investigation. The City Clerk shall maintain the report in a file available to the public. (Added 11-05-96)

(e) Each member of a City board or commission created by, or pursuant to, this Charter shall have been a resident of the City for at least one (1) year immediately prior to the day of appointment and shall be a qualified and registered elector of the City on such day and throughout tenure of office. (Amended 11-05-96)

(f) All officers of the City shall be United States citizens.

(g) No elective officer, under this Charter, may be appointed to any City office or be employed by the City during the term of office for which he or she was elected or for two (2) years thereafter, provided that after the expiration of the term of office the person may be appointed as a member of an independent board or commission or fill a vacancy in the position of Councilman. (Amended 11-05-96)

The Council may by ordinance require residence in the City of Westminster as a condition of employment of full-time appointive officers.

Section 5.2. Vacancies in Elective Office. Any elective City office shall be declared vacant by the Council upon occurrence of any of the following events before the expiration of the term of such office:

- (a) For any reason specified by statute or by this Charter as creating a vacancy in office;
- (b) If no person is elected to, or qualifies for, the office at the election at which such office is to be filled;
- (c) If the officer shall be found guilty by a competent court of the State of Colorado or any act constituting misconduct in office under the provisions of this Charter;
- (d) If the officer shall be convicted of crime involving moral turpitude;
- (e) If the officer shall absent himself continuously from the city for more than thirty (30) consecutive days in any one (1) year without permission of the Council;
- (f) In the case of any members of the Council, if such officer shall miss four (4) consecutive regular meetings of the Council or twenty-five (25) percent of such meetings in any fiscal year of the City, unless such absences shall be excused by the Council and the reason therefor entered in the proceedings of the Council at the time of such absence;
- (g) If the officer is removed from office by the Council in accordance with the provisions of Section 5.4.

Section 5.4. Removals From Office. Removals by the Council of elective officers or of members of boards or commissions shall be made for either of the following reasons: (a) for any reason specified by statute for removal of city officers, (b) for any act declared by this Charter to constitute misconduct in office. Such removals by the Council shall be made only after hearing, of which such officer has been given notice in writing by the Clerk at least ten (10) days in advance, either personally or by delivering the same at his last-known place of residence. Such notice shall include a copy of the charges against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in his defense,

to cross-examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, his failure to do so may be deemed cause for his removal. A majority vote of the members of the Council in office at the time, exclusive of any member whose removal is being considered, shall be required for any such removal.

Section 5.5. Resignations. Resignations of elective officers and members of boards and commissions shall be made in writing and filed with the Clerk and shall be acted upon by the Council at its next regular meeting following receipt thereof by the Clerk. Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately.

Section 5.7. Filling Vacancies in Elective Offices.

(a) Any vacancy which occurs in the Council shall be filled within thirty (30) days by a majority vote of the remaining members of the Council, said appointee to hold office for any balance of the unexpired term. (Amended 11-7-02)

(b) If any vacancy in the office of Councilman which the Council is authorized to fill is not so filled within thirty (30) days after such vacancy occurs, or if three (3) or more vacancies exist simultaneously in the office of Councilman, such vacancies shall be filled for the respective unexpired terms at a special election.

Section 5.8. Change in Term of Office or Compensation. Except by procedures provided in this Charter, the terms of office of the elective officers and of members of boards and commissions appointed for definite terms shall not be shortened. The terms of elective officers of the City shall not be extended beyond the period for which any such officer was elected except that an elective officer shall, after his term has expired, continue to hold office until his successor is elected and has qualified. The Council shall not grant or authorize extra compensation to any officer or employee after the service has been rendered except under terms agreed to prior to the rendering of the service.

Section 5.9. Oath of Office and Bond. Every officer, elected or appointed, before entering upon the duties of his office, shall take the oath of office prescribed by Section 7, of Article XII of the Constitution of the State and shall file the same with the Clerk, together with any bond required by this Charter, or by the Council. In case of failure to comply with the provisions of this section within ten (10) days from the date of his election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify as above set forth.

Section 5.12. Pecuniary Interest Prohibited.

(a) Except as permitted by this section, no contract or purchase involving an amount in excess of one hundred dollars (\$100.00) shall be made by the City in which any elective or appointive officer or any member of his family has any pecuniary interest, direct or indirect. A "contract" shall for the purposes of this section include any arrangement or agreement pursuant to which any material, service or other thing of value is to be furnished to the City for a valuable consideration to be paid by the City or sold or transferred by the City, except the furnishings of personal services as an officer or employee of the City; and the term "member of his family" shall include spouse, children, and the spouse of any of them.

(b) Without limiting the generality of paragraph (a) of this section, an officer shall be deemed to have a pecuniary interest in a contract if he or any member of his family is an employee, partner, officer, director or sales representative of the person, firm or corporation with which such contract is made or of a sales representative of such person, firm or corporation. Ownership, individually or in a fiduciary capacity, by an officer or member of his family, of securities, or of any beneficial interest in securities, of any corporation with which a contract is made, shall not be deemed to create a pecuniary interest in such contract unless the aggregate amount of such securities, or interest in such securities, so owned by such officer and the members of his family, shall amount to ten (10) percent of any class of securities of such corporation then outstanding.

(c) A contract in which an officer or member of his family has a pecuniary interest may be made by the City if the members of the Council in office at the time having no such interest shall unanimously determine that the best interests of the City shall be served by the making of such contract and if either such contract is made after comparative prices are obtained or if the members of the Council having no interest shall unanimously determine that the obtaining of comparative prices is not feasible in such particular case. Any Council member may evidence his participation in either determination required by this paragraph by vote at a Council meeting or by written instrument filed with the Clerk.

Any officer who knowingly permits the City to enter into any contract in which he has a pecuniary interest without disclosing such interest to the Council prior to the action of the Council in authorizing such contract shall be guilty of misconduct in office. Except in the instances specified in paragraph (c) of this section, the unanimous determination (by vote or written instrument) of all members of the Council that in a particular case an officer or member of his family will not have a pecuniary interest in any contract or purchase to be entered into by the City shall be final and conclusive in the absence of fraud or misrepresentation.

Section 5.12.1 Conflicts Based on Prior Pecuniary Benefits. (Entire section added 11-05-96)

- (a) The acceptance or receipt by any Councillor or member of that Councillor's immediate family, or an organization formed to support the candidacy of that

Councillor, of any thing of value in excess of one-hundred dollars (\$100) from any person, organization, or agent of such person or organization, shall create a conflict of interest with regard to that Councillor's vote on any issue or matter coming before the Council involving a benefit to the contributing person, organization, or agent, unless such interests are merely incidental to an issue or question involving the common public good.

(i) Should a conflict of interest arise for any Councillor under this subsection (a), the Councillor shall state the grounds for the conflict of interest on the record immediately prior to Council's vote, withdraw from debate on the issue, and abstain from voting on the matter, notwithstanding any duty to vote provided for elsewhere in this Charter.

(ii) In the event a quorum cannot be obtained because of any issue or matter to be acted on by Council because of abstentions pursuant to subsection (i) above, any abstaining Councillor or Councillors may vote as long as the abstaining Councillor or Councillors has disclosed the nature of the conflicting interest, including the amount of financial interest, the purpose and duration of any employment provided or services rendered and compensation therefore, and such other information as may be necessary to describe the interest.

(iii) Any Councillor may challenge the existence of a conflict of interest pursuant to this subsection (a) prior to Council's vote, but not thereafter. In the event such challenge is raised, the challenge shall be decided by a majority vote of the remaining members of Council with no alleged conflict, and such determination shall be deemed to be final and conclusive.

(b) For purposes of this Section, the following terms shall be defined as:

(i) "Thing of value" means money, employment, goods, services, or objects with any intrinsic value, including but not limited to, campaign contributions, loans, offsets to expenditures, contributions in kind, and independent expenditures by any person or organization on behalf of the candidacy of a Councillor, provided that such thing of value was received during the Councillor's current term of office or anytime within six (6) months prior to the commencement of the Councillor's current term of office.

(ii) "Immediate family" means the spouse, children, and the spouse of any child of any Councillor or candidate for Councillor.

(iii) "Councillor" includes the Mayor.

(c) A knowing violation of this Section shall be deemed to be misconduct in office.

Amended Campaign and Political Finance Rule 2.2.4 – Rollover of Candidate Committee Funds at the end of an Election Cycle

Campaign and Political Finance Rule 2.2.4

2.2.4 Managing unexpended campaign contributions

(a) A candidate committee must report its unexpended balance as the ending balance at the end of the election cycle. A candidate committee must report its unexpended balance from the report filed 30 days after the major election as the beginning balance in the next election cycle. The candidate committee's beginning balance must reflect what amount is retained for use in a subsequent election cycle and what amount is retained for use as unexpended funds.

(b) Candidates seeking re-election to the same office

(1) A candidate committee may retain contributions to use in a subsequent election cycle for the same public office, in an amount not to exceed the political party contribution limit in Colo. Const. Article XXVIII, Section 3(3) (as adjusted by Rule 10.16).

(2) If a candidate committee retains contributions to use in a subsequent election cycle for the same office, the amount retained counts toward the limit on contributions from a political party.

(3) If a candidate committee retains contributions from a prior election cycle in excess of the political party contribution limit, the candidate committee may not use those funds for any subsequent election cycle but may retain them for use in accordance with section 1-45-106(1)(b), C.R.S., if applicable. The committee may also contribute the funds to a political party, donate the funds to a charitable organization recognized by the Internal Revenue Service, or return the funds to contributors.

(c) Candidates seeking election to a different office

(1) A candidate committee may transfer funds to a candidate committee established by the same candidate for a different public office, subject to the political party contribution limit for the new office sought. [Colo. Const. Article XXVIII, Section 3]

(2) Contributions from persons or committees made to the prior candidate committee do not apply toward the contribution limits for the new candidate committee.

(3) A candidate committee transferring funds to a candidate committee for a different office must terminate within ten days of registering the new candidate committee.

(4) A candidate seeking election to a state, county, or local office may not transfer funds from a federal candidate committee to a Colorado candidate committee that is subject to the provisions of the Fair Campaign Practices Act.

(5) If a candidate committee transfers funds in excess of the political party contribution limit, the candidate committee may only retain them for use in accordance with section 1-45-106(1)(b), C.R.S. if applicable. The committee may also contribute the funds to a political party, donate the funds to a charitable organization recognized by the Internal Revenue Service, or return the funds to contributors.

(d) Candidates not seeking re-election or election to a new office

(1) A candidate committee that wishes to terminate and will not transfer funds to a new candidate committee may give remaining contributions to:

(A) A political party, in an amount not to exceed the limit in Colo. Const. Article XXVIII Section 3(3) (as adjusted by Rule 10.17);

(B) A charitable organization recognized by the I.R.S.;

(C) The original contributors; or

(D) If elected to office, the candidate may use the remaining contributions for voter registration, political issue education, postsecondary educational scholarships, communication with constituents, or for expenses directly related to the officeholder's official duties. [Section 1-45-106(1)(a)(I) and (b), C.R.S.]

FORMS APPENDIX