



CITY OF EDGEWATER

November 3, 2015 Regular Municipal Election

Candidate Guidelines

Prepared by:

Edgewater City Clerk's Office
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Office of the City Clerk

August 7, 2015

To: All City Council and Mayoral Candidates

Welcome to the 2015 City of Edgewater Municipal Election process. This Candidate Packet has been prepared as a general guide for candidates for elective office in the City of Edgewater and is not intended to be comprehensive in scope or depth. If you have questions regarding the interpretation of applicable laws for your particular situation, you may wish to consult with a private attorney who can provide you with that interpretation.

It is possible that State legislative changes could occur and impact election deadlines or processes. The City Clerk's office will keep all candidates informed of any changes and I urge you to provide your contact information to our office to help facilitate the exchange of information.

It is anticipated that the November 3, 2015 election will be coordinated with Jefferson County as a mail ballot election. At the November 3, 2015 election, Edgewater voters will elect four (4) four-year term and one (1) two-year term Council seats. The four highest vote-getters will be elected to four-year terms; the fifth highest vote-getter will receive the two-year term. Electors will also elect one (1) two-year term Mayoral seat. All municipal elections are nonpartisan, that is, persons are elected to office without consideration of political party affiliation.

Should you need additional information or have any questions, please contact the City Clerk's office at 720-763-3002 or via email at bhedberg@edgewaterco.com. The City Clerk's office is located in City Hall at 2401 Sheridan Boulevard, Edgewater, Colorado 80214 and is open from 8:00 a.m. to 5:00 p.m. Monday through Friday.

Our duty to you, as a candidate and voter, is to provide a fair and impartial election process. We encourage your active participation and thank you for your interest in serving the City of Edgewater.

Sincerely,

Beth A. Hedberg, MMC
City Clerk

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Edgewater City Council

Council Meetings

City Council holds regular meetings on the first and third Thursdays of each month beginning at 7:00 pm. The business meeting is conducted first followed by a work session. Work sessions provide an opportunity for Council to discuss upcoming agenda items and issues. Council meetings and work sessions are held in City Hall Council Chambers. All meetings are open to the public except when the Council goes into executive session for the purpose of considering matters permitted by state statute. Four (4) members of Council constitute a quorum.

Special meetings may be called by the City Clerk on the written request of the Mayor or of any four (4) Council members when the City's business or certain issues require additional meeting time. The Council holds two (2) annual retreats generally on a Saturday in June and December to address comprehensive subjects such as the Council goals and objectives and strategic planning. The retreats are often used as training sessions with the City Attorney.

Powers

Edgewater is a home rule city with a Council-Manager form of government. The Council-Manager government combines the leadership of elected officials with the managerial experience of an appointed manager. The governing body, which consists of the members of Council, has the authority to set policy through its legislative powers. The Council hires a professional manager to carry out the policies and run the organization.

The Mayor presides at all City Council meetings and votes only in order to break a tie. The Mayor's presence is not counted toward a quorum of the Council. The Mayor possesses the veto power. The Mayor is recognized as the head of the City government for all ceremonial purposes, by the courts for serving civil process and by the government for purposes of military law. The Mayor has the exclusive authority to appoint all members of the City's boards and commissions.

The Mayor appoints a Mayor Pro Tem from within the City Council to assume all duties in her absence.

Council may establish by ordinance one or more ad hoc Council sub-committees for the purpose of researching or evaluating specific topics or issues. Any such sub-committee is granted advisory powers only, will sunset when its defined purpose is accomplished and is comprised solely of members of Council.

The *City Charter* defines the powers and responsibilities of the Mayor, the Mayor Pro Tempore, the Council members and the City Manager.

Some examples of actions the City Council may take are:

- Adopting and amending ordinances.
- Holding public hearings.

- Approving the City budget and tax levy.
- Approving resolutions to enter into contracts and intergovernmental agreements.
- Establishing goals and objectives for the City.
- Appointing and providing direction to the City Manager, City Attorney and Municipal Court Judges.
- Approving or denying license applications as the Local Liquor Licensing Authority.

Terms of Office

All Council members are elected at large to serve four (4) year terms unless a shorter term is required to restore the staggered expiration of terms to the Council following an appointment made necessary by a vacancy. If two (2) year terms are required in an election, the four (4) year term(s) will go to the candidate(s) with the next highest number of votes. The terms of office of Council members commence at the first regular City Council meeting following certification of election results.

The Mayor is elected at large to a two (2) year term at each regular municipal election. The Mayor's term of office begins at the first regular City Council meeting following certification of election results.

Term Limits

Council member cannot serve more than two (2) consecutive terms in the office of Council member, whether that limit is reached by election to four-year terms, election to shorter terms, by appointments to fill vacancies, or by a combination thereof. For the purposes of this paragraph, a "term" means serving more than two (2) years in the office of Council member. Terms in the office of Council member are considered consecutive unless they occur more than one (1) regular municipal election cycle apart.

No individual shall serve more than four (4) consecutive terms in the office of Mayor, whether that limit is reached by election to two (2) year terms, by appointment to fill vacancies, or by a combination thereof. A "term" means serving more than one (1) year in the office of Mayor. Terms in the office of Mayor are considered consecutive unless they occur more than one regular municipal election cycle apart.

Time Commitments

Agendas and packets are provided to Council on the Monday prior to each meeting to give members an opportunity to review the issues they are being asked to consider and to request additional or clarifying information prior to the meeting. Reviewing packet materials may require anywhere from a couple to several hours per week. The Council sets public policy and sound policy decisions are the result of hard work. Elected officials in the City are encouraged, albeit not legally required to, to do outside-the-meeting work to review meeting materials, educate themselves about the public policy issues, interact with constituents and other elected officials, educate and inform constituents, attend meetings with other agencies and governments, serve on appointed committees and act as liaisons with staff and other agencies.

In addition to attendance at Council meetings, Council members and/or the Mayor may be selected to serve on boards or committees of regional and state organizations such as the Denver Regional Council of Governments (DRCOG), the Colorado Municipal League (CML), or Urban Drainage and Flood Control District. Members of Council may also be asked to serve as a liaison to and attend the meetings of the Edgewater Redevelopment Authority, the Planning & Zoning Commission and/or the Parks, Recreation, Historic Preservation & Arts Advisory Board.

Council members are often asked to attend events such as ribbon cuttings, local ceremonies, community events and important City traditions such as the Community Picnic, Celtic Harvest Festival and the Holiday Lighting Ceremony.

Constituents expect Council members and the Mayor to be available to communicate via electronic mail and phone calls about constituent concerns and to be diligent and consistent in following up and communicating such follow up back to the constituent.

Additional Mayoral time commitments. The Mayor meets with the City Attorney, City Manager and City Clerk the week prior to a meeting to go over meeting agenda items. The Mayor also serves as the City's representative to the Metro Mayors Caucus. Regular meetings are held bi-monthly on the first Wednesday in February, April, June, August and October during morning hours. A full day retreat is held on the second Saturday in January. The Mayor also attends county-wide quarterly Jefferson County Commissioners breakfast meetings held on the first Thursday in February, May, August and November. In addition to attendance at ribbon cuttings, local ceremonies and community events as with other Council members, the Mayor is often requested to appear and speak at events such as community events, business openings, City events and school group meetings.

Compensation

Council members receive three hundred dollars (\$300) per month and the Mayor receives five hundred dollars (\$500) per month. These amounts are subject to tax deductions.

Candidacy

Candidate Qualifications

An individual is eligible to be a candidate for municipal office if, at the time of his or her *nomination*, he or she:

- ✓ Is a citizen of the United States;
- ✓ Is at least twenty-three (23) years of age;
- ✓ Is a registered elector;
- ✓ Has been a resident within the City for one (1) year immediately preceding the election; and
- ✓ Has not been convicted for embezzlement, bribery, solicitation of bribery, perjury, subornation of perjury, or any offense involving fraud.

A person who holds a position as a City board or commission member, or is an officer or employee of the City, shall be deemed to have resigned such position upon taking office as Council Member or Mayor.

Candidate Affidavit

The Candidate Affidavit must be filed with the City Clerk's office within ten (10) days of publicly announcing your intention to seek election and subsequently receiving a contribution or making an expenditure in support of the candidacy. The City Clerk's office recommends that the Candidate Affidavit be filed as soon as possible after announcing candidacy to ensure compliance with *Colorado Constitution Article XXVIII* (also known as *Amendment 27*) and the *Fair Campaign Practices Act*.

The *Colorado Secretary of State Rules Concerning Campaign and Political Finance Rule 1.20* states, "Publicly announced an intention to seek election to public office or retention of a judicial office" means that a person has made a statement signifying an interest in the office by means of a speech, advertisement, or other communication reported or appearing in public media or in any place accessible to the public. Such statement includes a stated intention to explore the possibility of seeking an office. The registration of a candidate committee also constitutes a public announcement of an intention to seek election or retention.

In addition to certifying that he or she is a candidate for municipal office, the Candidate Affidavit also includes statements regarding the candidate's understanding and familiarity of *Article XXVIII of the Colorado Constitution and Article 45, Title 1 of the Colorado Revised Statutes* regarding campaign finance. Copies of those documents are included with the Guidelines.

Nomination Petitions

Nomination petitions can **ONLY** be circulated and signed beginning Tuesday, August 4, 2015. Petition forms will be available at the City Clerk's Office, 2401 Sheridan Boulevard beginning at 8:00 a.m. on Tuesday, August 4, 2015. Signed petitions must be filed with the City Clerk no later than 5:00 p.m. on Monday, August 24, 2015.

The petitions must be signed by at least twenty-five (25) registered electors whom have resided within the City of Edgewater for at least twenty-two (22) days immediately preceding the election for a petition to be valid. It is strongly recommended that more than the required number of signatures be obtained as some signatures may not qualify as valid.

Each registered elector (voter) signing a petition must add her/his signature, the full address of his/her residence (including City and County), the date on which she/he signed the petition and must print his/her name in the space provided.

A candidate may circulate the petition herself or himself or other persons may circulate the petitions on behalf of the candidate. The person circulating the petition must witness the

signature of each person signing the petition and must complete the Circulator's Affidavit, which must be notarized. A Notary Public is available at Edgewater City Hall.

A candidate accepts nomination by signing the completed petition before a notary public and certifying that the qualifications to run for office have been satisfied. The City Clerk will review the filed petitions and will notify the candidate whether the petition submitted has been deemed sufficient or insufficient. This notification is typically done by email or phone and then followed by a letter. If, after review of each signature, it is determined that any nomination petition does not contain the requisite number of signatures, a candidate has until 5:00 P.M. on Thursday, August 27, 2015 to amend the nomination petition by collecting additional signatures.

Withdrawal from Candidacy

A person who has been nominated may withdraw from candidacy at any time by filing a signed affidavit with the City Clerk. Forms for withdrawing from candidacy may be obtained from the City Clerk's office. To ensure that your name is removed from the list of candidates appearing on the ballot, the affidavit must be filed with the City Clerk prior to Friday, September 4, 2015. In the event that the withdrawal of candidacy is not made in time for the candidate's name to be taken off the ballot, any votes cast for the candidate shall be deemed invalid and will not be counted.

Write-in Candidates

Write-in votes are only counted if an individual has filed an Affidavit of Intent for Write-in Designation with the City Clerk. The Affidavit of Intent for Write-in Designation form may be obtained from the City Clerk's office. The deadline to file the Affidavit is no later than 5:00 p.m. on Monday, August 31, 2015.

General Campaign Information

Commencement of Campaign Activities

Candidates may begin campaigning at any time. Close attention should be paid to the campaign reporting requirements to ensure the timely filing of a candidate affidavit and candidate committee registration forms. Please review the campaign finance reporting requirements before accepting contributions or making expenditures in support of your candidacy.

Voter Registration Reports

Please contact the [Jefferson County Elections Division](#) if you would like to obtain voter registration reports for Edgewater electors.

Jefferson County Elections Division
3500 Illinois Avenue, Suite 1100
Laramie Building
Golden, Colorado 80401
elections@votejeffco.com
303-271-8111

Political Signs

- May be erected and maintained on private land and not in a public right-of-way or on public property or structures.
- Must not exceed six (6) square feet in area.
- Shall not be posted sooner than ninety (90) days before the election (Wednesday, August 5, 2015).
- Must be removed no later than three (3) days after the election (Friday, November 6, 2015).
- Wall and ground signs are the only type permitted.

Door-to-Door Canvassing

Door-to-door political canvassing is allowed. Political flyers may be distributed to or left at residences, but printed material may not be posted on public property such as public buildings, fences, utility poles, or other structures without permission of the owner, agent or occupant thereof. Please be aware that littering any public street, or other public place within the City or private property with advertising/campaign material is unlawful.

Campaign Finance Reporting Requirements

Campaign Finance Reporting

Colorado law requires that all candidates disclose how their campaigns are funded. *Article XXVIII of the Colorado Constitution* (Campaign and Political Finance) and *Article 45, Title 1 of the Colorado Revised Statutes* (Fair Campaign Practices Act “FCPA”) set forth requirements for candidates to disclose campaign contributions and expenditures. Candidates for elective office are required to file certain forms with the City Clerk’s office pursuant to these election laws.

Copies of *Article XXVII of the Constitution* and the FCPA are included in these Guidelines. The [Secretary of State’s website](#) contains additional resources for candidates and committees including advisory opinions, rules and the Campaign and Political Finance Manual.

Manual filing is the method available for submitting local campaign finance reports to the City Clerk’s office. Forms are included with these Guidelines. Additional copies of forms are available at the City Clerk’s office or may be downloaded from the [City’s website](#). The City Clerk will review each report filed and candidates will be notified in writing of any deficiencies.

It is your responsibility to become familiar and comply with the provisions of FCPA.

How Campaigns are Funded

No Contributions or Expenditures

Some campaigns neither receive contributions nor make expenditures. Such candidates file the Candidate Statement of Non-Receipt of Contributions and Non-Expenditure of Funds form.

Personal Expenditures Only

Some candidates do not receive any contributions and spend only their own money to promote their candidacy. Such candidates file the Statement of Personal Expenditures by a Candidate form.

Receiving Contributions and Making Expenditures

Some candidates receive contributions and make expenditures during their campaign. Contributions can be money, loans and donations of goods, equipment, supplies or services. Prior to receiving a contribution, a New Committee Registration form must be filed with the City Clerk's office. The Candidate Committee will file the Report of Contributions and Expenditures form throughout the election cycle. After the election, candidates may establish a zero balance and terminate their Committee. Annual filings are required of every committee that has not filed a termination report, whether the candidate was elected or not.

Committee Registration Form

The New Committee Registration form must be submitted prior to a candidate accepting any contributions. 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 may only have one (1) candidate committee.

Failure to win the election does not automatically close your candidate committee. Once a committee is created, it can be closed only by filing a termination report that contains a zero balance.

Committees must keep financial records for one hundred eighty (180) days following any election in which the committee received contributions.

If you do not intend to accept contributions and will only be expending personal funds for your campaign, a Committee Registration form will not need to be filed. However, you will still be required to file the appropriate campaign finance form reporting any personal expenditures made.

Bank Accounts

Candidate committees must deposit all contributions they receive in a financial institution in a separate account with a title that includes the name of the committee.

Contribution Limits

There are no limits regarding the amount of contributions municipal candidate committee may accept. However, no committee can accept more than one hundred dollars (\$100) in cash or coin from a single contributor.

Prohibited Contributors

A candidate committee cannot accept contributions from:

- Corporations
- Foreign citizens, corporations or governments.
- Another candidate committee.
- Anonymous contributions of twenty dollars (\$20) or more.

Reporting Contributions and Expenditures

Committees must keep records of all contributions received and expenditures made. Contributions include cash, check, money order, credit card, electronic funds transfer, loans and non-monetary (in-kind) donations of goods, equipment, supplies or services. Volunteer services by an individual do not constitute contributions. This includes volunteers who donate time to the campaign at no charge.

Depending on the contribution amount, Colorado law requires committees to report certain additional information as follows:

- Contributions of less than twenty dollars (\$20) may be combined and reported as one (1) non-itemized contribution total.
- Contributions of twenty dollars (\$20) or more must be itemized and include the name and address of the contributor.
- Contributions of one hundred dollars (\$100) or more must also include the occupation and employer of the contributor.

Contributions received from a single contributor may not exceed one hundred dollars (\$100) if contributed in cash or coin.

Expenditures refer to the money a candidate or committee spends for the purposes of expressly advocating the election of or defeat of a candidate. An expenditure is made when the actual spending occurred or a contractual agreement had been made and the amount is known, whichever occurs first. There are no expenditure limits for candidates or committees in municipal elections.

- Expenditures of less than twenty dollars (\$20) may be combined and reported as one (1) non-itemized expenditure total.
- Expenditures of twenty dollars (\$20) or more must be itemized and include the name and address to whom the expenditure was made and the purpose of the expenditure.

No committee or candidate may spend more than one hundred dollars (\$100) in cash or coin on any single expenditure.

Reporting Forms

Below are brief summaries of three (3) types of commonly used reporting forms that may be filed:

Candidate Statement of Non-Receipt of Contributions or Non-Expenditures of Funds

This form is for a candidate who does not have a candidate committee, has not received contributions or made any expenditures, nor have any expenditures been made on behalf of the candidate. This is commonly referred to as a “zero report.”

Statement of Personal Expenditures by a Candidate

This form is for a candidate who does not have a candidate committee, has only expended personal funds and has not accepted or received any monetary contributions or non-monetary contributions. Personal expenditures of twenty dollars (\$20) or more need to be itemized on this form and must include the name and address of the recipient and the date and purpose of each expenditure.

Report of Contributions and Expenditures

This form is for candidate committees that accept contributions and make expenditures on behalf of a candidate. A detailed summary of all contributions and expenditures is included in the form as well as different schedules to report itemized contributions, expenditures, loans, returned contributions and expenditures, and non-monetary contributions. Detailed instructions for completing the report are attached to the form.

Campaign Finance Filing Deadlines

Filing deadlines for campaign finance reports for the November 3, 2015 election are:

Filing Date – Close of Business	Filing Period Covered
Wednesday October 13, 2015	Beginning of Campaign through October 8, 2015
Friday, October 30, 2015	October 9, 2015 through October 25, 2015
Thursday, December 3, 2015	October 26, 2015 through November 28, 2015
Tuesday, November 1, 2016 (One [1] year after election & every year thereafter until a termination report has been filed.)	If a candidate’s last FCPA filing showed an unexpended balance or deficit, the candidate is required to file annually in off-election years on the first day of the month in which the anniversary of the election occurs.

Reports are considered timely filed if received by the City Clerk's office by close of business on the due date. Reports may be filed by fax and are timely if an original of the report is received by the City Clerk's office within seven (7) days of the due date.

Whenever a candidate or candidate committee becomes aware of an error in past reporting, the candidate or candidate committee must amend the report and file it with the City Clerk's office.

Late Filing Penalties

Colorado law requires municipal clerks to impose penalties upon candidates or committees for failure to file disclosure reports or for disclosure reports filed past the due date. Colorado law requires the imposition of a penalty of fifty dollars (\$50) per day, including weekends and holidays, for every day that a report remains outstanding beyond the due date. The municipal clerk has the discretion to reduce or waive penalties upon a showing of good cause in accordance with *Colorado Secretary of State Rules Concerning Campaign and Political Finance Rule 18.1*. Waiver requests must show good cause as to why the campaign finance report was not timely filed and why the assessed penalty should be reduced.

Unexpended Campaign Contributions

Unexpended contributions to a candidate committee may be:

- Contributed to a political party.
- Contributed to a new committee established by the same candidate for different public office. The old candidate committee must be terminated within ten (10) days of opening the new committee for the different office.
- Donated to a charitable organization recognized by the IRS.
- Returned to contributors.
- Retained for use in a later campaign by the same candidate.

If elected to office, the office holder may use unexpended campaign contributions from his or her candidate committee for voter registration, political issue education, postsecondary educational scholarships, to defray reasonable and necessary expenses related to mailings and other communications to constituents, and for any expenses that are directly related to official duties as an elected official, including purchase/lease of office equipment and supplies, room rental for public meetings, necessary travel and lodging expenses for legislative seminars, conferences and meetings, and telephone and pager services.

Inactive candidate committee must terminate and all funds must be disposed of appropriately after nine (9) years.

Reports are Public Record

Campaign reports, including contact information on such reports, are considered open records and will be made available for public inspection. The City Clerk's office will post the reports on the [City's Website](#).

Election Information

Date of Election

The City of Edgewater regular municipal election will be held on Tuesday, November 3, 2015. An election calendar is included with these Guidelines and contains important dates leading up to and following the election.

Type of Election

It is anticipated that the City of Edgewater will participate in a coordinated election with Jefferson County. The County will be conducting the coordinated election in November as a mail ballot election. This means that ballots will be mailed by the County to registered voters no sooner than twenty-two (22) days and no later than eighteen (18) days before the election (Monday, October 12, 2015 to Friday, October 16, 2015). Voters will need to return their voted ballots by either mailing them to Jefferson County or by delivering the ballot to a drop-off location.

The Edgewater City Clerk's office will serve as a drop-off location for Jefferson County Ballots. If voters do not receive their mail ballot from the County, they may obtain a replacement ballot at the County Elections Division or at a Voter Service and Polling Center.

Ballot Content

The following municipal offices will be on the ballot for the November 3rd election:

Mayor – two (2) year term
Four (4) Councilmembers – four (4) year term
One (1) Councilmember – two (2) year term

The Council four (4) year terms will go the candidates with the highest number of votes.

There may also be ballot questions and/or issues for Edgewater voters to consider.

Municipal elections are non-partisan and candidates do not run under a party label.

The Acceptance of Nomination form (provided with the petition forms in August) asks candidates to indicate how they would like their name to appear on the ballot. Nicknames may be used, but no title or degree may be used to designate the business or profession of the candidate. It is important to list your name exactly how you want it to appear on the ballot.

Candidates name will be drawn by lot to determine the order of placement on the ballot. All candidates will be notified of and invited to attend the lot drawing. The lot drawing is tentatively scheduled for Thursday, September 1, 2015 at 6:45 pm.

Electioneering

State law prohibits electioneering on Election Day within one hundred (100) feet of any building in which a polling place is located. In a mail ballot election, the polling location includes locations where a mail ballot may be dropped off. 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.

Voter Registration

Residents who live within the City of Edgewater and who are registered to vote will be eligible to vote in the November 3, 2015 election.

For those residents who are not already registered to vote, registration may be done in person at the Edgewater City Clerk's office, the Jefferson County Elections Division, and at motor vehicle offices. Online voter registration is available at www.GoVoteColorado.com. Residents may also print voter registration forms at www.GoVoteColorado.com and submit the form by mail to the Jefferson County Elections Division.

Election Results

The counting of ballots may begin fifteen (15) days prior to Election Day. However, no results may be disclosed until after 7:00 p.m. on Election Day. As results become available, they will be posted online at www.edgewaterco.com. The initial results will be unofficial and the counting of military and overseas voter ballots and provisional ballots may affect the posting of official election results. The deadline to complete the canvass for the coordinated election is Friday, November 20, 2015.

Attachments and Resources

- [Election Calendar](#) (attached)
- Campaign Finance Forms (attached)
 - [Candidate Affidavit](#)
 - [New Committee Registration Form](#)
 - [Candidate Statement of Non-Receipt of Contributions & Non-Expenditure of Funds](#)
 - [Statement of Personal Expenditures by a Candidate](#)
 - [Report of Contributions and Expenditures](#)
- [Colorado Constitution – Article XXVIII – Campaign & Political Finance](#) (attached)
- [Colorado Revised Statutes – Title 1, Article 45 – Fair Campaign Practices Act](#) (attached)
- [CML Municipal Candidates Guide](#) (attached)

- City of Edgewater Home Rule Charter & Municipal Code
https://www.municode.com/library/co/edgewater/codes/municipal_code
- City of Edgewater Website Regarding Elections
http://edgewaterco.govoffice3.com/index.asp?SEC=A7C9C5B3-C19E-45F0-BE37-F4E8C99D6D81&Type=B_BASIC
- Jefferson County Elections Division
<http://jeffco.us/elections/>
- Secretary of State Elections & Voting Division
<https://www.sos.state.co.us/pubs/elections/main.html>