

**ORDINANCE NO. 1, SERIES 2024
TOWN OF KIOWA, COLORADO**

**AN ORDINANCE OF THE TOWN OF KIOWA ESTABLISHING AN
AMENDMENT TO THE KIOWA MUNICIPAL CODE REGARDING
MUNICIPAL CAMPAIGN FINANCE COMPLAINTS**

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF KIOWA, COLORADO, THAT:

Section 1. Article II of the Town Charter, Section 2.01 sets forth the Town of Kiowa's election laws and provides for amendment by ordinance. Therefore, Article I, Elections, Section 2-4 is amended and the following provisions added to the Town of Kiowa Municipal Code to ensure integrity of the Town's election and campaign as follows:

Sec. 2-4-10. - Campaign finance complaints.

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 Article related to campaign finance complaints.

Sec. 2-4-20. - Complaint process.

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.

(a) 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 Article 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.

(b) 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.

(c) 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.

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

Sec. 2-4-30. - Initial determination.

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:

(a) 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).

(b) 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 below.

(c) 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.

Sec. 2-4-40. - Process for curing.

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.

Sec. 2-4-50. - Hearing procedure.

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. Testimony shall be given under oath, and 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 sixty (60) days after the petition 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).

Sec. 2-1-90. - Penalties.

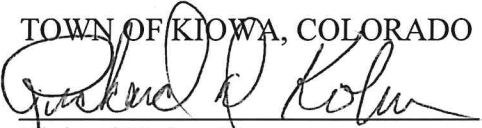
The Town Clerk or a hearing officer, as appropriate, may impose a penalties and sanctions as set forth in C.R.S. § 1-45-111.5, and 8 C.C.R. 1505- 6, Rule 23.3.3, both as amended. Recovery of a party's reasonable attorney fees and costs shall be as set forth therein.

Section 2. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 3. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.


Section 4. This Ordinance shall become effective ten (10) days after publication.

INTRODUCED, and ADOPTED by a vote of 6 for and 0 against and ORDERED PUBLISHED BY TITLE this 13 day of February, 2024.

TOWN OF KIOWA, COLORADO

Rickard Kolm, Mayor

ATTEST:

Sasha Davidson, Town Clerk

APPROVED AS TO FORM:

Ruth Borne, Town Attorney