

The combined recall/initiative election held in September 2025 resulted in several campaign finance complaints being filed by citizens on both sides of the issue. The town had no process for dealing with the complaints and quickly created a basic form and nominal procedures based on those of the Colorado Secretary of State to be able to respond to them. During the time the complaints were filed, there were staff resignations and thus the Town Clerk office staff, busy with facilitating and conducting the election and not able to devote the time needed to review the complaints, recruited an outside consultant to make a determination as to the validity and disposition of those complaints. While this took a long time to complete – and it should be noted that, under state statutes, complaints can be filed up to 6 months after the alleged violation occurred – determinations have been made, complainants have been notified, and what follows is a brief summary of the complaints and their dispositions. Copies of the complaint form and general information regarding the complaint process created by the town are attached to this memo.

It should be noted that the form, hastily created, was not as specific as it could have been and thus some of the information provided by complainants was difficult to pursue. Nonetheless, the responsibility for providing as much specific information as well as the burden of proof is on the complainant and in many circumstances, not enough information was provided to move the complaint beyond an initial review. (See recommendations at the end of this memo.)

Multiple complaints from various citizens focused on campaign signs and the allegations were that there was no disclaimer on them as required by law. These complaints were dismissed for a number of reasons. First and foremost, in order to notify the persons who created and posted the signs, one has to know whom to notify. In none of the complaints were any names provided, making it impossible to pursue the complaint with any person or persons. Additionally, the statute regarding the requirement for disclaimers – C.R.S. 1-45-107.5(5)(a) - requires a disclaimer if expenditures on communications exceeds \$1,000. Again, without knowing whom to contact, there is no way to ascertain the amount of money spent and thus the need for a disclaimer.

Related to this were several complaints that signs were placed by a committee or committees which had not registered without any information as to who might be representing such committee(s). One complaint did mention 'Friends & Neighbors' which, if it was an actual committee, did not register with the town clerk; however, without having been provided with information as to a contact, there was no way the complaint could be pursued. These complaints were also dismissed.

One complaint alleged a campaign sign was located within town hall close to a ballot box in violation of the Colorado Municipal Election Code of 1965. The complaint should have been dismissed as not being a campaign finance code violation; instead the complainant did receive an email indicating the following: the campaign sign was tucked into a space underneath a cabinet in a staff only area and in order to actually see the sign, an edge of which was barely visible, a person would have to stand at a particular location on the other side of the counter separating the public lobby space from staff office space. The sign was clearly not on display. Related to this was a complaint that a sign had been placed on town property and it is likely that the sign tucked away in town hall was that one which town staff had removed.

There were several complaints regarding issue committees Keep Palmer Lake Independent and Protect Palmer Lake.

- 1) One complaint alleged Keep Palmer Lake Independent had not registered with the town clerk; however, the Town Clerk received its registration form on July 2, 2025.
- 2) One complaint alleged that Protect Palmer Lake, created to oppose the initiative, only sent out flyers about Buc-cee's annexation when the initiative dealt with all annexations proposed in the future. While it is likely that, had not Buc-cee's potential annexation been an issue for Palmer Lake residents, the initiative regarding all future annexations would likely not have been on the ballot. Further, since no annexation had taken place, then Buc-cee's was a 'future' potential annexation. Citizens have the right to promote a particular position on any ballot item, whether it be narrow or broad.
- 3) One complaint alleged that Keep Palmer Lake Independent, created to oppose the recall of Trustees, Ball, Dreher, and Stern, was distributing flyers regarding the initiative, in violation of its original purpose. While the original purpose only dealt with the recalls, an amended purpose was filed on July 31, 2025, adding opposition to the initiative as another purpose of the committee. This was done in accordance with Rule 4.1, 8 CCR 1505-8, of the Secretary of State's rules. A copy of the amended purpose is available in the Town Clerk's office.

Thus, all of these complaints were dismissed.

Moving forward, it is suggested that:

- 1) The complaint form be revised to be more specific in regards to what is needed from the complainants in order to allow for complete review of the complaint.
- 2) A more detailed set of instructions be created for the complainants to explain the process that is followed when a complaint is filed, including minimum information required, timeframes, dispute of resolution by the town, among other items.
- 3) A set of instructions also be created for town staff who will deal with any future campaign finance complaints, outlining a process for reviewing the complaints, deadlines, among other items.
- 4) The Town Board consider the referral of all future campaign finance complaints to the Secretary of State as permitted by HB24-1283. Consideration would include a full discussion of the procedures required and the pros/cons of doing so.