



2023 Election Plan & Candidate Guide

City of Commerce City, Colorado

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Introduction

This document shall inform the City Clerk's Office staff, City Council Members, City staff, candidates, and the public on how the City Clerk shall conduct the 2023 coordinated election, the requirements of those seeking public office, and important dates and deadlines.

For questions on the City's election, candidate information, campaign finance information, etc.:

Dylan Gibson, City Clerk

dgibson@c3gov.com

303-227-8791

For questions on voter registration, mail ballots, voter services, polling locations, etc.:

Adams County Clerk and Recorder

www.Adamsvotes.com

adams.elections@adcogov.org

720-523-6500

Prepared by:

Dylan A. Gibson, City Clerk

Date of Election

Tuesday, November 7, 2023

Offices for Election

The following offices will be on the 2023 ballot:

- One (1) Ward II Council Member, 4 year term
- One (1) Ward III Council Member, 2 year term
- One (1) Ward IV Council Member, 4 year term
- Two (2) At-Large Council Members, 4 year terms
- Mayor, 4 year terms

Ward boundary maps can be found on the [City's website](#).

Authority, Powers, and Responsibilities

Per Colorado Revised Statutes (C.R.S. 1-1-104(8) and C.R.S. 31-10-104(1)), the City Clerk will be the Designated Election Official and “shall render all interpretations and shall make all initial decisions as to controversies or other matters arising...” during the municipal election. Additionally, the City Clerk may delegate such power and authority to the Deputy City Clerk (C.R.S. 31-10-104(2)). The City Clerk has delegated the Deputy City Clerk to exercise such powers and granted the Deputy City Clerk the authority to make interpretations and decisions related to the 2023 election in the City Clerk’s absence.

The Designated Election Official is responsible for the conduct of the coordinated election on the City’s behalf. The Designated Election Official shall provide timely and accurate notice to the public and candidates of election dates and timelines, a current and accurate list of candidates, committees and their contact information, financial reports, and other documents, reports, and forms of public interest.

The Designated Election Official may provide general guidance and instructions to candidates; however, the City Clerk’s Office cannot provide legal advice. Candidates, voters, protestors, or others should consult with a private attorney for interpretation of election law and legal advice.

THE CITY CLERK’S OFFICE CANNOT NOTARIZE ANY ELECTION FORMS.

Conduct of Elections in Accordance with the Charter

In accordance with the City’s Charter, regular municipal elections shall be held as coordinated elections with Adams County, Colorado in November of odd-numbered years (Charter Sec. 3.1). The laws governing the regular municipal election shall be governed by the Colorado Municipal Election Law, which can be found in the Colorado Revised Statutes Section 31-10-101 through 31-10-1540, or as otherwise provided by ordinance of the City (Charter Sec. 3.3). The City Council has adopted its own campaign finance regulations which can be found in the Commerce City Revised Municipal Code Sec. 2-1005.

The Designated Election Official shall work with other City departments, divisions, and candidates as appropriate to ensure voter records, City Ward boundaries, ballot language, and hearing impaired ballot recordings are accurate.

Per the intergovernmental agreement with Adams County, the Designated Election Official will schedule a Resolution authorizing the Designated Election Official to sign the intergovernmental

agreement with Adams County to be approved by the City Council no later than August 23, 2023. The Designated Election Official, in coordination with the City's GIS division, will review and provide comments and corrections to the County on the Street Locator File. The Designated Election Official will provide for all petitions, verification of petitions, write-in candidate affidavits, and ballot preparation and certification to Adams County by September 8, 2023 at 3:00 p.m., and review and provide any corrections within one business day to the County for the proof of the ballot.

The election shall be non-partisan (Charter Sec. 3.4), meaning that candidates shall run for seats without distinction of political party or affiliation. The ballot shall only list candidates by name with no indication of political party or affiliation (C.R.S. 1-5-406).

Candidate Eligibility

To be eligible to become a candidate for Commerce City City Council (Charter Sec 4.4):

- Be a citizen of the United States
- Be eighteen years of age or older on the date of the election (November 7, 2023)
- Be a registered voter at the time of filing of petition
- Reside within the City for at least 12 months preceding appointment
- Reside within the Ward for at least 25 days preceding appointment or filing of petition
- Cannot be serving a felony conviction

To become a candidate, an eligible person must publicly announce their intent to seek office and then receive a contribution or make an expenditure in support of their candidacy. A public announcement is considered a speech, advertisement, or communication that appears in a place that is accessible to the public. Additionally, registering a candidate committee with the City Clerk's Office qualifies as a public announcement.

Within ten (10) days of making a public announcement, the candidate shall file their Candidate Affidavit with the City Clerk's Office. The Candidate Affidavit must be submitted before receiving a contribution or making an expenditure in support of their candidacy.

Access to the Ballot by Candidate

The Designated Election Official will provide the petition on forms which will consist of one or more sheets of paper (C.R.S. 31-10-302(1)). Nomination petitions for eligible candidates will be available for pickup and circulation on August 8, 2023 at 8:00 a.m. in the City Clerk's Office, Commerce City Civic Center, 7887 E 60th Avenue, Commerce City, Colorado 80022.

Each eligible candidate that picks up a nomination petition will be required to provide their name, address, contact information, and indicate which office they are seeking. Candidates may only run for one office (C.R.S. 31-10-301).

Circulating Nomination Petitions

The nomination petition shall be signed only by registered electors of the City. In order to qualify for placement on the ballot, eligible candidates must have *at least* 25 signatures from registered electors. If a candidate is running for an At-Large office, 25 signatures may be gathered from any registered elector that resides within the city (C.R.S. 31-10-302(2)(a)). If a candidate is running for a Ward-specific office, 25 signatures must be gathered from any registered elector that resides within that candidate's Ward (C.R.S. 31-10-302(2)(b)). Candidates are encouraged to gather more than 25 signatures before submitting their nomination petitions to the City Clerk's Office to ensure that if one or more of the first 25 signatures are not valid, the additional signatures gathered on the petitions will count towards the 25 minimum signatures needed.

Registered electors shall not sign more than one (1) nomination petition for each office. For example, a registered elector may sign a nomination petition for a candidates for Ward II and up to two nomination petitions for a candidate for At-Large, but shall not sign a nomination petition for three candidates for At-Large or sign nomination petitions for two candidates for Ward II. Registered electors who sign multiple nomination petitions for the same office will only have their signature counted for the nomination petition that was signed first (C.R.S. 31-10-302(4)).

Instructions for circulating nomination petitions will be provided with the nomination petition packet. Requirements for circulating nomination petitions may also be found in Colorado Revised Statutes 1-4-901 through 1-4-907 and 31-10-302. If a candidate fails to adhere to the instructions or Statute, the Designated Election Official may deem the petition insufficient and signatures gathered on the nomination petition will not count towards a candidate's 25 signature requirement for placement on the ballot.

Nomination petitions are due to the City Clerk's Office by August 28, 2023 at 5:00 p.m. (C.R.S. 1-4-805).

Campaigning and Campaign Signs

Campaign signs are permitted on residential and non-residential property. Campaign signs must follow the City's Land Development Code temporary sign standards. Information on temporary sign standards can be found in the Commerce City Land Development Code Article 8, Division 5.

Candidates and their supporters must follow all electioneering laws during the course of the election cycle.

Reviewing Nomination Petitions

The Designated Election Official and their designee(s) shall review each nomination petition for completeness and sufficiency in accordance with Colorado Municipal Election Law. When a nomination petition is received, the Designated Election Official will check to ensure the candidate meets the minimum qualifications for office.

Each nomination petition will be reviewed by at least two persons, consisting of the Designated Election Official and their designee(s). The Designated Election Official will make the final determination as to the sufficiency of a nomination petition.

The City Clerk's Office staff and/or designee(s) will have access to the Statewide Voter Registration System (SCORE) to compare each signature on a nomination petition. The Designated Election Official or their designee(s) will check for the following (not a comprehensive list):

- Signature is dated
- Date is correct (e.g. not outside circulation window)
- Signature is complete
- Signature is legible
- Address matches with SCORE registration records
- Person signing is registered in SCORE
- Person has not signed more than the allowed number of nomination petitions for that office

Additionally, the Designated Election Official will ensure that the nomination petition form is returned complete and no pages have been separated or defaced. The Designated Election Official will check that the Affidavit of Circulation and Acceptance of Nomination forms on the nomination petition are completed and notarized.

If a nomination petition has met all the requirements, the Designated Election Official shall deem the petition sufficient. If the nomination petition has not met all the requirements, the Designated Election Official shall deem the nomination petition insufficient.

Sufficient Nomination Petitions

If a nomination petition is deemed sufficient, the Designated Election Official will notify the candidate that their nomination petition met the qualifications and their name will be placed on the ballot.

Insufficient Nomination Petitions

If a nomination petition is deemed insufficient, the Designated Election Official will notify the candidate that their nomination petition has not met the qualifications. The candidate will have until September 1, 2023 at 5:00 p.m. to cure an insufficient petition. The candidate may circulate a nomination petition to correct or replace signatures that were not deemed to be in conformity with the Colorado Municipal Election Law (C.R.S. 1-4-805).

Write-In Candidates

A person intending to run as a write-in candidate must file an affidavit of intent with the City Clerk's Office by September 5, 2023 at 5:00 p.m. (C.R.S. 1-4-1102(2)).

Ballot Order Lot Draw

The order of candidate names will be determined by lot draw (C.R.S. 1-5-406). The Designated Election Official will host a ballot lot draw in the Council Chambers of the Civic. The Designated Election Official will invite members from a City Board or Commission to draw names from the City's original ballot box. Names will be drawn per office, starting with Ward II candidates.

Certification of Ballot

The Designated Election Official will certify the ballot content and order to the Adams County Clerk no later than September 8, 2023 at 3:00 p.m. (C.R.S. 1-5-203(3)(a)). The Adams County Clerk and Recorder's Office will provide the Designated Election Official with a proof of the ballot. The Designated Election Official will review and provide any changes to the proof within one (1) business day of receiving the proof.

Conduct of Coordinated Election

The Adams County Clerk and Recorder is responsible for the conduct of the coordinated mail ballot election. The Adams County Clerk and Recorder will print and mail ballots on behalf of the City no later than October 6, 2023 (C.R.S. 1-7.5-107(2.7)). The Adams County Clerk and Recorder is responsible for operating voter services and polling centers beginning on October 30, 2023 (C.R.S. 1-7.5-107(4.5)(c)) and the City may enter into a facility use agreement with the County for the use of City facilities as polling centers through November 7, 2023 at 7:00 p.m.

On or before November 29, 2023 the Adams County Clerk and Recorder and Canvass Board will complete the election canvass and certify the results within ten (10) days of the completion of the canvas (C.R.S. 1-10-102(1)).

Swearing-In of Elected Officials

On the second Monday after the certification of the election results, the City Council will convene an Organization Meeting for those elected to take their oath of office and begin their term (Charter Sec. 4.3(a)).

Campaign Finance

Candidates for office shall follow the Colorado Revised Statutes Title 1 Article 45, Colorado Constitution Article XXVIII, and Commerce City Revised Municipal Code Sec. 2-1005 on campaign finance law. Candidates are required to track their expenses and contributions and to ensure all expenses and contribution are in compliance with the above. The Designated Election Official will review all reports submitted and will work with candidates on curing errors or insufficiencies on reports as appropriate. Candidates are encouraged to review the Fair Campaign Practices Act (FCPA) in C.R.S. Title 1 Article 45, the Colorado Secretary of State's Campaign and Political Finance Manual, and Commerce City Revised Municipal Code Sec. 2-1005. It is the candidate and their registered agent's responsibility for fully understanding the law regarding campaign finance.

If a candidate will not solicit or accept contributions and only spend their own money to support their candidacy, they are considered a Standalone Candidate and do not need to register a committee with the City Clerk's Office. However, Standalone Candidates must still file a Personal Expenditure report with the City Clerk's Office on or before the dates listed further down in this section.

If a candidate will solicit or accept contributions and make expenditures in support of their candidacy, they must register a Candidate Committee with the City Clerk's Office. Candidate Committees are required to file a Report of Contributions and Expenditures with the City Clerk's Office on or before the dates listed further down in this section.

If a candidate will not solicit or accept contributions *and* will not spend their own money to support their candidacy, they are required to file a Statement of Non-Receipt of Contributions and Non-Expenditure of Funds with the City Clerk's Office on or before the dates listed further down in this section.

All campaign finance reports, filings, and statements received by the City Clerk's Office will be made readily available for public inspection on the [City's Website](#).

Filing Deadlines

Campaign Finance reports and statements are required to be filed with the City Clerk's Office on or before the following dates (Commerce City Revised Municipal Code Sec. 2-1005(e)(5)):

- August 5, 2023 at 5:00 p.m. – Reporting period from the date of candidacy first contribution received or expenditure in support of candidacy through July 31, 2023.
- September, 2023 at 5:00 p.m. – Reporting period from August 1, 2023 through August 31, 2023.
- October 5, 2023 at 5:00 p.m. – Reporting period from September 1, 2023 through September 30, 2023.
- October 20, 2023 at 5:00 p.m. – Reporting period from October 1, 2023 through October 15, 2023.
- November 3, 2023 at 12:00 p.m. – Reporting period from October 16, 2023 through October 29, 2023.
- December 5, 2023 at 5:00 p.m. – Reporting period from October 30, 2023 through November 30, 2023.

Any unsuccessful candidate with a committee that has a balance on the December 5, 2023 report will remain a candidate until they close out their committee. To close a committee out, the candidate committee must report a \$0.00 balance on their report. Candidates should consult with the FCPA on what expenditures are allowed with remaining campaign funds. Any candidate committee with a remaining balance is required to filing annually on the first Monday of November with the City Clerk's Office until the committee is closed out (Commerce City Revised Municipal Code Sec. 2-1005(e)(5)(g)).

Campaign Finance Complaints

Any complaint received related to campaign finance violations will be handled by the Designated Election Official as provided in the Commerce City Revised Municipal Code Sec. 2-1006.

Expectations of Council Members

The City Council is the legislative and governing body of Commerce City. The nine members establish the vision for the city, set annual goals to achieve that vision, and enact laws that govern residents. City Council annually reviews and approves the City's budget. The City Council appoints the City Manager, City Attorney, and Municipal Judge. The City Council also establishes and appoints members to Boards and Commissions.

The City Council conducts regular meetings on the first, second, and third Monday of each month at 6:00 p.m. or as soon thereafter. Regular meetings are when business and affairs of the City are discussed and voted on by the City Council. Time is also dedicated for citizen communication. Meetings are limited to 10:30 p.m. unless voted to be extended by the City Council.

The City Council conducts study sessions on the fourth Monday of each month at 6:00 p.m. or as soon thereafter. No formal action is taken at study sessions, but City Council may provide consensus or general direction to staff on topics discussed during study sessions. Meetings are limited to 10:30 p.m. unless extended by the City Council.

Special Meetings of the City Council may be called by the Mayor or by three (3) Council Members with at least 24 hour notice provided. Meetings are limited to 10:30 p.m. unless voted to be extended by the City Council.

All meetings unless otherwise noted, such as executive sessions, are open to the public.

City Council also serves as the majority of members of the Board of the Commerce City Urban Renewal Authority (URA) as well as wholly comprising of the Commerce City E-470 Commercial Area General Improvement District (ECAGID), the Commerce City E-470 Residential Area General Improvement District (ERAGID), and the Commerce City Northern Infrastructure General Improvement District (NIGID). These boards have meetings on an as-needed basis and may occur immediately before or immediately after regular meetings, study sessions, and special meetings and do not factor into the 10:30 p.m. time limit for meeting durations.

The City Council has a number of Council subcommittees that meet prior or following the above meetings. Subcommittee meetings generally start at 5:00 or 5:30 p.m. on Monday evenings.

Additionally, City Council members are appointed and are expected to regularly attend and serve on the City's Boards and Commissions either as Council liaisons or as voting members as well as outside entity Boards and Commissions such as the Denver Regional Council of Governments, the Regional Air Quality Council, or others. These meetings occur at various times and days throughout the week. City Council members vote to appoint themselves to these Boards and Commissions during the Organization Meeting or as-needed.

Term Limits

The Mayor and Council Members serve four (4) year terms and are limited to two terms.

Onboarding & Orientation

The City Manager's Office and the City Attorney will conduct onboarding and orientation for newly elected Council Members to include training on the Charter, Municipal Code, Council policies, open meetings law, and open records law information. City Staff will provide a City email address and a City-issued laptop. Newly elected Council Members may use remaining funds from their Candidate Committee to procure supplies and equipment necessary to perform their duties as a Council Member. Council Members have regular one-on-one meetings with the City Manager. Council Members will coordinate with the City Manager's Office on all requests for information or staff support.

Resources

[City's Website](#)

[City's Charter](#)

[City's Revised Municipal Code](#)

[City's Boards and Commissions](#)

[City's Budget & Financial Reports](#)

[City Council, Boards, and Commissions Meetings, Agendas, and Minutes](#)

[Colorado Constitution](#)

[Colorado Revised Statutes](#)

[Secretary of State Rules and Notices of Rulemaking](#)

[Campaign and Political Finance Manual](#)