



**KROB LAW OFFICE, LLC**  
Attorneys at Law

**MEMORANDUM**

**To:** Board of Trustees  
Town of Palmer Lake

**From:** Matthew Z. Krob, Town Attorney

**Date:** September 6, 2022

**Re:** Agenda Items Relating to Ballot Questions

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Board,

These next few agenda items are being brought back for a couple of reasons:

1. As we discussed earlier, once the Board had determined the ballot language they wanted to submit to the Citizens we sent the language to Bond Counsel for review. This was in large part to ensure Town funds weren't wasted on reviewing language prior to the Board making its decision. There were no suggested changes to the Retail Marijuana Ballot Question. Bond Counsel suggested a couple of minor changes to the ballot question relating to the Mill Levy ballot question; however, the suggested changes result in the question having the same effect of linking the two ballot questions to each other.
2. In light of the change discussed in #1 (above), the Board will need to pass these ordinances as emergency ordinances (which take effect immediately upon passage) to submit the ballot language to the Citizens.
3. Finally, I wanted to lay out the process for the Pro/Con statements for the ballot questions. Because we are doing a coordinated election, pursuant to the IGA with the County, the election is going to be conducted pursuant to Title 1 of the Colorado Revised Statutes rather than if this were a municipal election being conducted pursuant to Title 31. This is also typical with coordinated elections throughout the state, as County Clerks are used to operating elections via Title 1, rather than Title 31. While there are a few nuisances, the majority of the process is the same.

Deadline to submit pro/con statements to DEO: **NOON Friday, September 23, 2022.**

Pursuant to C.R.S. 1-7-901 *et seq.* the designated election officer (DEO) for a political subdivision submitting ballot issues shall summarize timely filed written comments in support of and opposing ballot issues. Specifically, TABOR requires the clerk to summarize pro/con statements timely submitted by those who are entitled to vote on the measure. This usually raises questions about what the elected/appointed officials for the Town can submit comments either for or against the ballot issues.

The short answer is, yes. So long as no public funds are being spent, the elected/appointed officials are able to submit comments either in support or opposition of the ballot issues.

Please let me know if you have any questions or need anything further.

mk