

BEFORE THE LAKEWOOD CAMPAIGN FINANCE HEARING OFFICER, CITY OF
LAKEWOOD, COLORADO

ORDER

In the Matter of:
Complaint filed by the Lakewood City Clerk
against the Green Mountain Water & Sanitation District
13919 West Utah Avenue, Lakewood, CO 80228

THIS MATTER comes before the undersigned, a duly appointed hearing officer for the City of Lakewood, on a complaint (the "Complaint") filed by the Lakewood City Clerk against the Green Mountain Water & Sanitation District (the "District") on or about March 24, 2026. The City of Lakewood (the "City") and the District agreed to have this matter decided on briefing alone, rather than holding an evidentiary hearing, because none of the material facts were in dispute.

Having considered the Complaint and the briefs filed by both the City and the District, the undersigned finds and orders as follows:

1. Chapter 2.54 of the Lakewood Municipal Code (the "Code") establishes the City's campaign finance regulations. The Complaint alleges that the District violated these regulations because the District expended more than \$500 on postcards that constituted "electioneering communications," without filing a mandatory report of such expenditure to the City Clerk pursuant to Code § 2.54.070(1), and without including the disclaimer mandated by Code § 2.54.070(3) on each postcard.

2. Code § 2.54.020 defines "electioneering communication" as follows:

Electioneering communication means any communication broadcast by television or radio, printed in a newspaper or on a billboard directly mailed, a website or other electronic communication transmitted by means of the internet, any signage placed in public view, or delivered by hand to personal residences or otherwise distributed that:

(I) Unambiguously refers to any candidate without expressly advocating for that candidate; and

(II) Is broadcast, printed, mailed, delivered or distributed during the timeframe in which a candidate is seeking election or an issue is pending decision before a municipal election.

(III) No provisions of the definition of electioneering communication shall be construed to infringe on any rights granted by the United States Constitution or Colorado Constitution.

3. The City concedes that the postcards mailed by the District did not refer to a candidate. The City argues that the use of the word "and" after subsection (I) of the definition of electioneering communication was a scrivener's error, and that the undersigned should construe "and" to mean "or" in this context. However, using "or" here would not help. Subsection (II) is clearly intended to establish a timeframe, not a substantive criterion that would render something an electioneering communication. And more importantly, as the District notes, substituting "or" for "and" would lead to an absurd result, because then every single piece of mail sent during election season would constitute an electioneering communication, regardless of its subject. Statutory construction leading to an absurd result is improper. *McClellan v. Meyer*, 900 P.2d 24, 30 (Colo. 1995).

4. The only reasonable interpretation of the Code's current definition of "electioneering communication" is that it applies to communications relating to candidates, not ballot questions or ballot issues. If the City would like to ensure that communications regarding other election issues are covered, the City can amend the definition of "electioneering communication" accordingly.

5. Based on the foregoing, the undersigned finds that the District's postcard was not an "electioneering communication" under the Code. Because the postcard was not an electioneering communication, the District did not violate Code § 2.54.070(1) or (3). The Complaint is therefore dismissed in its entirety.

SO ORDERED this 8th day of May, 2026.

CITY OF LAKEWOOD,
COLORADO



Kendra L. Carberry
Hearing Officer

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing **ORDER** was sent via electronic mail (as indicated below) this 8th day of May, 2026, addressed to:

Kevin C. Paul, Esq.
Range PC
600 Grant Street, Suite 650
Denver, CO 80203
kevinpaul@range.law
Attorney for the Lakewood City Clerk

Dylan Woods, Esq.
Coaty & Woods, P.C.
1202 Bergen Parkway, Suite 110
Evergreen, CO 80439
dwoods@evergreenco.law
Attorney for Respondent Green Mountain Water & Sanitation District