

Candidate Guidelines

A source of general information about the basic requirements of candidacy for individuals interested in being elected to the office of Mayor or City Council in the city of Thornton.



**Regular Municipal Election
November 4, 2025**



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These *Guidelines*, which are also posted on the City's [website](https://www.thorntonco.gov/)¹, are furnished as a source of general information about the basic requirements of, and deadlines for, candidacy for municipal office. The *Guidelines* are also designed to assist you in completing forms required of you as a candidate. In addition, general information is provided regarding administration of the election and basic information about the organization of the City Council.

These *Guidelines* contain basic information and are not intended to be comprehensive in scope or depth. The City Clerk's Office cannot provide legal advice. If you have questions regarding the interpretation of applicable laws and regulations for your particular situation, you may wish to consult with a private attorney who can provide you with that interpretation.

¹ <https://www.thorntonco.gov/>

THE CITY COUNCIL

TERMS OF OFFICE AND INITIAL MEETING

The City of Thornton is comprised of four wards and two Councilmembers serve within each ward. Each election year one Councilmember will be elected from each ward, and a Mayor is elected at-large every four years (2027 and 2029). The Mayor and Councilmembers serve four-year terms. Article XVIII, Section 11 of the State Constitution limits elected officials to two consecutive terms.

POWERS

The City Charter defines the powers and responsibilities of the Mayor, Mayor Pro Tem, and Councilmembers.

All powers of the City and the determination of all matters of policy are vested in the Council except as otherwise provided in the City Charter. The City of Thornton is a home-rule City with the Council-Manager form of government.

The Mayor presides at Council meetings and is the recognized head of the City government for all ceremonial purposes and for purposes of Military law. The Mayor executes documents including proclamations, ordinances, and resolutions. The Mayor Pro Tem serves in these capacities during the absence of the Mayor.

Some actions the City Council takes are to:

- ♦ Appoint and provide policy direction to the City Manager, City Attorney, Presiding Municipal Judge, and all Board and Commission members
- ♦ Determine the annual budget and tax levy
- ♦ Hold public hearings on annexation and zoning matters
- ♦ Adopt and/or modify City ordinances as needed
- ♦ Approve intergovernmental agreements
- ♦ Provide direction for the City by determining short- and long-term policy goals

ETHICS AND CONFLICTS OF INTEREST

City Code and City Charter Provisions

The relevant provisions of the City Code (Code), City Charter (Charter), Fair Campaign Practices Act, Colorado Constitution, and Secretary of State's Rules regarding campaign and political finance are attached to these *Guidelines*. Candidates are encouraged to become familiar with these provisions.

Quasi-judicial decisions (City Code Sec. 2-197.)

Section 2-197 of the Code, explains that City Council must remain impartial when making quasi-judicial decisions on land use matters and not discuss those matters with the land use applicants or constituents. If you, as a candidate, discuss a land use application with either an applicant or constituent, or if you take a position on a land use application before you are elected to Council, you may be unable to vote on that application when it comes before Council. This section of the Code states:

“Each officer, board member and employee shall be and remain impartial when making any quasi-judicial decision. Any officer, board member or employee who cannot be impartial in making a quasi-judicial decision shall follow the procedure described in Subsection 2-192(c). In addition, no officer or board member shall receive nor shall any employee or member of the public provide to any officer or board member any substantive oral or written information, except for legal advice, regarding a matter which is pending before the Council or a board on which the board member sits, and which is the subject of a quasi-judicial hearing before the Council or the board, outside of the quasi-judicial hearing process. The term “quasi-judicial hearing process” includes but is not limited to preparations necessary for such hearing such as written staff reports, scheduling, agendas, proposed resolutions and ordinances, posting or publishing notice, and legal advice. The city attorney shall provide affected officers, board members and employees advice on what constitutes a quasi-judicial decision.”

COUNCIL MEETINGS

ORGANIZATION MEETING

Terms of office for the Mayor and Councilmembers elected in 2025 will commence at the first Council meeting after the election results become official. If any seat is involved in a recount, the oath of office for that seat would be after the recount process. The Presiding Judge will administer oaths of office for the newly elected Mayor and Councilmembers. City Council will also elect a Mayor Pro Tem from among its members for a two-year term.

Regular Council meetings – are generally held on the second and fourth Tuesdays of each month beginning at 7:00 p.m. These meetings are a time for Council to make formal decisions in the form of motions, resolutions, and ordinances and typically end by 10:00 p.m.

Council Updates – precede the regular Council meetings and begin at 5:45 p.m. These meetings are intended to provide Council with brief updates on subjects of interest to the Council or that will be acted on during a Council meeting.

Planning Sessions – are typically held on the first, third, and, if applicable, fifth Tuesdays of each month from 5:45 p.m. to around 10:00 p.m. These sessions provide an opportunity for the Council to have in-depth study and discussion of significant City issues, where they may offer general guidance to staff, but no formal votes are taken.

Regular Council meetings are held in the Council Chambers at City Hall. Council Updates and Planning Sessions are held in the Training Room at City Hall. The meeting schedule adopted by Council for 2025 is listed under the [2025 CITY COUNCIL MEETING SCHEDULE](#) section of these guidelines.

Agendas and packets outlining matters to be discussed and decided by Council are available the Thursday prior to each Council meeting on the City's [website](#)² and emailed to Council. This gives Councilmembers an opportunity before meetings to review the issues that they are being asked to consider. It takes an average of three hours to review each Council meeting packet.

Other sessions may be scheduled with City Council throughout the year, as necessary, for issues such as strategic planning or providing direction to staff for the following year's budget.

ADDITIONAL DUTIES

Council also holds numerous community meetings, ward meetings, and Ice Cream Socials as a way of keeping both Council and residents informed about issues of mutual interest.

In addition to the Tuesday evening meetings, Councilmembers serve on various committees outside of the organization such as the Adams County Regional Economic Partnership (AC-REP), Adams County Community Transit Policy Council, Colorado Municipal League (CML) Policy Committee, Denver Regional Council of Governments (DRCOG), Airport Coordinating Committee (ACC), E-470 Authority, I-25 Coalition (Weld County), I-25 Corridor Mayors Group, North Area Transportation Alliance (NATA), School District 27-J Capital Facilities Foundation, and State Highway 7 Coalition.

² <https://thorntonco.primegov.com/public/portal>

2025 CITY COUNCIL MEETING SCHEDULE

TUESDAY PLANNING SESSIONS ¹⁾

January 7
January 21
February 4
February 18
March 4
April 1
April 15
April 29
May 6
May 20
June 3
June 17
July 15
July 29
August 19
September 16
September 30
October 7
October 21
December 9

COUNCIL UPDATES ¹⁾ AND COUNCIL MEETINGS ²⁾

January 14
January 28
February 11
February 25
March 18
April 8
April 22
May 13
May 27
June 10
July 8
July 22
August 12
August 26
September 9
September 23
October 14
October 28
December 2
December 16

¹⁾ scheduled to begin at 5:45 p.m. (Training Room)

²⁾ scheduled to begin at 7:00 p.m. (Council Chambers)

Strategic Planning Conference
Candidate Briefing
2026 Budget Review
New Councilmember Orientation

January 31-February 2
June 5
September 4 and 6
November

GENERAL REGULAR MUNICIPAL ELECTION INFORMATION

REGULAR MUNICIPAL ELECTION

All municipal elections are non-partisan. At the November 4, 2025, Regular Municipal Election, City voters will directly elect a Councilmember in each of the four wards. All terms are for four years.

The City of Thornton will participate in the coordinated Mail Ballot Election conducted by Adams County for the November 2025 election.

All information regarding the conduct of the election and requirements of a candidate for municipal office should be obtained from the City Clerk's Office or on the City's [website](#)³.

If you have questions about issues not included or not covered in detail, please contact Kristen Rosenbaum, City Clerk, at 303-538-7230 for further information.

Mail Ballot Election

Ballots will be mailed between 22 and 18 days before the election to each active, registered voter in the City. The mail ballot package will contain a ballot listing all ballot questions and/or issues, if any, and the candidates for which the voter is entitled to vote; instructions on how to vote the ballot; and a return envelope with an affidavit that must be completed by the voter (as required by State law)

VOTER REGISTRATION

Voters in City elections are registered electors who live within the Thornton City limits. For those who are not already registered to vote may register for the November 2025 Regular Municipal Election, in one of the following ways:

- ♦ If an individual registers to vote by mail, a voter registration agency (including the Thornton City Clerk's Office), a local driver's license facility, or [online](#)¹⁰ by October 27 and the Adams County Clerk & Recorder will automatically mail a ballot.
- ♦ Voter registration forms are available at several locations including the Adams County Election Office, any City Clerk's Office, Motor Vehicle offices, or [online](#)¹⁰.
- ♦ If an individual registers to vote through a voter registration drive, their application must be submitted no later than October 13.
- ♦ Individuals may also register to vote by appearing in-person at a Voter Service and Polling Center through and including Election Day. After October 27, individuals must visit one of the Voter Service and Polling Centers in Adams County to register and receive a ballot.

Citizens who are registering for the first time in Colorado must be living in Colorado for 22 days immediately before the election in which the individual intends to vote (October 13, 2025, for the 2025 Regular Election) and provide a valid Colorado driver's license or

³ <https://www.thorntonco.gov/government/mayor-council/elections-voter-information>

¹⁰ <http://www.govotecolorado.gov>

Colorado identification card. Identification requirements for first time voters can be found by going to the Secretary of State's website www.govotecolorado.gov and clicking on the words "Acceptable forms of ID."

For questions relating to voter registration or registration status, visit www.govotecolorado.gov; contact the Adams County Election Office at 720-523-6500; or the City Clerk's Office at 303-538-7230.

Registration Lists

If you plan to order voter registration lists, walking lists, and/or mailing labels you will need to do so by contacting Adams County at 720-523-6500.

ELECTION TABULATION/RESULTS

Ballots will be tabulated by the Adams County Election Office after 7:00 p.m. on Election Day. As results become available, they will be posted on Adams County's [website](#)¹¹ and from a link on the City's [website](#)¹. Initial results are typically released between 7:30 p.m. and 7:45 p.m.

If provisional ballots become relevant or a recount becomes necessary, election results for a particular office could be delayed until December.

¹¹ <https://www.adamscountycoelections.gov/>

¹ <https://www.thorntonco.gov/>

CANDIDACY

ELIGIBILITY

An individual is eligible to be appointed or elected to City Council, if they:

- ♦ have been a resident of their Ward, or the City for the office of Mayor, for at least one year immediately preceding appointment or election;
- ♦ are a citizen of the United States;
- ♦ are at least 25 years of age;
- ♦ are a registered elector;
- ♦ have not been convicted of a felony for embezzlement of public money, bribery, perjury, solicitation of bribery, or subornation of perjury. For any other felony conviction, candidate eligibility is restored once the full term of imprisonment or probation has been completed;
- ♦ do not hold another elected position in government.

ANNOUNCING YOUR CANDIDACY

Candidate Affidavit

The Candidate Affidavit must be filed with the City Clerk's Office within 10 days of publicly announcing an intention to run for office and subsequently receiving a contribution or making an expenditure in support of the candidacy. This document must be filed with the City Clerk's office. Refer to [Campaign Reporting Requirements](#) section of these guidelines for more information regarding contributions and expenditures.

The definition of "publicly announced" contained in the Campaign and Political Finance Rule 1.31 states:

"Publicly announced an intention to seek election to public office or retention of a judicial office", as set forth in Colo. Const. Article XXVIII, Section 2(2), means: 1.31.1 Registering a candidate committee; or 1.31.2 Announcing an intention to seek public office or retention of a judicial office through: (a) A speech, advertisement, or other communication reported or appearing in public media; or (b) A statement made in any place accessible to the public; or (c) A statement made in a manner that a reasonable person would expect to become public."

Candidates are requested to provide an email address on this form so that the City Clerk's Office can get information to you quickly, if it becomes necessary. Information will also be available via [E-Newsletters](#)⁴.

NOMINATION PETITIONS

Each Candidate for municipal office must circulate and submit a Nomination Petition containing sufficient signatures.

⁴ <https://talerts.thorntonco.gov/>

A completed sample of the Nomination Petition for Councilmember is provided on pages 15-17. During mayoral elections, a separate Petition for the office of Mayor will be available.

General Requirements

The Candidate must sign the Acceptance of Nomination and the Petition Circulator must sign the Affidavit of Circulator on the Nomination Petition. Both statements must be notarized.

The Candidate must also, on the Nomination Petition form, state how they want their name to be placed on the ballot. The Candidate's name may be a nickname. Quotation marks are the only punctuation that can be used, i.e., James "Jim" Jones. State law prohibits use of any title or degree designating the business or profession of the Candidate.

The Election Commission will draw names to determine the order of the ballot. All Candidates will be invited to attend this meeting, which is tentatively scheduled for September 3.

Getting Ready to Circulate Your Petition

Make sure that prior to circulating any Petition page, the candidate information in the box at the top of each Petition section is filled out to show the candidate's name, address, and which office the candidate is running for.

Each petition section contains 30 signature lines and must be either printed double-sided or single-sided and stapled prior to circulating. Multiple petition sections may be circulated and filed together as one Nomination Petition. There can be multiple circulators but just one for each petition section.

If you are going to file more than one Petition section, all Petition sections *must be filed at the same time* to be considered part of the Nomination Petition.

Each registered elector signing the Petition *must* include the date signed, their printed name, signature, street number and name, plus the City and County where they reside. If a registered elector is unable to print or sign the Petition, someone other than the Circulator may assist by entering the elector's printed name along with the remaining required information for the individual.

Petition signers *must* list their place of residence and are not permitted to use a post office box. Signatures will be eliminated by the City Clerk's office if the information is incomplete. Examples of what are *not* permitted include: use of ditto marks, incomplete information including the City and/or County, individuals not registered to vote, a post office box instead of a street name and number, or omitting the date the petition was signed.

Signature Requirements

Each Council candidate's petition must be signed by at least **25 registered electors who reside within the Ward**.

During a mayoral election, candidates running for mayor must obtain signatures of **25 registered voters who live within the City**.

Candidates are encouraged to obtain more than the required 25 signatures. The City Clerk's Office will examine and verify each petition to ensure that there are 25 signatures, and no one has signed more than one petition for the same office.

Petition Deadlines

As provided by Thornton City Code Section 2-236 and State law, Nomination Petitions must be circulated and filed within the following timeframe:

Earliest date to pick up/circulate/file:

Tuesday, August 5, 2025 at 8:00 a.m.

Filing deadline:

Monday, August 25, 2025 at 5:00 p.m.

Nomination Petitions can also be downloaded from the City [website](#)³ on August 5.

Whether Candidates pick up Nomination Petitions in person or print them from the web, it is important for the City Clerk's Office to have email contact information to be able to update Candidates on election-related matters including changes made during the 2023 Legislative Session. Another way to be updated is by signing up for [E-Newsletters](#)⁴.

Filing Your Nomination Petition

When you are ready to file your Petition with the City Clerk's Office remember:

The Petition Circulator must initial the bottom of page 1 and towards the bottom of page 2, at the end of the "Signatures of Petitioners" section, then sign the "Affidavit of Circulator" on page 2.

The Circulator's Affidavit must be completed by the person circulating the Petition. The Affidavit must be signed in the presence of a Notary Public (Notary) before submitting the Petition. It may also be notarized by a Notary in the City Clerk's Office if the Circulator signs the Petition in the presence of the Notary. No additional signatures can be collected after the Affidavit has been notarized.

³ <https://www.thorntonco.gov/government/mayor-council/elections-voter-information>

⁴ <https://talerts.thorntonco.gov/>

A Petition Circulator must personally observe every eligible voter who signs the Petition. (Petitions cannot be left on a counter or desk unattended for persons to sign.)

The Acceptance of Nomination must be completed by the Candidate and signed in the presence of a Notary before submitting the Petition. This may also be notarized by a Notary in the City Clerk's Office provided it is signed in the presence of the Notary. The Candidate must complete all portions on the back page of the Petition including how they want their name to appear on the ballot. Nicknames may be used but no degrees or titles are allowed. Only quotation marks can be used with nicknames, i.e., Charles "Charlie" Cisneros, and no parentheses.

The Petition will be verified for sufficiency and the Candidate will be notified after the three-day protest period has passed.

Qualification Affirmation Statement

At the time the Petition is filed, the Qualification Affirmation Statement (Affirmation Statement) must be signed and notarized certifying among other requirements listed in the [ELIGIBILITY](#) section of these guidelines, that they have been a resident of the City and/or Ward, if appropriate, for one year prior to the Election.

Pursuant to Thornton City Code Section 2-243, the City Clerk must verify that the statements made in the Affirmation Statement are accurate including the residency requirement. Voter registration records will be reviewed first. If residency cannot be determined through voter registration records, the Candidate will be asked to provide documentation to assist in verifying eligibility.

Examples of those documents include:

- (1) Property records from the County Assessor's Office indicating that the Candidate was the property owner of the primary residence for 12 consecutive months by the date the appointment will be effective;
- (2) A lease for the primary residence which is in the name of the Candidate and includes the date of commencement; or
- (3) A utility bill for the residence.

The Candidate may provide documentation not included on this list.

The City Clerk will determine whether the candidate has sufficiently proven they are in compliance with the residency requirements.

The City Clerk will notify the candidate in writing if the documents are deemed insufficient to determine residency.

Petitions are Public Record

Filed Nomination Petitions are public records and copies may be obtained through the City Clerk's Office. The fee for paper copies of other Candidate's Nomination Petitions is \$.25/page; there is no fee for electronic copies provided the petitions can be produced in one hour or less. There is no fee for copies of your own Petition.

WITHDRAWAL FROM CANDIDACY

A person who has been nominated may withdraw from candidacy by filing a signed affidavit with the City Clerk. Forms for withdrawing from candidacy may be obtained from the City Clerk.

The deadline to withdraw from candidacy is September 1.

WRITE-IN CANDIDATES

Write-in votes are counted only if the write-in Candidate files an Affidavit of Intent with the City Clerk by September 1. Affidavit forms are available from the City Clerk's Office.

Write-in Candidates must also meet the qualifications listed in the [ELIGIBILITY](#) section of these guidelines and sign the Affirmation Statement.

WARD BOUNDARY MAPS

An 8-1/2" x 11" City [ward boundary map](#) is included in these guidelines. A 24" x 36" ward map will be provided upon request.



NOVEMBER 4, 2025 REGULAR ELECTION NOMINATION PETITION

May be circulated August 5, 2025 through August 25, 2025 Only

THE INFORMATION CONTAINED IN THIS BOX MUST BE FILLED OUT PRIOR TO CIRCULATING THE PETITION

TO: Kristen Rosenbaum, City Clerk, City of Thornton, 9500 Civic Center Drive, Thornton, CO 80229:

I, James A. Doe (full name of candidate) who resides at 1234 Cherry Street, (street address) in the City of Thornton, Colorado hereby petition to be a candidate for the office of City Council in Ward 1 to be voted at the Regular Municipal Election to be held November 4, 2025.

SIGNATURES OF PETITIONERS

	Date	Signature	Printed Name	Address Number and Street	City	County
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						
16.						

of signatures on this page _____ Circulator's Initials _____ # of VALID signatures on this page _____

NOMINATION PETITION CONTINUED

SIGNATURES OF PETITIONERS

	Date	Signature	Printed Name	Address Number and Street	City	County
17.						
18.						
19.						
20.						
21.						
22.						
23.						
24.						
25.						
26.						
27.						
28.						
29.						
30.						

of signatures on this page _____ Circulator's Initials _____ # of VALID signatures on this page _____

AFFIDAVIT OF CIRCULATOR

I, Jane Marie Doe (full name of circulator) hereby certify that I circulated this petition and that each signature is the signature of the person whose name it purports to be and that each signer has stated that he/she is a registered elector of Thornton and of Ward 1 for which this nomination is made.

Jane Marie Doe's Signature
Signature of Circulator

1/13/25
Date

Subscribed and sworn before me in the County of <u>Adams</u> , State of Colorado, this <u>13th</u> day of <u>March</u> , <u>2025</u> .	
<u>Notary's signature</u> (Notary's official signature)	(Notary Stamp)
<u>Notary's commission expiration date</u> (Commission Expiration)	

ACCEPTANCE OF NOMINATION

I, the undersigned, being first duly sworn, depose and state that:

- I am a citizen of the United States.
- I am at least twenty-five years of age.
- I have been a resident of Ward 1 of the City of Thornton for twelve consecutive months immediately preceding the election.
- I am a registered elector.
- I have never been convicted of a felony.
- I am aware that, if elected, I cannot hold another elected position in government.

I, James A. Doe (full name of candidate), hereby accept the nomination tendered me by the foregoing petitioners for the office of Ward 1 for the term of 4 years.

Signature of Candidate _____ Date: _____

Residence Address _____

Subscribed and sworn before me in the County of Adams, State of Colorado, this 13th day of March, 2025.

(Notary's official signature)

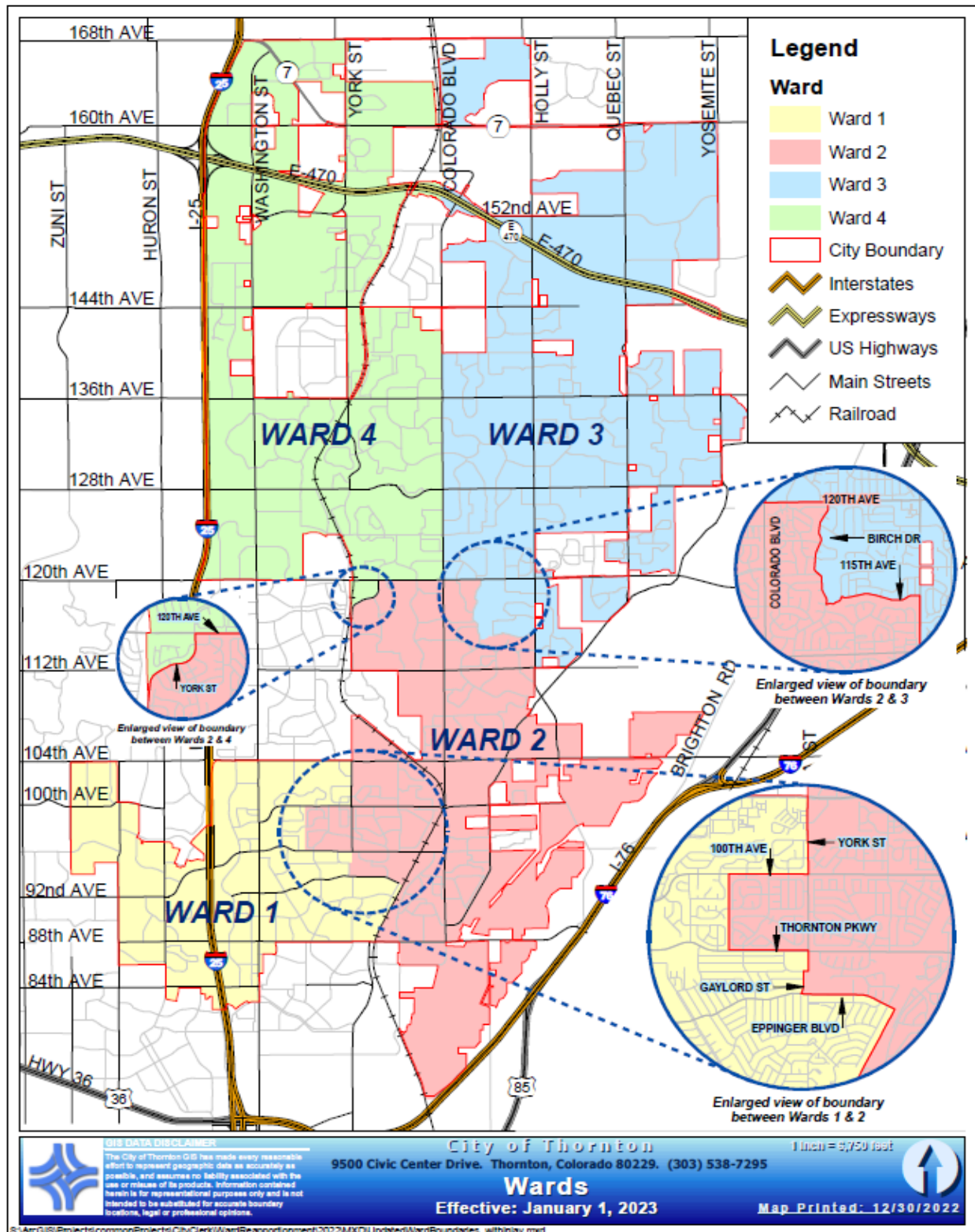
(Commission Expiration)

(Notary Stamp)

PLEASE INDICATE BELOW THE WAY YOU WISH YOUR NAME TO APPEAR ON THE BALLOT. NO DEGREE OR TITLE IS PERMITTED. PLEASE PRINT LEGIBLY.

James "Jim" Doe
PRINT NAME HERE

City of Thornton Ward Boundaries Current as of January 1, 2023



CAMPAIGN REGULATIONS

COMMENCEMENT OF CAMPAIGN ACTIVITIES

There is not a set date when a Candidate for office may commence campaign activities. However, there are certain [Campaign Reporting Requirements](#), which are outlined in these guidelines for filing a Candidate affidavit, registering Candidate committees, and maintaining bank accounts, as well as sample forms and frequently asked questions.

ELECTION SIGNS

The Code does not have a separate category for election signs. Signs expressing campaign-related messages must comply with the specific installation and display requirements in the Code for temporary or transient signs.

Temporary signs may be placed on private property with the permission of the property owner. Freestanding signs, banners, and/or feather flags may be displayed, and no permit is required. The signs must be placed at least five feet (or the height of the sign, whichever is greater) from the property line and at least 25 feet from intersection rights-of-way. On properties that have been developed with a structure, one sign may be displayed for up to 180 days, and the remaining signs cannot exceed 30 days of display. There is no display time limit for signs on undeveloped land. The total area of signage per property cannot exceed the amount specified in the Code, although there is no maximum size for each individual sign. Refer to the charts on the City's [webpage](#)⁵ for maximum total sign area, maximum height, and other requirements; type "temporary signs" in the search box. See Code Sections 18-706 and 18-761. Individual private properties may also display a total of 40 square feet of additional signage if each sign is four square feet or less. This additional signage does not count toward the total allowed per property, noted in the prior paragraph and in Code Section 18-761. See Code Section 18-705.

Freestanding transient signs can be displayed in the area along the public streets from 5 a.m. on Fridays until 7 a.m. on the following Monday. No permit is required, and there is no limit to the number of signs that can be displayed. Signs must be placed at least 50 feet away from all intersections and 5 feet away from the curb or from the edge of the road. No signs can be placed in a street, sidewalk, roundabout, or median. Signs in the rights-of-way can be no larger than 6 square feet in size (for example a 2ft x 3ft sign) and no taller than 4 feet in height. These signs must stand on their own; they cannot be attached to stop signs, street signs, vehicles, utility boxes, fences, poles, or trees. Nothing can be attached to the signs, including balloons, pennants, or moving parts. Transient signs may not be illuminated. Signs may not be installed on City-owned property unless associated with an approved permit for the use of the facility. Signs displayed improperly will be removed and disposed of without notice. See Code Sections 70-11 and 70-12.

Campaign materials such as those listed below and at the top of the next page are not regulated or prohibited by Code, except where noted. See Code Sections 18-705(3), 18-706, and 18-760.

⁵ <https://www.thorntonco.gov/business-development/city-development/building-permits-inspections/sign-permits>

- T-shirts
- Brochures
- Bumper stickers
- Buttons
- Signs in windows
- Balloons attached to a fixed object, such as a sign or a vehicle, are not allowed. Handing out balloons to people is permissible.
- Balloons, inflatable devices, and other signage used for a special event may require a permit.

Copies of the referenced [Code](#) provisions are provided in these guidelines.

If you have questions about sign placement or sign-related regulations, please call Code Compliance at 303-538-7517 and a staff member will answer your specific question.

BOOTHS AT CITY FESTIVALS

If you are interested in obtaining a booth at one of the City's festivals, please refer to the following link on the City's [website](#)⁶ or call 720-977-5912 for more information and to reserve your booth. Booth rental information will be available approximately three months prior to the festival.

DOOR-TO-DOOR SOLICITATION

Political solicitations are allowed except at private residences where “**NO SOLICITATION**” or “**NO TRESPASSING**” signs are posted near the entrance to those premises.

Please be aware that littering any public highway, street, sidewalk, or public place with advertising material is unlawful.

USE OF CITY LOGO AND PICTURES PROHIBITED

Please be advised that the City and City employees cannot endorse or appear to endorse political candidates. Consequently, the City does not authorize the use of City logos, photos of City personnel, or other items identifying Thornton government in connection with campaign materials.

IDENTIFICATION OF GENERAL COMMUNICATIONS AND MATERIALS – DISCLAIMER STATEMENTS

Section 1-45-108.3(1), C.R.S., requires that all candidate, issue, small donor, political, and independent committees contain a disclaimer statement identifying who paid for the broadcast and non-broadcast communications (TV, radio, phone); and any campaign communications or materials printed (flyers, yard signs), mailed, delivered, and/or via website or media streaming services if the cost for any one item exceeds \$1,000 in a calendar year.

⁶ <https://thorntonco.primegov.com/public/portal>

However, to avoid confusion or inadvertently violating campaign finance laws, the Secretary of State's Office is recommending that a disclaimer statement appear on all campaign communications or materials regardless of the cost. This recommendation is especially true for communications that might be reprinted or redistributed at a later point in time, such as yard signs and/or flyers, because the threshold of \$1,000 remains in place for an entire calendar year.

Section 1-45-107.5(5) C.R.S. and Secretary of State Rule 22.1, also requires that non-broadcast communications contain a clear and conspicuous disclaimer that is easy to read, printed in text that is no less than 15 percent of the size of the largest font used in the communication, or at least eight-point font and includes:

- (a) The name of the person that paid for the communication;
- (b) In the case of an independent expenditure, a statement that the communication is not authorized by any candidate; and
- (c) A natural person who is the registered agent if the person identified in subsection (a) above is not a natural person.

Example: Paid for by Citizens to Elect John Doe. Registered Agent: Jane Doe

The disclaimer requirements do not apply to bumper stickers, pins, buttons, pens, and/or similar small items where a disclaimer cannot reasonably be printed.

If the size, format, or display requirements of an electronic or online communication make it impracticable to include a disclaimer on the communication, the disclaimer statement must be available by means of a direct link from the communication to the web page or application screen containing the statement. The information provided in the direct link are subject to all of the size and content requirements as for printed communications.

- (a) The information provided in the direct link must be clearly and conspicuously displayed and must be immediately apparent on the screen without receiving or viewing any additional material.
- (b) If the communication is a direct or indirect electronic message to a person, including but not limited to a text message, only the initial communication must contain the direct link.

These requirements do not apply to bumper stickers, pins, buttons, pens, and similar small items upon which the "paid for by" disclaimer cannot be reasonably printed.

GENERAL PROVISIONS AND POLITICAL CAMPAIGN SIGN REQUIREMENTS

Sec. 18-704. - General provisions.

- (a) *Compliance required.* All construction, relocation, enlargement, alteration, and modification of signs within the city shall conform to the requirements of this article, all state and federal regulations concerning signs and advertising, and the building code adopted in Chapter 10 of this Code.
- (b) *Responsibility for compliance.* The responsibility for compliance with this chapter rests jointly and severally upon the sign owner, the sign operator (if different from the sign owner), all parties holding the present right of possession and control of the property whereon a sign is located, mounted or installed, and the legal owner of the lot or parcel, even if the sign was mounted, installed, erected or displayed without the consent of the owner and/or parties holding the legal right to immediate possession and control.
- (c) *Violations.* When a sign is displayed in violation of this article or chapter, or in violation of other applicable laws, rules, regulations, or policies regarding signs, each day the sign is displayed is a separate violation.
- (d) *Interpretations.* The director shall interpret this article as the need for interpretation arises, including for application to specific issues and proposed signs. Such interpretations may be appealed in accordance with the procedures in Section 18-34.
- (e) *Message neutrality.* It is the city's policy and intent to regulate signs in a manner consistent with the United States and Colorado Constitutions and all applicable law, and which is content-neutral as to protected speech.
- (f) *Message substitution.*
 - (1) A protected commercial or noncommercial message of any type may be substituted, in whole or in part, for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval, permitting, registration or notice to the city. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message.
 - (2) This message substitution provision does not:
 - a. Create a right to increase the total amount of signage on a parcel, lot or land use;
 - b. Affect the requirement that a sign structure or mounting device be properly permitted;
 - c. Allow a change in the physical structure of a sign, its mounting device, or the technology used to present the message; or
 - d. Authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a noncommercial message.

(g) *Discretionary approvals.*

- (1) Whenever any sign permit, variance, specific use permit, temporary use permit, large development signage plan, or other sign-related decision is made by any exercise of official discretion, such discretion shall be limited to the noncommunicative aspects of the sign, the architectural similarity of the proposed sign with other structures or signs in the surrounding area, and other factors listed in this article and in the Development Code.
- (2) When discretion is authorized, it may be exercised regarding the following factors, as applicable:
 - a. Construction materials and details of structural design;
 - b. The number and spacing of signs in the area;
 - c. The sign's display area, height, and location in relation to its proposed use;
 - d. The sign's relationship with other nearby signs, other elements of street and site furniture and adjacent structures;
 - e. Form, proportion, and scale;
 - f. Potential effect of the proposed sign on driver, bicyclist and pedestrian safety;
 - g. Potential blocking of view, in whole or in part, of a structure or façade or public view of historical, cultural or architectural significance; and
 - h. Potential obstruction of views of users of adjacent buildings to side yards, front yards, open space, or parks.
- (3) Discretion may not be exercised as to the message content of the sign.

(h) *Prospective regulation.*

- (1) This article applies to signs that may be proposed or erected in the future. It also applies to existing signs that are not legal under prior law.
- (2) All existing legal signs may continue in use, but any change must comply with this article. Any nonconforming sign for a business shall be immediately brought into conformance with this article or removed if any one of the following conditions occurs:
 - a. When the sign becomes damaged to the extent of 50 percent or more of its total replacement value, regardless of the cause of the damage;
 - b. When the sign becomes an imminent danger to public health or safety;
 - c. When there is a request to obtain a building permit to alter, enlarge, expand, or increase the structural support of the sign or any part of the sign;
 - d. When there is a request to obtain a building permit to make improvements to the facade of a building on a property on which a nonconforming sign is located; or

- e. If the use or activity that the sign refers to has been discontinued or the property on which an on-site sign is located has been vacant for a period of six months or more.
- (3) Any sign in existence on the effective date of this article which does not conform to its provisions, but for which the board has previously granted a variance, shall be considered a legal nonconforming sign.
- (4) In the event the regulations contained in this article are amended, any temporary sign that is not in compliance with the new regulations shall be removed immediately. Nonconforming temporary signs are not permitted.
- (i) *Noncommunicative aspects.* All applicable regulations concerning the noncommunicative aspects of signs, as defined in Article XI, stand enforceable independently of any permit or approval process.
- (j) *Owner's consent.* No sign may be placed on private property without the consent of the legal owner of the property and all persons holding the present right of possession and control of signage. The city may require evidence of consent when enforcing the requirements of this article.
- (k) *Signs accessory to main use.* Unless otherwise provided in this article, permanent structure signs shall be accessory to another main use on the same parcel.
- (l) *Materials.* Materials selected for signs shall be durable and capable of withstanding weathering, with reasonable maintenance, over the life of the sign.
- (m) *Zoning.*
 - (1) Any sign located in the zoning districts of Planned Development (PD) District, Preservation Revitalization (P/R) District (residential and/or commercial) or Mineral Conservation (MC) District, unless otherwise specified in the ordinance creating the district, shall be erected in accordance with the requirements for the categorical zoning districts of this chapter, based upon the use of the site that the sign is located on, as determined by the director or designee.
 - (2) In any zoning district where both residential and nonresidential land uses are allowed, the sign-related rights and responsibilities applicable to any particular parcel or land use shall be determined as follows:
 - a. Residential uses shall be treated as if they were located in the lowest intensity zone where a use of that type would be allowed as a matter of right; and
 - b. Nonresidential uses shall be treated as if they were located in the lowest intensity zone where that particular use would be allowed, either as a matter of right or subject to a specific use permit or a temporary use permit.
- (n) *Maintenance and alterations.*
 - (1) It shall be unlawful to fail to maintain or keep in good repair any sign, including without limitation the repairing of glass, plastic, or other sign face material which is missing, broken, damaged, or deteriorated and the

repairing of any pole, frame, support or similar structure which is broken, damaged, or deteriorated.

- (2) A permit is not required when only the sign face or copy is changed, and the resulting sign complies with the requirements of this article.
- (3) A permit is required for structural alteration or enlargement of the sign area.
- (4) The maintenance, renovation, or repair of a sign without the alteration of noncommunicative aspects shall not require a new sign permit but may require a building permit under the building code of the city.
- (5) Whenever the use of a sign frame or sign supporting structure, has been discontinued for a period of six months or more, such sign, sign frame, or sign supporting structure shall be removed immediately.

Sec. 18-705. - Exemptions from the provisions of the sign code.

The following types of long-term and temporary sign devices are exempted from the provisions of this article, except as specified:

- (1) Official governmental signs, including but not limited to traffic control signs and devices, informational signs, temporary public notices, banners, flags, light pole banners, and any other signs required by law.
- (2) Signs that:
 - a. Are installed in a location or manner which do not create a traffic hazard; and
 - b. Are located on private property and not in any public rights-of-way; and
 - c. Do not exceed four square feet per sign face; and
 - d. Do not cumulatively exceed 40 square feet per zone lot; and
 - e. Are not prohibited or illegal signs as provided in Section 18-706 or otherwise regulated herein.
- (3) Signs painted on or placed in a window.
- (4) Flags that meet the following standards and that maintain a minimum seven foot clearance between the lowest point of the flag and grade level:
 - a. On zone lots smaller than 10,000 square feet, one flag no larger than 15 square feet is permitted.
 - b. On zone lots between 10,000 and 100,000 square feet, flags shall be no larger than 50 square feet, and a maximum of two flags per zone lot is permitted.
 - c. On zone lots larger than 100,000 square feet, flags shall be no larger than 100 square feet, and a maximum of three flags per zone lot is permitted.
 - d. The maximum height of a flagpole for all flags is 35 feet or the height of the building, whichever is less.

- (5) Vehicular signs:
 - a. Shall be permitted if they:
 - 1. Contain no flashing or moving elements;
 - 2. Are permanently mounted or affixed, or magnetically attached, to the vehicle;
 - 3. Do not project beyond the surface of the vehicle on which they are attached a distance in excess of six inches;
 - 4. Are attached to an operable vehicle;
 - 5. Are parked in a designated parking space, when available, when parked and visible from the public rights-of-way.
 - b. Shall not be used to increase the total permitted sign area or number of signs either on-site or off-site for a business as provided in this article except as provided for in Division 7 of this article. Vehicular signs parked within 25 feet of an arterial or collector street shall count against the total sign area allowance for the property unless there is no other location on the property where the vehicle can be parked.
- (6) Any sign on or constructed in association with a bus shelter or bus bench that is specifically allowed by a written contract with the city.
- (7) Temporary decorations of any type, number, area, height, location, illumination, or animation that are located on buildings or structures so as not to conflict with or obstruct traffic regulatory devices.
- (8) Private persons dressed in costume or displaying signs expressing messages that are within the protection of the First Amendment, subject to the following:
 - a. The signs must be held by or attended by one or more persons;
 - b. Signs shall not be inflatable or air-activated;
 - c. In order to serve the city's interests in traffic flow and safety, persons and signs shall not:
 - 1. Visually or physically obstruct, impede or block the flow of traffic or pedestrians on streets, sidewalks or trails;
 - 2. Be located on a public street median or round-a-bout;
 - 3. Conduct sales, transfer product, or collect monies of any kind; and
 - 4. Obstruct or impede scheduled activities.
- (9) Any signs required to be erected by city, state, or federal law.
- (10) Any signs not legible or intended to be read from the right-of-way or private streets.

Sec. 18-706. - Prohibited and illegal signs.

It shall be unlawful for any person to:

- (1) Erect, maintain, or continue the use of any sign with an image or message which is not within the protection of the Colorado Constitution and the First Amendment to the U.S. Constitution because of the harm that they cause to minors, or to individuals or to the community.
- (2) Erect, maintain, or continue the use of any sign that is not specifically permitted or exempted from this article, or is an animated sign, roof sign, building wrap sign, or searchlight.
- (3) Erect, maintain, or continue the use of any sign in, over, or extending into any public rights-of-way, or to paint or affix any sign on or to any object within any public rights-of-way, except as permitted in this article or in Chapter 70 of this Code.
- (4) Erect, maintain, or continue the use of any sign within a visibility triangle as defined in Section 18-567 unless otherwise exempted by this article.
- (5) Erect, maintain, or continue the use of any sign that causes a traffic hazard because of glare, focus or intensity of illumination.
- (6) Erect, maintain, or continue the use of any sign that blocks a doorway or opening which is required for entrance to or exit from any building, structure, parking lot or driveway by the International Building Code adopted in Section 10-151, the International Fire Code adopted in Section 10-160, or any development permit.
- (7) Erect, maintain, or continue the use of any sign on any fence, or paint or affix any sign on, or to, a fence set back five feet or less from the city's rights-of-way, except as specifically permitted by this article.
- (8) Erect, maintain, or continue the use of any sign on any property without the written permission of the property owner or person in lawful possession of the property.
- (9) Erect, maintain, or continue the use of any sign or signal, marking or device that is not authorized and which purports to be, is an imitation of, or resembles but is not an official traffic control device or railroad sign or signal, within 10 feet of the edge of any street.
- (10) Erect, maintain, or continue the use of any sign that hides from view or interferes with the visibility of any official traffic control device or railroad sign or signal.
- (11) Erect, maintain, or continue the use of any sign attached to landscaping elements or other natural objects.
- (12) Erect, maintain, paint, affix or continue the use of any sign on or to any other sign unless done with a valid sign permit or unless exempted from the requirement for a permit under this article.

Sec. 18-707. - Enforcement.

(a) *Authority.*

- (1) The city shall have the authority to enforce provisions of this article. In addition to any other remedies provided in this section, a summons and

complaint may be filed in the municipal court to any person for which probable cause exists concerning the violations of this article.

- (2) The city shall have the authority in emergency situations to place barriers in or about any sign which is dangerous or constitutes a hazard and when the city has attempted to serve notice as required in this section, but has been unable to do so or when such sign constitutes an immediate danger to the public. In such instances, notice after the placement of barriers shall suffice and the owner of the sign shall be responsible for reimbursement to the city for expenses incurred.
- (3) The city shall have the authority to move or remove any sign to facilitate public safety officials in dealing with any public emergency.
- (4) In addition to the enforcement remedies before the municipal court as set out in this section, the city shall have the authority to bring an action before any court of competent jurisdiction to secure equitable relief and secure damages for costs incurred by the city in securing compliance with this article.

(b) *Procedures.*

- (1) Prior to abatement of a violation of this article, the police department or the city development department shall provide notice to the responsible party of the property, as described in Section 18-704(b), upon which the sign is placed that:
 - a. No sign permit has been issued; or
 - b. The sign device has been determined to be dangerous or constitutes a hazard; or
 - c. Is prohibited; or
 - d. Is in violation of a specific provision of this article; and
 - e. The sign shall be removed, repaired, or brought into compliance within a reasonable, specified length of time.
- (2) Notice of intent to abate any violation of this article shall be pursuant to the requirements specified in Section 18-4(e).
- (3) In lieu of or concurrent with subsection (b)(1) above, a summons and complaint may be issued to the responsible party of any property within the city, as described in Section 18-704(b), that is in violation of any provision of this article.
- (4) The city may decide not to enforce the provisions as they relate to a sign erected or installed before the first of January 2018 if it determines that such enforcement may create liability for the city based on any decision of a court of competent jurisdiction, including but not limited to the U.S. Supreme Court's decision in *Reed v Town of Gilbert* (576 U.S. _____) (2015). This subsection (b)(4) shall be automatically repealed on January 1, 2018 unless otherwise amended by the city council.

Sec. 18-708. - Severability.

If any clause, sentence, paragraph, section or part of this article shall be determined by any court of competent jurisdiction to be invalid, such determination shall not affect, impair, or invalidate the remainder of this article but shall be confined in its operation to the clause, sentence, paragraph, section or part directly involved in the controversy for which the court's determination was made. Without affecting this general statement, each portion of these sign regulations is specifically severable, and the invalidity of any regulation in that portion shall not affect the validity or enforceability of other regulations in that portion. If any portion of this article is determined to be invalid, the remaining portions of this article shall be interpreted and applied to achieve as nearly as possible the result that would have been achieved if part of the article had not been determined to be invalid.

Sec. 18-715. - Sign permits.

- (a) *Permit required.* It shall be unlawful for any person to erect, maintain or continue the use of any sign regulated by this article without first obtaining a sign permit from the department, unless this article specifies that a permit is not required or the sign is specifically exempted in Section 18-705.
- (b) *Permit application.*
 - (1) An application for a sign permit shall be filed with the director in accordance with Section 18-31.
 - (2) In addition to the requirements of Section 18-31, the application shall include clear and complete graphic and written information adequate to show compliance with all applicable requirements of this article and any other applicable regulations of the city. At a minimum, the application shall include all requirements listed in the current sign permit application checklist.
- (c) *Permit approval.*
 - (1) Sign permit applications shall be for review and action by the director. The director may take one of three actions:
 - a. Approval as submitted, if the application complies with all requirements of this article;
 - b. Approval with conditions which if followed will bring the application into compliance with all requirements of this article; or
 - c. Denial, if the application does not meet the requirements of this article.
 - (2) The director shall make a decision within 45 days after receiving a complete application for a sign permit.
 - (3) The actions of the director may be appealed to the board as provided in Section 18-718. If appealed, the board shall hear the appeal within 45 days after receiving a complete application for appeal.
 - (4) The requirement for a permit shall be deemed met upon specific agreement between the owner and the city to erect, maintain or continue the use of any sign.

(d) *Inspection requirements.*

- (1) All signs for which a permit is required may be subject to the following inspections:
 - a. Footing inspection on all freestanding signs.
 - b. Electrical inspections on all illuminated signs or electronic signs.
 - c. An inspection of braces, anchors, supports and connections.
 - d. Site inspection to ensure that the sign has been constructed and located according to the approved application and valid sign permit.
- (2) Every sign shall comply with the building code adopted in Chapter 10 of this Code.

Sec. 18-716. - Large developments.

- (a) Large developments shall submit a signage plan so the city may ensure that the signs on the site are similar in noncommunicative aspects with the main buildings and other signs.
- (b) For provisions of this chapter, a large development shall be any development project on a site that contains four acres or more that is located in the CR, RC, BP, CC, OI, EC, MU, TOD, EB, ES, EO, ETD, or I zone districts that either:
 - (1) Contains four or more contiguous tenant spaces in any one building on a zone lot; or
 - (2) Contains two or more main buildings on contiguous (disregarding intervening streets or alleys) lots, or the same lot, that share parking facilities and accesses.
- (c) The owner(s) of adjacent projects that were separately developed may request designation by the director as a large development if:
 - (1) The combined site meets the criteria in subsection (b) above; and
 - (2) The properties have access to internally connecting driveways.
- (d) The owner(s) shall submit to the director a large development signage plan containing the following:
 - (1) An accurate plot plan of the site, at such scale as the director may reasonably require;
 - (2) Location of buildings, parking lots, driveways, and landscaped areas on the site;
 - (3) Computation of the maximum total sign area, the maximum area for each individual sign, the height of each sign and the number of attached and freestanding signs included in the plan under this article based on the following:
 - a. The maximum sign area, maximum number of signs, maximum height, minimum setback, illumination, and additional requirements for attached signs shall be in accordance with Division 3 of this article;

- b. The maximum sign area, maximum number of signs, maximum height, minimum setback, illumination, and additional requirements for freestanding signs shall be in accordance with Division 4 of this article;
 - c. All freestanding signs shall be monument signs;
 - d. One additional monument sign may be erected per street frontage.
 - e. Pad sites with no street frontage may have signage included in an off-site monument sign in accordance with subsection (d)(3)d above or on a monument sign erected off-site but within the large development boundaries if the owner of the property where the monument sign is to be located provides notarized written authorization; and
 - f. One electronic sign is permitted for large developments adjacent to I-25 or E-470 or an arterial or collector street in accordance with the regulations in Section 18-750.
- (4) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except those signs exempted from this article under Section 18-705.
- (5) The following design standards shall be used to ensure aesthetic consistency among all signs on a site for a large development and shall be reflected in the signage plan.
- a. Wall signs on the same main building shall be placed in a common configuration sign area that is consistent with other signs;
 - b. All wall signs on the same main building shall be similar in their noncommunicative aspects;
 - c. Each monument sign shall be located within a planted landscape area, which is of a shape and design that will provide ground definition to the sign and is similar in noncommunicative aspects with the surrounding area;
 - d. All monument signs shall be designed using materials, colors and design details that are complementary to the main building structure(s) in the large development.
- (e) Compliance with the large development signage plan shall be in accordance with the approved sign permit.

Sec. 18-717. - Interpretations for sign area.

Sign area shall be measured for all types of signs as follows:

- (1) *Signs with backing.* Signs with backing shall include, but not be limited to, cabinet signs or signs that are outlined or framed. The area of a cabinet sign or a sign enclosed by a box, outlined or framed, shall be measured by determining the smallest possible area of any rectilinear geometric shape that utilizes eight or fewer lines that join each other at right angles that enclose the extreme limits of the display surface or face of the sign;

including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support.

- (2) *Signs without backing.* If the sign is composed of individual letters or symbols that are mounted against a surface that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, the area of the sign shall be measured by determining the area of the smallest possible area of a rectilinear geometric shape that utilizes eight or fewer lines that join each other at right angles that enclose the extreme limits of each message. See Figures 717.1 to 717.5.

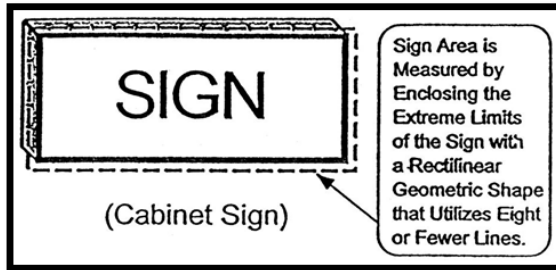


Figure 717.1

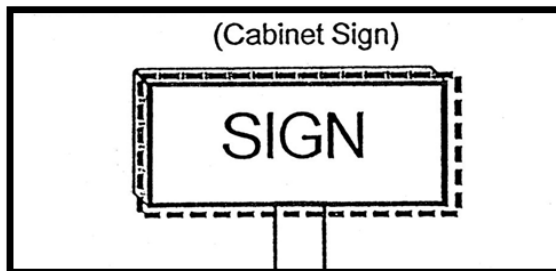


Figure 717.2

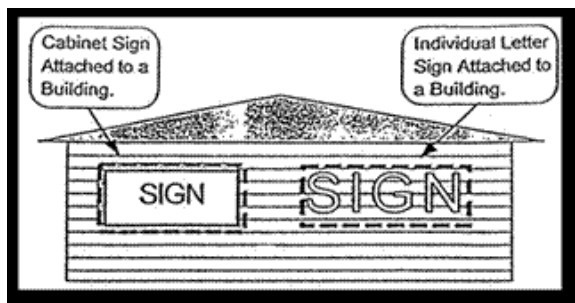


Figure 717.3

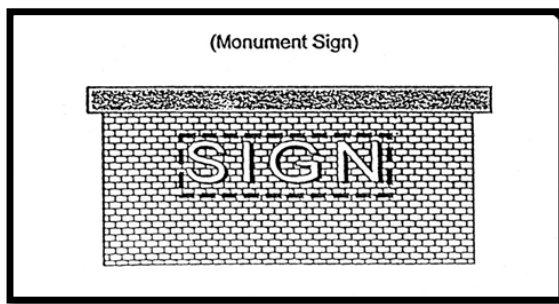


Figure 717.4

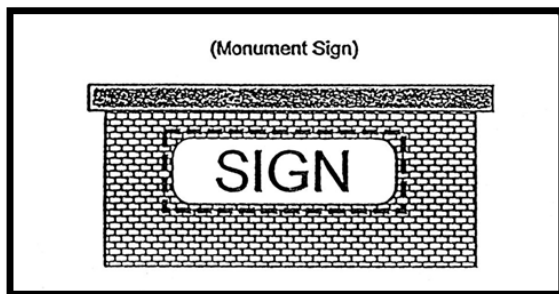


Figure 717.5

- (3) *Multi-faced signs.* Sign area for signs which have two parallel sign faces assembled in such a way that the faces cannot be viewed from any one point at the same time shall be calculated using only the larger of the two sign faces. Sign area for signs which have multiple sign faces not being parallel, which can be viewed from any one point at the same time, such as v-shaped, triangles or cubes, shall be calculated using the total of all faces.
- (4) *Other forms.*
 - a. When a sign is spherical, free form, sculptural and/or other nonplanar form, the sign area is measured as the sum of the area of the four vertical sides of the smallest polyhedron that will encompass the sign structure. See Figure 717.6.

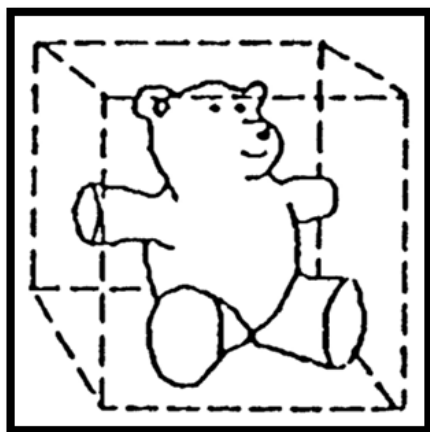


Figure 717.6

- b. Works of art, wall graphics, and architectural features shall be interpreted to constitute a sign, and the area shall be included in the calculation for determining the allowable sign area unless the applicant obtains any required approval from the Thornton Arts, Sciences and Humanities Council (TASHCO) pursuant to Division 7 of this article, or is exempted from the requirements of that division.

(5) *Exceptions.*

- a. An illuminated canopy, awning, or architectural feature of a building is not considered a distinctive background for the purposes of measuring the sign area.
- b. A decorative neon band or other outdoor building illumination which does not identify or convey information is not considered in the calculation of sign area.

Sec. 18-718. - Appeals, variances and adjustments.

(a) *Appeals.*

- (1) Appeals from a decision of the director or designee are available by the submission of a written request, on a form supplied by the department, to the board. The request shall specify the basis for the appeal. The board may overturn a decision of the director for two reasons:
 - a. The board finds the director erred in the interpretation of the applicable regulation as provided in this article; or
 - b. The board finds a variance is in order due to an extraordinary hardship not induced by the appellant.
- (2) The board shall make its determination only on the merits of each appeal brought before it.
- (3) The board shall make a decision on the appeal within 45 days after receiving a complete application for appeal.
- (4) Applications for a hearing for a variance or appeal before the board shall be processed in accordance with the rules, regulations and procedures governing actions of the board and contained in Section 18-34.

(b) *Variances.*

- (1) In considering a variance to the sign regulations in this article, the board shall consider the following noncommunicative aspects of the proposed sign with and without the variance in making its determinations:
 - a. Whether the physical conditions are such that strict compliance with these regulations will create extreme, continuing, and undue hardship or harm.
 - b. Whether physical conditions are such that strict compliance with these regulations will unreasonably restrict the effectiveness of a sign and the absence of alternative means and locations available which would be in compliance with this article.

- c. Whether the variance, if granted, will adversely affect an adjacent property or neighborhood.
 - d. Whether the variance, if granted, will comply with the overall intent of this article to secure the public health, safety, and welfare of the citizens of the city.
 - e. Whether the variance, if granted, is limited to the extent absolutely necessary to afford relief.
- (2) Any variance granted by the board shall not be subject to any assignment or other permanent or temporary transfer by the variance recipient and shall terminate and become null and void upon discontinuance of the use or activity underlying the variance when granted.
 - (3) The board shall, in order to best satisfy the review criteria and standards set forth in subsection (b)(1) of this section, have the discretion to limit the time of the variance granted, subject the matter to periodic review, or impose other terms and conditions on the granting of the variance.

(c) *Appeals to the director for minor adjustments.*

- (1) Applicants may seek approval from the director to allow for minor adjustments from the sign code on a form supplied by the department for this purpose in response to unanticipated sign location issues or unusual physical site conditions, which may cause the need for some minor adjustments to be made to the allowable sign area or sign height. The director may authorize minor adjustments to the sign code that do one of the following:
 - a. Allow for sign heights to be increased up to a maximum of two feet in height; or
 - b. Allow the maximum sign face area or sign dimensions of an individual sign to be increased up to a maximum of ten percent of the area or dimension otherwise provided; or
 - c. Allow the sign to encroach into a required property line setback up to a maximum of 20 percent of the required setback if such encroachment will not create a threat to public health or safety; or
 - d. Allow the sign to be located closer to another sign by reducing a required separation distance between the signs by up to 20 percent if such reduction will not create a threat to the public health or safety.
- (2) The director shall consider the criteria in Section 18-704(g) regarding discretionary approvals when making a decision.
- (3) The director shall make a written decision within ten days of the request being made to the department.
- (4) Appeals from the decision of the director are to be made to the board within ten days of the receipt of the letter concerning the action taken on the request.

Sec. 18-725. - Permitted signs chart.

This chart summarizes the types of signs allowed by zoning district. Additional criteria are included in the referenced sections, elsewhere in this article, and in the design standards in Article V of the Development Code.

Table 725.1 Permitted signs table

Legend: P = Permitted N = Sign type not permitted	Agricultural	Residential Estate	Single-Family Detached	Single-Family Attached	Multifamily	Manufactured Home	Eastlake Residential	Neighborhood Service	Community Retail	Regional Commercial	Business Park	City Center	Office/Institutional	Employment Center	Mixed Use	Transit Oriented Development	Eastlake Business	Eastlake Service	Eastlake Office	Eastlake TOD	Industrial
	Residential Districts							Nonresidential Districts													
Attached signs—See Division 3																					
Canopy sign	P	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Additional provisions. See Sec. 18-730 and 18-731.																				
Cylinder sign	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Additional provisions. See Sec. 18-730 and 18-732.																				
Projecting sign	N	N	N	N	N	N	N	P	P	P	N	P	N	P	P	P	P	P	P	P	N
	Additional provisions. See Sec. 18-730 and 18-733.																				
Under-canopy sign	N	N	N	N	N	N	N	P	P	P	N	P	N	N	P	P	P	P	P	P	N
	Additional provisions. See Sec. 18-730 and 18-734.																				
Wall sign	P	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Additional provisions. See Sec. 18-730 and 18-735.																				
Freestanding signs—See Division 4																					
Billboard sign	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
	Additional provisions. See Sec. 18-740 and 18-741.																				
Light pole banner	P	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Additional provisions. See Sec. 18-740 and 18-742.																				
Monument sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Additional provisions. See Secs. 18-740 and 18-743.																				
Pole sign	P	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N	N	N	N	N	P
	Additional provisions. See Secs. 18-740 and 18-744.																				
Electronic signs—See Division 5																					
Electronic Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Additional provisions. See Sec. 18-750.																				
Temporary signs—See Division 6																					
Special event sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Additional provisions. See Sec. 18-760.																				
Temporary sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Additional provisions. See Sec. 18-761.																				

Sec. 18-730. - General requirements.

The following standards shall apply to all attached signs in those zone districts where that type of attached signs is permitted pursuant to Section 18-725. These provisions shall not be interpreted to permit any attached sign in a zone district where it is not permitted by Section 18-725.

Sec. 18-731. - Canopy sign.

Table 18-731.1 Canopy Signs		
	Residential Zone Districts	Nonresidential Zone Districts
	Other	Agriculture
Maximum Number of Signs Allowed	None	Any number as long as the total square feet of all signs does not exceed 60 square feet.
Maximum Sign Area	N/A	60 square feet.
Maximum Sign Height	N/A	Controlled by the canopy structure
Minimum Setback	N/A	Controlled by the canopy structure.
Illumination	N/A	Concealed illumination or neon.

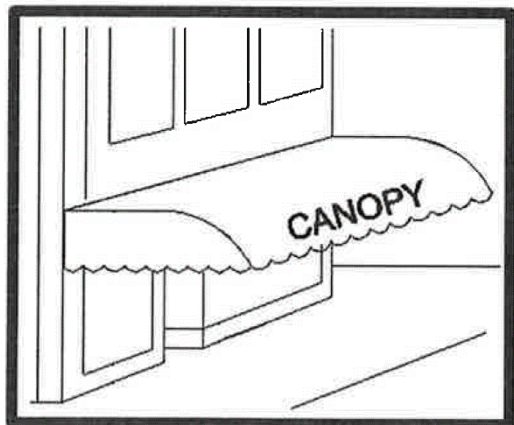


Figure 731.1

Sec. 18-732. - Cylinder sign.

Table 18-732.1 Cylinder Signs		
	Residential Zone Districts	Nonresidential Zone Districts
Maximum Number of Signs Allowed	None	One
Maximum Sign Area	N/A	12 square feet
Maximum Sign Height	N/A	10 feet
Minimum Setback	N/A	Controlled by the wall on which the sign is attached.
Illumination	N/A	Concealed illumination.

(a) Additional requirements.

- (1) The outside edge of the sign shall project no more than 15 inches from the wall.
- (2) A cylinder sign may rotate on its axis but shall not exceed 50 revolutions per minute.

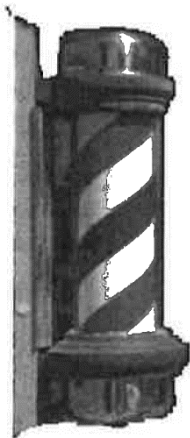


Figure 732.1

Sec. 18-733. - Projecting sign.

Table 18-733.1 Projecting Signs		
	Residential Zone Districts	Nonresidential Zone Districts
Maximum Number of Signs Allowed	None	One per building user or tenant
Maximum Sign Area	N/A	Total for all projecting signs = 50% of permitted sign area for wall signs Total for all projecting signs and wall signs combined = 100% of permitted sign area for wall signs
Maximum Sign Height	N/A	Maximum height of first floor elevation
Minimum Sign Height	N/A	Minimum 7 foot clearance above grade required
Minimum Setback	N/A	Controlled by the wall on which the sign is attached
Illumination	N/A	Concealed illumination or neon

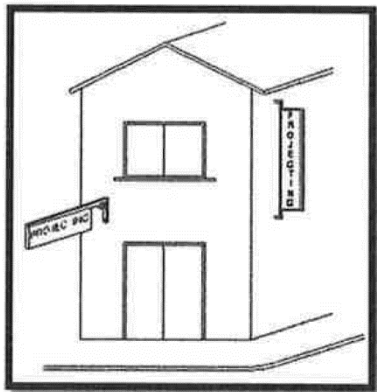


Figure 733.1

Sec. 18-734. - Under-canopy sign.

Table 18-734.1 Under-Canopy Signs		
	Residential Zone Districts	Nonresidential Zone Districts
Number of Signs Allowed	None	2 per building user or tenant
Maximum Sign Area	N/A	4 square feet
Maximum Sign Height	N/A	Controlled by the canopy structure
Minimum Sign Clearance	N/A	7 feet from bottom edge of sign
Minimum Setback	N/A	Controlled by the canopy structure
Illumination	N/A	Concealed illumination

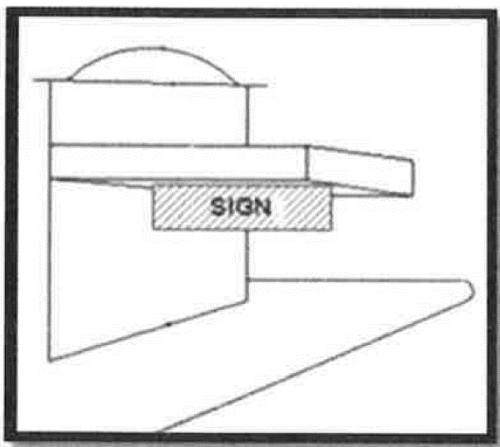


Figure 734.1

Sec. 18-735. - Wall sign.

Table 18-735.1 Wall Signs				
	Residential Zone Districts		Nonresidential Zone Districts	
	Other	Agriculture		
		Low-Rise (1 - 3 stories)	High-Rise (4 or more stories)	
Number of Signs Allowed	None	No limit	First floor = No Limit Above first floor = 2 (no more than 1 on an elevation)	
Maximum Sign Area	N/A	Greater of 60 sq. ft. or 8% of area of largest elevation of the main building(s) on a zone lot, subject to: Maximum on one elevation = 1,000 sq. ft. Maximum on all elevations = 2,000 sq. ft.	4 - 5 stories	300
			6 stories	325
			7 stories	350
			8-10 stories	400
			11-14 stories	575
			15+ stories	550
	Total area of all wall signs and projecting signs combined shall not exceed maximum area for wall signs			
Maximum Sign Height	N/A	Controlled by wall on which sign is attached		
Minimum Sign Clearance	N/A	N/A		
Minimum Setback	N/A	Controlled by wall on which sign is attached		
Illumination	N/A	Concealed illumination or neon is permitted. Direct illumination is allowed if it does not increase the light level at the boundary of any adjacent residentially-zoned property, ignoring any intervening streets, by more than one foot-candle.		

(a) Additional requirements.

- (1) Wall signs can be placed on any elevation of a building three stories or less in height as long as the signs do not illuminate a residential area.

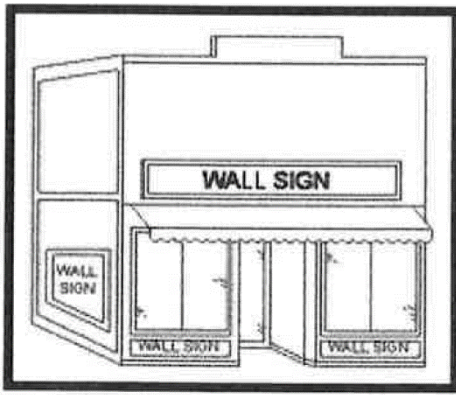


Figure 735.1

Sec. 18-740. - General requirements.

The following standards shall apply to all freestanding signs in those zone districts where that type of freestanding signs is permitted pursuant to Section 18-725. These provisions shall not be interpreted to permit any freestanding sign in a zone district where it is not permitted by Section 18-725.

- (1) *Minimum setback.*
 - a. One foot for every foot in height of the sign, or 25 feet, whichever is less. Signs located in an entry island shall have a setback of 25 feet from the flow line of the street.
 - b. No freestanding sign shall have less than a five-foot setback, as measured to the leading edge of the sign.
- (2) *Illumination.* Concealed illumination or neon.
- (3) *Bonus signage.*
 - a. Zone lots in the CR, RC, BP, CC, EC, OI, MU and I zoning districts with more than 400 lineal feet of street frontage may have one additional freestanding sign per 400-foot increment. One of the zone lot's additional freestanding signs may have a maximum sign area of 200 square feet. The size of the remaining signs shall be controlled by the criteria in Sections 18-740, 18-743, and 18-744.
 - b. In the ETD and TOD zoning districts, zone lots with more than 300 lineal feet of street frontage may have one additional freestanding sign per 300-foot increment. One of the zone lot's additional freestanding signs may have a maximum sign area of 100 square feet. The size of the remaining signs shall be controlled by the criteria in Sections 18-740, 18-743, and 18-744.
 - c. Large developments (as defined in Section 18-716(b)) may combine the individual lot street frontages adjacent to I-25 or E-470 for the purpose of calculating bonus signage.
 1. Large developments with more than 400 lineal feet of street frontage adjacent to I-25 or E-470 may have one additional freestanding sign per 400-foot increment. One of the

additional signs may have a maximum sign area of 200 square feet. The

size of the remaining signs shall be controlled by the criteria in Sections 18-740, 18-743, and 18-744.

2. Frontages on other streets shall not be included in this calculation.
 3. The sign area calculated under this provision shall be the maximum freestanding signage allowed adjacent to I-25 or E-470.
 4. Other bonus signage shall be calculated based on the criteria in subsection (3)a or (3)b above. The street frontage adjacent to I-25 or E-470 shall not be included in that calculation.
- d. Large developments with a primary entrance drive located within 1,000 feet of the center of an interchange with I-25 or E-470 may combine the street frontage of individual lots adjacent to the roadway intersecting I-25 or E-470 for the purpose of calculating bonus signage.
1. Large developments with more than 400 lineal feet of street frontage along the roadway intersecting I-25 or E-470 may have one additional freestanding sign per 400-foot increment. One of the additional signs may have a maximum sign area of 200 square feet. The size of the remaining signs shall be controlled by the criteria in Sections 18-740, 18-743, and 18-744.
 2. Frontages on other streets shall not be included in this calculation.
 3. The sign area calculated under this provision shall be the maximum signage allowed adjacent to the roadway intersecting I-25 or E-470.
 4. Other bonus signage shall be calculated based on the criteria in subsection (3)a or (3)b above. The street frontage adjacent to the roadway intersecting I-25 or E-470 shall not be included in that calculation.
- (4) *Multiple signs.* If two or more freestanding signs are constructed on one zone lot they shall be:
- a. Similar in noncommunicative aspects, including construction, design, and material; and
 - b. Separated by at least 250 feet.

Sec. 18-741. - Billboard sign.

Table 18-741.1 Billboard Signs		
	Residential Zone Districts	Nonresidential Zone Districts
Number of Signs Allowed	None	Any number as long as they are located at least 600 feet from any other permitted sign and at least 1,000 feet from any other billboard sign
Maximum Sign Area	N/A	300 square feet
Maximum Sign Height	N/A	25 feet; lowest point of any sign located within 1,000 feet of intersecting public rights-of-way shall be at least 8 feet above ground
Minimum Setback	N/A	25 feet, and at least 300 feet from intersecting rights-of-way.
Illumination	N/A	Concealed illumination or neon.

(a) *Additional requirements.*

- (1) Billboard signs shall be off-site freestanding signs; attached billboard signs are not permitted.
- (2) A billboard sign is permitted only on undeveloped property and shall be removed when development or redevelopment of the property begins.
- (3) Billboards located on undeveloped or developed property shall be removed when any redevelopment begins that requires a development permit.
- (4) A billboard sign may not have more than two structural supports.

Sec. 18-742. - Light pole banner.

Table 18-742.1 Light Pole Banners			
	Residential Zone Districts		Nonresidential Zone Districts
	Other	Agriculture	
Number of Signs Allowed	None	Two light pole banners may be erected on any nonresidential zone lot that has at least 100 lineal feet of street frontage. Zone lots which have more than 100 lineal feet of street frontage may have two additional banners per 100-foot increment. No more than 2 light pole banners may be attached to one light pole.	
Maximum Sign Area	N/A	15 square feet	
Maximum Sign Height	N/A	Must be attached below the light arm.	
Minimum Clearance	N/A	Seven feet from bottom arm supporting the banner. ^[1]	
Minimum Setback	N/A	No minimum; light pole banners shall only be placed on light poles located on private property. ^[2]	
Illumination	N/A	Only by existing light source on the light pole where the light pole banner is attached.	
^[1] The minimum clearance below a light pole banner may be less than seven feet if the applicant can demonstrate to the satisfaction of the director that the location of the light pole banner will not impede or block the regular flow of vehicle, bicycle or pedestrian traffic.			
^[2] Light pole banners may project onto the public rights-of-way by no more than 30 inches and shall not impede or block the flow of vehicle, bicycle, or pedestrian traffic on streets, sidewalks or trails.			

(a) Additional requirements.

- (1) Light pole banners shall be designed, manufactured and installed specifically for use on light poles.
 - a. Light pole banners shall be made of fabric that can withstand all weather conditions to prevent fading and tearing.
 - b. Banners shall be mounted tautly and at a minimum shall have top and bottom support arms so that no part of the banner is flapping.
- (2) Light pole banners shall be maintained in accordance with Section 18-704(n).
- (3) A new sign permit is required if an approved light pole banner is replaced by a new light pole banner that varies in dimensions or placement to the original approval.

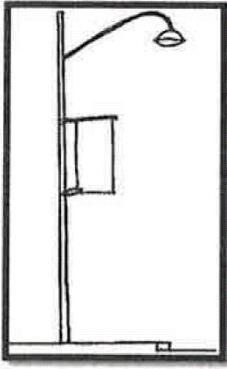


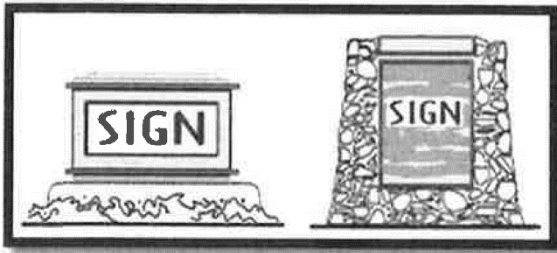
Figure 742.1

Sec. 18-743. - Monument sign.

Table 18-743.1 Monument Signs					
	Residential Zone Districts	EB, ES, and EO Zone Districts	ETD Zone District	A, NS, CR, MU, OI, and TOD Zone Districts	RC, BP, CC, EC, and I Zone Districts
Number of Signs Allowed	Two	General: One per zone lot street frontage longer than 90 linear feet, plus additional signs subject to Section 18-740(4). Large developments: General standard above applies, plus one additional sign per main building ^[1]			
Maximum Sign Area for signs legible from the public right-of-way	42 square feet	40 square feet	60 square feet	60 square feet ^{[2][3]}	100 square feet ^{[2][3]}
Maximum Sign Height	6 feet	8 feet	8 feet ^[4]	30 feet or the height of the building, whichever is less ^[4]	
Notes: ^[1] Provided that (a) the large development has internal roadways with a dedicated public access easement, (b) the additional sign is located adjacent to the internal roadway, (c) the additional sign does not exceed 8 feet in height or 40 square feet in area, and (d) complies with all other requirements of this article. ^[2] For nonresidential lots or large developments adjacent to I-25 or E-470, the bonus signage authorized by Section 18-740(3)a. or 18-740(3)c. may be consolidated into one monument sign. The consolidated sign shall be located on the side of the property adjacent to I-25 or E-470. ^[3] For nonresidential lots or large developments with a primary entrance drive located within 1,000 feet of the center of an interchange with I-25 or E-470, the bonus signage authorized by Section 18-740(3)a. or 18-740(3)d. may be consolidated into one monument sign. The consolidated sign shall be located on the side of the property adjacent to the roadway that intersects with I-25 or E-470. ^[4] For nonresidential lots or large developments adjacent to I-25 or E-470 that have consolidated sign area pursuant to note [1] above, the maximum sign height for the consolidated sign is 50 feet.					

(a) *Additional requirements.*

- (1) Signs in residential districts should be located within a planted landscape area which is of a shape and design that will provide ground definition to the sign and is similar in noncommunicative aspects with the surrounding area.



Sec. 18-744. - Pole sign.

Table 18-744.1 Pole Signs				
	Residential Zone Districts		NS, CR, CC, MU, and OI Nonresidential Zone Districts	RC, BP, EC, and I Nonresidential Zone Districts
	Other	Agriculture		
Number of Signs Allowed	None	One per zone lot containing at least 90 linear feet of street frontage.		
Maximum Sign Area	N/A	40 square feet		80 square feet
Maximum Sign Height	N/A	30 feet or the height of the building, whichever is less.		

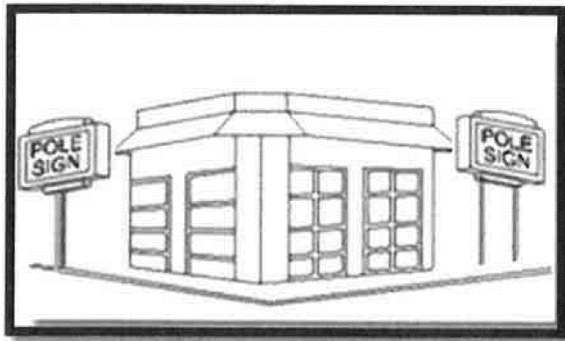


Figure 744.1

Sec. 18-750. - Electronic signs.

Table 18-750.1 Electronic signs	
	All Zone Districts
Number of Signs Allowed	One electronic sign per zone lot and one additional electronic sign per large development.
Maximum Sign Area	50 percent of the total allowed monument sign area; or 30 square feet for wall signs.
Maximum Sign Height	Wall signs shall comply with Sections 18-730 and 18-735. Monument signs shall comply with Sections 18-740 and 18-743.
Minimum Setback	Wall signs shall comply with Sections 18-730 and 18-735. Monument signs shall comply with Sections 18-740 and 18-743.
Illumination	Electronic signs shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare. Lighting from the message module shall not exceed 300 NITs (candelas per square meter) between dusk and dawn as measured from the sign's face. Applications for sign permits containing an electronic display shall include the manufacturer's specifications and NIT (candela per square meter) rating. City officials shall have the right to enter the property and view the programmed specifications of the sign to determine compliance with this provision. Other portions of the sign shall comply with the requirements of Section 18-735 or Division 4 of this article, whichever is applicable.
Minimum message hold time	The displayed message shall not change more frequently than once per five seconds.
Transition method and duration	The sign shall contain static messages only, changed only through dissolve or fade transitions, but which shall otherwise not have movement, or the appearance or optical illusion of movement or varying light intensity, of any part of the sign structure, design or pictorial segment of the sign. The transition time between each message displayed on the sign shall be less than one second.

(a) Additional requirements.

- (1) Electronic signs shall be accessory structures, except as permitted for large developments in Section 18-716.
- (2) Electronic signs are not allowed as pole signs or billboards.
- (3) In residential zones, electronic signs are only permitted on zone lots that are one acre or larger.

- (4) In the Neighborhood Service, Eastlake Business, Eastlake Service, Eastlake Office, and Eastlake TOD zones, electronic signs are permitted on zone lots that are one acre or larger.
- (5) In nonresidential zones, electronic signs are permitted for lots or large developments that are adjacent to I-25 or E-470 or an arterial or collector street. For purposes of this provision, a property shall be considered adjacent to the street or highway even if it is separated from the roadway by a publicly owned tract or a tract with a public easement that is restricted from development based on its use, topography, or physical characteristics.

Sec. 18-760. - Special event sign.

Table 18-760.1 Special Event Signs—Permit Required			
	Residential Zone Districts	Nonresidential Zone Districts	
Number of Signs Allowed	4 sign permits per calendar year, each not exceeding 15 consecutive days	6 sign permits per calendar year, each not exceeding 15 consecutive days	
Maximum Sign Area			
Freestanding and Banners	60 square feet	Floor Area of Use Conducting Event	Maximum Signage
		Less than 25,000 square feet	60 square feet
		25,000 square feet or larger but less than 100,000 square feet	150 square feet
		100,000 square feet or larger	400 square feet
Small Balloons	Unlimited	Unlimited	
Large Balloons, Inflatable Device, pendant strands and Air Dancers	One large balloon or inflatable device	One large balloon; one inflatable device; one air dancer; and 50 linear feet of pendant strands	
Maximum Sign Height			
Banners	Controlled by structure or surface the sign is attached to		
Freestanding Signs and Feather Flags	20 feet		
Small Balloons	No maximum		
Large Balloons, Inflatable Device, Pendant Strands, and Air Dancers	50 feet		
Minimum Setback			
Banners, freestanding signs, and feather flags	10 feet		
Large Balloons, Inflatable Device, Pendant Strands and Air Dancers	Equal to the height of the balloon, inflatable device, pendant strands, or air dancer		
Illumination	None		

- (a) *Additional requirements.*
 - (1) A special event sign permit is required.
 - (2) Special event permit signs are in addition to other temporary signs permitted on the property.
 - (3) Banners.
 - a. Banners shall be securely fastened to a building or other permanent structure located on private property.
 - b. Banners may be attached to a tent or other temporary structure for which a temporary use permit has-been approved.
- (4) The placement of special event signs shall not impede vehicle, bicycle, or pedestrian traffic at any time.

Sec. 18-761. - Temporary sign.

Table 761.1 Temporary Signs — No Permit Required				
	Residential Zones		Nonresidential Zones	
	Less than one acre	One acre or larger	NS, MU, OI, EC, EB, ES, EO, ETD	CR, RC, BP, CC, TOD, I
Number of signs allowed	Any number as long as the total square feet of all signs does not exceed the maximum sign area for that zone district or per building user or tenant, as applicable.			
Maximum sign area per zone lot				
<i>Developed</i>	72 square feet	100 square feet	Less than 25,000 square feet of floor area: 60 square feet per building user or tenant	
			25,000-100,000 square feet of floor area: 105 square feet per building user or tenant	
			100,000 square feet of floor area or larger: 230 square feet per building user or tenant	
<i>Undeveloped</i>	120 square feet	120 square feet	150 square feet	250 square feet
Maximum sign height	6 feet	10 feet	10 feet	20 feet
	Banner height controlled by the structure that the banner is affixed to			
Display duration				
<i>Developed</i>	One sign may be displayed for up to 180 days			
	Remainder of signs may not exceed 30 days of display			
<i>Undeveloped</i>	No limit			
Minimum setback	5 feet or the height of the sign, whichever is larger, and 25 feet from intersecting rights-of-way			
Illumination	Concealed illumination for swing signs only, and the level of illumination shall not exceed five foot-candles when measured five feet from the sign.			

(a) *Additional requirements.*

- (1) Temporary signs may be freestanding signs, banners or feather flags. All other types of temporary signage require a special event sign permit issued in accordance with Section 18-760 of the Code.
- (2) In large developments, the temporary signs authorized by this section may be displayed on any lot within the large development with the written

approval of the property owner or owner's representative. In all other cases, the temporary signs shall be located on the lot with which it is associated.

- (3) Banners shall be securely attached to a building or other permanent structure located on private property.
- (4) Banners may be attached to a tent or other temporary structure for which a temporary use permit has been approved.
- (5) All other signs, including feather flags, shall be securely fastened to the ground to prevent them from falling over or being blown over in the wind.
- (6) Signs, banners or feather flags that fall or blow into the public rights-of-way shall be removed in accordance with the provisions of Chapter 70 of the Code.

Sec. 70-11. - Traditional public forum areas.

- (a) *Applicability.* This section applies only in traditional public forum areas as defined herein.
- (b) *Display right.* In an area qualifying as a traditional public forum, private persons may dress in costume or display signs expressing messages that are within the protection of the First Amendment, without a permit, but subject to the following:
 - (1) The signs must be held by or attended by one or more persons;
 - (2) Signs shall not be inflatable or air-activated;
 - (3) In order to serve the city's interests in traffic flow and safety, persons and signs shall not:
 - a. Visually or physically obstruct, impede or block the flow of traffic or pedestrians on streets, sidewalks or trails;
 - b. Be located on a public street median or round-a-bout;
 - c. Conduct sales, transfer product, or collect monies of any kind; and
 - d. Obstruct or impede scheduled activities.
- (c) *Prohibited sign display.* Other than as allowed in subsection (b) above or in other provisions of this article, no transient signs may be mounted, erected, maintained, or displayed on city property.

Sec. 70-12. - Signs on city property.

- (a) Signs no larger than four square feet may be erected on public bulletin boards located in the public rights-of-way at the following locations:
 - (1) Hoffman Way just north of E. 88th Avenue;
 - (2) E. 108th Avenue just west of Colorado Boulevard near the entrance to the Multipurpose Fields; and
 - (3) Sherwood Hills Park at approximately E. 100th Avenue and Clayton Street.
 - (4) Other public bulletin boards designated by the city.
- (b) Transient signs.
 - (1) Transient signs shall comply with the following:

- a. Signs may be installed with stakes, except that signs placed in landscaped areas as determined by the city as locations that could create underground damage to public improvements shall be constructed as a weighted sign.
- b. Signs may be installed in the public rights-of-way, excluding medians or roundabouts, as provided in this section. No sign shall be installed on a median or on a roundabout.
- c. No sign shall visually or physically obstruct, impede or block the flow of traffic or pedestrians on streets, sidewalks or trails or visually or physically obstruct a traffic control device, railroad sign or signal.
- d. Signs shall not exceed six square feet or four feet in height, and shall not be illuminated.
- e. No sign shall be located within 50 feet of any intersection. See Figure 12.1.
- f. Signs shall be setback five feet from the curb or pavement, unless the street is an unimproved roadway, in which case the sign shall be setback five feet from the flow line of the street.
- g. When placing these signs at permitted locations, no person or vehicle shall obstruct, impede or block the flow of traffic or pedestrians on streets, sidewalks or bikeways.

(2) Additional provisions.

- a. Signs may be erected by a user of city parks or other facilities (other than a public right-of-way) pursuant to a permit issued by the city authorizing the use of that property.
- b. Transient signs shall be displayed in city rights-of-way only during the time period beginning at 5:00 a.m. on Friday and extending to 7:00 a.m. of the following Monday. Transient signs are permitted in other locations if they are in compliance with Section 70-11.

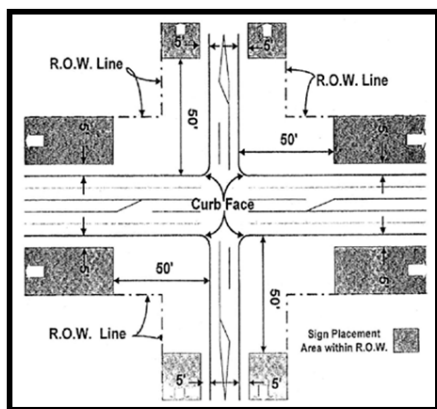


Figure 12.1. Sign Placement Areas within Rights-of-Way

CAMPAIGN REPORTING REQUIREMENTS

GENERAL

The Colorado Constitution Article XXVIII (Article XXVIII), and Colorado Revised Statutes adopt the provisions of the *Fair Campaign Practices Act (FCPA)*, Title 1, Article 45. The Secretary of State's Rule 22 provides more direction for Disclaimer Statements. Copies of those documents are attached behind the *Guidelines*.

Article XXVIII and the *FCPA* set forth certain requirements for Candidates to provide disclosure with respect to receiving campaign contributions and making expenditures. An individual who becomes a Candidate for Mayor or City Council elective office is required to file certain forms with the City Clerk pursuant to these laws regardless of whether you receive or make expenditures. Copies of each blank form are available by request from the City Clerk's Office or [online](#)³. These forms must be filed with the City Clerk's Office.

No information contained in any campaign report may be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

CAMPAIGN REPORTING

All Candidate, political, small donor, and issue committees and political parties are required to report to the City Clerk their contributions received, including the name and address of each person who has made contributions in the amount of \$20 or more; expenditures made; and obligations entered into by the committee. Candidates who do not receive contributions but use only their own funds must file Statements of Personal Expenditures by a Candidate, and Candidates who do not receive contributions and do not make expenditures must file Candidate Statements of Non-Receipt of Contributions or Non-Expenditure of Funds.

All reports will be accepted on a conditional basis and the registered agent and Candidate will be notified in writing if any deficiencies are found or if the report is incomplete. Notice will be provided by electronic mail if an electronic mail address is on file. If none is on file, then the Candidate will be notified by mail.

A completed sample of each form referenced is attached to assist you in completing the requirements of *Article XXVIII* and *FCPA*.

Applicability of Filing Deadlines

These filing deadlines are applicable to all candidate, issue, small donor, and political committees, as well as independent expenditure committees who are contributing in a municipal election.

Political, issue, and small donor committees supporting or opposing municipal Candidates or issues are also required to comply with these filing requirements.

³ <https://www.thorntonco.gov/government/mayor-council/elections-voter-information>

Candidate Affidavit

The Candidate Affidavit must be filed with the City Clerk's Office within 10 days of publicly announcing an intention to run for office and subsequently receiving a contribution or making an expenditure in support of the candidacy. This document must be filed with the City Clerk's office. Refer to the [Candidacy](#) section of these guidelines for more information regarding announcing a candidacy and the Candidate Affidavit.

Posting of Reports

Any report submitted pursuant to *Article XXVIII* and the *FCPA* will be made available for public inspection and placed on the City's website.

If you have questions regarding your particular situation, you may wish to consult with a private attorney who can assist you with an interpretation of the applicable laws and regulations.

Late and Incomplete Filings

Failure to file reports by 11:59 p.m. on the date they are due will result in a \$50 per day fine. *Article XXVIII*, Section 10(2)(a) of the State Constitution, states that the City Clerk shall impose a penalty of \$50 per day for each day that the statement or other information required to be filed is not filed by the close of business on the day due.

All small donor committees and political committees making contributions to municipal Candidates are required to file reports with the City Clerk even if they are registered with the Secretary of State [C.R.S. 1-45-109(1)(b)]. Small donor committees and political committees will be contacted if contributions are reported by a Candidate committee and they have not filed a report with the City Clerk.

Reports must include any contributions or expenditures made up to five days prior to the filing date.

Filing Deadlines

Candidate committees must begin reporting with the next report after the committee is formed if the committee was formed less than 120 days prior to the election.

All candidate, small donor, political, and independent expenditure filing deadlines for reports in the 2025 regular election are as follows:

Period Covered

* - July 2
July 3 - August 1
August 2 - August 31
September 1 - September 30
October 1 - October 15
October 16 - November 29

Filing Date

July 7
August 6
September 5
October 6 (extended – weekend)
October 20
December 4

The reporting period closes five days prior to the filing date.

* From the date a contribution was received, or expenditure made or, for incumbents with open committees, from a prior election from the date covered by the last report filed.

An Annual Report of Contributions and Expenditures will need to be filed on November 1, 2026 (or next business day if the deadline falls on a weekend), and each year thereafter, if a Candidate's statement does not balance to -0- when the December 4, 2025, statement is filed **and** the Candidate has not terminated the committee.

If the Candidate's account balance is -0- on the December 4, 2025 report, the committee may be terminated at that time. See [Terminating Candidate Committee](#) section of these guidelines for more on terminating a committee.

The Annual Report should include the balance at the end of the last reporting period, total of all contributions received, and total of expenditures made during the reporting period.

If the reporting deadline falls on a weekend or legal holiday, the report must be filed by the close of the next business day.

Methods for Filing Reports

Reports must be filed no later than 11:59 p.m. on the date they are due by using one of the three filing methods listed below.

- Through the City's Candidate Reporting [Portal](#)⁸.
- By downloading the Report from the Elections & Voter Information [website](#)³. Scroll to the bottom of the page and click on Campaign Finance Forms – Report of Contributions and Expenditures. [Email](#)⁹ the signed report or deliver to the City Clerk's Office, 9500 Civic Center Drive.
- By requesting an electronic copy of the report through [email](#)⁹. [Email](#)⁹ the signed report or deliver to the City Clerk's Office, 9500 Civic Center Drive.

If you are filing a report using the Excel document, when signed, it may be emailed to the [City Clerk's Office](#)⁹. Reports received after 11:59 p.m. will be deemed received on the following business day will be deemed late and will be subject to the \$50 late filing penalty.

Following is a detailed summary for each of the reporting forms with an example attached.

CAMPAIGN REPORTING FORMS

Report of Contributions and Expenditures Form

Detailed instructions are listed below for completing the individual schedules. Schedules A through D and Statement of Non-Monetary Contributions contain multiple pages, should you need them, regardless of whether you are filing electronically or using the Excel reports. Below is a description of each page of this form (see attached sample) including basic instructions:

⁸ <https://candidatemanager.thorntonco.gov/>

³ <https://www.thorntonco.gov/government/mayor-council/elections-voter-information>

⁹ clerk@thorntonco.gov

- ♦ **Report of Contributions and Expenditures:** This is the first page of the report. It contains all of the basic information about the committee, the type of report being filed and the reporting period, and a summary of the contributions and expenditures for the reporting period.
- ♦ **Detailed Summary:** This page is used to gather and calculate data from the other worksheets. This page and the first page of the report are where you enter your funds on hand from the previous reporting period.
- ♦ **Schedule A - Itemized Contributions:** All monetary contributions of \$20 or more must be reported here. Include the name, address, and description of the individual and if the contribution is more than \$100, include the individual's place of employment and occupation.

Section 1-45-103(6)(d), C.R.S., states that "contribution" does not include the payment of legal fees to advise a Candidate on compliance with campaign finance laws or regulations or to represent a Candidate or Candidate committee in any action in which the Candidate or Candidate committee has been named as a defendant as used in Section 2(5)(a)(II) and (5)(a)(IV) of *Article XXVIII* of the State Constitution. Pursuant to Section 1-45-103(6)(e), C.R.S., "Nor does "contribution" include an intervention by the Secretary of State, as authorized by Section 1-45-111.5(1.5)(g) of the *FCPA*, in any action brought to enforce the provisions of *Article XXVIII* of the State Constitution or Article 45.

- ♦ **Schedule B – Itemized Expenditures:** All expenditures are reported here. Any expenditure of \$20 or more needs to be itemized where indicated on this form and include the name, address, date, and purpose of each expenditure.

Section 1-45-103(10)(b), C.R.S., states that "expenditure" does not include legal services paid to defend a Candidate or Candidate committee against any action brought to enforce the campaign finance provisions of *Article XXVIII* of the State Constitution or Article 45.

- ♦ **Schedule C – Loans:** Each loan from a lending institution, or from the Candidate, received and repaid by the Candidate committee needs to be listed on a separate page.
- ♦ **Schedule D – Returned Expenditures & Contributions:** This form should be used to document any contributions or expenditures, or portions that have been returned during the reporting period.
- ♦ **Statement of Non-Monetary Contributions:** The fair market value of all non-monetary gifts of any amount should be reported here.

NOTE: If a Candidate Committee has expenditures or contributions in 2026, a non-election year, and each year thereafter, reports are to be filed annually on November 1 (or next business day if the deadline falls on a weekend).

Statement of Personal Expenditures by a Candidate

This form is for a Candidate who does not have a committee, has only expended personal funds, and has not accepted or received any contributions or non-monetary contributions. For such Candidates, this form may be substituted for the Report of Contributions and Expenditures.

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

This form is for a Candidate who does not have a committee, has not received contributions or made any expenditures, nor have any expenditures been made. For such Candidates, this form may be substituted for the Report of Contributions and Expenditures.

CANDIDATE COMMITTEES

Committee Registration Form

If you do not intend to accept contributions and will not be expending funds, or will only be expending personal funds, a Committee Registration Form will not need to be filed. However, you will still be required to file campaign reports throughout your candidacy.

The Committee Registration form must be submitted prior to a Candidate accepting any contributions or making an expenditure(s). 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. This form must be filed with the City Clerk's office.

The Committee Registration form asks for the name of a Registered Agent. The Registered Agent, or committee treasurer, is an individual designated to receive mailings and address concerns and questions regarding the committee. A Candidate may serve as their own Registered Agent. However, if there is a Registered Agent, that individual may sign the Committee Registration form and all disclosure reports instead of the Candidate.

A Candidate can only have one Candidate committee.

Bank Accounts

All contributions received by a Candidate committee must be deposited and maintained in a financial institution in a separate account, the title of which must include the name of the committee.

All records pertaining to the account must be maintained by the committee for 180 days following the election.

Contribution Limits

Candidate committees are limited to receiving \$400, per election, of aggregate contributions from any one person, including a political party and excluding a small donor committee.

Candidate committees are limited to receiving \$4,000, per election, in aggregate contributions from any one small donor committee.

Prohibited Contributions

A Candidate committee cannot contribute to another Candidate committee or accept contributions from:

- ♦ Any person who is not a citizen of the United States;
- ♦ A foreign government;
- ♦ Any foreign corporation that does not have authority to transact business in Colorado pursuant to Article 115 of Title 7 of the Colorado Revised Statutes;
- ♦ Another Candidate committee;
- ♦ Issue Committees; or
- ♦ Anonymous donations of \$20 or more.

Contribution Disclosure Requirements

- ♦ All contributions must be reported;
- ♦ Contributions of \$20 or more must be itemized;
- ♦ When a one-time contribution from an individual is \$100 or more, the employer and occupation of the contributor must be disclosed; and
- ♦ Contributions or expenditures exceeding \$100 must be made by check, money order, or traceable funds. No Candidate committee, political committee, small donor committee, issue committee, or political party can accept a contribution, or make an expenditure, in cash (currency or coin) exceeding \$100. [Article XXVIII Section 3(10)].

Unexpended Contributions

Unexpended contributions to a Candidate committee may be contributed to:

- ♦ a political party;
- ♦ a Candidate committee established by the same Candidate for a different public office if the Candidate committee making such contribution is affirmatively closed by the Candidate no later than ten days after the date such contribution is made;
- ♦ donated to a charitable organization recognized by the Internal Revenue Service;
- ♦ returned to the contributors; or
- ♦ retained by the committee for use by the Candidate in a subsequent campaign.
- ♦ In no event shall contributions to a Candidate committee be used for personal purposes not reasonably related to supporting the election of the Candidate.

In addition, a person elected to a public office may use unexpended campaign contributions held by the person's Candidate committee for the following:

- ♦ Voter registration;
- ♦ political issue education;
- ♦ postsecondary educational scholarships;
- ♦ to defray reasonable and necessary expenses related to mailings and similar communications to constituents; and
- ♦ expenses directly related to official duties as an elected official, e.g., purchase or lease of office equipment and supplies.

Expenditure Limits and Disclosure

There are no expenditure limits for Candidate committees in municipal elections. However, expenditures and obligations entered into by the committee must be reported. Expenditures or obligations of \$20 or more must be itemized and no Candidate committee shall make an expenditure in currency or coin exceeding \$100.

An expenditure occurs when the actual payment is made or when there is a contractual agreement and the amount is determined (i.e., an obligation is made).

EXPENDITURES FOR POLITICAL ADVERTISING

A Candidate committee cannot pay any radio or television station, newspaper, periodical, or other supplier of materials, or services a higher charge than that normally required for local commercial customers for comparable use of space, materials or services. Any such rate shall not be rebated, directly or indirectly.

If any radio or television station, newspaper, or periodical charges a Candidate committee a lower rate for use of space, materials, or services than the rate charged another Candidate committee for comparable use of space materials, or services, the difference in such rate must be reported as a contribution to the Candidate committee that was charged the lower rate.

NOTARY SERVICES

Some election forms must be notarized and some must be filed under oath. Notary services are usually available at banks, and at places that provide mailing services such as The UPS Store and FedEx Print & Ship Centers. A notary public may charge up to \$5 for each document notarized. Notary public services are available at the City Clerk's Office on the second floor of City Hall during normal working hours. There is no charge for City-related business, such as notarization of campaign forms for City Candidates. However, the signer must be present and have valid identification.

TERMINATING A CANDIDATE COMMITTEE

For a candidate not elected, the committee must be terminated within one year following the election, unless there is a campaign finance complaint against the committee.

For a candidate elected, the committee must be terminated within one year following the date the candidate leaves office, unless there is a campaign finance complaint against the committee.

If the Candidate's account balance is -0- on the December 4, 2025 report, the committee may be terminated at that time. To terminate the committee, check the box next to "Termination Report" on the front page of the Report of Contribution and Expenditures Form or, if filing electronically, check the box that indicates you are terminating your committee.

FREQUENTLY ASKED CAMPAIGN FINANCE QUESTIONS

1. **Does a Candidate have to list employer and occupation of contributors on Schedule A and the Statement of Non-Monetary Contributions of the Report of Contributions and Expenditures form?** Yes, if a contribution is \$100 or more.
2. **If a Candidate has a committee and has opened a bank account, what form should be filed?** The Report of Contributions and Expenditures form should be used even if the Candidate has only spent his or her own personal money. If the Candidate uses his or her own money to open the account, it should be listed as a contribution on Schedule A.
3. **What should be listed on the non-monetary contributions page of the Report of Contributions and Expenditures form?** Examples of non-monetary contributions include use of office space, tables and chairs, the cost for printing or other materials paid by someone other than the Candidate committee. The fair market value of the item should be the amount entered on that page. If the contribution is coordinated with the Candidate committee, then the box on line 10 needs to be checked and the amount also needs to be listed on the Detailed Summary as a non-monetary expenditure.
4. **Does a Candidate need to open a separate bank account if he/she does not have a committee and only spends personal funds?** No, there is no requirement for a Candidate without a committee to open a separate checking account. In this case, a Candidate should file the Statement of Personal Expenditures by a Candidate instead of the Report of Contributions and Expenditures form.
5. **Can a Candidate pay individuals to do such things as distribute flyers and, if so, how is it reported?** This expenditure is okay as long as it is for campaign purposes. If the amount spent is \$19.99 or less per worker, the total amount can be reported as a non-itemized expenditure on the Detailed Summary page of the Report of Contribution and Expenditures form. If it is \$20 or more then it has to be itemized on Schedule B.
6. **What is the difference between a Candidate making a contribution to or loaning the Candidate committee money?** It is up to the Candidate how they are going to report the funds given to a Candidate committee. If a Candidate doesn't expect to be paid back for the money donated to the committee, then they may choose to report the funds as a contribution. Then if there are funds remaining at the end of the campaign, the committee can return all or a part of the contribution(s) to the Candidate. If the candidate expects to be repaid, then they may choose to report it as a loan.
7. **Can a Candidate loan money to their committee?** Yes, if a Candidate expects to be paid back they may choose to report the funds as a loan using Schedule C which is also the form to report loans from a financial institution. If there are not sufficient funds at the end of the campaign to fully reimburse the Candidate, then the Candidate can forgive all or part of the outstanding loan.

8. **Do I need to file copies of my campaign reports with the Secretary of State or Adams County?** No, Municipal Candidates only file reports with the City Clerk.
9. **If a Small Donor Committee or Political Committee, that is registered with the Secretary of State and files reports with them, donates to my campaign, do they have to submit a report with the City Clerk?** Yes, C.R.S. 1-45-109(1)(b) states that: "candidates in municipal elections, their candidate committees, any political committee in support of or in opposition to such candidate, an issue committee supporting or opposing a municipal ballot issue, and small donor committees making contributions to such candidates shall file with the municipal clerk." Small Donor committees and Political committees will be contacted if they are listed as a contributor to your campaign and have not filed the appropriate reports.
10. **If the Registered Agent changes, does it need to be reported?** For Candidate committees, when a registered agent resigns the candidate becomes the registered agent until the responsibilities are assigned to a new agent. You must file an amended Committee Registration form within 10 days after the resignation of a registered agent or the appointment of a new registered agent.
11. **What if I receive an anonymous contribution?** All anonymous contributions of \$20 or more must be donated to a charitable organization recognized by the Internal Revenue Service or transmitted to the State Treasurer.
12. **Can a Candidate Committee accept contributions from a "Go Fund Me" (or similar) Account?** Contributions can be paid through a third party such as "Go Fund Me", provided all contributions of \$20 or more are reported on the Report of Contributions and Expenditures form and includes the name and address of everyone who has donated \$20 or more. If the "Go Fund Me" service charges 10% for collecting the funds, for example, a contribution of \$100 would be listed as a \$100 contribution and the \$10 charge would be listed as an expenditure to "Go Fund Me." It is still considered a \$100 donation because that is the amount donated/contributed to the "Go Fund Me" account. The Committee is still required to list the name, address, employer and occupation for a donation of \$100 or more. If the donation is \$20, it would need to be listed as a \$20 contribution and as a \$2.00 expenditure to "Go Fund Me."
13. **Can I schedule an In-Person or Zoom meeting with you if I have questions about my report?** Yes, a meeting can be requested via [Email](mailto:clerk@thorntonco.gov)⁹, or by calling the City Clerk at 303-538-7309. Please request an In-Person or Zoom meeting at least two days prior to the deadline for filing reports and remember that the City Clerk's office cannot provide legal advice.

³ clerk@thorntonco.gov

IMPORTANT CAMPAIGN DATES

The conduct of an election requires the City Clerk, Candidates, and voters to adhere to specific deadlines. The following is a list of important dates to remember. The majority of the dates are legal deadlines and cannot be waived. It is suggested that you enter these dates in your personal calendar.

DATE	ACTION
THURSDAY, JUNE 5	Candidate Briefing
MONDAY, JULY 7	Contribution and Expenditures Report Due (Reporting period: any contributions & expenditures thru 07/02/2025) (120 th day before election)
TUESDAY, AUGUST 5	Nomination Petitions may be picked up or printed from the City's website and circulated 91 days before the election
WEDNESDAY, AUGUST 6	Contribution and Expenditures Report Due (Reporting period: any contributions & expenditures 07/03/2025 thru 08/01/2025) (90 th day before election)
MONDAY, AUGUST 25	Nomination Petitions are due to the City Clerk by 5:00 p.m. 71 days prior to the election
FRIDAY, AUGUST 29	Last day to withdraw from Nomination is no later than 64 days before the election (64 th day falls on a Sunday, shortened to Friday)
WEDNESDAY, SEPTEMBER 3	Election Commission meets to draw names to determine the order of the candidates on the ballot
FRIDAY, SEPTEMBER 5	Contribution and Expenditures Report Due (Reporting period: any contributions & expenditures 08/02/2025 thru 08/31/2025) (60 th day before election)
MONDAY, OCTOBER 6	Contribution and Expenditures Report Due (Reporting period: any contributions & expenditures 09/01/2025 thru 09/30/2025) (30 th day before election) (30 th day falls on a Sunday, extended to Monday)
MONDAY, OCTOBER 13	Ballots mailed to active registered voters not sooner than 22 days and no later than 18 days before the election, except UOCAVA voters
MONDAY, OCTOBER 13	Last day to register to vote through a <u>voter registration drive</u>

DATE	ACTION
MONDAY, OCTOBER 17	Last day ballots mailed to active registered voters not sooner than 22 days and no later than 18 days before the election, except UOCAVA voters
MONDAY, OCTOBER 20	Contribution and Expenditures Report Due (Reporting period: any contributions & expenditures 10/01/2025 thru 10/15/2025) (15 th day before election)
MONDAY, OCTOBER 27	Last day to register to vote by mail or online at www.govotecolorado.com to receive a ballot by mail
TUESDAY, NOVEMBER 4	ELECTION DAY
THURSDAY, DECEMBER 4	Contribution and Expenditures Report Due (Reporting period: any contributions & expenditures 10/16/2025 thru 11/29/2025) (30 days after the election)

IMPORTANT TELEPHONE NUMBERS

The following telephone numbers are provided to assist you with election and City government related questions.

Election-Related Questions	
Kristen Rosenbaum, City Clerk	303-538-7309
Crystal Sergent, Deputy City Clerk	303-538-7357
Sign Code Questions and Complaints Regarding Placement of Election Signs in the Public Right-of-Way	
Code Compliance	303-538-7517
Voter Registration Questions/Requests for Voter Registration Records	
Adams County Elections Office 4430 S. Adams County Parkway, Suite 3102 Brighton, CO 80601-8207	720-523-6500
General City Government Information	
City Clerk's Office	303-538-7230
GIS Department (to obtain City ward maps)	303-538-7295

REFERENCED WEBSITE ADDRESSES

Website

Website Address

City of Thornton Website Pages

- | | | |
|---|--|---|
| 1 | Main Website Page | https://www.thorntonco.gov/ |
| 2 | Agendas & Packets | https://thorntonco.primegov.com/public/portal |
| 3 | Elections & Voter Information | https://www.thorntonco.gov/government/mayor-council/elections-voter-information |
| 4 | E-Newsletters (T-Alerts) | https://talerts.thorntonco.gov/ |
| 5 | Election Signs | https://www.thorntonco.gov/business-development/city-development/building-permits-inspections/sign-permits |
| 6 | City's Festivals | https://www.thorntonco.gov/community-culture/festivals-events |
| 7 | Campaign Report Forms / Filing Reports | https://www.thorntonco.gov/government/mayor-council/elections-voter-information |
| 8 | Candidate Reporting Portal | https://candidatemanager.thorntonco.gov/ |
| 9 | City Clerk Email Address | clerk@thorntonco.gov |

Other Referenced Websites

- | | | |
|----|---|---|
| 10 | Colorado Secretary of State: Voter Registration | http://www.govotecolorado.gov |
| 11 | Adams County Election Office | https://www.adamscountycoelections.gov/ |



Charter of the City of Thornton

Last amended on November 5, 2024

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CHARTER OF THE CITY OF THORNTON, COLORADO

PREAMBLE

We, the people of Thornton, Colorado, under the authority of the Constitution of the State of Colorado, do ordain, establish, and adopt this Charter for our municipal government.

CHAPTER I NAME AND BOUNDARIES

1.1. NAME AND BOUNDARIES. The municipal corporation heretofore existing as the “City of Thornton” in Adams County of Colorado shall remain and continue a body politic and corporate and under this Charter shall be known as the “City of Thornton” with the same boundaries until changed in a manner authorized by law.

CHAPTER II MUNICIPAL POWERS

2.1. POWERS, RIGHTS, AND LIABILITIES. By the name of the City of Thornton the municipal corporation shall have perpetual succession; shall own, possess and hold all property, real and personal heretofore owned, possessed and held by the City of Thornton and does assume and shall manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities and shall acquire all benefits and does assume and shall pay all bonds, obligations and indebtedness of said City of Thornton; may, in the name of the City of Thornton, sue and defend, plead and be impleaded in all courts and places and in all matters and proceedings; may purchase, receive, hold and enjoy, or sell and dispose of real and personal property; may have and use a common seal and alter the same at pleasure.

The City shall have all the power of local self-government and home rule and all power possible for a city to have, under the Constitution of the State of Colorado. The City shall also have all powers that now or hereafter may be granted to municipalities by the laws of the State of Colorado, and the enumeration of particular powers in this Charter is not exclusive of others. All such powers shall be exercised in the manner prescribed in this Charter or, if not provided for herein, in such manner as shall be provided by ordinance of the Council of the City. All ordinances of the City of Thornton in force at the time this Charter goes into effect shall continue in force except insofar as they may conflict with the provisions of this Charter or shall be amended or repealed by ordinances enacted under the authority of this Charter.

2.2. FORM OF GOVERNMENT. The municipal government provided by this Charter shall be known as the “Council-Manager Government.” Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this Charter all powers of the City shall be vested in an elective Council and such other boards, commissions, departments, and officials as are provided for in this Charter.

CHAPTER III ELECTIONS

3.1. REGULAR MUNICIPAL ELECTIONS. Regular municipal elections shall be held on the first Tuesday in November in the odd-numbered years.

3.2. SPECIAL MUNICIPAL ELECTION. Special City elections shall be held when called by resolution of the Council at least forty (40) days in advance of such election, or when required by this Charter or statute. Any resolution calling a special election shall set forth the purpose of such election.

3.3. LAWS GOVERNING ELECTIONS. Regular and special municipal elections shall be governed by the Colorado Municipal Election Law as now existing or hereafter amended or modified, except as otherwise provided in this Charter or as Council

may prescribe by ordinance. The Council may by ordinance establish election procedures, the method for registration of electors, the number, qualifications and compensation for election judges and clerks, and the boundaries of election precincts.

3.4. RECALL FROM OFFICE.

- (a) Any person holding elective office may be recalled at any time after six months in office pursuant to the procedures set forth in this Charter, in those State statutes, as from time to time amended, which do not conflict with this Charter and which establish procedures for the recall of municipal elective officers, and in those City ordinances which do not conflict with the Charter or those State statutes.
- (b) A recall petition must be signed by registered electors of the City numbering at least twenty-five percent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be recalled occupies. For the purpose of this Section, the "last preceding election" shall be the last preceding election at which the person sought to be recalled was elected to office, unless the person sought to be recalled was appointed to fill a vacancy, in which event it shall be the last preceding election at which the person who created the vacancy was elected to office.
- (c) No signature on a recall petition shall be valid if signed on a date more than sixty days prior to the date the signed petition is filed with the City Clerk.
- (d) No recall election shall be held if the person sought to be recalled occupies one of the offices to be filled at a regular election which is scheduled within ninety days after submission of the recall petition.
- (e) After one recall petition and election, no further petition shall be filed against the same person during the term for which such person was elected or appointed, unless the signers number at least fifty percent of the votes cast at the last preceding election for all candidates for the office held by such person, the number to be determined in the manner described in this Section.
- (f) A copy of the recall petition shall be filed with the City Clerk prior to any signatures being placed on the petition. The City Clerk shall provide, upon request, sample forms of petitions which conform to the requirements of this Charter.
- (g) The officer with whom any protest is filed shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents. Upon failure of any witness to obey the subpoena, the officer may enforce the subpoena as provided by ordinance or may petition the Municipal Court and, upon proper showing, the Court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the order of Court shall be punishable as a contempt of court.
- (h) Except as to requirements contained in this Charter, in the State statutes, as from time to time amended, applicable to the recall of municipal elective officers, and in City ordinances, the form, content, approval and other petition requirements in the municipal initiative statutes, as from time to time amended, shall apply as nearly as practicable to recall petitions.
- (i) If a regular Municipal election is scheduled to be held within ninety (90) days after submission of the recall petition, even though that election is not the one at which the office held by the person sought to be recalled would otherwise be filled, the recall election shall be held at the same time as that regular Municipal election.
- (j) If a general statewide election is scheduled to be held within ninety (90) days after submission of the recall petition, the recall election shall be held at the same time as that statewide election.

- (k) A recall petition may be withdrawn at any time prior to thirty (30) days preceding the day scheduled for a vote, by filing with the City Clerk a written request for withdrawal signed by a majority of the persons who are designated in the petition as representing the signers on matters affecting the petition. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

CHAPTER IV

CITY COUNCIL - MEETINGS

4.1. CITY COUNCIL. The City Council shall consist of nine (9) members, one of whom shall serve as Mayor. The City Council shall constitute the legislative and governing body of the City and shall have power and authority, except as otherwise provided in this Charter, to exercise all powers conferred upon or possessed by the City, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof. The Council shall also have all legislative powers and functions of municipal government conferred by general law, except as otherwise provided in this Charter.

4.2. WARDS.

- (a) The City is hereby divided into four (4) wards. The Council shall change the boundaries of such wards to reflect population shifts at least once every ten (10) years. Changes in the boundaries of wards shall be made by ordinance adopted by the City Council, which changes shall be made at least one hundred eighty (180) days prior to any regular municipal election, except that territory added to the City shall become a part of the ward or wards as determined by ordinance even if the addition is effective within the one hundred and eighty day period. Wards shall be contiguous and compact, and, as far as practical, shall have approximately the same number of residents.
- (b) No change in the boundary of any ward shall operate to exclude any Councilmember from office before the expiration of the term for which the incumbent was elected or appointed.

4.3. TERMS.

- (a) The terms of office of the Councilmembers hereafter to be elected in accordance with the provisions of this Charter shall be for four (4) years commencing on the first Council meeting, regular or special, following their election and shall continue during the term for which they shall have been elected until their successors shall have been elected and qualified. Every two (2) years at the regular municipal election one Councilmember shall be elected from each ward for a four (4) year term.
- (b) A Mayor shall be elected at-large for a term of four (4) years, the term of the Mayor commencing at the same time as herein provided for Councilmembers.

4.4. QUALIFICATIONS. No person shall be eligible to be elected or appointed to the office of Mayor or Councilmember unless the person is a citizen of the United States, at least twenty-five (25) years of age, shall have been for one (1) year immediately preceding such election or appointment a resident of the City of Thornton, Colorado, and is a registered elector. In addition to these requirements no person shall be eligible for the office of Councilmember unless the person is and has been a resident of the ward for the time period required by the Colorado Municipal Election Code. Any person who is a resident of the City or of any area annexed to or consolidated with the City for the required length of time, as herein provided, shall be deemed to meet the resident requirements of this Section. A person who has been convicted of a felony shall not be eligible to become a candidate for City office. No person shall serve as Mayor or Councilmember while also holding another elected position in government.

4.5. VACANCY.

- (a) If a vacancy occurs in the office of Mayor, the Mayor Pro-Tem shall become the Acting Mayor immediately. The Acting Mayor shall serve until the next regular election and then the Acting Mayor shall resume the duties

as Councilmember for the remainder of that Councilmember's unexpired term of office. The term of office for Mayor at a regular election following a vacancy in that office shall be for four years.

- (b) If a vacancy occurs in the office of Councilmember, the Council shall appoint an eligible person to fill such vacancy if one year or less of the term remains. Such appointment shall be by a majority of the members of the Council in office at the time. If more than one year of the vacant term remains, such vacancy shall be filled at a special election to be held within 120 days of the date of the vacancy but not within 90 days of a regular municipal election. Should the vacancy occur within 90 days of a regular municipal election, the vacancy will be filled at the regular election. The term of office for a Councilmember elected to fill a vacancy shall be for the remainder of the vacated term."
- (c) A vacancy shall exist when an elective officer fails to qualify, dies, resigns, is removed from office, moves from the City, moves from the ward from which elected, is incapacitated or is absent continuously therefrom for more than three (3) months, is convicted of a felony, or is judicially declared mentally incompetent. That such cause of vacancy exists shall be established by competent evidence thereof and placed on record in the Council minutes. The Council shall determine the validity of the evidence and, based on its determination, decide when a vacancy exists.

4.6. COMPENSATION OF MAYOR AND COUNCILMEMBERS. The members of the Council shall receive such compensation as the Council shall by ordinance prescribe; but such compensation may increase or decrease only on the date of the first regular or special Council meeting following any regular election and only if the increase or decrease was adopted prior to the date of the election. The Mayor and Councilmembers may, upon order of the Council, be paid such necessary bona fide expenses incurred in service in behalf of the City as are authorized and itemized.

4.7. OATH OF OFFICE. Every elective and appointive officer of the City, before entering upon the duties of the office, shall take the oath or affirmation of office prescribed by Section 8 of Article XII of the Constitution of the State, together with an oath or affirmation to support this Charter and the ordinances of the City and to faithfully perform the duties of the office. In case of failure to comply with the provisions of this Section within ten (10) days from the date of appointment, or within ten (10) days from the date prescribed in this Charter to take office, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify as above set forth.

4.8. MAYOR.

- (a) The Mayor shall preside over meetings of the Council, shall have the right to speak and vote therein as any other member, shall be recognized as head of the City government for all ceremonial purposes, and shall execute and authenticate legal instruments requiring the signature of the Mayor.
- (b) The Mayor shall be a conservator of the peace, and in emergencies may exercise within the City the powers conferred by the Governor of the State of Colorado for purposes of military law, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the City and to suppress riot and disorder. Except as may be required by statute, the Mayor shall exercise only such power as specifically conferred by this Charter or the Council. For the purposes of this Section 4.8, "emergencies" means existing conditions actually arising from unforeseen contingencies which immediately endanger public property, health, peace, or safety.

4.9. MAYOR-PRO TEM. The Council shall, during the first Council meeting, regular or special, following each regular election, elect one of its members to serve as Mayor-Pro Tem for a term of two (2) years. In the event of absence or disability of the Mayor, the Mayor-Pro Tem shall serve as Mayor. Such election shall be by written ballot and by majority of the members of the Council in office at the time. In the event of absence or disability of both the Mayor and the Mayor-Pro Tem, the Council may designate another of its members to serve as Acting Mayor during such absence or disability. The Mayor-Pro Tem and Acting Mayor, when serving as Mayor, shall have all the power, duties, responsibility and authority of the Mayor.

4.10. REGULAR MEETINGS. The Council shall provide by ordinance for the time and number of regular Council meeting or meetings each month provided the Council may, by resolution, change the time and place of any particular regular meeting.

4.11. SPECIAL MEETINGS. Special meetings of the Council shall be called by the Clerk on the written request of the Mayor, or by any three members of the Council on at least twenty-four (24) hours written notice to each member of the Council, served personally, left at the member's usual place of residence, or delivered electronically or by other technology to the member's residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

4.12. BUSINESS OF SPECIAL MEETINGS. No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Council present consent thereto and all the members absent file their written consent.

4.13. MEETINGS TO BE PUBLIC. All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe. The Council may hold executive sessions as the Council may determine and may exclude from said meetings the public and citizens, provided however, no formal and legally binding action by the Council for the City shall be taken at any such executive sessions.

4.14. QUORUM. A majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all Council meetings.

4.15. ORGANIZATION AND RULES OF THE COUNCIL. The Council shall determine its own organization, rules, and order of business subject to the following provisions:

- (a) Minutes of each meeting shall be kept in the English language by the Clerk and shall be signed by the presiding officer and clerk of the meeting.
- (b) A vote upon all ordinances and resolutions shall be taken by a "Yes" or "No" vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to state that the vote was unanimous.
- (c) There shall be no standing committees of the Council.
- (d) The Council shall follow Robert's Rules of Order, newly revised, as from time to time amended, except to the extent otherwise provided by this Charter or by ordinance.
- (e) The Council shall, by ordinance, adopt procedures relating to its organization and operation, including attendance at meetings, which are consistent with this Charter, and shall compile its procedures which are of a general and permanent nature in a procedures handbook.

4.16. BOARD OF HEALTH. The Council shall see that provision is made for the public peace and health, and for the safety of persons and property. The Council shall constitute the Board of Health of the City, and it and its officers shall possess all powers, privileges and immunities granted to boards of health by statute. The Council may by ordinance designate and appoint an existing area-wide health department as the City Health Department.

4.17. POWER TO MAKE CONTRACTS.

- (a) The Council may enter into contracts and leases on behalf of the City and may, by ordinance, delegate such power to officers or employees of the City subject to limits specified within the ordinance. All written contracts, to which the City is a party, including utilities contracts, shall be approved as to form by the City Attorney before final approval. All written contracts to which the City is a party shall be reviewed as to substance by the City Manager before final approval.

- (b) The Council may make contracts or spend money for capital improvements including those financed in whole or in part by issuance of bonds, and may make contracts or leases or contracts for services for a period exceeding the budget year in which such contract or lease is made, if otherwise not prohibited under this Charter. The City may enter into long term contracts or leases.
- (c) Except for contracts issued for acquiring water and rights thereto, or for acquiring, improving, or extending a municipal water system and except for long term rentals and leaseholds entered into pursuant to Section 11.7, any contract which is made for a period exceeding the budget year in which it is made and which contains an express statement that the full faith and credit of the City is pledged for its payment shall be subject to the election requirement of Section 11.2(a) and the debt limitation of Section 11.3.

4.18. CONTRACTS WITH OTHER GOVERNMENTAL BODIES. In addition to any authority granted by state statute or constitution, the Council by resolution may enter into contracts with other governmental bodies to furnish governmental services and make charges for such services, or enter into cooperative or joint activities with other governmental bodies.

4.19. APPOINTMENTS BY COUNCIL. The Council shall appoint the officers and all members of the boards and commissions as provided in this Charter. Except as otherwise provided herein, such persons shall serve at the pleasure of Council and may be removed at any time, with or without cause.

4.20. CONFLICT OF INTEREST. No member of the Council shall be interested directly in any contract with the City. No member of the Council shall vote on any question in which the member has a financial interest, other than the common public interest, or on any question concerning the member's own conduct.

4.21. ELECTIVE OFFICERS NOT TO BE EMPLOYED FOR TWO YEARS. No elective officer, under this Charter, may be appointed to any City office or be employed by the City during the term of office for which elected or for two (2) years thereafter, provided that after the expiration of that term of office, the officer may be appointed as a member of an independent board or commission or fill a vacancy in the position of Councilmember.

4.22. SELL OR OTHERWISE DISPOSE OF CITY PROPERTY. Any property owned by the City may be sold or otherwise disposed of by the City on approval of the Council by resolution passed by majority vote of members of the Council. After approval by the City Council, the City Manager and City Clerk are authorized to execute for the City the required documents including deeds, bills of sale, assignments or other appropriate documents. The Council may, by ordinance, delegate to officers or employees of the City the power to sell or otherwise dispose of any personal property owned by the City, subject to the limits specified within the ordinance.

4.23. CONTINUITY OF GOVERNMENT – DISASTERS AND EMERGENCIES. The City Council shall provide by ordinance for continuity of government of the City in the event of natural or enemy-caused disaster or emergency. Such ordinance shall provide for an orderly line of succession of City elected officials with the authority to take appropriate action for the protection of life and property, and provide for alternative Council meeting locations or use of telecommunication systems for Council meetings during a disaster or emergency notwithstanding the provisions of this Charter.

CHAPTER V

GENERAL ADMINISTRATIVE ORGANIZATION

5.1. DEPARTMENTS CREATED. The administrative functions of the City shall be performed by the departments as are or may be established by this Charter or ordinances of the City.

5.2. OPERATION OF DEPARTMENTS. All departments of the City except as otherwise provided in this Charter, shall be under the supervision and control of the City Manager, who shall have the right to divide such departments into separate divisions and to assign the various functions and duties to the different departments and divisions.

5.3. CITY MANAGER - APPOINTMENT AND QUALIFICATIONS. The Council shall appoint a City Manager within ninety (90) days after any vacancy exists in such position. The City Manager shall hold office at the pleasure of a majority of the Council, subject to the rights herein contained. The City Manager shall be selected solely on the basis of executive and administrative qualifications with special reference to actual experience in and knowledge of accepted practice in respect to the duties of the office as hereafter set forth. At the time of appointment, the City Manager need not be a resident of the City or State, but during tenure of office the City Manager shall reside within the City. The entire time and business interest of the City Manager shall be devoted to the management of the City's affairs, and the City Manager shall not, while in office, be an employee of, or perform any executive duty for any person, firm, corporation or institution other than the City of Thornton. The salary of the City Manager shall be fixed by the Council. Before the City Manager may be removed at any time after one year of service, the City Manager may demand written charges and a public hearing on the same before the Council, and the same shall be given prior to the date on which final removal of the City Manager shall take effect. Pending such a hearing, the Council may suspend the City Manager from office; and during such suspension, the Council shall designate some properly qualified person other than a member of the Council to perform the duties of the office. Following the hearing, the Council may remove the City Manager by resolution declaring it finds and determines that such removal is to the best interest of the City. Such decision shall be final. Upon such termination, the Council may in its discretion, provide termination pay.

5.4. CITY MANAGER - FUNCTIONS AND DUTIES. The City Manager shall be the chief administrative officer of the City government and shall have the following functions and duties:

- (a) To be responsible to the Council for the efficient administration of all administrative departments of the City government except the department under the direction of the City Attorney. As to this department the powers herein granted shall not be applicable unless specifically provided.
- (b) To see that all laws and ordinances are enforced.
- (c) To appoint the heads of the several City departments whose appointment is not otherwise specified in this Charter, and to direct and supervise such department heads.
- (d) To give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements.
- (e) To see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed.
- (f) To recommend an annual budget to the Council and to administer the budget as finally adopted under policies formulated by the Council, and to keep the Council fully advised at all times as to the financial conditions and needs of the City.
- (g) To recommend to the Council for adoption such measures as the City Manager may deem necessary or expedient; and to attend Council meetings with the right to take part in discussions but not to vote.
- (h) To exercise and perform all administrative functions of the City that are not imposed by this Charter or ordinance upon some other official. Notwithstanding any other provision in this Charter to the contrary, the City Manager may, in the event of an emergency, exercise complete administrative authority over any department, department head, or City employee and all City owned property. The City Manager shall determine when such emergency exists.
- (i) To be responsible for the maintenance of a system of accounts of the City which shall conform to any uniform system required by the Council and which shall conform to generally accepted principles and procedures of governmental accounting. The City Manager shall submit financial statements to the Council monthly, or more often as the Council directs.
- (j) To act as Purchasing Agent for the City and in such capacity to purchase all supplies and equipment and dispose of the same in accordance with procedures established by the Council.

- (k) To establish, to the extent the authority is delegated by the City Council, personnel rules and regulations governing officers and employees of the City.
- (l) To perform such other duties as may be prescribed by this Charter or required of the City Manager by ordinance or by direction of the Council.
- (m) To prepare an annual report of the affairs of the City, including a financial report. Copies of such audit and annual report shall be made available for public inspection at the office of the City Clerk.

5.5. ACTING CITY MANAGER. The Council may appoint or designate an Acting City Manager during the period of vacancy in the office or during the absence of the City Manager from the City or disability of the City Manager. Such Acting City Manager shall, while in such office, have all the responsibilities, duties, functions, and authority of the City Manager.

5.6. RELATIONSHIP OF COUNCIL TO ADMINISTRATIVE SERVICE. Neither the Council nor any of its members shall dictate the appointment of any person to office by the City Manager or in any way interfere with the City Manager or other City officer to prevent the City Manager from exercising judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager.

5.7. CLERK - FUNCTIONS AND DUTIES.

- (a) The City Clerk shall be the Clerk of the Council and shall attend all meetings of the Council and shall keep minutes of its proceedings in the English language, and shall be appointed and removed by the City Manager with the approval of the Council.
- (b) The Clerk shall be custodian of the City seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same. The Clerk shall also be custodian of all papers, documents, and records pertaining to the City, the custody of which is not otherwise provided for.
- (c) The Clerk shall certify by signature all ordinances and resolutions enacted or passed by the Council.
- (d) The Clerk shall have power to administer oaths of office.
- (e) The Clerk shall perform such other duties as may be prescribed by this Charter, by the Council or by the City Manager.

5.8. CITY TREASURER - FUNCTIONS AND DUTIES.

- (a) The City Treasurer shall be the Director of Finance. The Director of Finance shall be appointed by the City Manager with the approval of the City Council.
- (b) The Director of Finance shall keep and supervise all accounts and evidences of indebtedness of the City and shall receive and have custody of all monies of the City.
- (c) The Director of Finance shall keep and deposit all monies or funds in such a manner as may be directed by the City Manager or by ordinance.
- (d) The Director of Finance shall disburse all City funds in accordance with the provisions of this Charter and such procedures as may be established by ordinance.
- (e) The Director of Finance shall perform such other duties as may be prescribed by this Charter, by ordinance adopted pursuant to this Charter, or by the City Manager.

- (f) There shall be established, in conformity with generally accepted principles and procedures of governmental accounting, appropriate utility funds into which shall be deposited all revenues received from City utility services.

5.9. CITY ATTORNEY.

- (a) The Council shall appoint a City Attorney for an indefinite term. The City Attorney shall be an attorney at law admitted to practice law in the State of Colorado and have a minimum of five (5) years experience in the active practice of law. The Council may provide the City Attorney with such assistance as the Council may deem necessary.
- (b) The City Attorney shall act as legal advisor to, and be attorney and counsel for, the Council and shall be responsible solely to the Council. The City Attorney shall advise any officer or department head of the City in matters relating to the officer's or department head's official duties when so requested.
- (c) The City Attorney shall prosecute ordinance violations, shall conduct for the City cases in Court and before other legally constituted tribunals, and shall file with the Clerk copies of documents as the Council may direct.
- (d) The City Attorney shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted by the Council or City Manager and shall promptly give an opinion as to the legal consequences thereof.
- (e) The City Attorney shall call to the attention of the Council all matters of law, and changes or developments therein, affecting the City.
- (f) The City Attorney shall perform such other duties as may be prescribed by this Charter or by the Council.
- (g) The City Attorney or the Council may retain special legal counsel to handle any matter in which the City has an interest, or to assist and counsel with the City Attorney therein. The compensation of any special legal counsel retained by the City Attorney must be within budgetary limits established by the City Council.
- (h) The compensation of the City Attorney and of special legal counsel shall be set by the Council.

CHAPTER VI MUNICIPAL COURT

6.1. MUNICIPAL COURT. There shall be a Municipal Court, which shall be a qualified municipal court of record, to hear and determine all cases arising under this Charter or the ordinances of the City, subject to appeal in the manner provided by law. The Court may punish contempt of Court within limitations established by ordinance. The Court may enforce its orders and judgments as provided by general law; and may render final judgment on any forfeited bond or recognizance returnable to such Court subject to appeal as in other cases. Cash bonds may be provided for or taken in lieu of property, individual, or corporate surety bonds.

6.2. PRESIDING OFFICER - QUALIFICATIONS AND COMPENSATION. The Municipal Court shall be presided over and its functions exercised by one or more judges, who are registered electors of the State of Colorado, at least twenty-five (25) years of age, and licensed to practice law by the Supreme Court of the State of Colorado, appointed by the Council to serve at the pleasure of the Council. The Council shall designate the presiding judge. Each judge shall receive a fixed salary or compensation, not dependent upon the outcome of the matters to be decided, and to be fixed by the Council from time to time. In the event all regularly appointed judges are absent, disqualified or unable to act in any matter or case, the presiding judge or, in the absence of the presiding judge, the Mayor, may call any eligible person to act and serve temporarily.

- (a) The Council shall provide a suitable place and all supplies and things necessary for the proper functioning of the Court.
- (b) The forms of the complaint and all other rules, procedures and proceedings in the Municipal Court shall be fixed by the presiding municipal judge. The court costs, fines, surcharges, assessments and fees in the Municipal Court shall be prescribed by the Council by ordinance or resolution after receiving the recommendation of the presiding judge.

CHAPTER VII

PERSONNEL AND CAREER SERVICE

7.1. CAREER SERVICE SYSTEM

- (a) The Council shall enact an ordinance establishing a Career Service System. The City Council shall have authority over the assignment of positions to the Career Service System.
- (b) The ordinance establishing a Career Service System shall embody the following principles but shall not necessarily be limited to them:
 - (1) Subject to approval of the Council, classification of all regular Career Service positions shall be made by the City Manager. The City Manager shall determine the duties, requirements, and qualifications for each position.
 - (2) Employment shall be based on open and competitive examinations as to fitness for employment consistent with generally accepted employment guidelines established by the City Manager upon recommendation of the department responsible for human resources. Actual employment shall be made by the City Manager.
 - (3) Employment and promotions shall be made by the City Manager from an eligibility list approved by the department responsible for human resources.
 - (4) Placement of names on the eligibility list for employment and promotions shall be as follows:
 - (i) If there are more than three (3) qualified applicants for a position and all are regular employees, competitive examinations shall be given. The names shall be placed on the eligibility list based on the final passing scores from high to low score.
 - (ii) If there are three (3) or fewer qualified applicants for a position and all are regular employees, the City Manager may determine whether competitive examinations will be given. In the absence of examinations, the names shall be placed on the eligibility list in alphabetical order by last name.
 - (iii) If any qualified applicant for a position is not a regular employee, competitive examinations shall be given. The names shall be placed on the eligibility list based on the final passing scores from high to low score.
 - (iv) Whenever a competitive examination is to be given pursuant to Paragraph (i) or (ii) of this Subsection (4), the City Manager may permit qualified applicants who are not regular employees to take the examination.
 - (5) Each regular employee in the Career Service System shall be subject to a one (1) year probation employment period or such other probation employment period as the Council may set by ordinance for the employee's position. After the department responsible for human resources has verified that the employee has been continuously employed as a regular employee for the applicable probationary period and has, as determined by the City Manager, satisfactorily met all the terms and conditions of the probationary period, the City Manager shall declare an employee in the Career Service System to be "certified" as of the end of the employee's probationary period.
 - (6) All certified employees who claim unjust suspension, demotion or discharge, shall have the right to request and receive a hearing as designated by ordinance. The decision following the hearing shall be final and binding on all parties. The procedure for the hearing shall be established by ordinance.

- (c) The City Manager or the Manager's designee shall annually conduct and complete a wage survey for all employees in the Career Service System. In preparing the pay plan, in addition to considering the wage survey, the City Manager or designee shall consider any recommendations and pay surveys made and conducted by employees or organizations representing employees. The pay plan, including fringe benefits shall be equal to general prevailing rates of employers (public and private sector) selected by the City Manager and approved by the City Council and shall provide like pay for like work. The City Council shall approve the pay plan.
- (d) The Council shall annually enact a pay plan for all positions in the Career Service System. The Council shall before adopting a pay plan, conduct a public hearing on the pay plan. At said hearing any employees or agents or representatives of employees, including unions, may appear in addition to any other interested parties. Prior to said hearing, each employee shall be given written notice of the hearing. A notice advertising the public hearing shall be published in a manner set forth by ordinance at least ten (10) days before said hearing.

Following said hearing the Council shall adopt a resolution enacting a pay plan for the next ensuing fiscal year meeting the requirements of this Section. The adoption of such pay plan shall constitute a legislative act and shall be final and binding as to all wages for the next ensuing fiscal year.

- (e) Fringe benefits and overtime pay shall be annually based on the wage survey, but such benefits and pay shall not be less than the following:
 - (1) In addition to the annual salaries as set out in the adopted pay plan, hours of active duty assigned to and performed by members of the Career Service in excess of the established work day or established work week, shall be compensated by overtime or compensatory time off.
 - (2) Each eligible employee of the City shall be provided with a pension plan. The City shall annually contribute to said fund in accordance with the provisions of the pension contract.
 - (3) Each full-time regular employee shall be eligible for the City's group insurance program which shall be a comprehensive program including health insurance, life insurance and disability insurance. The City shall annually provide in the budget monies for the City participation in this program.
 - (4) The City shall provide the following schedule of annual vacation leave for each employee:
 - 1 - 5 years - 12 days per year accrued
at 1 day per month
 - 6 - 10 years - 15 days per year accrued
at 1-1/4 days per month
 - 11 - 15 years - 18 days per year accrued
at 1-1/2 days per month
 - 16 - 20 years - 21 days per year accrued
at 1-3/4 days per month
 - Over 20 years - 24 days per year accrued
at 2 days per month
 - (5) The City shall compensate employees of the City for ten (10) paid holidays per year.
 - (6) Sick leave shall be accumulated at a rate of one day per month of employment with the City.
 - (7) The City shall provide and/or furnish a uniform allowance to employees required to wear a uniform.
- (f) The policy and procedure concerning employee grievances are as follows:
 - (1) Grievances are employee complaints on those matters involving a phase of employment, working conditions or working relationships that are of concern and interest to an employee. Wherein such employee feels that the employee has been dealt with in an unfair or capricious manner in violation of the employee's rights as an employee, the employee may resort to the grievance procedure hereinafter provided.
 - (2) A grievance procedure is necessary to resolve grievances as quickly as possible, to correct the causes and prevent future similar complaints, to assure fair and equitable treatment of all levels of employees. An employee who feels aggrieved, may have another employee from within the aggrieved employee's

department attend each of the meetings with the aggrieved employee, upon requesting same from the aggrieved employee's supervisor. Every effort shall be made to resolve grievances through an oral discussion between the employee and the employee's immediate supervisor. If the dispute is not resolved in this manner, an established grievance procedure shall be followed. The grievance procedure shall not take more than thirty-five (35) calendar days. Time limits may be extended by mutual agreement or mitigating circumstances.

(g) As used in this Section 7.1:

- (1) "Employment" is the initial hiring of a person by the City Manager to work for the City and does not include a demotion, promotion or transfer.
- (2) "Regular employee" is an employee in a regular position, as established by the City Council, and may be within or outside the Career Service System.
- (3) "Certified employee" is a regular employee in the Career Service System who has been declared certified by the City Manager as provided herein.

7.2. SURETY BONDS. Except as otherwise provided in this Charter, all officers of the City whose duties involve the custody of public property or the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the Council shall, before they enter upon the duties of their respective offices, file with the City an official bond, in such form and amount as the Council shall direct and approve. Such official bond of every officer and employee shall be conditioned that the officer or employee will on demand deliver over to any successor in office, or other proper officer or an agent of the City, all books, papers, monies, effects, and property belonging thereto, or appertaining to the office, which may be in custody as an officer or employee; and such bonds may be further conditioned as the Council shall prescribe. The official bond of every officer whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that the officer will, on demand, pay over or account for to the City, or any proper officer or agent thereof, all monies received as such officer or employee. The requirements of this paragraph may be met by the purchase of one or more appropriate blanket surety bonds covering all, or a group of, City employees and officers. The requirements of this paragraph may also be met by the purchase of one or more blanket crime insurance policies covering all, or a group of, City employees and officers as determined by the City Manager.

All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. The Clerk shall be custodian of all bonds of all officers or employees, except that the Treasurer shall be custodian of any bonds pertaining solely to the Clerk. In the event the offices of the Clerk and Treasurer are held by the same person, then the City Manager shall be custodian of any bonds pertaining to the Clerk and Treasurer.

7.3. DELIVERY OF OFFICE. Any officer or employee who ceases to hold such office or employment for any reason whatsoever shall within five (5) days, or sooner on demand, deliver to a supervisor or successor in office all books, papers, monies, and effects in the custody of such officer or employee. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under the statute. Any employee found guilty by a competent tribunal of violating this provision may be punished by fine or imprisonment, or both, as determined by the Court.

7.4. PECUNIARY INTEREST PROHIBITED.

- (a) No contract or purchase involving an amount in excess of one hundred dollars (\$100.00) shall be made by the City in which an elective or appointive officer or any member of the officer's family has any pecuniary interest, direct or indirect. For the purposes of this Section 7.4 only, a "contract" shall include any arrangement or agreement pursuant to which any material, service or other thing of value is to be furnished to the City for a valuable consideration to be paid by the City or sold or transferred by the City, except the provision of personal services within the scope of employment as an officer of the City; the term "member of the officer's family" shall include spouse, children, and the spouse of any of them, and such other persons or classes of persons as may be provided by ordinance; and the term "officer" means each member of the City Council, each municipal judge, the City Manager, and the City Attorney.

- b) Without limiting the generality of Paragraph (a) of this Section, an officer shall be deemed to have a pecuniary interest in a contract if the officer or any member of the officer's family is an employee, partner, officer, director or sales representative of the person, firm or corporation with which such contract is made. Ownership, individually or in a fiduciary capacity, by an officer or member of the officer's family of securities, or of any beneficial interest in securities, of any corporation with which a contract is made, or which is a sales representative of any person, firm or corporation with which such contract is made, shall not be deemed to create a pecuniary interest in such contract unless the aggregate amount of such securities, or interest in such securities, so owned by such officer or the members of the officer's family, shall amount to ten (10) percent of any class of the securities of such corporation then outstanding.
- (c) Any officer who knowingly permits the City to enter into any contract in which the officer has a pecuniary interest without disclosing such interest to the Council prior to the action of the Council in authorizing such contract, shall be guilty of misconduct in office or employment.
- (d) The City Council shall adopt, by ordinance, a code of ethics which shall apply to City officers and employees, to members of City boards and commissions, and to such other persons or classes of persons as the City Council may provide. The ordinance shall not conflict with the Charter and shall include, at a minimum, provisions regulating conflicts of interest, appearances of impropriety, use or disclosure of confidential information, appearances before City boards and commissions, use of City property and employee services, conduct following termination of City employment or conclusion of a term of office, receipt of gifts or favors, and definitions of the terms contained in this Section 7.4. No such ordinance or amendment thereto shall be adopted as an emergency ordinance.

7.5. COMPENSATION OF EMPLOYEES AND OFFICERS.

- (a) The compensation of all employees and officers of the City whose compensation is not provided for herein shall be fixed by the appointing officer or body within the limits of budget appropriations and in accordance with any pay plan adopted by the Council. The City may, from time to time, contract for professional services, and for such services pay such fees and charges as may be agreed upon.
- (b) Nothing contained in this Section shall prohibit the payment of necessary bona fide expenses incurred in service in behalf of the City.

7.6. ANTI-NEPOTISM. The following relatives and their spouses (a) of any elective official or spouse, or (b) of the City Manager or spouse, are disqualified from holding any appointive office during the term for which said elective official was elected or during the tenure of office of the City Manager; child, grandchild, parent, grandparent, brother, sister, half brother and half sister. All relationships shall include those arising from adoption. This Section shall in no way disqualify such relatives or their spouses who are bona fide appointive officers or employees of the City at the time of the election of said elective official or the appointment of said City Manager.

CHAPTER VIII LEGISLATION

8.1. PRIOR CITY LEGISLATION. All valid bylaws, ordinances, resolutions, rules and regulations of the City which are not inconsistent with this Charter and which are in force and effect at the time of the effective date of this Charter shall continue in full force and effect until repealed or amended. Those provisions of any effective valid bylaw, ordinance, resolution, rule or regulation which are inconsistent with this Charter are hereby repealed.

8.2. ORDINANCES AND RESOLUTIONS, AND MOTIONS. In all legislative matters coming before it, the Council shall act only by ordinance, resolution or motion. In addition to such acts of the Council as are required by this Charter to be by ordinance, every act of the Council making an appropriation, authorizing the borrowing of money, levying a tax, establishing

any rule or regulation for the violation of which a fine or jail penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance.

8.3. FORM OF ORDINANCES. All ordinances shall be introduced in written form and no ordinance or Section thereof shall be amended or repealed except by an ordinance regularly adopted. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Thornton, Colorado".

8.4. PROCEDURE FOR PASSAGE OF ORDINANCES.

- (a) An ordinance may be introduced at any regular or special meeting and shall be read in full at the time it is introduced or, in cases where copies of the ordinance are available to the Council and to those persons in attendance at said Council meeting, said ordinance may be read by title only. It may be passed on first reading by the affirmative vote of not less than a majority of the members elected to the Council at the meeting at which it is introduced.
- (b) No ordinance may be passed on second and final reading earlier than ten (10) days after the first reading, provided this provision shall not apply to emergency ordinances.
- (c) An ordinance may be read by title only for its second reading at any regular or special meeting. It may be passed on second and final reading by a majority of the members of the Council present, provided a quorum exists. An ordinance may be amended after first reading and passage and before second reading and final passage, provided said amendment or amendments do not change the stated purpose of the ordinance. The text of any such amendment or amendments shall be read in full unless copies of the amendment or amendments are available to the Council and to those persons in attendance at the Council meeting.
- (d) The effective date of all ordinances shall be on the date of final passage unless another date is prescribed herein.
- (e) The yes and no votes shall be taken upon the passage of all ordinances, resolutions, and motions and entered upon the journal of the Council proceedings. Should any Councilmember being present refuse to vote on any measure, the Councilmember's vote shall be recorded in the affirmative, but no such vote shall be recorded if the Councilmember refuses to vote because of a conflict of interest.

8.5. PASSAGE OF EMERGENCY ORDINANCES. An ordinance which is declared therein to be an emergency ordinance which is immediately necessary for the preservation of the public peace, health, safety, or financial well-being of the City, may be enacted at the regular or special meeting at which it is introduced by seven affirmative votes without any requirement of prior posting or publication and without any requirement of a second reading and passage. Such emergency ordinances, after passage, shall be posted and the title published as required by this Charter.

8.6. POSTING AND PUBLICATION. The full text of each ordinance after passage on first reading and before second reading and final passage, and after second reading and final passage, shall be posted as provided for by ordinance of the Council. The title of each ordinance and a statement that the ordinance is on file in the City Clerk's office for public inspection shall be published in a manner set forth by ordinance as provided in this Charter after first passage and before second passage and again after second and final passage.

8.7. AMENDMENT OR REPEAL. No ordinance, section or subsection thereof shall be amended, superseded, or repealed except by an ordinance regularly adopted. No ordinance shall be amended by reference to its title only, but the revised sections or subsection of the ordinance, as amended, shall be reenacted. However, an ordinance, section or subsection thereof may be repealed by reference to its title and ordinance or code number only.

8.8. RETAINING ORDINANCES. All ordinances shall be retained by the Clerk and it shall be the duty of the Mayor and Clerk to authenticate such ordinances by their official signatures thereon, but the failure to so retain and authenticate an ordinance shall not invalidate it or suspend its operation.

8.9. PENALTIES FOR VIOLATION OF ORDINANCES. The Council may, by ordinance, provide for the enforcement of its ordinances by fine or imprisonment, or both.

8.10. CODES. The City Council may adopt, by ordinance, codes by reference in such manner as it deems appropriate.

8.11. CODIFICATION OF ORDINANCES. The Council shall direct and complete the codification of all ordinances of the City of a general and permanent nature and shall provide for the subsequent amendments thereto so that such amendments may readily be made a part of such published code and maintained thereafter in current form. Any such codification may originally include provisions not previously contained in ordinances of the City. The Council shall provide for making copies of the codification available for public inspection and for distribution to the public at a reasonable charge therefor and shall publish notice of the printing and availability of such codification before the effective date thereof. Such printing and making available of the codification and notice thereof shall constitute publication of any such codification, other provisions of this Charter for publication notwithstanding.

The copies of the ordinance and the codification thereof, and of provisions adopted by reference may be certified by the Clerk, and when so certified, shall be competent evidence in all Courts and other legally established tribunals as to the matter contained therein.

8.12. INITIATIVE AND REFERENDUM. The initiative and referendum apply only to ordinances of a legislative character. An ordinance may be initiated by petition, or a referendum on an enacted ordinance may be had by petition, as hereafter provided. The referendum provision of this Charter shall not apply to any ordinance which contains therein a declaration that said ordinance is necessary for the immediate preservation of the public peace, health or safety, nor shall the referendum provision apply to appropriations for the support and maintenance of any City department.

8.13. INITIATIVE OR REFERENDUM PETITION.

- (a) An initiative or referendum petition shall be signed by registered electors of the City numbering not less than ten (10) percent of the number of persons who were registered electors of the City, as of the date of the last regular City election, and all signatures on said petition shall be obtained within twenty-one (21) days before the date of filing the petition with the City Clerk. Any such petition shall be addressed to the Council and may be aggregate of two or more petition papers identical as to content and simultaneously filed by one person. An initiative petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendum petition shall identify the ordinance or part thereof, or code section it proposes to have repealed. A referendum petition shall be void unless filed with the City Clerk within thirty (30) days from the effective date of the ordinances to which such petition refers.
- (b) Those State statutes applicable to the initiation or referral of a municipal ordinance and which do not conflict with this Charter shall apply to the initiation or referral of a City ordinance. The City Council may, by ordinance, provide for the withdrawal of any initiative or referendum petition, and establish initiative and referendum procedures which do not conflict with this Charter or with State statutes made applicable by this Charter.

8.14. COUNCIL PROCEDURE ON INITIATIVE AND REFERENDUM PETITIONS. Upon the presentation to the City Council of an initiative or referendum petition by the City Clerk, the Council shall, within thirty days, either:

- (a) Adopt the ordinance as submitted by an initiative petition;
- (b) Repeal the ordinance, or part thereof, referred to by a referendum petition; or
- (c) Submit the proposal provided for in the petition to the electors and schedule an election thereon.

8.15. SUBMISSION OF INITIATIVE AND REFERENDUM ORDINANCE TO ELECTORS. Should the Council decide to submit the proposal to the registered electors, it shall be submitted at the next Municipal election held in the City for any other purpose or, in the discretion of the Council, at a special Municipal election called for that specific purpose. In the case of an initiative

petition if no Municipal election is to be held in the City for any other purpose within one hundred fifty (150) days from the time the petition is presented to the Council and the Council does not enact the ordinance, then the Council shall call a special Municipal election within sixty (60) days from such date of presentation for the submission of the initiative proposal. The result of all Municipal elections held under the provisions of this Section shall be determined by a majority vote of the registered electors voting thereon.

8.16. MISCELLANEOUS PROVISIONS ON INITIATIVE AND REFERENDUM.

- (a) The presentation to the Council by the Clerk of a valid and sufficient referendum petition containing a number of signatures of registered electors of the City equal to ten (10) percent of the number of persons who were registered electors of the City as of the date of the last regular Municipal election, which signatures have been obtained within twenty-one (21) days before the date of filing the petition with the Clerk, shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors.
- (b) An ordinance adopted by the electorate through initiative proceedings may not be amended or repealed for a period of six (6) months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted for a period of six (6) months after the date of the election at which it was repealed; provided, however, that any ordinance may be adopted, amended, or repealed at any time by appropriate referendum or initiative procedure in accordance with the foregoing provisions of this Chapter or if submitted to the electorate by the Council on its own motion.
- (c) If two or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.
- (d) The Council, on its own motion, may submit any proposed ordinance or question to a vote of the registered electors at any regular or special election.
- (e) The City Clerk shall provide, upon request, sample forms of initiative and referendum petitions which conform to the requirements of this Charter.
- (f) An initiative or referendum petition may be withdrawn at any time prior to thirty (30) days preceding the day scheduled for a vote, by filing with the City Clerk a written request for withdrawal signed by a majority of the persons who are designated in the petition as representing the signers on matters affecting the petition. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

8.17. SINGLE SUBJECT REQUIREMENT – INITIATED AND REFERRED MEASURES.

- (a) No measure proposing an amendment to the ordinances of the City by means of a petition for initiative or referendum shall be submitted to the registered electors of the City if the measure contains more than one subject.
- (b) The City Clerk shall approve for petition circulation measures proposing referred ordinances or initiated ordinances only when such measures contain a single subject.
- (c) As used in this section, the single subject requirement means that the matters in the measure submitted for voter approval are necessarily or properly connected and are not disconnected or incongruous.

CHAPTER IX

GENERAL FINANCE - BUDGET, AUDIT

9.1. FISCAL YEAR. The fiscal year of the City and of all its agencies shall begin on the first day of January of each year and end on the thirty-first day of December of the same year unless otherwise provided by ordinance.

9.2. BUDGET PROCEDURES. The City Manager shall prepare and submit to the Council, as required by ordinance, a recommended budget covering a period including at least the next fiscal year, which shall include the Utilities Budget, and shall include therein at least the following information:

- (a) Detailed estimates of all proposed expenditures for each department, office, and agency of the City; and for the Court, showing the expenditures for corresponding items for the last preceding fiscal year in full; and for the current fiscal year.
- (b) Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and outstanding, and the condition of sinking funds, if any.
- (c) Detailed estimates of all anticipated revenues of the City from sources other than taxes with a comparative statement of the amounts received by the City from each of the same similar sources for the last preceding fiscal year in full, and for the current fiscal year.
- (d) A statement of the estimated balance or deficit for the end of the current fiscal year.
- (e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures.
- (f) Such other information as the Council may request or require.
- (g) If required by Council by resolution or ordinance, a schedule showing all recommended capital outlay expenditures during the following five (5) fiscal years, including recommended capital outlay expenditures for all City operations.

9.3. BUDGET HEARING. A public hearing on the proposed budget shall be held before its final adoption at such time and place as the Council shall direct. Notice of such public hearing and notice that the proposed budget is on file in the office of the Clerk shall be published at least one week in advance of the hearing. The complete proposed budget shall be on file for public inspection during office hours at such office for a period of not less than one (1) week prior to such hearing.

9.4. ADOPTION OF BUDGET. Prior to the end of each fiscal year, the Council shall by resolution adopt a budget for a period including at least the next fiscal year, and shall provide for a levy of the amount necessary for at least the next fiscal year to be raised by taxes upon real and personal property for City purposes. The Council shall thereupon cause the total levy to be certified to the County Assessor for collection. On or before the last day of the current fiscal year the Council shall appropriate, by ordinance, the money needed for City purposes during a period including at least the next fiscal year of the City. The annual appropriation ordinance shall be based upon the budget as adopted.

9.5. BUDGET CONTROL.

- (a) Except for purposes which are to be financed by the issuance of bonds or by special assessment, no money shall be drawn from funds of the City except in accordance with an appropriation thereof, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year, except that money from any contingency fund may be transferred by resolution at any time during the year.

- (b) The Council by resolution may transfer any unencumbered appropriation balance or any unappropriated surplus of any fund or any portion thereof from one account, department, fund or agency to another.
- (c) The Council may by ordinance, amend the appropriations ordinance during the fiscal year but any supplemental appropriations shall not exceed the amount by which actual and anticipated revenues of the year are exceeding the revenues as estimated in the budget, unless the appropriations are necessary to relieve an emergency endangering the public health, peace or safety. The Council may, by ordinance, reduce appropriations, except amounts required for debt and interest charges, to such a degree as necessary to keep expenditures within the revenues and for other purposes.
- (d) The City Manager shall submit to the Council data showing the relation between the estimated and actual revenues and expenditures to date on a monthly basis or more often if required by the Council.
- (e) The balance in any budget appropriation at the end of the fiscal year shall become a part of the same fund for the next fiscal year.
- (f) The City Manager may, at any time, transfer any unencumbered and unappropriated balance, or portion thereof, between accounts within any fund.

9.6. DEPOSITORY. The Council shall designate depositories for City funds, which shall be banks or savings and loan associations which are eligible public depositories under State law, and shall provide for the regular deposit in interest or non-interest bearing accounts of all City monies exclusive of investments as provided in Section 9.7. The Council shall provide for such security for City deposits as is authorized or permitted by statute, except that personal surety bonds shall not be deemed proper security.

9.7. INVESTMENTS. Subject to the provisions of this Charter, monies remaining in any fund which the City Treasurer may determine are available for investment may, in the discretion of the City Treasurer, be invested in one or more of the securities permitted by the statutes of Colorado for the investment of state funds or by the statutes of Colorado for the investment of municipal funds, or in bonds payable out of the revenues of any service or facility furnished by the City; or in general obligation bonds of the City. Interest on such investments shall be credited to the fund to which the invested money belongs, if such can be determined, otherwise to the General Fund of the City.

9.8. INDEPENDENT AUDIT - ANNUAL REPORT. Subject to the provisions of this Charter, independent audits shall be made of all City accounts at least annually, and more frequently if deemed necessary by the Council. Such audits shall be made by Certified Public Accountants, experienced in municipal accounting, selected by the Council.

9.9. COPIES OF AUDIT. Copies of such audit and annual report shall be made available for public inspection at the office of the City Clerk.

CHAPTER X

TAXATION

10.1. COLLECTION OF TAXES. Until the Council shall otherwise provide by ordinance, the County Treasurer shall collect City taxes in the same manner and at the same time as State taxes are collected. In like manner the Council may provide for collection of special improvement assessments by said Treasurer. All laws of this State for the assessment of property and the levy and collection of general taxes, sale of property for taxes, and the redemption of the same, shall apply and have as full effect in respect to taxes for the City as of such general taxes, except as modified by this Charter. The County Treasurer shall report and pay to the City the amount of tax collections of the City for the preceding month.

10.2. LIMITATION ON TAX INCREASES. Any increase, as defined and interpreted in the Colorado Constitution, in property, sales or use tax rates shall be approved by the voters.

10.3. AUTHORITY TO ACQUIRE PROPERTY. In addition to all other power which it has to acquire property, the City of Thornton is hereby authorized to purchase or otherwise acquire property on which there are delinquent taxes and/or special assessments. The City may also dispose of any property acquired under this authority.

CHAPTER XI

MUNICIPAL BORROWING

11.1. FORMS OF BORROWING. The City may borrow money and issue securities or enter into other obligations to evidence such borrowing in any form and in any manner determined by the Council to be advantageous to the City, and not in conflict with the provisions of this Charter.

11.2. GENERAL OBLIGATION SECURITIES.

- (a) No securities which mature after the close of the fiscal year in which they are issued and which are payable in whole or in part from the proceeds of ad valorem property taxes or to which the full faith and credit of the City are pledged, shall be issued, except in pursuance of an ordinance, nor until the question of their issuance shall be submitted to a vote of the registered electors at a special or regular election and approved by a majority of those voting on the question.
- (b) The election requirement of Subsection 11.2(a) does not apply to securities issued for acquiring water and rights thereto, or acquiring, improving or extending a municipal water system.

11.3. LIMITATION ON INDEBTEDNESS. The City may issue general obligation securities and refunding securities which are general obligation securities only if the aggregate principal amount of all such securities does not exceed ten (10) percent of the assessed valuation of the taxable property within the City as shown by the last preceding assessment for City purposes. Excluded from this debt limitation shall be securities which mature prior to the close of the fiscal year in which they are issued, securities issued for acquiring water and rights thereto, or for acquiring, improving, or extending a municipal water system, or for refunding such water securities, and securities which have been refunded or otherwise defeased.

11.4. REVENUE SECURITIES. The City, pursuant to ordinance, shall have the power to issue revenue securities without an election for any public purpose payable in whole or in part from any source of revenues other than ad valorem property taxes or from any combination of sources of revenues other than ad valorem property taxes.

11.5. REFUNDING SECURITIES.

- (a) The City, pursuant to ordinance, may issue its securities without an election for the purpose of refunding outstanding securities to accomplish any refunding purpose determined by the Council to be advantageous and favorable to the City. Any refunding securities which are revenue securities may be payable in whole or in part from any source of revenue other than ad valorem property taxes or any combination of sources of revenues other than ad valorem property taxes.
- (b) Refunding securities may be issued in such principal amount and otherwise on such terms as the Council may determine to be necessary or appropriate to accomplish the refunding purpose. The period of payment of refunding securities shall not exceed the time necessary or appropriate to accomplish the refunding purpose and in no event shall exceed a longer term than thirty (30) years from the date of the refunding bonds.

11.6. SECURITIES, INTEREST, SALE. The maximum interest rate and all other terms of securities shall be fixed by or pursuant to an ordinance and such securities shall be sold to the best advantage of the City as determined by the Council. All securities may contain provisions for calling the same prior to the final due date.

11.7. LONG TERM RENTALS AND LEASEHOLDS. In order to provide necessary land, buildings, equipment, and other property for governmental or proprietary purposes, the City is hereby authorized to enter into long term rental or leasehold agreements. Such agreements may include an option or options to purchase and acquire title to such leased or rented

property within a period of not exceeding the useful life of such property, and in no case exceeding forty (40) years. Each such agreement and the terms thereof shall be concluded by an ordinance duly enacted by the City, and no election shall be necessary to enter into such agreements. No such ordinance shall take effect before thirty (30) days after its passage. The Council is authorized and empowered to provide for the payment of said rentals from a general levy imposed upon both personal and real property included within the boundaries of the City, or by imposing rates, tolls, and service charges for the use of such property or any part thereof by others, or from any other available municipal income, or from any one or more of the above sources. The obligation to pay such rentals shall not constitute an indebtedness of the City within the meaning of this Charter or of the constitutional limitations on contracting of indebtedness by cities.

Property acquired or occupied pursuant to this Charter shall be exempt from taxation so long as used for authorized governmental or proprietary functions of the City.

11.8. LIMITATION OF ACTIONS. In addition to any other restrictions provided by ordinance, no action or proceeding, at law or in equity, to review any elections, acts or proceedings, or to question the validity of or to enjoin the performance of any act or the issuance or payment of any securities, or the levy or collection of any taxes, or for any other relief against any acts or proceedings of the City done or had under this Chapter XI of this Charter, and with reference thereto, whether based upon irregularities or jurisdictional defects shall be maintained, unless commenced within thirty (30) days after the election or performance of the act or effective date of the resolution or ordinance complained of, or else be thereafter perpetually barred.

CHAPTER XII

IMPROVEMENT DISTRICTS

12.1. POWER TO CREATE IMPROVEMENT DISTRICTS AND TO ACQUIRE, CONSTRUCT, OR INSTALL IMPROVEMENTS AND TO ISSUE SPECIAL ASSESSMENT SECURITIES.

- (a) The Council shall have the power to contract for, acquire, construct, or install special or local improvements of every character within designated districts of said City, and to assess the cost thereof wholly or in part upon the property specially benefited.
- (b) The Council shall by ordinance prescribe the method and manner of creating special or local improvement districts, making such improvements, letting contracts therefor, assessing part or all of the cost thereof against the benefited property, and paying or issuing special assessment securities for costs and expenses of the organization of said districts and of the acquisition, construction, or installation of said improvements, and all things in relation thereto.
- (c) Nothing herein contained shall be construed to limit the power of the Council to otherwise act in accordance with the Constitution and Statutes of Colorado in carrying out such purposes.

12.2. IMPROVEMENT DISTRICT SECURITIES - GENERAL BENEFIT.

- (a) In consideration of general benefits conferred on the City at large from the acquisition, construction, or installation of improvements in special or local improvement districts, the City Council may levy annual taxes on all taxable property within the City at a rate not exceeding three (3) mills in any one year, the proceeds thereof to be disbursed among the following purposes with such priority as contracted for or as otherwise determined by the Council:
 - (1) Paying any assessment levied against the City itself, whether or not imposed on City-owned property, in connection with securities issued for any special or local improvement districts;
 - (2) Advancing money to provide for the payment of principal or interest, or both, on securities issued for any special or local improvement district; or

- (3) Establishing reserves or otherwise securing the payment of securities issued for any special or local improvement district in the manner provided for in the authorizing ordinance(s).
- (b) In lieu of such tax levies, the Council may, in its sole discretion, apply any available money of the City for the purposes listed above in Paragraph (a), but in no event shall the amount so applied (together with any such taxes so collected) in any one year exceed the amount which would result from a tax levied in such year as herein limited. In the event of such application, the City may reimburse itself from taxes levied (not exceeding three (3) mills), or from the collection of assessments, to replace moneys so applied. The Council may direct by ordinance the disposition of such taxes or of such available moneys, or of any surplus assessments, including without limitation the deposit of such moneys to the surplus and deficiency fund provided for in Section 12.3 of this Charter.
- (c) The provisions of this Section do not limit or impair the powers granted in any other section of this Charter.
- (d) Securities of any special or local improvement district payable from special assessments, which payment may be secured or additionally secured as provided in this Section, shall not be subject to any debt limitation nor exhaust the City's debt incurring power, nor shall such securities be required to be authorized at any election; and such securities shall not be held to constitute a prohibited lending of credit or donation, nor to contravene any constitutional, statutory, or Charter limitation or restriction.

12.3. SURPLUS AND DEFICIENCY FUND. Where all outstanding securities have been paid in a special or local improvement district and any moneys remain to the credit of the district, the Council may transfer such moneys to a special surplus and deficiency fund. The Council may prescribe by ordinance the manner in which any moneys deposited in said surplus and deficiency fund may be applied.

12.4. ADDITIONAL COMMITMENT TO PAY IMPROVEMENT DISTRICT SECURITIES. If the City has so contracted in the ordinance(s) authorizing the issuance of improvement district securities, and if at least four-fifths of the outstanding securities for such special or local improvement district have been paid and canceled, and if for any reason the remaining assessments are not paid in time to take up the remaining securities of the district, then the City shall pay the remaining securities when due and shall reimburse itself by collecting the unpaid assessments due the district.

12.5. REVIEW OF IMPROVEMENT DISTRICT PROCEEDINGS. In addition to any other restrictions provided by ordinance, no action or proceeding, at law or in equity, to review any acts or proceedings, or to question the validity or enjoin the performance of any act, or the issue or collection of any bonds, or the levy or collection of any assessments, authorized by this Charter, or for any other relief against any acts or proceedings done or had under this Chapter, or of the City, with reference thereto, whether based upon irregularities or jurisdictional defects, shall be maintained, unless commenced within thirty (30) days after the performance of the act or the effective date of the resolution or ordinance complained of, or else be thereafter perpetually barred.

CHAPTER XIII

LAND USE AND PLANNING

13.1. COMPREHENSIVE PLAN. The Master Plan for the City shall also be known as the Comprehensive Plan. The Council shall approve the Comprehensive Plan and any amendments after considering any recommendations by boards or commissions. The Council shall periodically update the Comprehensive Plan and subsidiary land use, functional, or infrastructure plans, and may receive recommendations from boards or commissions on such updates as designated by resolution. The Council shall adopt and amend plans for clearing and rebuilding of blighted areas and plan for redevelopment in the City, and may receive recommendations from boards or commissions on such plans as designated by resolution.

13.2. LAND DEVELOPMENT AND GROWTH MANAGEMENT. The City may establish and collect from development projects payments, charges or impact fees for public improvements and facilities, dedications of property and fees in lieu thereof, and requirements to recover costs for public facilities provided to serve future land development in order for new development,

not current citizens, to bear its proportionate share of the costs of public improvements and facilities reasonably necessitated by growth. Further, the City may regulate the rate of growth or adopt other measures to promote quality and coordinated development.

CHAPTER XIV

BOARDS AND COMMISSIONS

14.1. GENERAL PROVISIONS.

- (a) The City Council shall establish by ordinance all citizen boards and commissions necessary and required to carry out the duties and responsibilities provided in City codes and ordinances.
- (b) All regular and special meetings of such boards and commissions shall be open to the public, except that any such board or commission may hold executive sessions if and to the extent permitted by ordinance, but no formal or legally binding action shall be taken at any such executive session. Copies of all minutes of such meetings shall be kept and placed in the office of the City Clerk for public inspection. Public records of such boards and commissions shall be open for inspection as and to the extent provided by the State public records statutes.

CHAPTER XV

FRANCHISES

15.1. FRANCHISES REMAIN IN EFFECT. All franchises to which the City is a party when this Charter becomes effective shall remain in full force and effect in accordance with their respective terms and conditions.

15.2. GRANTING OF FRANCHISES.

- (a) All franchises and all renewals, and extensions thereof and amendments thereto shall be granted only by ordinance. No exclusive franchise shall ever be granted. No franchise shall be granted for a longer period than twenty (20) years.
- (b) Any ordinance granting a franchise shall be subject to an election upon the submission of a referendum petition in the manner provided in this Charter, except that the ordinance granting such franchise shall be subject to an election notwithstanding a declaration in such ordinance that the ordinance is necessary for the immediate preservation of the public peace, health, or safety, and except that such a petition need be signed by only five (5) percent of the number of persons who were registered electors of the City as of the date of the adoption of the ordinance. If such an election is ordered, the grantee of the franchise shall deposit the cost thereof with the City Clerk in an amount determined by the City Manager. No franchise election shall be held until the grantee deposits the cost thereof with the City Clerk in an amount determined by said City Manager.
- (c) No such franchise ordinance shall be approved by the Council before thirty (30) days after application therefor has been filed with Council nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk an unconditional acceptance of all terms of such franchise.

15.3. TERMS AND CONDITIONS. The Council shall, by ordinance, establish procedures, terms, fees, compensation, conditions, and other matters which the Council deems appropriate relating to the granting of franchises.

15.4. REVOCABLE PERMITS. The Council may grant a permit at any time for the temporary use or occupation of any public right-of-way, street, alley, or public place, provided such permit shall be revocable by the Council at its pleasure whether such right to revoke be expressly reserved in such permit or not.

CHAPTER XVI

MISCELLANEOUS

16.1. VESTED RIGHTS CONTINUED. After the effective date of this Charter the City shall be vested with all property, monies, contracts, rights, credits, effects and the records, files, books, and papers belonging to it under and by virtue of operation under statutes governing second class cities.

No right or liability, either in favor of or against the City, existing at the time this Charter becomes effective and no suit or prosecution of any character shall in any manner be affected by any change, resulting from the adoption of this Charter, but the same shall stand or proceed as if no change had been made. All debts and liabilities of the City shall continue to be the debts and liabilities of the City, and all fines and penalties imposed at the time of such change shall be collected.

16.2. INTERPRETATIONS. Except as otherwise specifically provided or indicated by the context:

- (a) All words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein.
- (b) The singular number shall include the plural, and the plural number shall include the singular.
- (c) The word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.
- (d) The word "officer" shall include the Mayor and other members of the Council, the administrative officers, members of City boards and commissions created by or pursuant to this Charter.
- (e) The word "statute" shall denote the laws of the State of Colorado in effect at the time the provision of the Charter containing the word "statute" is to be applied.
- (f) All references to section numbers shall refer to section numbers of this Charter.
- (g) The word "appropriation" shall mean the authorized amount of funds set aside for expenditure during a specific time for a specific purpose.
- (h) The word "City" shall mean the City of Thornton, Colorado, a municipal corporation.
- (i) The word "Clerk" shall mean City Clerk unless otherwise indicated.
- (j) The word "Council" shall mean City Council.

16.3. SATURDAYS, SUNDAYS AND HOLIDAYS. Whenever the date fixed by this Charter or by ordinance for the doing or completion of any act falls on a Saturday, Sunday or legal holiday, such act shall be done or completed as provided by ordinance.

16.4. PUBLICATIONS. The City Council shall, by ordinance, establish publication requirements.

16.5. EMINENT DOMAIN. In carrying out the powers and duties imposed upon it by this Charter or by the general statutes, the City shall have power to acquire within or without its corporate limits, lands, buildings, water, water rights and water storage rights, water and sewer properties, and other properties, and any interest in land and air rights over land, and may take the same upon paying just compensation to the owner as provided by law.

16.6. CITY NOT TO PLEDGE CREDIT. The City shall comply with Colorado Constitution Article XI, Section 1, as from time to time amended.

16.7. CHAPTER AND SECTION HEADINGS. The chapter, section and subsection headings used in this Charter are for convenience only and shall not be considered as part of the Charter.

16.8. SEVERABILITY OF CHARTER PROVISIONS. If any provision, section, article or clause of this Charter in the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect any remaining portion or application of the Charter which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end this Charter is declared to be severable.

CHAPTER XVII

TRANSITIONAL PROVISIONS

17.1. EFFECT OF AMENDMENTS AND REPEALERS. Approval by the electors of any Charter Amendment which repeals any section or portion of this Charter shall not be construed to be a limitation, denial, or suspension of any power of the City of Thornton, or any power of its elected City Council otherwise vested in or authorized to the City or the City Council by the constitution or the statutes of the State of Colorado; except as expressly provided by new language, such amendments shall be construed to the end that repealers or deletions eliminate obsolete, unnecessary and limiting language in the original Charter Document which previously served to restrict the powers of the City and the elected City Council.

CHAPTER XVIII

COLLECTIVE BARGAINING FOR FIRE FIGHTERS AND POLICE OFFICERS

18.1. STATEMENT OF POLICY. The protection of the public health, safety and welfare demand that fire fighters and police officers not be accorded the right to strike or engage in any work stoppage, slowdown or mass absenteeism. This necessary prohibition does not, however, require the denial to such employees of the City other well-recognized rights of employees, such as the right to organize, be represented by an employee organization of their choice, and the right to bargain collectively concerning wages, rates of pay, hours, grievance procedure, working conditions, and other terms and conditions of employment.

It is hereby declared to be the policy of the City of Thornton to accord to fire fighters and police officers all the rights of labor other than the right to strike or organize any work stoppage, slowdown or mass absenteeism. To provide for the exercise of these rights, a method of resolution of disputes is hereby established in lieu of the right to strike. The establishment of this method of dispute resolution shall be deemed to be a recognition of the necessity to provide an alternative mode of settling disputes where employees such as fire fighters and police officers, as a matter of public policy, must be denied the right to strike.

18.2. DEFINITIONS. As used in this Chapter and its subparts, the following terms shall, unless the context requires a different interpretation, have the following meanings:

- (a) The term “fire fighter” shall mean the following regular employees of the Fire Department of the City of Thornton: sworn fire fighters up to and including the rank of Captain, and emergency medical technicians who are not supervisors and whose primary responsibilities are responding to emergency calls for fire suppression and/or emergency medical services.
- (b) The term “police officer” shall mean all full-time sworn police officers at or below the rank of Sergeant in the Police Department of the City of Thornton.
- (c) The term “bargaining unit” shall mean one of the two approved bargaining units, (1) the fire fighter bargaining unit consists of the fire fighters described in Section 18.2(a); and (2) the police officer bargaining unit consists of the police officers described in Section 18.2(b).

- (d) The term “corporate authorities” or “City” shall mean the proper officials, including but not limited to, the Chief of the Fire Department, Chief of the Police Department, Department of City Personnel or Human Resources, the City Manager, and the City Council, whose duty it is to establish the wages, salaries, rates of pay, hours, working conditions, or other terms and conditions of employment of fire fighters and police officers.
- (e) The term “sole and exclusive collective bargaining agent” or “bargaining agent” shall mean an employee organization chosen by the fire fighters to represent the fire fighter bargaining unit and an employee organization chosen by the police officers to represent the police officer bargaining unit pursuant to Section 18.4 for the purpose of collective bargaining.
- (f) The term “final offer” shall be the written offer made latest in time by a party but at least seven (7) days prior to the start of an advisory fact finding hearing.
- (g) The term “economic issues” shall mean issues that concern rates of pay or benefits.

18.3. RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY.

- (a) Fire fighters and police officers shall have the right to bargain collectively with the City and to be represented by an employee organization in such collective bargaining respecting wages, rates of pay, hours, grievance procedure, working conditions and all other terms and conditions of employment, except pensions and the public and management rights contained in Subsection (b) herein.
- (b) Public and Management Rights. The following are the inherent and exclusive rights of the City and these shall not be the subjects of collective bargaining:
 - (i) To direct the work of its employees;
 - (ii) To hire, promote, demote, classify, evaluate and retain employees in positions with the City;
 - (iii) To demote, suspend and discharge or otherwise discipline employees for proper cause;
 - (iv) To transfer, assign and schedule employees, but nothing contained in this Paragraph (iv) shall prohibit bargaining over scheduling and the procedures for transfer and assignment;
 - (v) To determine whether to layoff employees because of lack of work, lack of funds, or for other legitimate reasons, provided that nothing contained in this Paragraph (v) shall prohibit bargaining over the process used to determine how any layoff will be accomplished;
 - (vi) To determine and implement the methods, equipment, facilities and other means and personnel by which municipal operations are to be conducted, and to take the steps it deems necessary to maintain the efficiency and safety of said operations and of the personnel engaged therein; and
 - (vii) To determine its budget, organization, and the merits, necessity and level of any activity or service provided by the City, provided, however, that nothing contained in Paragraphs (vi) and (vii) shall prohibit bargaining over minimum manning requirements.

This Subsection (b) shall not be construed as limiting, diminishing or repealing in any way the Career Service System provisions appearing in Chapter VII of this Charter.

18.4. SELECTION AND RECOGNITION OF BARGAINING AGENT.

- (a) The sole and exclusive collective bargaining agent for the purpose of collective bargaining shall be the sole and exclusive representative of all of the fire fighters and all of the police officers, as applicable, if the majority of the fire fighters and the majority of the police officers voting in separate elections vote for such collective bargaining agent.
- (b) When a question arises concerning the selection of a bargaining agent for the fire fighter bargaining unit or for the police officer bargaining unit, the Election Commission shall determine the question thereof by taking a

secret ballot of fire fighters or police officers and certifying in writing the results thereof to the person, persons, employee organization and corporate authorities involved, said secret ballot election to be conducted not less than fifteen (15) days nor more than thirty (30) days from the date of filing the petition. The Election Commission shall certify the results of the above-described election within one (1) working day of the close of the polls.

- (c) Questions concerning the selection of a bargaining agent for the fire fighter bargaining unit or the police officer bargaining unit may be raised only by petition of any fire fighter, group of fire fighters, or of any police officer, group of police officers, or any employee organization representing or wishing to represent fire fighters or police officers and only if such petition is signed by at least thirty-three (33) percent of the fire fighters or thirty-three (33) percent of the police officers. Such a petition may be submitted at any time to the City Clerk provided that in the event there is a fire fighter bargaining agent or police officer bargaining agent then certified or recognized by the City, no petition may be filed until said certified or recognized fire fighter bargaining agent or police officer bargaining agent has had a twelve (12) month period in which to attempt to enter into a collective bargaining agreement with the City, unless said fire fighter bargaining agent or police officer bargaining agent can be shown to have been initiated, created, or dominated by the corporate authorities or persons acting on behalf of the corporate authorities; and provided further that no petition may be filed during the term of an existing fire fighter collective bargaining agreement or police officer collective bargaining agreement, except during the period from January 1 to January 31 of the final year of such fire fighter or police officer collective bargaining agreement. The Election Commission shall make such rules as are necessary and provide appropriate forms for the filing of such petition and conducting of such elections.
- (d) The employee organization selected by the majority of the fire fighters or the majority of the police officers voting in separate elections conducted pursuant to Subsection (b) of this Section shall be recognized by the City as the sole and exclusive collective bargaining agent for the fire fighter bargaining unit or sole and exclusive collective bargaining agent for the police officer bargaining unit unless and until recognition of such labor organization is withdrawn by a vote of a majority of the fire fighters or police officers voting in the election.

18.5. OBLIGATION TO BARGAIN IN GOOD FAITH.

- (a) It shall be the obligation of the City to meet separately and bargain in good faith with the representative or representatives of the fire fighter bargaining agent or the police officer bargaining agent at all reasonable times and places within forty-five (45) days after receipt of written notice from said fire fighter or police officer bargaining agent of the request for a meeting for collective bargaining purposes. This obligation shall include the duty to cause any agreements resulting from negotiations to be reduced to a written contract, which contract shall be for a term of at least one (1) year, and not more than three (3) years.
- (b) It shall be the obligation of the bargaining agent of the fire fighters or the bargaining agent of the police officers to meet separately and negotiate in good faith with the City and/or its designated representatives at all reasonable times and places. This obligation shall include the duty to cause any agreements to be reduced to a written contract, which contract shall be for a term of at least one (1) year, and not more than three (3) years.
- (c) In any advisory fact finding hearing conducted pursuant to this Chapter, the advisory fact finding board shall consider any evidence about either the corporate authorities' or the fire fighter bargaining agent's or police officer bargaining agent's refusal to negotiate in good faith. If the advisory fact finding board concludes that either the corporate authorities or the fire fighter bargaining agent or police officer bargaining agent has failed to negotiate in good faith, it shall utilize this conclusion pursuant to Section 18.9 and may base its findings and recommendations on this conclusion.

18.6. UNRESOLVED ISSUES SUBMITTED TO ADVISORY FACT FINDING. In the event that the fire fighter bargaining agent or police officer bargaining agent and the corporate authorities are unable, within thirty (30) days from and including the date of their first meeting, to reach an agreement on a contract, any and all unresolved issues shall be submitted to advisory fact

finding. Submission of unresolved issues to advisory fact finding shall not cause the obligation of the parties to bargain in good faith to cease. Any or all issues which are unresolved between the bargaining agent and the corporate authorities within the time periods contained in this paragraph may be agreed to by the parties at any time prior to the second reading by the City Council of an ordinance to conduct a referendum vote of the people pursuant to Section 18.11. In the event the fire fighter bargaining agent or police officer bargaining agent and corporate authorities are able to reach agreement upon any or all issues prior to the receipt of the recommendations of the advisory fact finding board, then the board shall make no recommendations on such issue or issues. In the event that following receipt of the recommendation of the advisory fact finding board the fire fighter bargaining agent or police officer bargaining agent and the corporate authorities are able to reach an agreement upon any or all issues prior to a second reading by the City Council of an ordinance to conduct a referendum vote, then those agreed upon issues shall not be submitted to said referendum vote.

18.7. FACT FINDING BOARD - COMPOSITION. Within three (3) days from the expiration of the time period referred to in Section 18.6. hereof, the fire fighter bargaining agent or police officer bargaining agent or the corporate authorities shall inform the American Arbitration Association, or its successor organization, that a fact finding board is required. Within ten (10) days thereafter, the appropriate arbitration association shall submit simultaneously to each party an identical list of seven (7) persons as proposed members of the board. It shall have been previously determined by the appropriate arbitration association that the proposed members of the board shall be available and will accept appointment as fact finders within the time period specified hereafter. Within seven (7) days from the mailing date of the list, each party shall cross off two (2) names from the list, and shall number the remaining names indicating the order of its preference and return the list to the appropriate arbitration association. If a party does not return the list within the time specified, all persons named therein shall be deemed acceptable. Within ten (10) days after the time the list must be returned to the appropriate association, the arbitration association shall do the following:

- (1) From among the persons who have been approved on both lists, and in accordance with the designated order of mutual preference, it shall appoint three (3) fact finders to serve.
- (2) It shall select from among said three (3) fact finders a person to serve as chairman.
- (3) It shall notify the parties of such appointments.

18.8. HEARINGS.

- (a) The fact finding board shall, acting through its Chairman, call a hearing to be held within twenty-one (21) days after the date of the appointment of the Chairman, and shall, acting through its Chairman, give at least ten (10) days notice in writing to each of the other two fact finders, the fire fighter bargaining agent or the police officer bargaining agent and the corporate authorities of the time and place of such hearing. The hearing shall be informal, and the rules or evidence prevailing in judicial proceedings shall not be binding. Any and all documentary evidence and other data deemed relevant by the fact finders shall be received in evidence. The fact finders shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses and the production of books, records and other evidence relating to or pertinent to the issues presented to them for determination.
- (b) The hearings conducted by the fact finders shall be concluded within fourteen (14) days of the time of commencement. Within five (5) days following the conclusion of the hearings, the parties may, if they deem necessary, submit written briefs to the fact finders. Within ten (10) days of receipt of such briefs, or within ten (10) days after conclusion of the hearings if no post-hearing briefs are filed, the fact finders shall make written findings and a written opinion and decision on the issues presented, a copy of which shall be mailed or otherwise delivered to the fire fighter bargaining agent or the police officer bargaining agent and its designated representative and the corporate authorities. A majority decision of the fact finders shall be the recommendation to both the fire fighter or police officer bargaining agent and the corporate authorities. Said written findings, opinions and decisions, and recommendations shall be reached and discussed in accordance with the provisions of Section 18.9.

18.9. FACTORS TO BE CONSIDERED BY THE FACT FINDING BOARD. The fact finders shall conduct the hearings and render their decision upon the basis of a prompt, peaceful and just settlement of all unresolved issues between the fire fighter or

police officer bargaining agent and the corporate authorities. The factors to be given weight by the fact finders in arriving at a decision shall include:

- (1) Comparison of wage rates, hours, terms and conditions of employment of the fire fighters, with wage rates, hours, terms and conditions of employment of fire departments in comparable cities and towns in the United States; or the comparison of wage rates, hours, terms and conditions of employment of the police officers, with wage rates, hours, terms and conditions of employment of police departments in comparable cities and towns in the United States.
- (2) Interest and welfare of the public, and the financial ability of the City to finance the cost items proposed by each party.
- (3) Other similar standards recognized in the resolution of interest disputes including but not limited to a comparison of the peculiarities of either fire fighter employment or police officer employment, as applicable, in regard to other trades, professions or occupations, specifically:
 - (a) hazards of employment,
 - (b) physical qualifications,
 - (c) educational qualifications,
 - (d) mental qualifications,
 - (e) job training and skills,
 - (f) degree of responsibility exercised, and
 - (g) work schedules.

18.10. FINAL OFFER PROCEDURE. The fact finding board shall recommend either the final offer of the corporate authorities or the final offer of the fire fighter bargaining agent, or the final offer of the corporate authorities or the police officer bargaining agent, as applicable, on each issue and shall state its reasons for recommending such position.

18.11. ELECTION PROCEDURE FOR IMPASSE RESOLUTION.

- (a) The recommendations of the fact finders shall be advisory only. Within seven (7) days of receipt of the recommendations of the fact finders, the City and the fire fighter or police officer bargaining agent, as applicable, shall meet and simultaneously, in writing, notify each other of their respective determinations to accept or reject those recommendations. Failure by either the City or the fire fighter or police officer bargaining agent to so notify the opposite party within these time limits shall be deemed rejection of the fact finders' recommendations by the defaulting party.
- (b)
 - (i) In the event the City or the fire fighter bargaining agent or police officer bargaining agent is unwilling to enter into a collective bargaining agreement containing the recommendations of the fact finders, the corporate authorities shall cause the recommendations of the fact finders to be referred to a vote of the people not less than thirty (30) nor more than sixty (60) days from the date of the fact finders' recommendations. The final offer concerning those issues still in dispute of the party or parties rejecting the fact finders' recommendations shall also be placed on the ballot. The only issues that will be submitted to such an election will be economic issues or issues that change the rights of fire fighters contained in the fire fighter collective bargaining agreement or change the rights of police officers contained in the police officer collective bargaining agreement in effect at the time of the adoption of this Chapter or issues that the parties to the negotiations agree in the applicable fire fighter collective bargaining agreement or police officer collective bargaining agreement may be placed on the ballot.
 - (ii) The ballot for any election conducted pursuant to Subparagraph (i) of this Section shall list the recommendations of the fact finders first. The determination in an appropriate circumstance of whether the final offer of the fire fighter or police officer bargaining agent or the final offer of the corporate authorities shall be listed second shall be made by lot or by a flip of a coin.
 - (iii) At any election conducted pursuant to Subparagraph (i) of this Section, voters shall be permitted to vote in favor of adopting either the recommendations of the fact finders, or the final offer of the corporate authorities, or the final offer of the fire fighter bargaining agent or police officer bargaining agent, whichever is on the ballot. The proposal receiving approval by a majority of those voting on the proposal(s) shall be deemed approved and be binding upon the parties. If no proposal receives a majority vote, the two proposals receiving the most votes will be placed on a run-off election ballot.

within forty (40) days. In no event shall any issue upon which the fire fighter bargaining agent or police officer bargaining agent and the corporate authorities have reached an agreement prior to the second reading by the City Council of an ordinance to call a referendum election pursuant to this Section be included in such referendum election.

18.12. COST OF ELECTION. The cost of any special election conducted solely pursuant to Section 18.11 and a pro rata portion of the cost of any special or general election conducted in part pursuant to Section 18.11 shall be paid by the party refusing to implement the recommendations of the fact finders. In the event both parties to a particular fact finding proceeding refuse to implement the recommendations of the fact finders, the parties shall share equally the cost of conducting an election conducted pursuant to Section 18.11. The Election Commission shall determine the cost involved in any special election and shall also determine the pro rata share of the party or parties refusing to implement the recommendations of the fact finders for the cost incurred by reason of such refusal.

18.13. FEES AND EXPENSES OF FACT FINDING. The necessary fees and necessary expenses of fact finding shall be shared equally by the City and by the fire fighter or police officer bargaining agent.

18.14. COLLECTIVE BARGAINING AGREEMENT - WHAT CONSTITUTES. The collective bargaining agreement between the City and the bargaining agent of the fire fighters or bargaining agent of the police officers shall consist of any and all terms actually agreed to by the parties, or accepted by the parties from the recommendations of the fact finders, or selected by the electorate pursuant to this Chapter.

18.15. REQUEST FOR COLLECTIVE BARGAINING. Whenever wages, rates of pay, or any other matter requiring appropriation of money by the City are included as matters of collective bargaining under this Chapter, it is the obligation of the fire fighter bargaining agent or police officer bargaining agent to serve written notice of request for collective bargaining on the corporate authorities no later than the third Monday in February of the year in which money can be appropriated by the City to cover the contract period which will be the subject of the collective bargaining procedure.

18.16. BENEFITS NOT TO BE REDUCED. Those benefits granted to fire fighters or police officers by this Charter, or by applicable ordinances, personnel policy or procedure, or by state statute shall remain in full force and effect until such time as the benefits provided by these provisions may be modified by the terms of a collective bargaining agreement or agreements entered into pursuant to the requirements and provisions of this Chapter of the Charter and the subdivisions hereof, provided however, that no person who is either receiving or has contributed monies toward a fire fighter's or police officer's pension shall cease in any manner to be eligible for the full pension which was contemplated on the date of the adoption of this Chapter unless they voluntarily withdraw from the same.

18.17. PROHIBITION.

- (a) No fire fighter, police officer, or person seeking admission as a fire fighter or police officer shall be appointed, promoted, reduced, removed or in any way favored or discriminated against because of race, of sex, of political or religious opinions or other affiliations or non-affiliations or in violation of Federal, State, or the City's anti-discrimination laws; provided that it shall be permissible and it shall not be in violation of this Charter for the City to enter into an agreement with the bargaining agent of the fire fighters or the bargaining agent of the police officers which requires the payment by fire fighters or police officers to said fire fighter or police officer bargaining agent of an amount not to exceed the normal dues and assessments required of members of said fire fighter bargaining agent or police officer bargaining agent if a majority of the fire fighters voting in an election of the fire fighter bargaining unit or police officers voting in an election of the police officer bargaining unit conducted by the Election Commission, approve including such a provision in any fire fighter or police officer collective bargaining agreement entered into between the City and said fire fighter or police officer bargaining agent.
- (b) Fire fighters and police officers shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on the matters of wages, benefits, and other terms or conditions of employment. Members of the fire fighter bargaining unit or police officer

bargaining unit shall also have the right to refuse to join or participate in any activities of employee organizations and shall have the right to represent themselves individually and have individual grievances adjusted without resort to employee organizations; provided, however, that a representative of the fire fighter bargaining agent or police officer bargaining agent shall have the right to be present in any such adjustments which deal with the provisions of the fire fighter collective bargaining agreement or police officer collective bargaining agreement, and any resolution reached as a result of such individual representation or grievance must be in accord with the terms of any fire fighter or police officer collective bargaining agreement actually in effect and applicable to such fire fighter bargaining unit members or police officer bargaining unit members. Except as provided in Paragraph (a) of this Section, neither the City, nor any member of the fire fighter bargaining unit or police officer bargaining unit, nor any employee organization, nor any officially recognized fire fighter bargaining agent or police officer bargaining agent shall interfere with, intimidate, restrain, coerce or discriminate against any employee because of the exercise of the foregoing rights.

18.18. FIRE CHIEF AND POLICE CHIEF.

- (a) The Fire Chief shall be in direct command of the Department of Fire. The Fire Chief shall assign all members of the Fire Department to their respective posts, shifts, details, and duties; shall make rules and regulations with approval of the City Manager and in conformity with the ordinances and resolutions of the City concerning the operation of the Fire Department and the conduct of all employees thereof; and shall be responsible for the efficiency, discipline, and good conduct of the Department and for the care and custody of all property used by the Department.

The Fire Chief shall, subject to approval of the City Manager and Council, have further power to make regulations with force of law, implementing and giving effect to the laws and ordinances and resolutions relating to fire prevention and fire safety. The Fire Chief shall not either make or enforce any assignment, rule or regulation, or order, which is not in conformity with the provisions of any fire fighter collective bargaining agreement entered into pursuant to this Chapter of the Charter between the City and the bargaining agent of the fire fighters.

- (b) The Police Chief shall be in direct command of the Police Department. The Police Chief shall assign all members of the Police Department to their respective posts, shifts, details, and duties; shall make rules and regulations with approval of the City Manager and in conformity with the ordinances and resolutions of the City concerning the operation of the Police Department and the conduct of all employees thereof; and shall be responsible for the efficiency, discipline, and good conduct of the Department and for the care and custody of all property used by the Department. The Police Chief shall, subject to approval of the City Manager and Council, have further power to make regulations with force of law, implementing and giving effect to the laws and ordinances and resolutions related to the Police Department and police public safety.

The Police Chief shall not either make or enforce any assignment, rule or regulations, or order, which is not in conformity with the provisions of any police officer collective bargaining agreement entered into pursuant to this Chapter of the Charter between the City and the bargaining agent of the police officers.

18.19. IMPACT UPON CAREER SERVICE SYSTEM. This Chapter shall not in any way be construed to expand, modify, delete, circumscribe or alter the Career Service System established pursuant to Chapter VII of this Charter except as specifically stated herein, to wit, Sections 7.1.(c) and 7.1.(d) shall not apply to fire fighters or police officers upon the certification of a fire fighter or police officer bargaining agent pursuant to Section 18.4. herein and furthermore that all other provisions of Section 7.1 shall remain in effect for fire fighters and police officers only until modified by or included in a fire fighter or police officer collective bargaining agreement between the City and the fire fighter or police officer bargaining agent. No rule or regulation of the Career Service System either in effect at the time of the adoption of this Chapter or thereafter adopted shall be enforced or applied as to any fire fighter or police officer covered by a collective bargaining agreement arrived at pursuant to this Chapter XVIII where to do so would contravene the terms of such a collective bargaining agreement. In the event of any conflict between a rule or regulation of the Career Service System and a fire fighter or police officer collective bargaining

agreement, the provision of the fire fighter or police officer collective bargaining agreement shall control and supersede said rule or regulation.

18.20. SEVERABILITY. If any clause, sentence, paragraph, or part of this Chapter or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Chapter or its application.

18.21. STRIKES.

- (a) The protection of the public health, safety and welfare demands that neither the sole and exclusive collective bargaining agent of the fire fighters or sole and exclusive collective bargaining agent of the police officers, nor the fire fighters, nor the police officers, nor any person acting in concert with them, will cause, sanction, or take part in any strike, walkout, sitdown, slowdown, stoppage of work, retarding of work, abnormal absenteeism, withholding of services, or any other interference with the normal work routine.
- (b) A violation of any provision of this Section by the sole and exclusive bargaining agent of the fire fighters or sole and exclusive bargaining agent of the police officers shall be cause for the City to terminate the fire fighter or police officer collective bargaining agreement with said agent upon giving written notice to that effect to the chief representative of said fire fighter or police officer agent, in addition to whatever other remedies may be available to the City at law or in equity.

18.22. TIME LIMITS. Any time limit contained in this Chapter, except ones governing notice and timing of elections, may be modified for that year upon the written consent of the City and the applicable fire fighter bargaining agent or police officer bargaining agent.



Chapter 2

Thornton City Code

**Contains City Code provisions relating to
City Council, Boards and Commissions,
Divisions and Departments,
Code of Ethics and Elections**

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ARTICLE II. CITY COUNCIL¹

DIVISION 1. GENERALLY

Sec. 2-26. Payments to mayor, mayor pro tem and councilmembers.

- (a) Each councilmember shall receive as salary the amount established by ordinance but such compensation may increase or decrease only on the date of the first regular or special council meeting following any regular election and only if the increase or decrease was adopted prior to the date of the election.

(1) *Reserved.*

- (2) Councilmembers whose terms expire in November 2017 shall be paid \$900.00 per month for the remainder of their term. Councilmembers elected to office in November 2015, or duly appointed thereafter, shall be paid \$1,500.00 per month effective on the date of the first regular or special council meeting following the November 3, 2015 election. The mayor who will be elected to office in November 2015, or duly appointed thereafter, shall be paid \$2,000.00 per month. The Mayor Pro Tem who will be elected by city council on or after November 17, 2015 shall be paid \$1,750.00 per month.

- (b) Councilmembers shall be paid no additional compensation for attending meetings of city boards and commissions pursuant to the requirements of the Charter, this Code and ordinances or otherwise attending meetings and civic events as representatives of the city and its council. Councilmembers shall, however, be eligible to receive reimbursement for necessary and bona fide expenses incurred in service in behalf of the city as are authorized by the travel, training, subsistence and incidental expense administrative directive and the approved council policy on travel, training, subsistence and incidental expense reimbursement.

(Code 1975, § 5-12; Ord. No. 705, 12-22-75; Ord. No. 747, 3-29-77; Ord. No. 1080, 11-9-81; Ord. No. 1896, 8-28-89; Ord. No. 2308, § 4, 2-28-94; Ord. No. 2581, § 1, 10-25-99; Ord. No. 2669, § 1, 7-9-01; Ord. No. 3355, § 1, 10-13-15)

Charter reference(s)—Compensation of councilmembers, § 4.6.

¹Charter reference(s)—City Council, Ch. IV.

Cross reference(s)—Elections, § 2-236 et seq.

Sec. 2-27. Medical benefits.

The mayor and each councilmember shall be eligible to participate in the group medical benefits provided the city employees. The city shall fund such benefits on the same basis as city employees.

(Code 1975, § 5-14; Ord. No. 705, 12-22-75)

Secs. 2-28—2-50. Reserved.***DIVISION 2. RULES OF ORDER AND PROCEDURE²*****Sec. 2-51. General rules.**

That city council shall, pursuant to Section 4.15(3) of the Thornton City Charter, by ordinance establish a city council policy regarding rules of order and procedure for city council meetings.

(Code 1975, § 5-18; Ord. No. 1589, 8-25-86; Ord. No. 2089, § 4, 7-22-91; Ord. No. 2308, §§ 6—9, 2-28-94; Ord. No. 2735, § 1, 10-22-02)

Charter reference(s)—Legislation, Ch. VIII; quorum, § 4.14.

Sec. 2-52. Types of meetings.**(a) *Regular meetings.***

- (1) The city council shall hold regular meetings on the second and fourth Tuesdays of each month at 7:00 p.m.
- (2) Regular city council meetings shall be held in the Council Chamber at Civic Center, 9500 Civic Center Drive, Thornton, Colorado.
- (3) The place and time of regular meetings may be otherwise designated by the city council when it deems necessary; provided, however, that all members shall be duly notified of the time and place of such meeting and provided that at least two meetings a month shall be held.
- (4) A regular meeting may be cancelled by the mayor if it is known in advance that a quorum will not be present. All councilmembers shall be notified of the cancellation. The reason for cancellation shall be stated on the record at the next regular council meeting following the cancelled meeting.

(b) *Special meetings.* Special meetings of the council shall be called as provided in the Charter and the business of special meetings shall be as provided therein.

²Charter reference(s)—Council rules, § 4.15.

(Code 1975, § 5-19; Ord. No. 1589, 8-25-86; Ord. No. 2308, § 10, 2-28-94; Ord. No. 2644, §§ 1, 2, 12-4-00)

Editor's note(s)—It should be noted that subsection (a)(1) of § 2-52 shall take effect November 1, 2001.

Charter reference(s)—Regular meetings, § 4.10; special meetings, § 4.11.

Sec. 2-53. Reserved.

Editor's note(s)—Ord. No. 2735, § 2, adopted Oct. 22, 2002, repealed § 2-53 in its entirety. Formerly, said section pertained to order of business as adopted by the 1975 Code, as amended. See the Code Comparative Table.

Sec. 2-54. Public hearings.

City council may direct that a matter of significant interest be scheduled as a public hearing. Where the method of notice for a public hearing is not otherwise specified by law or by council action, notice shall be given pursuant to Section 2-1 at least ten consecutive days prior to the hearing, or less than ten days for good cause shown.

(Code 1975, § 5-21; Ord. No. 1589, 8-25-86; Ord. No. 2308, § 12, 2-28-94; Ord. No. 2415, § 1, 4-22-96; Ord. No. 2494, § 2, 1-26-98; Ord. No. 2521, § 1, 9-14-98; Ord. No. 2656, § 1, 2-12-01; Ord. No. 2688, § 1, 10-22-01; Ord. No. 2735, § 3, 10-22-02; Ord. No. 3392, § 4, 8-9-16; Ord. No. 3476, § 2, 7-10-18)

Sec. 2-55. Adoption of codes by reference.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Code means any published compilation of statutes, ordinances, rules, regulations or standards adopted by the federal government or the state, or by an agency of either of them, or by any municipality within the state or by any state or nationally recognized organization, institution or agency, such as but not limited to the Pacific Coast Building Officials Conference and the National Fire Protection Association. The city council may adopt a recodification of the city's own ordinances by ordinance, which ordinance shall be published pursuant to Section 2-1 and which ordinance need not follow the publication and hearing requirements for codes adopted by reference in the codification or recite all penalties found in the recodification.

Primary code means any code which is directly adopted by reference in whole or in part by any ordinance passed pursuant to the Charter.

Secondary code means any code which is incorporated by reference, directly or indirectly, in whole or in part, in any primary code or in any secondary code.

(b) *Procedure.*

-
- (1) The city is authorized to enact any ordinance which adopts any code by reference, in whole or in part, and such primary code, thus adopted, may in turn adopt by reference, in whole or in part, any secondary codes duly described therein. However, the title of every primary code and every secondary code which is incorporated in any such adopting ordinance shall be specific in the title of the ordinance.
 - (2) After the first reading of the adopting ordinance, the council shall schedule a public hearing concerning the adopting ordinance and of the code and any secondary codes to be adopted thereby. Notice of the hearing shall be published, pursuant to Section 2-1, meeting the requirements for publication of ordinances, at least 15 consecutive days preceding the hearing. The notice shall state the time and place of the hearing, that copies of the adopting ordinance, copies of the primary code and also copies of the secondary codes, if any, being considered for adoption are on file with the city clerk and are open to public inspection. The notice shall also contain a description which the council deems sufficient to give notice to interested persons of the purpose of the code and of any secondary code incorporated thereby by reference, the subject matter of each such code, the name and address of the agency by which each has been promulgated or, if a municipality, the corporate name of such municipality which has enacted such code and the date of publication of such code, and, in the case of a code of any municipality, the notice shall contain a specific reference to the code of a given municipality as it existed and was effective at a given date.
 - (3) After the hearing, the council may amend, adopt or reject the adopting ordinance in the same manner in which it is empowered to act in the case of other ordinances, provided that nothing in the Charter shall be deemed to permit the adoption by reference of any penalty clause which may appear in any code which is adopted by reference. Any such penalty clause may be enacted only if set forth in full in the adopting ordinance. It is further provided that all changes or additions to any code made by the council shall be set out in full in the adopting ordinance.
 - (4) The adopting ordinance shall be posted and the title of the ordinance shall be published, pursuant to Section 2-1, as is provided in the case of any other ordinance. The council shall not be required to read the code text at the meetings at which the adopting ordinance is passed on first and second readings, provided that such codes and primary codes, if any, are on file in the office of the city clerk, as provided in this subsection. A supply of codes shall be maintained as follows:
 - a. For any code which is adopted in or as an amendment to Chapter 10, at least one copy of the adopting ordinance, together with one copy of each primary code and of each secondary code pertaining thereto, all certified to be true copies by the mayor and the city clerk, shall be on file in the office of the city clerk prior to the enacting of the adopting ordinance on first reading and shall remain on file prior to the public hearing and following

adoption after the public hearing. In addition, following adoption, the building inspection division shall at all times maintain at least one copy of each such code available for purchase by the public at a moderate price.

- b. For any code to which the provisions of subsection (b)(4)a of this section do not apply, not less than three copies of the adopting ordinance, together with three copies of each primary code and of each secondary code pertaining thereto, all certified to be true copies by the mayor and the city clerk, shall be on file in the office of the city clerk prior to the enacting of the adopting ordinance on first reading and shall remain on file prior to the public hearing and following adoption after the public hearing. In addition, following adoption, the city clerk shall at all times maintain a reasonable supply of each such code available for purchase by the public at a moderate price.
- (5) If, at any time, any code which the city has previously adopted by reference shall be amended by the agency or municipality which originally promulgated, adopted or enacted it, the council may adopt such amendment by reference through the same procedure as required for the adoption of the original code, or an ordinance may be enacted in regular manner setting forth the entire text of such amendment.
- (6) Copies of such codes in published form, duly certified by the city clerk and the mayor of the city, shall be received without further proof as prima facie evidence of the provisions of such codes or public records in all courts and administrative tribunals of this state.

(Code 1975, § 5-26; Ord. No. 1012, 2-23-81; Ord. No. 2033, § 2, 12-17-90; Ord. No. 2415, § 2, 4-22-96; Ord. No. 3392, § 5, 8-9-16; Ord. No. 3476, § 4, 7-10-18)

Charter reference(s)—Adoption by reference, § 8.10.

Cross reference(s)—How Code designated and cited, § 1-1; Uniform Building Code adopted by reference, § 10-151; Uniform Plumbing Code adopted by reference, § 10-153; Uniform Mechanical Code adopted by reference, § 10-155; Uniform Sign Code adopted by reference, § 10-157; Uniform Code for the Abatement of Dangerous Buildings adopted by reference, § 10-159; Uniform Fire Code adopted by reference, § 10-160; National Electrical Code adopted by reference, § 10-162; Uniform Solar Energy Code adopted by reference, § 10-164; Uniform Building Security Code adopted by reference, § 10-165; state energy conservation standards adopted by reference, § 10-166; Uniform Swimming Pool, Spa and Hot Tub Code adopted by reference, § 10-168; adoption of Model Traffic Code, § 38-521.

Sec. 2-56. Emergency telephone service authority.

- (a) The City of Thornton Emergency Telephone Service Authority is hereby created effective upon the passage of this section. The members of the City of Thornton Emergency Telephone Service Authority ("authority") shall be the currently constituted members of the Thornton city council. The term for members of the

authority shall run concurrently with each member's term as a Thornton city council member. The authority shall establish the rates charged for such service and manage the provisions of emergency telephone service pursuant to state law.

- (b) There is imposed a monthly emergency telephone service surcharge of \$0.70 per exchange access facility and/or wireless communication access facility for telephone service and telecommunication services via wireless carrier within the city. Any person or entity who supplies telephone or telecommunication service via wireless carrier within the city shall collect the surcharge and submit the surcharge to the city as provided for C.R.S. 29-11-105.5 et seq., to be effective January 1, 2005.
- (c) All proceeds from the service charge shall be used to pay for the installation, equipment, maintenance and any other directly related and/or statutorily authorized costs necessary to the continued operation of a 911 and enhanced E-911 emergency telephone system for the city.
- (d) All proceeds from the surcharge shall be accounted for in a separate fund kept apart from the general fund in accordance with state law.

(Ord. No. 2845, § 1, 9-28-04)

Secs. 2-57—2-80. Reserved.

ARTICLE III. BOARDS AND COMMISSIONS³

Sec. 2-81. General provisions.

- (a) *Creation; appointments; removal of members; officers; bylaws.* The council shall have the power to create such boards, commissions, and authorities as it may decide, provided that no such board, commission, or authority shall have the authority to perform functions or duties otherwise assigned in the Charter or to interfere with any function or duty otherwise assigned in the Charter. All bylaws and rules of procedure and amendments thereto of boards, commissions, and authorities shall be approved by the council. Unless otherwise required by law or the Charter, all boards, commissions, and authorities shall be appointed by the council and shall have such powers and perform such duties as are required by the Charter or by ordinance. Initial appointments by the council shall specify the term of office of each individual in order to achieve overlapping tenure. Members shall be appointed to serve four-year over-lapping terms ending March 1 of even-numbered years except as otherwise provided. All members shall be subject to removal by the council. The

³Charter reference(s)—Utilities board, § 5.7; career service board, § 7.1, planning commission, § 13.1 et seq.; zoning board of appeals, § 13.5; boards and commissions generally, Ch. 14.

Cross reference(s)—Building code advisory board, § 10-35; local alcoholic beverage licensing authority, § 42-56 et seq.; career service board, § 54-3; Keep Thornton Beautiful, § 58-26 et seq.

council shall make appointments to fill vacancies for unexpired terms. Except as otherwise provided in the Charter, each board, commission, or authority shall choose its own chairman and vice-chairman from its members and shall operate in accordance with the bylaws or rules of procedure set forth by the council. Any groups created by a board, commission, or authority are also subject to removal by council.

- (b) *Reports; residency requirements.* Reports shall be made to the council as the council shall require. All board, commission, and authority members shall have been residents of the city immediately preceding appointment and shall be qualified electors of the city, except for the Businesses of Thornton Advisory Commission.
- (c) *Payments to members.* Each board, committee, commission, and authority member shall receive \$50.00 per meeting, and the chairperson of each board shall receive \$60.00 per meeting attended; however, the council may by resolution provide that any such board, committee, commission, or authority be served by uncompensated volunteer citizens, in which event only authorized, reasonable expenses incurred will be reimbursed. Members of the Planning Commission and Board of Adjustment shall receive \$65.00 per meeting and the chairperson of the Planning Commission and Board of Adjustment shall receive \$75.00 per meeting attended. Members of the Election Commission, excluding city employees, shall be compensated for working on any election day in the same amount provided for election judges in the Colorado Uniform Election Code of 1992 (C.R.S. § 1-1-101 et seq.), as amended from time to time. In the event that the council should convert an existing board, committee, commission, or authority to volunteer status, during the remaining unexpired term of members then serving and receiving compensation, such compensation shall continue during the unexpired term of continuing office unless such continuing compensation is specifically prohibited by the council action or waived by the board, commission, committee, or authority member. Any participation in a working group authorized by a board or commission pursuant to their bylaws shall be voluntary and not compensated under the provisions of this paragraph. Ad hoc committees established pursuant to Section 2-87 of the Code may be compensated as provided for in their establishing resolution.

(Code 1975, § 5-29; Ord. No. 705, 12-22-75; Ord. No. 747, 3-29-77; Ord. No. 1102, 2-8-82; Ord. No. 1746, 3-14-88; Ord. No. 2089, § 3, 7-22-91; Ord. No. 2308, § 13, 2-28-94; Ord. No. 2333, § 1, 7-25-94; Ord. No. 2491, § 1, 1-12-98; Ord. No. 2582, § 1, 11-15-99; Ord. No. 2688, § 2, 10-22-01; Ord. No. 3062, § 1, 7-8-08; Ord. No. 3102, § 1, 7-28-09; Ord. No. 3231, § 2, 2-26-13; Ord. No. 3507, § 1, 12-18-18; Ord. No. 3672, § 1, 10-24-23; Ord. No. 3692, § 1, 6-11-24)

Charter reference(s)—Board appointments, § 4.19.

Sec. 2-82. Planning Commission.

- (a) *Creation.* There is hereby created the planning commission.
- (b) *Duties.*

-
- (1) The planning commission shall have the duties specified in the Code or as otherwise assigned by the city council.
 - (2) The members appointed as the planning commission shall also serve as and perform the duties of the board of adjustment.

(c) *Membership.*

- (1) The planning commission shall consist of nine members to be appointed by the city council.
- (2) Terms of office for the planning commission and board of adjustment shall run concurrently.

(Ord. No. 3659, § 1, 8-3-23; Ord. No. 3692, § 1, 6-11-24)

Editor's note(s)—Ord. No. 3659, § 1, adopted Aug. 3, 2023, repealed the former § 2-82, and enacted a new § 2-82 as set out herein. The former § 2-82 pertained to development permits and appeals board and derived from Ord. No. 2815, § 1, adopted Feb. 24, 2004.

Sec. 2-83. The Businesses of Thornton Advisory Commission.

- (a) *Creation.* There is hereby created the Businesses of Thornton Advisory Commission.
- (b) *Duties.* The Businesses of Thornton Advisory Commission shall have the duties assigned by the city council.
- (c) *Membership.* The commission shall consist of at least nine members to be appointed by the city council.
- (d) *[Staff support.]* The city manager shall provide staff support to the Businesses of Thornton Advisory Commission.

(Ord. No. 3062, § 2, 7-8-08; Ord. No. 3692, § 1, 6-11-24)

Editor's note(s)—Prior to reenactment by Ord. No. 3062, Ord. No. 2815, § 2, adopted Feb. 24, 2004, repealed § 2-83, which pertained to land use commission and derived from Ord. No. 2485, § 1, adopted Dec. 1, 1997; Ord. No. 2583, § 2, adopted Nov. 15, 1999; Ord. No. 2688, § 3, adopted Oct. 22, 2001.

Sec. 2-84. Election Commission.

- (a) *Creation.* An election commission is hereby created consisting of the Thornton city clerk and four or more registered electors of the city. The city clerk shall be the chair of the election commission.
- (b) *Power and purpose.* The election commission shall have the following powers, duties and responsibilities:
 - (1) The election commission shall have charge of all activities and duties required of it by state law, including the Colorado Municipal Election Code (C.R.S. 31-10-

101, et seq., as amended), the Thornton City Code and ordinances relating to the conduct of elections in the city. In any case, when election procedures are in doubt, the election commission shall prescribe the procedure to be followed.

- (2) The election commission shall appoint election judges for each of the precincts located within the city.
 - (3) The election commission shall establish precincts and polling places within the city.
 - (4) The election commission shall have power to adopt rules and regulations not in conflict with the state constitution, the City Charter, the Code or ordinances of the city.
 - (5) The election commission shall have such additional powers and duties as may be required by the city clerk for conduct of the municipal election and shall abide by all applicable ordinances and regulations prescribed by city council.
- (c) *Membership.* During the terms of office, appointees shall not be city officers, employees, candidates or nominees for elected city office.

(Code 1975, § 5-34; Ord. No. 705, 12-22-75; Ord. No. 1880, 7-10-89; Ord. No. 2583, § 3, 11-15-99)

Cross reference(s)—Elections, § 2-236 et seq.

Sec. 2-85. Thornton Active Adult Board.

- (a) *Purpose and functions.* There is established the Thornton Active Adult Board. The purpose of the board shall be to promote and facilitate communications between the board and the city council in matters impacting the needs and interests of citizens 55 years of age and older and to better assist the city council in being responsive and well advised as to issues of particular relevancy to citizens 55 years of age and older. The board shall also formulate recommendations for the most appropriate and beneficial use of the Thornton Active Adult Center and perform such additional duties and services which may be assigned to the board by the city council. The board will not make recommendations as to the fees or budget funding levels for the Active Adult program.
- (b) *Membership.*
- (1) The board shall consist of 11 members appointed by city council, with representation from each ward, the business community, one member recommended by the 55 Plus Club Organization, Inc., and one member recommended by the mayor. Nine of the members shall have attained the age of 55 years of age at the time of the appointment.
 - (2) The members shall be appointed to serve four-year overlapping terms ending on March 1 of even-numbered years; except that four members will initially be

appointed for a two-year term of office ending March 1, 2000; thereafter, the term for these members shall be four years.

- (c) *Officers; meetings.* The board shall designate a chairperson, vice- chairperson, secretary and such other officers as it may deem appropriate. The board shall meet quarterly, at a minimum, at the Thornton Active Adult Center.

(Code 1975, § 5-37; Ord. No. 1795, 10-24-88; Ord. No. 2308, § 17, 2-28-94; Ord. No. 2490, § 1, 1-12-98; Ord. No. 2593, § 1, 12-13-99; Ord. No. 3049, § 1, 2-26-08; Ord. No. 3437, § 1, 5-23-17; Ord. No. 3692, § 1, 6-11-24)

Sec. 2-86. Parks and open space advisory commission.

- (a) *Creation.* There is hereby created the Thornton Parks and Open Space Advisory Commission.

- (b) *Purpose and functions.*

- (1) The parks and open space advisory commission shall act as an advisory commission to advise and make recommendations to the city council, for their approval, as to: (a) the development of and update thereto at least every three years, of the comprehensive parks and open space master plan; and (b) parks and open space projects to be funded from the proceeds of the open space and parks sales and use tax. All recommended projects must be provided for in the comprehensive parks and open space master plan. Project costs shall include all necessary and appurtenant facilities, including design, construction management, construction, and replacement but not routine maintenance. The parks and open space advisory commission shall take into consideration the on-going operating and maintenance cost impacts of all projects to the city in determining recommended projects. Open space and parks projects are defined as follows:

- a. Open space projects: acquisition of land or other real property interests for natural open space for the preservation of wildlife habitats which support wildlife of Colorado; acquisition of wildlife corridors to support movement and migration of wildlife species currently utilizing undeveloped areas; preservation and enhancement of existing wetlands that support waterfowl and important wildlife ecosystems; and acquisition of land or other real property interests to support significant view corridors and provide buffers.
 - b. Park projects: interconnected walking, biking, and hiking trails; active and passive parks for family and individual recreation; and multi-use sports fields for youth sports as well as adult uses.
- (2) The city manager shall provide staff support to the parks and open space advisory commission.
- (3) The parks and open space advisory commission shall not have the power to: authorize the expenditure of funds; enter into contracts or leases; buy, sell or

condemn real estate or any other interest therein; sue or be sued; or otherwise to legally bind the city.

(c) *Membership and term.*

- (1) The parks and open space advisory commission shall consist of nine members appointed by the city council.
- (2) Members of the parks and open space advisory commission serve at the pleasure of city council. Any member may be removed from office at any time without cause and without notice or hearing by a majority vote of a quorum of city council present at any regular or special meeting.
- (3) The members of the parks and open space advisory commission shall be compensated in accordance with the City Code.

(d) *Meetings.*

- (1) The first organizational meeting shall be at the call of the city manager. The parks and open space advisory commission will select from among its membership a chairperson and vice-chairperson.
- (2) The parks and open space advisory commission shall meet quarterly, and may, upon the call of the chairperson and any four additional members, hold special meetings. Any quarterly or special meetings may be canceled by a simple majority or by the chairperson for good cause.
- (3) All meetings shall be held in compliance with the city's open meeting requirements as set forth in the City Code. In addition to the requirements set forth therein for notice of open meetings, at least ten consecutive days prior, notice shall be published at least once, pursuant to Section 2-1, within the city with regard to any meeting of the parks and open space advisory commission, the purpose of which is to consider final recommendations for the parks and open space master plan or project recommendations by the parks and open space advisory commission to the city council. At the meetings, members of the public shall be allowed reasonable time to speak and present oral and/or written opinions on the plans prior to any recommendation to the city council. Where an immediate action and recommendation to the city council is necessary to acquire open space property or property rights not previously included in the parks and open space master plan, the parks and open space advisory commission may forego the requirement of notice.
- (4) The parks and open space advisory commission shall keep minutes of its proceedings, showing the vote of each member present upon every question, or if absent or failing to vote, indicating such fact.
- (5) The city council may refer project proposals to the parks and open space advisory commission for review and recommendation to the city council. The parks and open space advisory commission shall meet to consider the city council's request within 30 days or as directed by the city council. In the event

the parks and open space advisory commission fails to make a recommendation within this time frame, the city council may thereupon make a determination as to the proposed project(s) and amend the parks and open space master plan as required.

(Ord. No. 2484, § 1, 12-1-97; Ord. No. 2582, § 2, 11-15-99; Ord. No. 3392, § 6, 8-9-16; Ord. No. 3476, § 4, 7-10-18; Ord. No. 3692, § 1, 6-11-24)

Sec. 2-87. Ad hoc committees.

The council may establish, by resolution, ad hoc committees to provide review and recommendations to the council on activities or projects when determined appropriate by council. An ad hoc committee shall have the duties assigned by the council and shall serve until such time as the council determines that the committee has completed its assigned duties or that no further committee review or recommendations are necessary.

(Ord. No. 3231, § 1, 2-26-13)

Editor's note(s)—Ord. No. 3231, § 1, adopted Feb. 26, 2013, repealed the former § 2-87 and enacted a new section as set out herein. The former § 2-87 pertained to the Thornton Revitalization Advisory Board and derived from Ord. No. 3102, § 2, adopted July 28, 2009.

Sec. 2-88. Board of Adjustment.

- (a) *Creation.* There is hereby created the board of adjustment.
- (b) *Duties.* The board of adjustment shall have the duties specified in the Code or as otherwise assigned by the city council.
- (c) *Membership.* The members appointed as the board of adjustment shall be those individuals appointed by city council to serve as the planning commission. Terms of office for the planning commission and board of adjustment shall run concurrently.

(Ord. No. 3659, § 2, 8-3-23; Ord. No. 3692, § 1, 6-11-24)

Secs. 2-89—2-120. Reserved.

ARTICLE IV. DIVISIONS AND DEPARTMENTS⁴

⁴Charter reference(s)—Administrative organization of city, Ch. V.

Cross reference(s)—Tri-county health department, § 30-26 et seq.

Sec. 2-121. Utilities director and utilities attorney.

- (a) *Utilities director.* The city manager is designated the utilities director pursuant to Subsection 5.7(e) of the Charter. The city manager, acting as the utilities director, shall have the full and plenary authority, subject to the limitations upon such authority contained in the Charter, to execute, implement and administer the ongoing and regular operations of the municipal utilities, and subject to the limitations of the budget resolution and appropriation ordinance of the city council. By way of illustration but not limitation, such administrative functions that are authorized for the city manager, acting as the utilities director, include:
- (1) Expending funds within the approved budget resolution and appropriations ordinance and within any purchasing guidelines. Such authority shall include contracting to purchase and acquire goods, services, and professional consultation.
 - (2) Entering into change orders within the approved budget and within the standards of budget administration.
 - (3) Entering into any contract or lease or amendment thereto requiring the expenditure of city or utilities funds for real or personal property that is approved in the appropriations ordinance, and entering into any lease or amendment thereto, for any valuable consideration, of city-owned real or personal property.
 - (4) Making all appointments to any ditch company boards, water boards, corporate boards, or other entities, and authority to vote shares, including authorizing proxies, of city water stock, except for the Metropolitan Wastewater Reclamation District, where the city manager acting as the utilities director shall make a recommendation to the city council for the appointment.
 - (5) Pursuant to Section 10.3 of the Charter, acquiring water rights and interests subject to the approved budget resolution and appropriations ordinance.
- (b) *Utilities Attorney.* The city attorney is designated the utilities attorney pursuant to Subsection 5.7(k) of the Charter. The city attorney, acting as the utilities attorney, shall have the full and plenary authority, subject to the limitations upon such authority contained in the Charter, to provide legal advice and represent the ongoing and regular operations of the municipal utilities, and subject further to the limitations of the policies, budget resolution and appropriations ordinance approved by the city council. From and after the effective date of this section, the city attorney, acting as the utilities attorney, shall succeed in all actions and matters previously conducted or entered by the former utilities attorney. All actions by the former utilities attorney are ratified.

(Code 1975, § 5-50; Ord. No. 2231, § 1, 2-8-93; Ord. No. 2244, § 1, 4-12-93)

Cross reference(s)—Utilities, Ch. 74.

Sec. 2-122. Establishment of exempt positions, department heads and supervision of departments.

The positions exempt from the career service, department head positions and departments deemed to be under the direct supervision of the city manager shall be identified in the annual budget or subsequent budget amendments as may, from time to time, be necessary.

(Code 1975, § 5-57; Ord. No. 705, 12-22-75; Ord. No. 1014, 2-23-81; Ord. No. 1341, 4-9-84; Ord. No. 1486, 10-14-85)

Sec. 2-123. Establishment of departments.

The city shall be organized into departments, and the departments shall be identified in the annual budget and the appropriations ordinance or subsequent amendments thereto.

(Code 1975, § 5-58; Ord. No. 2215, § 2, 12-28-92)

Secs. 2-124—2-160. Reserved.

**ARTICLE
EMPLOYEES⁵**

V. OFFICERS

AND

DIVISION 1. GENERALLY

Secs. 2-161—2-185. Reserved.

DIVISION 2. CODE OF ETHICS⁶

Sec. 2-186. Purpose.

The purpose of this division is to promote public confidence in city government, to provide guidance to members of the city council, members of city boards and commissions, and city officers and employees and to comply with Section 7.4 of the Charter, by establishing a code of ethics.

(Code 1975, § 57-1; Ord. No. 2079, § 1, 5-20-91)

⁵Charter reference(s)—Personnel and career service, Ch. VII; collective bargaining for fire fighters, Ch. XVIII.

Cross reference(s)—Personnel, Ch. 54.

⁶Charter reference(s)—Council conflicts of interest, § 4.20.

Sec. 2-187. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means any appointive board or commission or other appointive body or authority of the city. The term "board" shall include the Thornton Development Authority and the Thornton Arts, Sciences and Humanities Council, Inc., but shall not include members of advisory ad hoc committees who are not otherwise officers, board members or employees of the city.

Board member means a regular or alternate member of a board.

Confidential information means information which is not available to the general public under applicable laws, ordinances, and regulations, and which is obtained by reason of the councilmember's, board member's or employee's position with the city.

Conflict of interest means a personal interest of the councilmember, board member, or employee or of any relative of such which interferes with or influences or may interfere with or influence or which may reasonably be perceived by the public as interfering with or influencing the conduct of the duties or the exercise of the powers of the councilmember, board member, or employee on behalf of the city. The term "conflict of interest" includes the restrictions set forth in Section 2-191.

Contract means any arrangement or agreement, including the bidding or negotiation process therefor, pursuant to which any material, service or other thing of value is to be furnished to the city for a valuable consideration to be paid by the city or is to be sold or transferred by the city, provided the amount involved is more than \$100.00. The term "contract" shall include any subcontract thereof.

Employee means any person holding a paid position of employment with the city, whether full-time, part-time, regular, temporary, or by contract.

Interest means a pecuniary, property, or commercial interest or any other interest, the primary significance of which is economic gain or the avoidance of economic loss. An officer, board member or employee shall be deemed to have a pecuniary interest in a contract if the officer, board member or employee or any member of the officer's, board member's or employee's family is an employee, partner, officer, director or sales representative of the person with whom such contract is made. However, the term "interest" shall not include any matter involving the common public good or necessity or any matter in which a similar benefit is conferred to all persons or property similarly situated. Provided further, ownership individually or in a fiduciary capacity of any securities or of any beneficial interest in securities of a corporation shall not be deemed to create an "interest" in the corporation unless the aggregate amount of such securities, or interest in such securities, amounts to ten percent or more of any class of the securities of the corporation then outstanding or constitutes controlling interest in the corporation.

Officer means each councilmember, each municipal judge, the city manager, the city attorney, the utilities attorney, if any, and the utilities director.

Person means any individual, corporation, business trust, estate, trust, limited liability company, partnership, labor organization, association, political party, committee, or other legal entity.

Relative means an employee's husband, wife, domestic partner, partner in a civil union, daughter, son, father, mother, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandparent, grandparent-in-law, step-parent, step-child, son-in-law, daughter-in-law, grandchild and all relationships listed above as they relate to domestic partners or partners in a civil union.

(Code 1975, § 57-2; Ord. No. 2079, § 1, 5-20-91; Ord. No. 2236, § 1, 3-15-93; Ord. No. 2978, § 1, 1-23-07; Ord. No. 3133, § 1, 5-25-10; Ord. No. 3245, § 1, 6-25-13; Ord. No. 3412, § 1, 10-25-16)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 2-188. Violations; penalty.

In addition to any other penalty provided for in the Charter, this Code, or any other applicable law, any officer, board member or employee who violates any provision of this division is subject to the following penalties:

- (1) A violation by a councilmember which is established to the satisfaction of a majority of the remaining members of the city council shall be grounds for an official reprimand by the city council.
- (2) A violation by a board member which is established to the satisfaction of a majority of the remaining members of the board shall be grounds for an official reprimand by the board or by the city council or both. Unless prohibited by the Charter, the city council may remove such member from the board and appoint another person to finish the term of the member removed.
- (3) A violation by an employee which is established to the satisfaction of the city Manager or, in the case of an employee appointed by the city council, to the satisfaction of the city council, shall be grounds for an official reprimand or disciplinary action, including termination from employment.
- (4) Any person who knowingly or intentionally violates any provisions of Section 2-191 shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided in Section 1-8(b). Each separate day or any portion thereof during which violation of any provision appearing in this division occurs or continues shall be deemed or constituted as a separate offense.
- (5) Any officer who knowingly permits the city to enter into any contract in which the officer has a pecuniary interest, without disclosing such interest to the council prior to the action of the council in authorizing such contract, shall be guilty of misconduct in office or employment.

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- (6) The penalties provided for in subsections (1) through (5) of this section shall not preclude the application of any other penalty or remedy provided for by law.

(Code 1975, § 57-14; Ord. No. 2079, § 1, 5-20-91)

Sec. 2-189. Compliance with other laws.

The requirements of this division shall be in addition to the applicable requirements of the Charter.

(Code 1975, § 57-3; Ord. No. 2079, § 1, 5-20-91; Ord. No. 2978, § 2, 1-23-07)

Sec. 2-190. Advisory opinions.

- (a) The municipal judge shall obtain, upon the adoption of this division, and shall maintain the consent of one or more judges of municipalities other than this city to provide advisory opinions with respect to this division, the reasonable expenses and fees thereof to paid by the city. The names of such judges shall be provided to the city council, the city manager, and the city attorney.
- (b) The city council, city manager or city attorney may request in writing an advisory opinion with respect to this division from any judge having consented thereto pursuant to subsection (a) of this section. The advisory opinion shall be in writing and the judge issuing the advisory opinion may require that all or portions of the opinion remain confidential.
- (c) Any person who acts in accordance with an advisory opinion issued pursuant to this section shall not be guilty of violating any of the provisions of this division.
- (d) If the subject of the advisory opinion is the city municipal judge, the advisory opinion may be requested from any municipal judge, and shall not be limited to those identified in subsection (a) of this section.

(Code 1975, § 57-4; Ord. No. 2079, § 1, 5-20-91)

Sec. 2-191. Restrictions.

- (a) No officer, board member, or employee shall knowingly use any confidential information to further the personal interest of the officer, board member or employee or any relative thereof.
- (b) No officer, board member or employee shall disclose any confidential information to persons not entitled to such information, except as required by law.
- (c) No officer, board member or employee shall participate in any discussion of, take any final action on, or vote to render any final decision or determination on any matter in relation to which the officer, board member or employee has a conflict of interest.

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- (d) No officer, board member or employee shall accept, receive or solicit any gift or other thing of value having either a fair market value or aggregate actual cost greater than \$75.00 in any calendar year, including but not limited to, gifts, loans, rewards, promises or negotiations of future employment, favors or services, honorariums, travel, entertainment, or special discounts, from a person, without the person receiving lawful consideration of equal or greater value in return from the officer, board member or employee who solicited, accepted or received the gift or other thing of value.
- (e) The prohibitions in subsection (d) of this section do not apply if the gift or thing of value is:
- (1) Campaign contributions reported if and as required by law.
 - (2) A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service.
 - (3) Payment of or reimbursement for actual and necessary expenditures for travel, tuition, registration fees, and subsistence for attendance at a convention, training event or other meeting at which an officer, board member, or employee is scheduled to participate or represent the city.
 - (4) Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to an officer, board member, or employee which is not extraordinary when viewed in light of the position held by such officer, board member or employee.
 - (5) Payment of salary from employment, including other government employment, in addition to that earned from being an officer, board member or employee.
 - (6) Items available for free to the general public at trade conventions or other public exhibitions, and items offered at a discount to officers, board members and/or employees of governments.
- (f) It shall not be a violation of this article for an officer, board member, official, or employee to solicit donations to the city or to solicit or redirect donations for charitable purposes to a 501(c) or other charitable organization or to provide assistance to individuals affected by illness, crime or disaster or who have educational or charitable needs, provided that solicitation and financial records are maintained and provided that the soliciting person does not keep or use the gift or receive any monetary benefit therefrom.
- (g) No officer, board member or employee shall receive or solicit any compensation, gift, payment of expense, reward, gratuity, loan, reduced interest rate, or any thing of value tendered by a person who has an interest in any matter pending before the city that exceeds the \$75.00 limit on gifts and other things of value set forth in subsection (d) of this section. This restriction also applies to any such things of value given after the pending matter is concluded if it reasonably appears that the giving of the thing of value is related to the recipient's participation in the pending matter. Matters

pending before the city include but are not limited to inspections and the processing of permits, licenses, and other administrative approvals.

- (h) No officer, board member, or employee shall on behalf of a private interest before the city council or any board, unless otherwise permitted by the Charter, this Code or ordinances, except that any officer, board member, or employee may appear before the city council or any board on such officer's, board member's or employee's own behalf, and an officer may appear on behalf of a private interest before any board, the action of which is not reviewable by the city council. Nothing in this subsection shall preclude an officer, board member, or employee in the same manner and under the same circumstances as any other person from appearing before the city council or a board on an application of the officer, board member, or employee for a permit, license or other approval of the council or board required by law.
- (i) No officer, board member or employee shall represent any private interests, other than the officer's, board member's or employee's own interest, against the interests of the city in any civil litigation to which the city is a party, unless the consent of the city council is first obtained, except that any officer, board member or employee may testify under oath if subpoenaed.
- (j) In addition to the restrictions on employment imposed on councilmembers for two years following their terms of office as set forth at Section 4.21 of the Charter, no officer, board member, or employee shall, at any time within six months following termination of the office or employment, obtain or retain employment in which the officer, board member or employee will take direct advantage, unavailable to others, of matters with which the officer, board member or employee was directly involved during the term of office or employment with the city.
- (k) No officer, board member or employee shall use any city property or employee services for personal gain or advantage except in the same manner and under the same circumstances as any other person who is not an officer, board member or employee of the city.
- (l) No councilmember or board member shall vote on any question concerning the member's own conduct.
- (m) The city manager may designate by administrative directive a job classification(s) at the city's golf course that may receive gratuities in the form of tips where it is a common standard in the public sector for such position to receive tips.
- (n) The city council may authorize a member thereof to accept, receive or solicit a gift or other thing of value above the \$75.00 limit on gifts and other things of value provided in subsection (d) of this section.
- (o) The \$75.00 limit on gifts and other things of value provided in subsection (d) of this section shall be adjusted by an amount based upon the percentage change over a four-year period in the United States bureau of labor statistics consumer price index for Denver-Boulder-Greeley, all items, all consumers, or its successor index, rounded

to the nearest lowest dollar. The first adjustment shall be done in the first quarter of 2027 and every four years thereafter.

(Code 1975, § 57-5; Ord. No. 2079, § 1, 5-20-91; Ord. No. 2236, § 1, 3-15-93; Ord. No. 2978, § 3, 1-23-07; Ord. No. 3196, § 1, 4-24-12; Ord. No. 3683, § 1, 4-9-24)

**Sec. 2-192. Conflict of interest disclosure; stepping-down procedures—
Councilmember or board member.**

- (a) A councilmember who knowingly has a conflict of interest in relation to a matter pending before the city council shall disclose the conflict of interest to the city council.
- (b) When it appears to the city council that a member thereof may have a conflict of interest which has not been disclosed, a majority of the remaining members of the city council may request an advisory opinion pursuant to section 2-190 as to whether the councilmember has a conflict of interest. If the advisory opinion is that a conflict of interest exists, no vote shall be recorded for the councilmember, consistent with Charter Subsection 8.4(e).
- (c) The councilmember with a conflict of interest shall not vote on or be present during or participate in consideration of the matter in relation to which a conflict of interest is disclosed or established prior to any vote. Pursuant to Charter Subsection 8.4(e), no vote shall be recorded for a councilmember who refuses to vote because of a conflict of interest.
- (d) The provisions of subsections (a) through (c) of this section shall apply to board members and boards. When it appears that a board member may have a conflict of interest which has not been disclosed, the board may request an advisory opinion pursuant to Section 2-190 as to whether a board member has a conflict of interest. If the advisory opinion is that a conflict of interest exists, no vote shall be recorded for the board member. No vote shall be recorded for a board member who refrains from voting because of a conflict of interest. If it appears to the city council that the board is not performing the functions set forth in these subsections, the city council may perform those functions.

(Code 1975, § 57-6; Ord. No. 2079, § 1, 5-20-91; Ord. No. 2236, § 1, 3-15-93)

Sec. 2-193. Same—City employee.

- (a) An employee who is aware of a conflict of interest or a possible conflict of interest in relation to a matter pending before the employee shall promptly disclose in writing the conflict to the city manager.
- (b) When it appears to the city manager that an employee may have a conflict of interest which has not been disclosed, or if an employee discloses a possible conflict of interest, the city manager shall:
 - (1) Determine whether the employee has a conflict of interest; or

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- (2) Request an advisory opinion pursuant to Section 2-190 as to whether the employee has a conflict of interest.
- (c) When a conflict of interest is disclosed or established as provided in subsection (a) or (b) of this section, the city manager shall take any action the city manager deems to be in the best interest of the city. The employee with such a conflict of interest shall not perform any duties concerning the matter in relation to which the conflict of interest exists, unless directed to do so in writing by the city manager.
- (d) In all cases, the determination of the city manager as to whether or not a conflict of interest exists is final and shall not be the subject of a grievance or appeal to the hearing authority. Any suspension, demotion or discharge action taken as a result of the determination may be appealed to the hearing authority. This subsection shall only apply to certified employees.
- (e) Where the employee involved is an appointee of the city council or a city board, such city council or board shall perform the functions of the city manager described in this section.
- (Code 1975, § 57-7; Ord. No. 2079, § 1, 5-20-91; Ord. No. 2236, § 1, 3-15-93; Ord. No. 2585, § 1, 11-15-99)

Sec. 2-194. Prohibition of certain contracts.

- (a) The city council declares that the best interests of the city are served by prohibiting the making of certain contracts. Accordingly, in addition to any other applicable requirements in this division, the requirements of subsection (b) of this section shall apply to the making of contracts by the city.
- (b) The city shall not knowingly make any contract, in which an officer has an interest, with any person, if an officer or a relative of an officer:
- (1) Is an employee, partner, officer, director or sales representative of the person; or
- (2) In the case of a contract with a corporation, has ownership interest, individually or in a fiduciary capacity, of securities or of any beneficial interest in securities of such corporation, and the aggregate amount of such securities or such interest in securities amounts to ten percent or more of any class of the securities of the corporation then outstanding or to controlling interest.
- (c) An officer shall disclose an interest of which the officer has knowledge in any proposed contract prior to the city entering into such contract; disclosure shall be in writing to the city clerk or orally to the city council at any regular or special meeting.
- (d) If a board member or employee has knowledge of the following described interest in a contract, such board member or employee shall disclose such interest as provided in subsection (e) of this section prior to the city entering into the contract:

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- (1) The board member, employee, or relative thereof is an agent, employee, partner, officer, director or sales representative of the person contracting with the city; and/or
 - (2) In the case of a contract with a corporation, the board member, employee, or relative thereof has ownership interest, individually or in a fiduciary capacity, of securities or of any beneficial interest in securities of such corporation, and the aggregate amount of such securities or such interest in securities amounts to ten percent or more of any class of the securities of the corporation then outstanding or to controlling interest.
- (e) The procedures of Section 2-193 apply to subsection (d) of this section. In addition, the city may choose, in its sole discretion and notwithstanding any other contracting procedures of this division, to refrain from entering into any contract in which an interest described in subsection (b) or (d) of this section exists.

(Code 1975, § 57-8; Ord. No. 2079, § 1, 5-20-91; Ord. No. 2236, § 1, 3-15-93)

Charter reference(s)—Pecuniary interests in certain contracts prohibited, § 7.4.

Sec. 2-195. Appearance of impropriety.

To maintain confidence in government, each officer, board member and employee shall, in the performance of services for the city, seek to avoid the appearance that a conflict of interest exists or that a city office or employment is being used for personal interest.

(Code 1975, § 57-9; Ord. No. 2079, § 1, 5-20-91; Ord. No. 2236, § 1, 3-15-93)

Sec. 2-196. Antinepotism.

- (a) Antinepotism rules applicable to the city council, city manager and utilities director appear in Charter Section 7.6. The city manager may adopt antinepotism regulations applicable to employees.
- (b) Any officer, board member, or employee who has or has had a significant professional or personal relationship with any prospective employee, consultant, contractor, supplier, or other person shall be deemed to have a conflict of interest and shall disclose such relationship, as provided herein, prior to participation, if any, in the recruitment or selection thereof.

(Code 1975, § 57-10; Ord. No. 2079, § 1, 5-20-91; Ord. No. 2236, § 1, 3-15-93)

Sec. 2-197. Quasi-judicial decisions.

Each officer, board member and employee shall be and remain impartial when making any quasi-judicial decision. Any officer, board member or employee who cannot be impartial in making a quasi-judicial decision shall follow the procedure described in

Section 2-192(c). In addition, no officer or board member shall receive nor shall any employee or member of the public provide to any officer or board member any substantive oral or written information, except for legal advice, regarding a matter which is pending before the council or a board on which the board member sits, and which is the subject of a quasi-judicial hearing before the council or the board, outside of the quasi-judicial hearing process. The term "quasi-judicial hearing process" includes but is not limited to preparations necessary for such hearing such as written staff reports, scheduling, agendas, proposed resolutions and ordinances, posting or publishing notice, and legal advice. The city attorney shall provide affected officers, board members and employees advice on what constitutes a quasi-judicial decision.

(Code 1975, § 57-11; Ord. No. 2079, § 1, 5-20-91; Ord. No. 2236, § 1, 3-15-93)

Sec. 2-198. Administrative regulations.

The city manager may adopt regulations governing the ethical conduct of employees which are no less restrictive but may be more restrictive than the provisions of the Charter, this Code or ordinances or state law.

(Code 1975, § 57-12; Ord. No. 2079, § 1, 5-20-91)

Sec. 2-199. Information to officers, board members and employees.

The city shall provide information to officers, board members, and employees regarding the ethical requirements of the Charter, this Code and ordinances and applicable state and federal law.

(Code 1975, § 57-13; Ord. No. 2079, § 1, 5-20-91)

Secs. 2-200—2-235. Reserved.

ARTICLE VI. ELECTIONS⁷

Sec. 2-236. Regular municipal elections.

- (a) *Nomination petitions.* Any person who desires to be a candidate for a municipal office may circulate a nominating petition for signature no sooner than the 91st day prior to the date of a regular municipal election. The nominating petition shall be filed with the city clerk no later than the 71st day prior to the date of a regular municipal election. The nominating petition may be amended to correct or replace signatures

⁷Charter reference(s)—Elections, Ch. III; wards, § 4.2.

Cross reference(s)—City council, § 2-26 et seq.; election commission, § 2-84.

State law reference(s)—Municipal election code, C.R.S. § 31-10-101 et seq.

which the city clerk finds are not in apparent conformity with the requirements of the municipal election code at anytime before the 67th day before the date of a regular municipal election.

- (1) Any person who has been nominated and who has accepted a nomination may withdraw from such nomination no later than 64 days before the election by signing a written affidavit and subsequently filing it with the city clerk.
- (2) Any certificate of nomination or petition to fill a vacancy shall be filed with the city clerk not later than the 61 days before the day of the election.
- (b) *Protests of nomination.* A protest of a nomination shall be made in writing and filed with the city clerk within five days after the petition has been filed. The city clerk shall hear any protest within ten days after the protest is filed and shall pass upon the validity of the protest, whether of form or substance, and shall issue findings of fact and conclusions within 72 hours after the hearing.
- (c) *Affidavit of intent of write-in candidate.*
 - (1) No write-in vote for any municipal office shall be counted unless an affidavit of intent of the write-in candidate has been filed with the city clerk by the person whose name is written in by the close of business on the 64th day before the election.
 - (2) The affidavit of intent of the write-in candidate may be filed on forms provided by and available from the city clerk or on substantially similar forms from some other source, but each such affidavit shall contain a sworn statement that the affiant is fully qualified for the office involved and that the affiant desires the office.
 - (3) Nothing contained in this section shall change, modify, amend, waive or in any way alter the residency requirements or the age requirement for any municipal office.

(Code 1975, § 5-98; Ord. No. 705, 12-22-75; Ord. No. 2265, § 1, 6-28-93; Ord. No. 2308, § 28, 2-28-94; Ord. No. 2617, § 1, 7-10-00; Ord. No. 2730, § 1, 9-24-02)

Sec. 2-237. State law exclusion; precincts and polling places.

- (a) The provisions of C.R.S. § 31-10-108, or any successor statute, shall not apply to special municipal elections in the city, insofar as such statute relates to the period of time when such special elections may not be held prior to and following a primary or general election in the state.
- (b) No election precinct or part thereof shall be located in more than one ward. Any changes to existing polling places or the addition of any new polling places shall be established by the election commission at least 30 days before any election is held. The polling places, as established, shall be posted in designated public places and notice shall be provided, pursuant to Section 2-1, at least 20 consecutive days before the election, except for consolidated elections conducted pursuant to the Uniform Election Code of 1992, as amended.

(Code 1975, § 5-99; Ord. No. 705, 12-22-75; Ord. No. 1841, 1-23-89; Ord. No. 1859, 5-8-89; Ord. No. 2308, § 29, 2-28-94; Ord. No. 2431, § 1, 8-26-96; Ord. No. 3392, § 7, 8-9-16; Ord. No. 3476, § 5, 7-10-18)

Charter reference(s)—Special elections, § 3.2.

Sec. 2-238. Compensation to municipal election judges.

The judges of election serving for municipal elections held in the city shall receive the same compensation as election judges who serve for Adams County in general elections.

(Code 1975, § 5-100; Ord. No. 2332, § 2, 7-25-94; Ord. No. 2730, § 2, 9-24-02)

Charter reference(s)—Election judges, § 3.4.

Sec. 2-239. [Councilmember candidate qualifications; reapportionment.]

The provisions of the Charter regarding qualifications shall not be construed to limit eligibility of a resident to be elected or appointed as a councilmember when reapportionment occurs, so long as the resident has resided at an address within the new ward boundaries for at least 12 consecutive months immediately preceding the date of the election or appointment and satisfies all other requirements for qualification.

(Ord. No. 2619, 7-24-00)

Sec. 2-240. Campaign contributions; reporting periods for campaign finance reports.

- (a) A campaign contribution as that term is defined in Colorado Revised Statutes Section 1-45-103(6), as amended, may be accepted by a candidate for city council from persons, businesses, corporations and labor organizations. All campaign contributions and expenditures shall be reported and filed as required by law.
- (b) Except as otherwise provided in this subsection, reports that are required to be filed with the city clerk under the Fair Campaign Practices Act, Title 1, Article 45 of the Colorado Revised Statutes, must be filed no later than 120 days, 90 days, 60 days, 30 days, and 15 days before, and 30 days after, the major election and annually in off-election years on the first day of the month in which the anniversary of the major election occurs. Except for candidate committees and issue committees, a committee must file a report only if it has activity to report during the reporting period. For purposes of this subsection, "major election" means:
 - (1) For any candidate for city council and the candidate's candidate committee, the election that elects the candidate to city council;
 - (2) For any issue committee, the election that decides the city ballot issue that the issue committee is supporting or opposing;

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- (3) For any political committee, the election in which it supports or opposes a candidate for city council;
 - (4) For any small donor committee, the election in which it makes contributions to a candidate for city council;
 - (5) For any independent expenditure committee, the election in which it makes expenditures in connection with a city election.

(Ord. No. 2985, § 1, 3-27-07; Ord. No. 3676, § 1, 10-8-24)

Sec. 2-241. Coordinated elections.

For November regular or special elections the city shall coordinate its election with the county unless otherwise directed by city council. No later than February 1 of each year, the city manager shall notify city council of the pending coordinated election.

- (a) *Uniform Election Code.* When regular municipal elections are coordinated with the county clerk, pursuant to Section 3.3 of the City Charter, and C.R.S. §§ 1-1-102 and 31-10-102.7, the Uniform Election Code shall be followed for the purpose of participating in coordinated elections.
- (b) *Designated election official.* For the purposes of coordinating regular municipal elections with the county, the city clerk shall be appointed as the designated election official for the purposes of performing acts required or permitted by law in connection with the election. The city clerk shall post the notice of election at least ten days prior to the election and until two days after the election in a conspicuous place in the office of the city clerk.

(Ord. No. 3096, § 1, 5-12-09; Ord. No. 3256, § 1, 8-27-13)

Sec. 2-242. Responsibilities of the city clerk.

(a) *Charter amendments.*

- (1) The city clerk is responsible for publication requirements for City Charter amendments and for general ballot questions.
- (2) The city clerk within 20 days after the approval of Charter amendments shall file with the Secretary of State, a certified copy of each Charter amendment, with the official tally of the votes for and against the amendment.

(b) *Taxpayers bill of rights ballot issues.* The city clerk shall cause the notice required by Section 20(3)(b) of Article X of the Colorado Constitution to be prepared and transmitted to the county clerk at least 42 days prior to the election as required by C.R.S. § 1-7-904.

(Ord. No. 3256, § 2, 8-27-13)

Sec. 2-243. Councilmember candidate qualifications; rules for determining residence.

- (a) The residence of a person is their primary home or place of abode at which the person has a physical presence on a regular basis and to which that person intends to return after a departure or absence. Before a candidate for councilmember, or mayor, is eligible for office, he or she must certify on forms provided by the city clerk that he or she meets the residency requirements for office.
- (b) After receipt of the form certifying residency, the city clerk shall verify that each candidate meets the requirement of residing in the city, and appropriate Ward if applicable, for 12 consecutive months by the date of the appointment or election. The city clerk shall confirm residency through the rolls of registered voters. If the candidate's residency cannot be verified through the rolls of registered voters, the city clerk shall request that the candidate provide a document from which the city clerk can verify eligibility. Examples of documents which may be submitted include:
 - (1) Property records from the county assessor's office indicating that the candidate was the property owner of the primary residence for 12 consecutive months by the date the appointment will be effective;
 - (2) A lease for the primary residence which is in the name of the candidate and includes the date of commencement;
 - (3) A utility bill for the residence.

The candidate may provide documentation not included in this list. The city clerk shall determine whether the candidate has sufficiently proven compliance with the residency requirements.

The city clerk shall within one week of receipt of the documents, notify the candidate in writing if the documents are deemed insufficient to determine residency.

- (c) An appeal from any decision of the city clerk shall be directly to the district court for the county, by means of Rule 106(a)(4) Colorado Rules of Civil Procedure or other applicable procedure(s).

(Ord. No. 3517, § 1, 2-26-19)

Sec. 2-244. Councilmember vacancy; timing for appointment of replacement.

- (a) A vacancy in the office of councilmember shall be filled in accordance with the requirements of section 4.5(b) of the City Charter, by a majority vote of the members of the council in office at the time, within 30 days of the vacancy, unless the vacancy occurs within 90 days of a regularly scheduled election for the vacant seat.
- (b) In the event that the vacancy occurs within 90 days of a regularly scheduled election for the vacant seat, then council need not fill the vacancy within 30 days of the vacancy.

(Ord. No. 3517, § 2, 2-26-19)

Sec. 2-245. Municipal campaign finance complaints.

- (a) Pursuant to C.R.S. § 1-45-111.7(10), any complaint alleging that a violation of Article XXVIII of the Colorado Constitution, the Fair Campaign Practices Act, Title 1, Article 45 of the Colorado Revised Statutes, or rules adopted thereunder by the secretary of state has occurred in connection with a municipal campaign finance matter pertaining to a city election shall be timely filed with the city clerk not later than 180 days after the date on which the complainant either knew or should have known, by the exercise of reasonable diligence, of the alleged violation.
- (b) A complainant shall file the complaint in writing, sign the complaint, identify one or more respondents and provide the complainant's address and e-mail address and the respondent's address and e-mail address, if known.
- (c) The city clerk shall review the complaint within ten business days of receiving it to determine whether the complaint satisfies the requirements of subsection (b) of this section. After reviewing the complaint, the city clerk shall:
 - (1) Dismiss the complaint if the city clerk determines that the complaint does not satisfy the requirements of subsection (b) of this section;
 - (2) Refer the complaint to the secretary of state, in a form and manner determined by the secretary of state, within 14 business days of receiving the complaint if the city clerk determines that the complaint presents an actual or potential conflict for the city clerk or the city clerk's staff, as determined in writing by the city clerk. As provided in C.R.S. § 1-45-111.7(10)(g), the city clerk's determination that a conflict exists is not reviewable by the secretary of state;
 - (3) Refer the complaint to a hearing officer appointed by the city manager within 14 business days of receiving the complaint if the city clerk determines that the complaint does not present an actual or potential conflict for the city clerk or the city clerk's staff;
 - (4) Notify the complainant of the city clerk's action taken pursuant to this subsection by e-mail or regular mail if e-mail is unavailable.
- (d) The following shall apply to any complaint referred to the secretary of state pursuant to subsection (c)(2) of this section:
 - (1) The secretary of state may use the provisions of C.R.S. § 1-45-111.7(3) through (7) to process, investigate, and resolve the complaint;
 - (2) The filing of the complaint shall be in writing and signed by the complainant on a form provided by the secretary of state, including identification of one or more respondents and the information required to be provided on the form;
 - (3) The city shall cooperate with the secretary of state in the processing and investigation of the complaint;

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- (4) The city shall disclaim any interest in fines collected in connection with a complaint that the city clerk referred to the secretary of state.
- (e) The following shall apply to any complaint referred to a hearing officer pursuant to subsection (c)(3) of this section:
- (1) The filing of the complaint shall be in writing and signed by the complainant on a form provided by the city clerk;
 - (2) The hearing officer shall conduct an initial review of the complaint to determine whether the complaint:
 - a. Was timely filed with the city clerk pursuant to subsection (a) of this section;
 - b. Specifically identifies one or more violations of Article XXVIII of the Colorado Constitution, the Fair Campaign Practices Act, or rules adopted thereunder by the secretary of state; and
 - c. Alleges and provides sufficient facts and other information to support a factual and legal basis for the violations of law alleged in the complaint.
 - (3) Within ten business days of a complaint being referred from the city clerk, the hearing officer shall take one or more of the following actions:
 - a. Dismiss the complaint, in whole or in part, as appropriate, if the hearing officer determines that the complaint or part thereof does not satisfy the requirements of subsection (e)(2) of this section;
 - b. Notify the respondent by e-mail or regular mail if e-mail is unavailable of the opportunity to cure violations alleged in the complaint pursuant to subsection (e)(4) of this section if the hearing officer determines that the complaint alleges a failure to file or otherwise disclose required information or alleges another curable violation;
 - c. Schedule a hearing to hear and determine violations alleged in the complaint pursuant to subsection (e)(5) of this section. For a complaint that alleges both curable and non-curable violations, the hearing officer may decide whether to schedule a hearing on the complaint pursuant to subsection (e)(5) of this section after the hearing officer determines if the respondent cured all curable violations in accordance with subsection (e)(4) of this section.
 - (4) The following shall apply to any determination of a hearing officer that a complaint alleges one or curable violations pursuant to subsection (e)(3)b. of this section:
 - a. The respondent shall have ten business days from the date the notice is emailed or mailed to file an amendment to any relevant report that cures any deficiencies specified in the notice;

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- b. The respondent shall provide the hearing officer with notice of the respondent's intent to cure and include a copy of any amendments to any report containing one or more deficiencies;
 - c. Upon receipt of the respondent's notice of an intent to cure, the hearing officer may ask the respondent to provide additional information and may grant the respondent an extension of time to file an amended notice of intent to cure in order to respond to any such request;
 - d. After the period to cure has expired, the hearing officer shall determine whether the respondent has cured any violation alleged in the complaint and, if so, whether the respondent has substantially complied with its legal obligations under Article XXVIII of the Colorado Constitution, the Fair Campaign Practices Act, and rules adopted thereunder by the secretary of state. In determining whether the respondent substantially complied with such legal obligations, the hearing officer shall consider the extent of the respondent's noncompliance, the purpose of the provision violated and whether that purpose was substantially achieved despite the noncompliance, and whether the noncompliance may properly be viewed as an intentional attempt to mislead the electorate or election officials. If the hearing officer determines that the respondent substantially complied with its legal obligations, the hearing officer shall dismiss the complaint, in whole or in part, as appropriate. The order to dismiss shall specify the manner in which the respondent has satisfied the factors specified herein and shall be provided to the complainant and the respondent by e-mail or by regular mail if e-mail is unavailable. If the hearing officer determines that the respondent failed to substantially comply with its legal obligations, the hearing officer shall hold a hearing on the complaint pursuant to subsection (e)(5) of this section.
- (5) A hearing on a complaint is subject to the following:
- a. The hearing officer shall schedule the hearing to be held within 30 calendar days of determining to hold the hearing. The hearing may be continued upon the motion of the complainant or respondent for up to 30 calendar days or a longer extension of time upon a showing of good cause;
 - b. The hearing officer shall by e-mail or regular mail if e-mail is unavailable provide a minimum of 15 calendar days' notice of the hearing to the complainant and respondent;
 - c. Upon the request of the complainant or respondent, the hearing officer may issue an administrative subpoena requiring the attendance of a witness or party in relation to an alleged municipal campaign finance violation pertaining to a city election, which shall be served on the party to whom it is directed by the requesting party pursuant to Rule 4 of the Colorado Rules of Civil Procedure. It shall be unlawful for a witness or party to fail to comply

with such subpoena, and any person convicted of a violation thereof shall be punished in accordance with Section 1-8(a) of City Code;

- d. The hearing shall be electronically recorded, and may be held virtually at the discretion of the hearing officer;
 - e. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The complainant shall have the burden of proof to establish that a violation alleged in the complaint occurred under a preponderance of the evidence standard. The respondent and complainant may present evidence to the hearing officer in the form of testimony, documents, rebuttal testimony, and opening and closing statements;
 - f. The hearing officer shall issue a decision in writing within 30 business days of the hearing;
 - g. If the hearing officer determines that a violation occurred, the hearing officer's decision shall include any appropriate order, relief, or sanction and may include, without limitation, sanctions as follows:
 - i. Impose a civil penalty of at least double and up to five times the amount contributed, received or spent in violation of any contribution prohibition or limitation or in violation of a contribution reporting requirement;
 - ii. Impose a civil penalty of \$50 per day for each day that a statement or other information required to be filed pursuant to Article XXVIII of the Colorado Constitution, the Fair Campaign Practices Act, or rules adopted thereunder by the secretary of state is not filed by the close of business on the day due, provided, however, that the hearing officer may waive the civil penalty, in full or in part, to the extent the hearing officer deems appropriate;
 - iii. Order disclosure of the source and amount of any undisclosed contributions or expenditures;
 - iv. Order the return to the donor of any contribution made which was the subject of the violation.
- (6) The city may pursue by any legal means for the collection of civil penalties imposed by a hearing officer pursuant to this section. The city clerk may also refer the matter for collection by whatever means are available to the city, including by a private collection agency, and the party responsible to pay the penalty may be assessed the cost of collection.
- (f) As used in this section:
- (1) *City clerk* means the city clerk or designee;
 - (2) *Conflict* means the actual or reasonably perceived inability to process a campaign finance complaint or impose a remedy in a fair and impartial manner,

including an actual or reasonably perceived bias or other factors that may impact the independence of the decision-maker regarding the complainant or a candidate;

(3) *Secretary of state* means the Colorado secretary of state or designee.

(Ord. No. 3676, § 2, 10-8-24)

Fair Campaign Practices Act

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1-45-101. Short title.

This article shall be known and may be cited as the “Fair Campaign Practices Act”.

1-45-102. Legislative declaration.

The people of the state of Colorado hereby find and declare that large campaign contributions to political candidates allow wealthy contributors and special interest groups to exercise a disproportionate level of influence over the political process; that large campaign contributions create the potential for corruption and the appearance of corruption; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; and that the interests of the public are best served by limiting campaign contributions, establishing campaign spending limits, full and timely disclosure of campaign contributions, and strong enforcement of campaign laws.

1-45-103. Definitions.

As used in this article 45, unless the context otherwise requires:

(1) “Appropriate officer” shall have the same meaning as set forth in section 2 (1) of article XXVIII of the state constitution.

(1.3) “Ballot issue” shall have the same meaning as set forth in section 1-1-104 (2.3); except that, for purposes of section 1-45-117, “ballot issue” shall mean both a ballot issue as defined in this subsection (1.3) and a ballot question.

(1.5) “Ballot question” shall have the same meaning as set forth in section 1-1-104 (2.7).

(2) “Candidate” shall have the same meaning as set forth in section 2 (2) of article XXVIII of the state constitution.

(3) “Candidate committee” shall have the same meaning as set forth in section 2 (3) of article XXVIII of the state constitution.

(4) “Candidate committee account” shall mean the account established by a candidate committee with a financial institution pursuant to section 3 (9) of article XXVIII of the state constitution.

(5) “Conduit” shall have the same meaning as set forth in section 2 (4) of article XXVIII of the state constitution.

(6) (a) “Contribution” shall have the same meaning as set forth in section 2 (5) of article XXVIII of the state constitution.

(b) “Contribution” includes, with regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value to such contribution,

including, but not limited to, items of perishable or nonpermanent value, goods, supplies, services, or participation in a campaign-related event, an amount equal to the value in excess of such compensation or consideration as determined by the candidate committee.

(c) “Contribution” also includes:

(I) Any payment, loan, pledge, gift, advance of money, or guarantee of a loan made to any political organization;

(II) Any payment made to a third party on behalf of and with the knowledge of the political organization; or

(III) The fair market value of any gift or loan of property made to any political organization.

(d) “Contribution” does not include the payment of legal fees to advise a candidate on compliance with campaign laws or regulations or to represent a candidate or candidate committee in any action in which the candidate or committee has been named as a defendant. Such legal services are not undertaken “for the benefit of any candidate committee” or “for the purpose of promoting the candidate’s nomination, retention, recall, or election” as those phrases are used in section 2 (5)(a)(II) and (5)(a)(IV) of article XXVIII of the state constitution.

(e) “Contribution” does not include an intervention by the secretary of state, as authorized by section 1-45-111.5 (1.5)(g), in any action brought to enforce the provisions of article XXVIII of the state constitution or this article 45.

(7) “Corporation” means a domestic corporation incorporated under and subject to the “Colorado Business Corporation Act”, articles 101 to 117 of title 7, C.R.S., a domestic nonprofit corporation incorporated under and subject to the “Colorado Revised Nonprofit Corporation Act”, articles 121 to 137 of title 7, C.R.S., or any corporation incorporated under and subject to the laws of another state. For purposes of this article, “domestic corporation” shall mean a for-profit or nonprofit corporation incorporated under and subject to the laws of this state, and “nondomestic corporation” shall mean a corporation incorporated under and subject to the laws of another state or foreign country. For purposes of this article, “corporation” includes the parent of a subsidiary corporation or any subsidiaries of the parent, as applicable.

(7.2) “Direct ballot issue or ballot question expenditure” means direct spending in support of or opposition to any single ballot issue or ballot question by a person who does not otherwise meet the requirements of an issue committee. Contributions to an issue committee are not direct ballot issue or ballot question expenditures.

(7.3) (a) “Donation” means:

(I) The payment, loan, pledge, gift, or advance of money, or the guarantee of a loan, made to any person for the purpose of making an independent expenditure;

(II) Any payment made to a third party that relates to, and is made for the benefit of, any person that makes an independent expenditure;

(III) The fair market value of any gift or loan of property that is given to any person for the purpose of making an independent expenditure; or

(IV) Anything of value given, directly or indirectly, to any person for the purpose of making an independent expenditure.

(b) “Donation” shall not include a transfer by a membership organization of a portion of a member’s dues for an independent expenditure sponsored by such membership organization.

(7.5) “Earmark” means a designation, instruction, or encumbrance that directs the transmission and use by the recipient of all or part of a donation to a third party for the purpose of making:

(a) Independent expenditures greater than one thousand dollars to support or oppose a specified candidate;

(b) Electioneering communications greater than one thousand dollars; or

(c) Contributions or expenditures greater than one thousand dollars to support or oppose a specified ballot issue or ballot question.

(8) “Election cycle” shall have the same meaning as set forth in section 2 (6) of article XXVIII of the state constitution.

(9) “Electioneering communication” has the same meaning as set forth in section 2 (7) of article XXVIII of the state constitution. For purposes of the disclosure required by section 1-45-108, “electioneering communication” also includes any communication that satisfies all other requirements set forth in said section 2 (7) of article XXVIII but that is broadcast, printed, mailed, delivered, or distributed between the primary election and the general election.

(10) (a) “Expenditure” has the same meaning as set forth in section 2 (8) of article XXVIII of the state constitution.

(b) “Expenditure” does not include legal services paid to defend a candidate or candidate committee against any action brought to enforce the provisions of article XXVIII of the state constitution or this article 45.

(10.5) “Foreign corporation” means:

(a) A parent corporation or the subsidiary of a parent corporation formed under the laws of a foreign country that is functionally equivalent to a domestic corporation;

(b) A parent corporation or the subsidiary of a parent corporation in which one or more foreign persons hold a combined ownership interest that exceeds fifty percent;

(c) A parent corporation or the subsidiary of a parent corporation in which one or more foreign persons hold a majority of the positions on the corporation's board of directors; or

(d) A parent corporation or the subsidiary of a parent corporation whose United States-based operations, or whose decision-making with respect to political activities, falls under the direction or control of a foreign entity, including the government of a foreign country.

(11) "Independent expenditure" shall have the same meaning as set forth in section 2 (9) of article XXVIII of the state constitution.

(11.5) "Independent expenditure committee" means one or more persons that make an independent expenditure in support of or in opposition to a candidate in an aggregate amount in excess of one thousand dollars or that collect in excess of one thousand dollars from one or more persons for the purpose of making an independent expenditure.

(12) (a) "Issue committee" shall have the same meaning as set forth in section 2 (10) of article XXVIII of the state constitution.

(b) For purposes of section 2 (10)(a)(I) of article XXVIII of the state constitution, "major purpose" means support of or opposition to a ballot issue or ballot question that is reflected by:

(I) An organization's specifically identified objectives in its organizational documents at the time it is established or as such documents are later amended; or

(II) An organization's demonstrated pattern of conduct based upon it:

(A) and (B) (Deleted by amendment, L. 2022.)

(C) During the combined period of the current calendar year and the preceding two calendar years, making either contributions to one or more statewide Colorado issue committees or direct ballot issue or ballot question expenditures, in either support of or opposition to one or more statewide Colorado ballot issues or ballot questions, that exceeded thirty percent of the total dollar amount of all funds spent by the organization for any purpose and in any location during the entire preceding and current calendar years;

(D) During the combined period of the current calendar year and the preceding two calendar years, making either contributions to a single statewide Colorado issue committee or direct ballot issue or ballot question expenditures, in either support of or opposition to a single statewide Colorado ballot issue or ballot question, that exceeded twenty percent of the total dollar amount of all funds spent by the organization for any purpose and in any location; or

(E) Acting as an issue committee's funding intermediary by making contributions to an issue committee from funds earmarked for the issue committee.

(c) The provisions of paragraph (b) of this subsection (12) are intended to clarify, based on the decision of the Colorado court of appeals in *Independence Institute v.*

Coffman, 209 P.3d 1130 (Colo. App. 2008), cert. denied, 558 U.S. 1024, 130 S. Ct. 165, 175 L. Ed. 479 (2009), section 2 (10)(a)(I) of article XXVIII of the state constitution and not to make a substantive change to said section 2 (10)(a)(I).

(12.5) “Media outlet” means a publication or broadcast medium that transmits news, feature stories, entertainment, or other information to the public through various distribution channels, including, without limitation, newspapers; magazines; radio; and broadcast, cable, or satellite television.

(12.7) “Obligating” means, in connection with a named candidate, agreeing to spend in excess of one thousand dollars for an independent expenditure or to give, pledge, loan, or purchase one or more goods, services, or other things of value that have a fair market value in excess of one thousand dollars as an independent expenditure. “Obligating” shall not require that the total amount in excess of one thousand dollars be finally determined at the time of the agreement to spend moneys for an independent expenditure or to give, pledge, loan, or purchase anything of value.

(13) “Person” shall have the same meaning as set forth in section 2 (11) of article XXVIII of the state constitution.

(14) “Political committee” shall have the same meaning as set forth in section 2 (12) of article XXVIII of the state constitution.

(14.5) “Political organization” means a political organization defined in section 527 (e)(1) of the federal “Internal Revenue Code of 1986”, as amended, that is engaged in influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any state or local public office in the state and that is exempt, or intends to seek any exemption, from taxation pursuant to section 527 of the internal revenue code. “Political organization” shall not be construed to have the same meaning as “political organization” as defined in section 1-1-104 (24) for purposes of the “Uniform Election Code of 1992”, articles 1 to 13 of this title.

(15) “Political party” shall have the same meaning as set forth in section 2 (13) of article XXVIII of the state constitution.

(15.3) “Regular biennial school election” means the election that is described in section 22-31-104 (1), C.R.S.

(15.5) “Regular biennial school electioneering communication” has the same meaning as “electioneering communication” as defined in section 2 (7) of article XXVIII of the state constitution; except that, for purpose of the definition of regular biennial school electioneering communication only, “candidate” as referenced in section 2 (7)(a)(I) of said article means a candidate in a regular biennial school election and the requirements specified in section 2 (7)(a)(II) mean a communication that is broadcast, printed, mailed, delivered, or distributed within sixty days before a regular biennial school election. Except as otherwise specified in this subsection (15.5), the definition of “regular biennial school electioneering communication” is the same as that of “electioneering communication”.

(15.7) “School district director” means a person serving as a director on the board of education of any school district within the state, including a school district composed of a city and county.

(16) “Small donor committee” shall have the same meaning as set forth in section 2 (14) of article XXVIII of the state constitution.

(16.3) (a) “Small-scale issue committee” means an issue committee that has accepted or made contributions or expenditures in an amount that does not exceed five thousand dollars during an applicable election cycle for the major purpose of supporting or opposing any ballot issue or ballot question.

(b) The following are treated as a single small-scale issue committee:

(I) All small-scale issue committees that support or oppose a common ballot measure if the committees are established, financed, maintained, or controlled by a single corporation or its subsidiaries;

(II) All small-scale issue committees that support or oppose a common ballot measure if the committees are established, financed, maintained, or controlled by a single labor organization or the affiliated local units it directs; or

(III) All small-scale issue committees that support or oppose a common ballot measure if the committees are established, financed, maintained, or controlled by substantially the same person, group of persons, or other organizations.

(16.4) “Special school election” means any school election provided for by law and held at a time other than the regular biennial school election.

(16.5) “Spending” means funds expended influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any state or local public office in the state and includes, without limitation, any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything else of value by any political organization, a contract, promise, or agreement to expend funds made or entered into by any political organization, or any electioneering communication by any political organization.

(17) “Subsidiary” means a business entity having more than half of its stock owned by another entity or person, or a business entity of which a majority interest is controlled by another person or entity.

(18) “Unexpended campaign contributions” shall have the same meaning as set forth in section 2 (15) of article XXVIII of the state constitution.

1-45-103.7. Contribution limits - county offices - school district director - treatment of independent expenditure committees - contributions from limited liability companies - voter instructions on spending limits - definitions.

(1) Nothing in article XXVIII of the state constitution or this article shall be construed to prohibit a corporation or labor organization from making a contribution to a political committee.

(1.5) (a) (I) The maximum amount of aggregate contributions that any one person other than a small donor committee or a political party may make to a candidate committee of a candidate for a county office, and that a candidate committee for such candidate may accept from any such person, is one thousand two hundred fifty dollars for the primary election and one thousand two hundred fifty dollars for the general election.

(II) The maximum amount of aggregate contributions that any one small donor committee may make to a candidate committee of a candidate for a county office, and that a candidate committee for such candidate may accept from any one small donor committee, is twelve thousand five hundred dollars for the primary election and twelve thousand five hundred dollars for the general election.

(III) The maximum amount of aggregate contributions that a political party may make to a candidate committee of a candidate for a county office, and that a candidate committee for such candidate may accept from any political party, is twenty-two thousand one hundred twenty-five dollars for the applicable election cycle.

(b) Candidates may accept contributions subject to the aggregate limits specified in subsection (1.5)(a)(I) or (1.5)(a)(II) of this section in accordance with subsection (3) of this section.

(c) Any monetary amount specified in subsection (1.5)(a) of this section must be adjusted in accordance with the adjustments made to other contribution limits as specified in section 3 (13) of article XXVIII of the state constitution.

(d) The requirements of sections 1-45-108 and 1-45-109, as applicable, apply to any contribution made or received that is subject to subsection (1.5)(a) of this section.

(e) For purposes of this subsection (1.5), “county office” means a county commissioner, county clerk and recorder, sheriff, coroner, treasurer, assessor, or surveyor.

(f) A candidate committee for a county office shall not knowingly accept contributions from an issue committee or a small-scale issue committee, and a candidate committee shall not make contributions to an issue committee or small-scale issue committee.

(1.7) (a) The maximum amount of aggregate contributions that a person, excluding a small donor committee, may make to a candidate committee of a candidate for school district director, and that a candidate committee for such candidate may accept from any one person excluding a small donor committee for a regular biennial school election or special school election, as applicable, is two thousand five hundred dollars.

(b) The maximum amount of aggregate contributions that a small donor committee may make to a candidate committee of a candidate for school district director, and that a

candidate committee for such candidate may accept from any one small donor for a regular biennial or special school election, as applicable, is twenty-five thousand dollars.

(c) Any monetary amount specified in subsection (1.7)(a) or (1.7)(b) of this section must be adjusted in accordance with the adjustments made to other contribution limits as specified in section 3 (13) of article XXVIII of the state constitution.

(d) The requirements of sections 1-45-108 and 1-45-109, as appropriate, apply to any contribution made or received for any four-year election cycle that is subject to subsection (1.7)(a) or (1.7)(b) of this section.

(1.9) (a) (I) The maximum amount of aggregate contributions that any one person, including a political party, and excluding a small donor committee, may make to a candidate committee of a candidate for a municipal office, and that a candidate committee for such a candidate may accept from any one such person per election is four hundred dollars.

(II) The maximum amount of aggregate contributions that any one small donor committee may make to a candidate committee of a candidate for a municipal office and that a candidate committee for such a candidate may accept from any one small donor committee per election is four thousand dollars.

(III) The requirements of sections 1-45-108 and 1-45-109, as appropriate, apply to any contribution made or received for any election that is subject to subsection (1.9)(a)(I) or (1.9)(a)(II) of this section.

(b) As used in this subsection (1.9), “municipal office” means the mayor, the board of trustees, a member of city council, and any other elected municipal officer.

(2) A political committee may receive and accept moneys contributed to such committee by a corporation or labor organization pursuant to subsection (1) of this section for disbursement to a candidate committee or political party without depositing such moneys in an account separate from the account required to be established for the receipt and acceptance of all contributions by all committees or political parties in accordance with section 3 (9) of article XXVIII of the state constitution.

(2.5) (a) An independent expenditure committee differs from a political committee in that an independent expenditure committee does not coordinate its activities with a candidate or political party.

(b) An independent expenditure committee shall not be treated as a political committee and, therefore, is not subject to the requirements of section 3 (5) of article XXVIII of the state constitution.

(3) A candidate committee established in the name of a candidate affiliated with either a major political party or a minor political party who is running in a primary election may accept:

(a) The aggregate contribution limit specified in section 3 (1) of article XXVIII of the state constitution for a primary election at any time after the date of the primary election in which the candidate in whose name the candidate committee is accepting contributions is on the primary election ballot; or

(b) The aggregate contribution limit specified in section 3 (1) of article XXVIII of the state constitution for a general election at any time prior to the date of the primary election in which the candidate in whose name the candidate committee is accepting contributions is on the primary election ballot.

(3.5) A candidate committee shall not knowingly accept contributions from an issue committee or a small-scale issue committee, and a candidate committee shall not make contributions to an issue committee or small-scale issue committee.

(4) A candidate committee established in the name of a candidate affiliated with either a major political party or a minor political party running in a primary election may expend contributions received and accepted for a general election prior to the date of the primary election in which the candidate in whose name the candidate committee is accepting contributions is on the primary election ballot. A candidate committee established in the name of a candidate affiliated with a major political party or a minor political party running in a primary election who wins the primary election may expend contributions received and accepted for a primary election in the general election.

(4.5) (a) A candidate committee established in the name of a candidate who is a write-in candidate, an unaffiliated candidate, or the candidate of a minor political party who is not running in a primary election may accept from any one person the aggregate contribution limit specified in either section 3 (1) of article XXVIII of the state constitution or subsection (1.5)(a) of this section applicable to the office he or she is seeking at any point during the election cycle in which the candidate in whose name the candidate committee is accepting contributions is on the general election ballot.

(b) A candidate committee established in the name of a candidate who is a write-in candidate, an unaffiliated candidate, or the candidate of a minor political party who is not running in a primary election may expend contributions received and accepted in accordance with paragraph (a) of this subsection (4.5) at any point during the election cycle in which the candidate in whose name the candidate committee is accepting contributions is on the general election ballot.

(5) (a) No limited liability company shall make any contribution to a candidate committee or political party if one or more of the individual members of the limited liability company is:

(I) A corporation;

(II) A labor organization;

(III) A natural person who is not a citizen of the United States;

(IV) A foreign government;

(V) A professional lobbyist, volunteer lobbyist, or the principal of a professional or volunteer lobbyist, and the contribution is prohibited under section 1-45-105.5 (1); or

(VI) Otherwise prohibited by law from making the contribution.

(b) No limited liability company shall make any contribution to a political committee if one or more of the individual members of the limited liability company is:

(I) An entity formed under and subject to the laws of a foreign country;

(II) A natural person who is not a citizen of the United States; or

(III) A foreign government.

(c) Notwithstanding any other provision of this subsection (5), no limited liability company shall make any contribution to a candidate committee or political party if either the limited liability company has elected to be treated as a corporation by the internal revenue service pursuant to 26 CFR 301.7701-3 or any successor provision or the shares of the limited liability company are publicly traded. A contribution by a limited liability company with a single natural person member that does not elect to be treated as a corporation by the internal revenue service pursuant to 26 CFR 301.7701-3 shall be attributed only to the single natural person member.

(d) (I) Any limited liability company that is authorized to make a contribution shall, in writing, affirm to the candidate committee, political committee, or political party to which it has made a contribution, as applicable, that it is authorized to make a contribution, which affirmation shall also state the names and addresses of all of the individual members of the limited liability company. No candidate committee, political committee, or political party shall accept a contribution from a limited liability company unless the written affirmation satisfying the requirements of this paragraph (d) is provided before the contribution is deposited by the candidate committee, political committee, or political party. The candidate committee, political committee, or political party receiving the contribution shall retain the written affirmation for not less than one year following the date of the end of the election cycle during which the contribution is received.

(II) Any contribution by a limited liability company, and the aggregate amount of contributions from multiple limited liability companies attributed to a single member of any such company under this subparagraph (II), shall be subject to the limits governing such contributions under section 3 of article XXVIII of the state constitution. A limited liability company that makes any contribution to a candidate committee, political committee, or political party shall, at the time it makes the contribution, provide information to the recipient committee or political party as to the amount of the total contribution attributed to each member of the limited liability company. The attribution shall reflect the capital each member of the limited liability company has invested in the company relative to the total amount of capital invested in the company as of the date the company makes the

campaign contribution, and for a single member limited liability company, the contribution shall be attributed to that single member. The limited liability company shall then deduct the amount of the contribution attributed to each of its members from the aggregate contribution limit applicable to multiple limited liability companies under this subparagraph (II) for purposes of ensuring that the aggregate amount of contributions from multiple limited liability companies attributed to a single member does not exceed the contribution limits in section 3 of article XXVIII of the state constitution. Nothing in this subparagraph (II) shall be construed to restrict a natural person from making a contribution in his or her own name to any committee or political party to the extent authorized by law.

(5.3) An issue committee or small-scale issue committee shall not knowingly:

(a) Accept contributions from:

(I) Any natural person who is not a citizen of the United States;

(II) A foreign government;

(III) Any foreign corporation that does not have the authority to transact business in this state pursuant to article 115 of title 7 or any successor section; or

(IV) A candidate committee;

(b) Make contributions to a candidate or candidate committee.

(5.5) A natural person who is not a citizen of the United States, a foreign government, or a foreign corporation shall not establish, register, or maintain a political committee, small donor committee, political party, issue committee, or small-scale issue committee, or make an electioneering communication or regular biennial school electioneering communication.

(5.7) A natural person who is not a citizen of the United States, a foreign government, or a foreign corporation shall not make any direct ballot issue or ballot question expenditure in connection with an election on a ballot issue or ballot question in the state.

(6) No nondomestic corporation may make any contribution under article XXVIII of the state constitution or this article that a domestic corporation is prohibited from making under article XXVIII of the state constitution or this article.

(6.5) Notwithstanding any other provision of law, a candidate committee established in the name of a candidate may expend contributions received and accepted by the committee during any particular election cycle to reimburse the candidate for reasonable and necessary expenses for the care of children or other dependents the candidate incurs directly in connection with the candidate's campaign activities during the election cycle. The candidate committee shall disclose the expenditures in the same manner as any other expenditures the committee is required to disclose under section 1-45-108 (1)(a)(I).

(7) (a) Any person who believes that a violation of subsection (1.5), (1.7), (5), or (6) of this section has occurred may file a written complaint with the secretary of state in accordance with section 1-45-111.7 (2).

(b) Any person who has violated subsection (1.5), (1.7), (5)(a), (5)(b), (5)(c), or (6) of this section is subject to a civil penalty of at least double and up to five times the amount contributed or received in violation of the applicable provision.

(c) Any person who has violated any of the provisions of subsection (5)(d)(I) of this section is subject to a civil penalty of fifty dollars per day for each day that the written affirmation regarding the membership of a limited liability company has not been filed with or retained by the candidate committee, political committee, or political party to which a contribution has been made.

(8) As used in this section, “limited liability company” has the same meaning as “domestic limited liability company” as defined in section 7-90-102 (15) or “foreign limited liability company” as defined in section 7-90-102 (24).

(9) (a) The voters instruct the Colorado congressional delegation to propose and support, and the Colorado state legislature to ratify, an amendment to the United States Constitution that allows Congress and the states to limit campaign contributions and spending, to ensure that all citizens, regardless of wealth, can express their views to one another and their government on a level playing field.

(b) The provisions of this subsection shall take effect on January 1, 2013, and be applicable thereafter.

(10) For purposes of this section, the terms “unaffiliated”, “major political party”, and “minor political party” have the same meanings as specified in the “Uniform Election Code of 1992”, articles 1 to 13 of this title.

(11) (a) If, within the six months before becoming a candidate for public office, a person actively solicits funds for an independent expenditure committee with the intent of benefiting his or her future candidacy, any expenditure made by that independent expenditure committee in that candidate’s race is presumed to be controlled by or coordinated with that candidate and deemed to constitute both a contribution by the maker of the expenditures, and an expenditure by the candidate committee.

(b) If any complaint filed under section 1-45-111.7 for a violation of this subsection (11) fails to state sufficient facts to support the allegations of the complaint, upon a final agency action, the respondent to such a complaint may apply to the state district court for an award of the person’s attorneys fees and costs in connection with defending against the complaint if the district court determines that the complaint was frivolous, vexatious, or for the purpose of harassment.

(12) (a) (I) A candidate committee account that was established for a candidate who was not elected must be terminated within one year following the election for which the

candidate committee account was established unless there is an outstanding campaign finance complaint against the candidate committee that established the candidate committee account.

(II) A candidate committee account that was established for a candidate who was elected must be terminated within one year following the date that the candidate who was elected leaves office unless there is an outstanding campaign finance complaint against the candidate committee that established the candidate committee account.

(b) The total amount of unexpended campaign contributions that are transferred to a new candidate committee for a different office sought by the same candidate shall not exceed the political party contribution limit for the initial candidate committee that received the contributions.

1-45-104. Contribution limits. (Repealed)

1-45-105. Voluntary campaign spending limits. (Repealed)

1-45-105.3. Contribution limits. (Repealed)

1-45-105.5. Contributions to members of general assembly and governor during consideration of legislation.

(1) (a) No professional lobbyist, volunteer lobbyist, or principal of a professional lobbyist or volunteer lobbyist shall make or promise to make a contribution to, or solicit or promise to solicit a contribution for:

(I) A member of the general assembly or candidate for the general assembly, when the general assembly is in regular session;

(II)

(A) The governor or a candidate for governor when the general assembly is in regular session or when any measure adopted by the general assembly in a regular session is pending before the governor for approval or disapproval; or

(B) The lieutenant governor, the secretary of state, the state treasurer, the attorney general, or a candidate for any of such offices when the general assembly is in regular session.

(b) As used in this subsection (1):

(I) “Principal” means any person that employs, retains, engages, or uses, with or without compensation, a professional or volunteer lobbyist. One does not become a principal, nor may one be considered a principal, merely by belonging to an organization or owning stock in a corporation that employs a lobbyist.

(II) The terms “professional lobbyist” and “volunteer lobbyist” shall have the meanings ascribed to them in section 24-6-301, C.R.S.

(c) (I) Nothing contained in this subsection (1) shall be construed to prohibit lobbyists and their principals from raising money when the general assembly is in regular session or when regular session legislation is pending before the governor, except as specifically prohibited in paragraph (a) of this subsection (1).

(II) Nothing contained in this subsection (1) shall be construed to prohibit a lobbyist or principal of a lobbyist from participating in a fund-raising event of a political party when the general assembly is in regular session or when regular session legislation is pending before the governor, so long as the purpose of the event is not to raise money for specifically designated members of the general assembly, specifically designated candidates for the general assembly, the governor, or specifically designated candidates for governor.

(III) A payment by a lobbyist or a principal of a lobbyist to a political party to participate in such a fund-raising event shall be reported as a contribution to the political party pursuant to section 1-45-108; except that, if the lobbyist or principal of a lobbyist receives a meal in return for a portion of the payment, only the amount of the payment in excess of the value of the meal shall be considered a contribution to the political party. The political party shall determine the value of the meal received for such payment, which shall approximate the actual value of the meal.

(IV) A gift of a meal described in subparagraph (III) of this paragraph (c) by a lobbyist or a principal of a lobbyist to a candidate elected to any office described in paragraph (a) of this subsection (1) but who has not yet been sworn into such office shall be reported as follows:

(A) The lobbyist shall report the value of the meal in the lobbyist disclosure statement filed pursuant to section 24-6-302, C.R.S.

(B) The elected candidate who has not yet been sworn into office shall report the value of the meal in the public official disclosure statement filed pursuant to section 24-6-203, C.R.S.

1-45-106. Unexpended campaign contributions.

(1) (a) (I) Subject to the requirements of section 3 (3)(e) of article XXVIII of the state constitution, unexpended campaign contributions to a candidate committee may be:

(A) Contributed to a political party;

(B) Contributed to a candidate committee established by the same candidate for a different public office, subject to the limitations set forth in section 3 of article XXVIII of the state constitution, if the candidate committee making such a contribution is affirmatively closed by the candidate no later than ten days after the date such a contribution is made;

(C) Donated to a charitable organization recognized by the internal revenue service;

(D) Returned to the contributors, or retained by the committee for use by the candidate in a subsequent campaign.

(II) Except as authorized by section 1-45-103.7 (6.5) and subsection (1)(b)(VI) of this section, in no event shall contributions to a candidate committee be used for personal purposes not reasonably related to supporting the election of the candidate.

(III) A candidate committee for a former officeholder or a person not elected to office shall expend all of the unexpended campaign contributions retained by such candidate committee, for the purposes specified in this subsection (1), no later than one year from the date such officeholder's term expired or from the date of the election at which such person was a candidate for office, whichever is later.

(b) In addition to any use described in subsection (1)(a) of this section, a person elected to a public office may use unexpended campaign contributions held by the person's candidate committee for any of the following purposes:

(I) Voter registration;

(II) Political issue education, which includes obtaining information from or providing information to the electorate;

(III) Postsecondary educational scholarships;

(IV) To defray reasonable and necessary expenses related to mailings and similar communications to constituents;

(V) Any expenses that are directly related to such person's official duties as an elected official, including, but not limited to, expenses for the purchase or lease of office equipment and supplies, room rental for public meetings, necessary travel and lodging expenses for legislative education such as seminars, conferences, and meetings on legislative issues, and telephone and pager expenses;

(VI) For purposes specified in section 1-45-103.7 (6.5), in connection with the person's official duties as an elected official.

(2) (Deleted by amendment, L. 2000, p. 123, § 4, effective March 15, 2000.)

(3) Unexpended contributions to an issue committee may be donated to any charitable organization recognized by the internal revenue service or returned to the contributor.

(4) This section shall apply to unexpended campaign contributions transferred from a political committee formed prior to January 15, 1997, to a candidate committee registering after January 15, 1997, pursuant to section 1-45-108.

(5) Notwithstanding any other provision of law, any unexpended campaign contributions retained by a candidate committee for use in a subsequent election cycle shall be counted and reported as contributions from a political party in any subsequent election in accordance with the requirements of section 3 (3)(e) of article XXVIII of the state constitution.

1-45-107. Independent expenditures. (Repealed)

1-45-107.5. Independent expenditures - restrictions on foreign corporations- registration- disclosure- disclaimer requirements- definitions.

(1) Notwithstanding any other provision of law, no natural person who is not a citizen of the United States, foreign government, or foreign corporation may expend money on an independent expenditure in connection with an election of a candidate in the state, and no independent expenditure committee may knowingly accept a donation from any natural person who is not a citizen of the United States, any foreign government, or any foreign corporation.

(2) In accordance with the decision of the supreme court of Colorado in the case of *In re Interrogatories Propounded by Governor Bill Ritter, Jr., Concerning the Effect of Citizens United v. Federal Election Comm'n*, 558 U.S. ____ (2010), on Certain Provisions of Article XXVIII of the Constitution of the State of Colorado, 227 P.3d 892 (Colo. 2010), notwithstanding sections 3 (4)(a) and 6 (2) of article XXVIII of the state constitution, corporations and labor organizations shall not be prohibited from making independent expenditures. All such expenditures shall be disclosed in accordance with the requirements of this article and article XXVIII of the state constitution. For purposes of this article and article XXVIII of the state constitution, any use of the word "person" shall be construed to include, without limitation, any corporation or labor organization.

(3) (a) Any person that accepts a donation that is given for the purpose of making an independent expenditure in excess of one thousand dollars or that makes an independent expenditure in excess of one thousand dollars shall register with the appropriate officer within two business days of the date on which an aggregate amount of donations accepted or expenditures made reaches or exceeds one thousand dollars.

(b) The registration required by paragraph (a) of this subsection (3) shall include a statement listing:

- (I)** The person's full name, spelling out any acronyms used therein;
- (II)** A natural person authorized to act as a registered agent;
- (III)** A street address and telephone number for the principal place of operations; and
- (IV)** The aggregate ownership interest in the person held by foreign persons calculated as of the time the person registers with the appropriate officer under paragraph (a) of this subsection (3).

(c) If the person identified in subparagraph (I) of paragraph (b) of this subsection (3) is a corporation, a subsidiary may register on behalf of its parent corporation or for other subsidiaries of the parent corporation, and the parent corporation may register on behalf of all of its subsidiaries. In each such case, the registered agent of the person registering shall serve as the registered agent for all such affiliated corporations. Registration of a subsidiary shall include the name of its parent corporation as well as any names under which the subsidiary does business.

(d) If the person identified in subparagraph (I) of paragraph (b) of this subsection (3) is a labor organization, a local labor organization may register on behalf of any affiliated local, national, or international labor organization that will be making independent expenditures, and a national or international labor organization may register on behalf of any affiliated local labor organization that will be making independent expenditures. In each such case, the registered agent of the labor organization that is registering shall serve as the registered agent for each affiliated local, national, or international labor organization.

(4) (a) In addition to any other applicable disclosure requirements specified in this article or in article XXVIII of the state constitution, any person making an independent expenditure in an aggregate amount in excess of one thousand dollars in any one calendar year shall report the following to the appropriate officer:

- (I)** The person's full name, or, if the person is a subsidiary of a parent corporation, the full name of the parent corporation, spelling out any acronyms used therein;
- (II)** All names under which the person does business in the state if such names are different from the name identified pursuant to subparagraph (I) of this paragraph (a);
- (III)** The address of the home office of the person, or, if the person is a subsidiary of a parent corporation, the home office of the parent corporation; and
- (IV)** The name and street address in the state of its registered agent.

(b) (I) Any person who expends an aggregate amount in excess of one thousand dollars or more per calendar year for the purpose of making an independent expenditure shall report to the appropriate officer, in accordance with the requirements of this section, the name and address of any person that, for the purpose of making an independent expenditure, donates more than two hundred fifty dollars per year to the person expending one thousand dollars or more on an independent expenditure.

(II) If the person making the donation of two hundred fifty dollars or more is a natural person, the disclosure required by subparagraph (I) of this paragraph (b) shall also include the donor's occupation and employer.

(III) If the person making the donation of two hundred fifty dollars or more is not a natural person, the disclosure required by this paragraph (b) shall also include:

(A) The donor's full name, or, if the donor is a subsidiary of a parent corporation, the full name of the parent corporation, spelling out any acronyms used therein;

(B) All names under which the donor does business in the state if such names are different from the name identified pursuant to subparagraph (I) of this paragraph (b);

(C) The address of the home office of the donor, or, if the donor is a subsidiary of a parent corporation, the home office of the parent corporation; and

(D) The name and street address in the state of the donor's registered agent.

(c) The information required to be disclosed pursuant to paragraph (a) of this subsection (4) must be reported in accordance with the schedule specified in section 1-45-108 (2) for political committees; except that any person making an independent expenditure in excess of one thousand dollars within thirty days before a primary, general, or regular biennial school election shall provide such report within forty-eight hours after obligating moneys for the independent expenditure.

(5) (a) In addition to any other applicable requirements provided by law, and subject to the provisions of this section, any communication that is broadcast, printed, mailed, delivered; placed on a website, streaming media service, or online forum for a fee; or that is otherwise distributed that constitutes an independent expenditure for which the person making the independent expenditure expends in excess of one thousand dollars on the communication shall include in the communication a statement that:

(I) The communication has been "paid for by (full name of the person paying for the communication)"; and

(II) Identifies a natural person who is the registered agent if the person identified in subsection (5)(a)(I) of this section is not a natural person.

(b) In the case of a broadcast or online video or audio communication, the statement required by subsection (5)(a) of this section shall satisfy all applicable requirements promulgated by the federal communications commission for size, duration, and placement.

(c) In the case of a nonbroadcast communication, including an online communication, the secretary of state shall, by rule, establish size and placement requirements for the disclaimer statement. If the size, format, or display requirements of the communication make it impracticable to include a disclaimer statement on the communication, the rules

must require that the disclaimer statement be available by means of a direct link from the communication to the web page or application screen containing the statement.

(6) Any person that expends an aggregate amount in excess of one thousand dollars on an independent expenditure in any one calendar year shall deliver written notice to the appropriate officer that shall list with specificity the name of the candidate whom the independent expenditure is intended to support or oppose. Where the independent expenditure is made within thirty days before a primary, general, or regular biennial school election, the notice required by this subsection (6) must be delivered within forty-eight hours after the person obligates moneys for the independent expenditure.

(7) Any person that accepts any donation that is given for the purpose of making an independent expenditure or expends any moneys on an independent expenditure in an aggregate amount in excess of one thousand dollars in any one calendar year shall establish a separate account in a financial institution, and the title of the account shall indicate that it is used for such purposes. All such donations accepted by such person for the making of any such independent expenditures shall only be deposited into the account, and any moneys expended for the making of such independent expenditure shall only be withdrawn from the account. As long as the person uses a separate account for the purposes of this subsection (7), in any complaint relating to the use of the person's account, no discovery may be made of information relating to the identity of the person's members and general donors and any discovery is limited to the sources, amounts, and uses of donations deposited into and expenditures withdrawn from the account.

(8) Any person that expends moneys on an independent expenditure in excess of one thousand dollars, regardless of the medium of the communication produced by the expenditure, shall disclose to the secretary of state, in accordance with the schedule specified in section 1-45-108 (2) for political committees, any donation in excess of twenty dollars given in that reporting period for the purpose of making an independent expenditure.

(9) Repealed.

(10) Any earmarked donation given for the purpose of making an independent expenditure in excess of one thousand dollars shall be disclosed as a donation from both the original source of the donation and the person transferring the donation.

(11) On reports it files with the appropriate official, an independent expenditure committee that obligates in excess of one thousand dollars for an independent expenditure shall disclose a good faith estimate of the fair market value of the expenditure if the committee does not know the actual amount of the expenditure as of the date that a report is required to be filed with the appropriate official.

(12) All information required to be disclosed to the secretary of state under this section shall be posted on the website of the secretary within two business days after its receipt by the secretary.

(13) Notwithstanding any other provision of this section, any requirement contained in this section that is applicable to a corporation shall also be applicable to a labor organization.

(14) (a) Any covered organization that contributes, donates, or transfers ten thousand dollars or more to any person, earmarked for the purpose of making an independent expenditure or electioneering communication, during any one calendar year, shall provide to the recipient of the contribution, donation, or transfer an affirmation, in writing, that includes the information listed in subsection (14)(d) of this section. After reaching the ten thousand dollar threshold, the covered organization shall provide a new affirmation statement for each qualifying subsequent contribution, donation, or transfer during that calendar year.

(b) Any covered organization that transfers ten thousand dollars or more to any person, earmarked for the purpose of that person making a contribution, donation, or transfer to pay for an independent expenditure or electioneering communication, during any one calendar year, shall provide to the recipient of the transfer an affirmation, in writing, that includes the information listed in subsection (14)(d) of this section. After reaching the ten thousand dollar threshold, the covered organization shall provide a new affirmation statement for each qualifying subsequent transfer during that calendar year.

(c) A person shall not accept a contribution, donation, or transfer as described in subsection (14)(a) or (14)(b) of this section from a covered organization unless the covered organization provides a written affirmation to the recipient satisfying the requirements of subsection (14)(d) of this section. The recipient shall include the written affirmation when reporting the independent expenditure or electioneering communication to the appropriate filing officer and shall retain the written affirmation for not less than one year following the date of the end of the election cycle during which the affirmation was received.

(d) The affirmation required by this subsection (14) must include:

(I) The name of the covered organization and its principal place of business;

(II) The amount of the contribution, donation, or transfer and the name of the person who received the contribution, donation, or transfer;

(III) (A) If the covered organization is a for-profit corporation, each beneficial owner's name and current residence or business address and, if a listed beneficial owner exercises control over the entity through another legal entity, such as a corporation, partnership, limited liability company, or trust, each such other legal entity and each such beneficial owner who will use that other entity to exercise control over the entity.

(B) For purposes of this subsection (14)(d)(III), "beneficial owner" means a corporation's officers, directors, and owners of more than five percent of the corporation.

(IV) (A) If the covered organization is not a for-profit corporation but is subject to disclosure under subsection (14)(a) or (14)(b) of this section, a list of any person who

transferred five thousand dollars or more to the covered organization and who earmarked that transfer of funds for the purpose of making an independent expenditure or electioneering communication as determined by the earlier of either the preceding twelve-month period that ends on the date of the transmission of the independent expenditure or electioneering communication or that ends on the date of the transfer.

(B) A covered organization is not required to include a natural person's name if disclosure of that person would lead to a reasonable probability of harm, threats, harassment, or reprisals to the person or to individuals affiliated with that person.

(C) A covered organization may only redact a person's name from its report under subsection (14)(d)(IV)(B) of this section if the person has affirmed on a form provided by the secretary of state, under oath, that the person believes there is a reasonable probability that they will be subject to harm, threats, harassment, or reprisal if disclosed. The covered organization shall retain the affirmation for not less than one year and shall produce the affirmation to the secretary of state's office in response to a request for information related to any investigation of a campaign finance violation. The affirmation must remain confidential during the pendency of any investigation and complaint with a hearing officer under section 1-45-117.5. Following a final agency decision finding that the individual whose name was redacted does not meet the requirements of this subsection (14)(d)(IV)(C), including the applicable period for appeal, the affirmation is no longer confidential and is subject to public review.

(D) If the contribution, donation, or transfer under subsection (14)(a) or (14)(b) of this section is from another covered organization, the covered organization shall provide a list of persons who transferred to that covered organization consistent with subsections (14)(d)(IV)(B) and (14)(d)(IV)(C) of this section.

(V) A covered organization need not include a transfer made for a commercial transaction in the ordinary course of any trade or business conducting by the covered organization.

(VI) A certification by the chief executive officer or person who is the head of the covered organization stating that the contribution, donation, or transfer is not made in cooperation, consultation, or concert with or at the request or suggestion of a candidate, authorized committee, or agent of a candidate, political party, or agent of a political party.

(e) For purposes of this subsection (14), "covered organization" means a corporation, including an entity organized under section 501(c) or 527 of the internal revenue code, a labor organization, or an independent expenditure committee. It does not include a small donor committee, political party committee, or candidate committee.

(f) For purposes of this subsection (14), "transfer", "donate", or "contribute" does not include the provision of funds to a vendor or in payment of a contract for goods or services.

1-45-108. Disclosure- definitions- repeal.

(1) (a) (I) Subject to subsection (1.5) of this section, all candidate committees, political committees, issue committees, small donor committees, and political parties shall report to the appropriate officer their contributions received, including the name and address of each person who has contributed twenty dollars or more; expenditures made, and obligations entered into by the committee or party.

(II) Subject to subsection (1.5) of this section, in the case of contributions made to a candidate committee, political committee, issue committee, and political party, the disclosure required by this section shall also include the occupation and employer of each person who has made a contribution of one hundred dollars or more to such committee or party.

(III) Any person who expends one thousand dollars or more per calendar year on electioneering communications or regular biennial school electioneering communications shall report to the secretary of state, in accordance with the disclosure required by this section, the amount expended on the communications and the name and address of any person that contributes more than two hundred fifty dollars per year to the person expending one thousand dollars or more on the communications. If the person making a contribution of more than two hundred fifty dollars is a natural person, the disclosure required by this section must also include the person's occupation and employer. Electioneering communication reports must include the name of the candidate or candidates unambiguously referred to in the electioneering communication or regular biennial school electioneering communication. In accordance with section 1-45-103 (9), an electioneering communication includes any communication that satisfies all other requirements set forth in section 2 (7) of article XXVIII of the state constitution but that is broadcast, printed, mailed, delivered, or distributed between the primary election and the general election.

(IV) In the case of a limited liability company, the disclosure required by this section shall include, in addition to any other information required to be disclosed, each contribution from the limited liability company regardless of the dollar amount of the contribution.

(V) Any disbursement not otherwise defined as an expenditure may be reported to the appropriate officer.

(VI) Any person, after expending five thousand dollars in aggregate in a calendar year on direct ballot issue or ballot question expenditures, shall, for each additional expenditure of one thousand dollars or more, report to the secretary of state in accordance with the disclosure required by this section: The amount of the expenditure, the purpose for which the expenditure was made, the date of the expenditure, name and address of the payee, and the ballot question or ballot issue supported or opposed. Such a report must be filed with the secretary of state no later than forty-eight hours after the direct ballot issue or ballot question expenditure was made.

(b) (Deleted by amendment, L. 2003, p. 2158, § 3, effective June 3, 2003.)

(c) A candidate committee in a special district election is not required to file reports under this section until the committee has received contributions or made expenditures exceeding two hundred dollars in the aggregate during the election cycle.

(d) For purposes of this section, a political party shall be treated as a separate entity at the state, county, district, and local levels.

(e) A candidate's candidate committee may reimburse the candidate for expenditures the candidate has made on behalf of the candidate committee. Any such expenditures may be reimbursed at any time. Notwithstanding any other provision of law, any expenditure reimbursed to the candidate by the candidate's candidate committee within the election cycle during which the expenditure is made shall be treated only as an expenditure and not as a contribution to and an expenditure by the candidate's candidate committee. Notwithstanding the date on which any such expenditure is reimbursed, the expenditure shall be reported at the time it is made in accordance with the requirements of this section.

(1.5) Notwithstanding any other provision of law, in light of the opinion of the United States court of appeals for the tenth circuit in the case of *Coalition for Secular Government v. Williams*, no. 14-1469 (10th circuit March 2, 2016), that affirmed the order of the federal district court in the case of *Coalition for Secular Gov't v. Gessler*, case no. 12 CV 1708, the disclosure requirements specified in subsection (1)(a)(I) or (1)(a)(II) of this section and the reporting requirements specified in subsection (3.3) or (6) of this section shall not apply to a small-scale issue committee. A small-scale issue committee shall disclose or file reports about the contributions or expenditures it has made or received or otherwise register as an issue committee in connection with accepting or making such contributions or expenditures in accordance with the following alternative requirements:

(a) A small-scale issue committee that accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle that does not exceed two hundred dollars is not required to disclose or file reports about the contributions or expenditures it has made or received or otherwise register as an issue committee in connection with accepting or making such contributions or expenditures.

(b) (I) A small-scale issue committee that accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle of between two hundred dollars and five thousand dollars shall register with the appropriate officer within ten business days of the date on which the aggregate amount of contributions or expenditures exceeds two hundred dollars. The registration required by this subsection (1.5)(b)(I) must include a statement listing:

(A) The committee's full name, spelling out any acronyms used in the name;

(B) The name of a natural person authorized to act as a registered agent of the committee;

(C) A street address for the principal place of business of the committee;

(D) The purpose or nature of interest of the committee; and

(E) The name of the financial institution in which, in a separate account bearing the name of the committee, all contributions received by the committee are deposited.

(II) A small-scale issue committee described in subsection (1.5)(b)(I) of this section is not required to make any disclosure about any contributions or expenditures it has made or received.

(c) (I) At such time as an issue committee that began as a small-scale issue committee accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle that exceeds five thousand dollars, the committee shall report to the appropriate officer, for each particular contribution or expenditure accepted or made, the name and address of each person who has made such contribution and the amount of each specific contribution and expenditure accepted or made by the committee.

(II) At such time as any issue committee that began as a small-scale issue committee accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle that exceeds five thousand dollars, the committee shall make disclosure of any contributions or expenditures it accepts or makes on or after the date on which such aggregate amount exceeds five thousand dollars in compliance with all applicable requirements under this article 45 pertaining to the disclosure by an issue committee of its contributions or expenditures accepted or made.

(III) Within fifteen days of a small-scale issue committee becoming subject to the applicable requirements governing an issue committee under this article 45, the committee through its registered agent shall report this change in the committee's status to the secretary of state.

(2) (a) (I) Except as provided in subsections (2)(a)(V), (2.1), (2.5), (2.7), and (6) of this section, such reports that are required to be filed with the secretary of state must be filed:

(A) Quarterly in off-election years no later than the fifteenth calendar day following the end of the applicable quarter;

(B) On the first Monday in May and on each Monday every two weeks thereafter before the primary election;

(C) On the first day of each month beginning the sixth full month before the major election; except that no monthly report shall be required on the first day of the month in which the major election is held;

(D) On the first Monday in September and on each Monday every two weeks thereafter before the major election;

(E) Thirty-five days after the major election in election years; and

(F) Fourteen days before and thirty days after a special legislative election held in an off-election year.

(II) Such reports that are required to be filed with the municipal clerk for municipalities with a population of less than one thousand and such reports required to be filed pursuant to section 1-45-109 (1)(a)(II) and (1)(c) must be filed on the twenty-first day and on the Friday before and thirty-five days after the primary election, where applicable, and the major election in election years and annually in off-election years on the first day of the month in which the anniversary of the major election occurs.

(II.5) Such reports that are required to be filed with the municipal clerk for municipalities that have a population of one thousand or more must be filed no later than sixty days, thirty days, and fifteen days before, and thirty days after the major election in election years and annually in off-election years on the first day of the month in which the anniversary of the major election occurs; except that, for a runoff election reports must be filed no later than fifteen days before and fifteen days after the runoff election.

(III) For purposes of this section, “election year” means every even-numbered year for political parties and political committees and each year in which the particular candidate committee’s candidate, or issue committee’s issue, appears on the ballot, including a regular biennial school election; and “major election” means the election that decides an issue committee’s issue, the election that elects a person to the public office sought by the candidate committee’s candidate, and a regular biennial school election.

(IV) If the reporting day falls on a weekend or legal holiday, the report shall be filed by the close of the next business day.

(V) Any political committee, small donor committee, independent expenditure committee, or political organization that is participating in a regular biennial school election shall file its disclosure reports in accordance with the filing schedule specified in sub-subparagraphs (C) to (E) of subparagraph (I) of this paragraph (a) as of the date the committee or organization, as applicable, makes an expenditure or undertakes spending in connection with that election.

(b) The reports required by this section shall also include the balance of funds at the beginning of the reporting period, the total of contributions received, the total of expenditures made during the reporting period, and the name and address of the financial institution used by the committee or party.

(c) All reports filed with the secretary of state pursuant to this subsection (2) shall be for the reporting periods established pursuant to rules promulgated by the secretary of state in accordance with article 4 of title 24, C.R.S.

(d) A candidate committee for a former officeholder or a person not elected to office that has no change in the balance of funds maintained by such committee, receives no contributions, makes no expenditures, and enters into no obligations during a reporting period shall not be required to file a report under this section for such period.

(e) The reporting period for all reports required to be filed with the municipal clerk and such reports required to be filed pursuant to section 1-45-109 (1)(a)(II) and (1)(c) shall close five calendar days prior to the effective date of filing.

(2.1) Except as otherwise provided in subsection (2.2) of this section, in the case of a regular biennial school election or a special school election, a candidate committee for school district director shall file reports that are required to be filed with the secretary of state according to the filing schedule specified in subsections (2)(a)(I)(A), (2)(a)(I)(C), (2)(a)(I)(D), and (2)(a)(I)(E) of this section.

(2.2) In connection with a recall election of a school district director, reports of contributions and expenditures must be filed in accordance with the deadlines that are specified in subsection (6) of this section.

(2.3) Repealed.

(2.5) (a) Except as provided in subsection (2.5)(b) of this section, and in addition to any report required to be filed with the secretary of state or municipal clerk under this section, all candidate committees, issue committees, and political parties must file a report with the secretary of state of any contribution of one thousand dollars or more at any time within thirty days preceding the date of the primary election, general election, regular biennial school election, or special school election, as applicable. This report must be filed with the secretary of state no later than twenty-four hours after the receipt of said contribution.

(b) Notwithstanding the provisions of subsection (2.5)(a) of this section, the following committees need not file the reports described in subsection (2.5)(a) of this section in the following instances:

(I) An issue committee need not report a contribution of one thousand dollars or more preceding a primary election;

(II) A committee for a candidate not on the ballot need not report a contribution of one thousand dollars or more during the off-election year;

(III) A candidate or candidate committee for school board need not report a contribution of one thousand dollars or more during the off-election year; and

(IV) A political party during the off-election year.

(2.7) Any candidate or candidate committee supporting any candidate, including an incumbent, in a recall election, shall file reports of contributions and expenditures with the appropriate officer fourteen and seven days before the recall election and thirty days after the recall election.

(3) Except as otherwise provided in subsection (3.5) of this section, all candidate committees, political committees, small donor committees, and political parties shall

register with the appropriate officer before accepting or making any contributions. Registration shall include a statement listing:

- (a)** The organization's full name, spelling out any acronyms used therein;
- (b)** A natural person authorized to act as a registered agent;
- (c)** A street address and telephone number for the principal place of operations;
- (d)** All affiliated candidates and committees;
- (e)** The purpose or nature of interest of the committee or party.
- (f)** (Deleted by amendment, L. 2010, (SB 10-041), ch. 151, p. 522, § 2, effective July 1, 2010.)

(3.3) Subject to subsections (1.5) and (7) of this section, each issue committee shall register with the appropriate officer within ten calendar days of accepting or making contributions or expenditures in excess of two hundred dollars to support or oppose any ballot issue or ballot question or upon receipt of the notice from the secretary of state pursuant to section 1-40-113 (1)(b). If required to register under the requirements of this subsection (3.3), the registration of the issue committee must include a statement containing the items listed in paragraphs (a) to (e) of subsection (3) of this section in connection with other committees and a political party.

(3.5) Any political committee that has registered with the federal election commission may file with the appropriate officer a copy of the registration filed with the federal election commission and, insofar as such registration contains substantially the same information required by subsection (3) of this section, the political committee shall be considered to have registered with the appropriate officer for purposes of subsection (3) of this section and, therefore, shall be authorized to accept or make contributions as permitted by law. Any political committee that satisfies the requirements of this subsection (3.5) shall be subject to all other legal requirements pertaining to contributions and disclosure that are applicable to political committees.

(4) (Deleted by amendment, L. 2010, (SB 10-041), ch. 151, p. 522, § 2, effective July 1, 2010.)

(5) The registration and reporting requirements of this section shall not apply to that part of the organizational structure of a political party which is responsible for only the day-to-day operations of such political party at the national level if copies of the reports required to be filed with the Federal Election Commission pursuant to the "Federal Election Commission Act of 1971", as amended, are filed with the secretary of state and include the information required by this section.

(6) Subject to subsection (1.5) of this section, any issue committee whose purpose is the recall of any elected official shall register with the appropriate officer within ten calendar days of accepting or making contributions or expenditures in excess of two hundred

dollars to support or oppose the recall. Reports of contributions and expenditures shall be filed with the appropriate officer within fifteen days of the filing of the committee registration and every thirty days thereafter until the date of the recall election has been established and then fourteen days and seven days before the recall election and thirty days following the recall election.

(7) (a) Notwithstanding any other provision of law, and subject to subsection (7)(b) of this section, a matter is considered a ballot issue or a ballot question for the purpose of determining whether an issue committee has been formally established, thereby necessitating compliance with any disclosure and reporting requirements of this article 45 and article XXVIII of the state constitution, at the earliest of the following:

(I) A title for the matter has been designated and fixed in accordance with law and any motion for rehearing has been heard;

(II) The matter has been referred to the voters by the general assembly, as evidenced when the measure is passed by the general assembly, or the governing body of any political subdivision of the state with authorization to refer matters to the voters;

(III) In the case of a citizen referendum petition, the matter has been submitted for format approval in accordance with law;

(IV) A petition concerning the matter has been circulated and signed by at least one person; except that, where a matter becomes a ballot issue or ballot question upon such signing, any person opposing the matter shall not be considered to be an issue committee for purposes of this article and article XXVIII of the state constitution until one such person knows or has reason to know of the circulation; or

(V) A signed petition has been submitted to the appropriate officer in accordance with law.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (7), where a matter concerns a municipal annexation brought pursuant to article 12 of title 31, C.R.S., the matter shall not be considered to be a ballot issue or ballot question for the purpose of determining whether an issue committee has been formally established, thereby necessitating compliance with any disclosure and reporting requirements of this article and article XXVIII of the state constitution, unless and until the first notice of the annexation election has been published in accordance with the requirements of section 31-12-112 (6), C.R.S.

(8) (a) Any expenditure or spending on a covered communication that is controlled by or coordinated with a candidate or candidate's agent or a political party is considered both a contribution by the maker of the expenditure or spending, and an expenditure by the candidate committee.

(b) For purposes of this subsection (8), "covered communication" includes:

(I) A communication that expressly advocates for the election or defeat of a candidate;

(II) An electioneering communication as defined in section 2 (7) of article XXVIII of the state constitution and section 1-45-103 (9), or regular biennial electioneering communication as defined in section 1-45-103 (15.5); and

(III) A communication by a political organization that influences or attempts to influence the selection, nomination, election, or appointment of a candidate to public office.

1-45-108.3. Disclaimer statement - committees - electioneering communications - direct ballot issue or ballot question expenditures.

(1) A candidate committee, political committee, issue committee, small donor committee, political organization, political party, or other person making an expenditure in excess of or spending more than one thousand dollars per calendar year on a communication that must be disclosed under article XXVIII of the state constitution or under this article 45 or supports or opposes a ballot issue or ballot question, and that is broadcast, printed, mailed, delivered; placed on a website, streaming media service, or online forum for a fee; or that is otherwise distributed shall include in the communication a disclaimer statement in accordance with subsection (2) of this section.

(2) The disclaimer statement required by subsection (1) of this section must conform to the requirements specified in section 1-45-107.5 (5) for content, size, duration, and placement.

(3) In addition to any other applicable requirements provided by law, any person who expends one thousand dollars or more per calendar year on electioneering communications or regular biennial school electioneering communications shall, in accordance with the requirements specified in section 1-45-107.5 (5), state in the communication the name of the person making the communication. For purposes of this subsection (3), an “electioneering communication” also includes any communication that satisfies all other requirements set forth in section 2 (7) of article XXVIII of the state constitution but that is broadcast, printed, mailed, delivered, or distributed between the primary election and the general election.

(4) Any person who makes a direct ballot issue or ballot question expenditure shall, pursuant to section 1-45-107.5 (5), state their name in any communication that is broadcast, printed, mailed, or delivered; placed on a website, streaming media service, or online forum for a fee; or that is otherwise distributed to persons who are eligible to vote on the ballot issue or ballot question and is produced or funded, either in whole or in part, by the person who made the direct ballot issue or ballot question expenditure.

1-45-108.5. Political organizations- disclosure.

(1) Any political organization shall report to the appropriate officer in accordance with the requirements of sections 1-45-108 and 1-45-109:

(a) Any contributions it receives, including the name and address of each person who has contributed twenty dollars or more to the political organization in the reporting period, and the occupation and employer of each natural person who has made a contribution of one hundred dollars or more to the political organization; and

(b) Any spending by the political organization that exceeds twenty dollars in any one reporting period.

(2) No political organization shall accept a contribution, or undertake spending, in currency or coin exceeding one hundred dollars.

(3) Nothing in this section shall be construed to:

(a) Require any political organization to make any additional disclosure pursuant to this section to the extent the political organization is already providing disclosure as a committee or political party in a manner that satisfies the requirements of sections 1-45-108 and 1-45-109; or

(b) Authorize the secretary of state to require disclosure of the name of any natural person that is a member of an entity unless the natural person has made a contribution to a political organization in the amount of twenty dollars or more in a reporting period.

1-45-109. Filing- where to file- timeliness.

(1) For the purpose of meeting the filing and reporting requirements of this article 45:

(a) The following shall file with the secretary of state:

(I) Candidates for statewide office, the general assembly, district attorney, district court judge, school district director, or any office representing more than one county; the candidate committees for such candidates; political committees in support of or in opposition to such candidates; issue committees in support of or in opposition to an issue on the ballot in more than one county; small donor committees making contributions to such candidates; and persons expending one thousand dollars or more per calendar year on electioneering communications.

(II) Candidates in special district and school district director elections; the candidate committees of such candidates; political committees in support of or in opposition to such candidates; issue committees supporting or opposing a special district ballot issue; and small donor committees making contributions to such candidates.

(b) Candidates in municipal elections, their candidate committees, any political committee in support of or in opposition to such candidate, an issue committee supporting or opposing a municipal ballot issue, and small donor committees making contributions to such candidates shall file with the municipal clerk. An independent expenditure committee that makes expenditures in connection with a municipal election shall file with the municipal clerk.

(c) All other candidates, candidate committees, issue committees, political committees, and small donor committees shall file with the secretary of state.

(2) (a) Reports required to be filed by this article 45 are timely if received by the appropriate officer not later than the close of business on the due date.

(b) A person upon whom a penalty has been imposed for failure to file a statement or other information required to be filed pursuant to section 5, 6, or 7 of article XXVIII of the state constitution or section 1-45-108, this section, or section 1-45-110 by the due date may appeal the penalty by filing a written appeal with the appropriate officer no later than thirty days after the date on which notification of the imposition of the penalty was mailed to the person's last-known address. Upon receipt of an appeal pursuant to this paragraph (b), the appropriate officer shall set aside or reduce the penalty upon a showing of good cause.

(3) In addition to any other reporting requirements of this article, every incumbent in public office and every candidate elected to public office is subject to the reporting requirements of section 24-6-203, C.R.S.

(4) (a) All reports required to be filed by this article 45 are public records and are open to inspection by the public during regular business hours. A copy of the report must be kept by the appropriate officer and a copy shall be made available immediately in a file for public inspection. When the secretary of state is the appropriate officer, the secretary shall make reports viewable on the secretary of state's official website.

(b) and **(c)** Repealed.

(5) (a) The secretary of state shall operate and maintain a website so as to allow any person who wishes to review reports filed with the secretary of state's office pursuant to this article electronic read-only access to such reports free of charge.

(b) All reports required to be filed by this article that are electronically filed pursuant to subsection (6) of this section shall be made available immediately on the website.

(c) The website shall enable a user to produce summary reports based on search criteria that shall include, but not be limited to the reporting period, date, name of the person making a contribution or expenditure, candidate, and committee.

(d) At the earliest practicable date, the secretary of state shall develop and implement improvements to the website's design and structure to improve the public's ability to navigate, search, browse, download, and analyze information. Such improvements shall include but need not be limited to:

(l) Enhanced searching and summary reporting, including additional search fields such as zip code, employer, and vendor, the ability to search across multiple committees and all filers, the ability to filter or limit searches, such as by election cycle or candidate, the inclusion of smart-search features such as "name sounds like" or "name contains", and numerical totaling of amounts shown on search results;

(II) Features that facilitate the ability to download raw data and search results in one or more common formats to enable offline sorting and analyzing;

(III) Detailed, technical instructions for users;

(IV) Information to help users determine the scope of candidates' and committees' reports and campaign data available online, including explanations of which types of reports are available, the period covered by the online data, and which specific reports can be viewed for each campaign committee; and

(V) Resources that give the public comparative context when viewing campaign finance data, such as compilations of the total amounts of money raised and spent by individual candidates, lists of total amounts raised and spent by all statewide and legislative candidates, and compilations of fundraising and spending across candidates and election cycles.

(e) The secretary of state may promulgate rules necessary for the implementation of this subsection (5). Such rules shall be promulgated in accordance with article 4 of title 24, C.R.S.

(6) (a) The secretary of state shall establish, operate, and maintain a system that enables electronic filing using the internet of the reports required by this article to be filed with the secretary of state's office. In accordance with the provisions of section 24-21-111 (1), C.R.S., the secretary may require any filing under this section to be made by electronic means as determined by the secretary. The rules for use of the electronic filing system shall be promulgated by the secretary in accordance with article 4 of title 24, C.R.S.

(b) Any person required to file with the secretary of state's office shall use the electronic filing system described in paragraph (a) of this subsection (6) in order to meet the filing requirements of this article, if so required by the secretary in accordance with paragraph (a) of this subsection (6), except insofar as an alternate method of filing may be permitted by the secretary. Where a person uses such electronic filing system to meet the filing requirements of this article, the secretary of state shall acknowledge by electronic means the receipt of such filing.

(7) (Deleted by amendment, L. 2007, p. 1296, § 1, effective July 1, 2007.)

(8) (a) (Deleted by amendment, L. 2007, p. 1296, § 1, effective July 1, 2007.)

(b) (I) (Deleted by amendment, L. 2007, p. 1296, § 1, effective July 1, 2007.)

(II) and **(III)** (Deleted by amendment, L. 2009, (HB 09-1357), ch. 361, p. 1872, § 2, effective July 1, 2009.)

(c) (I) (Deleted by amendment, L. 2007, p. 1296, § 1, effective July 1, 2007.)

(II) (Deleted by amendment, L. 2009, (HB 09-1357), ch. 361, p. 1872, § 2, effective July 1, 2009.)

(9) Subsection (1) of this section shall not be construed to require the secretary of state to review reports electronically filed by persons beyond the duties specified in section 9 of article XXVIII of the state constitution.

(10) to (12) Repealed.

1-45-110. Candidate affidavit- disclosure statement.

(1) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the appropriate officer within ten days, that the candidate is familiar with the provisions of this article; except that an individual who is a candidate in a special legislative election that filed a candidate affidavit for the preceding general election shall not be required to comply with the provisions of this section, and except that a candidate in a special district election shall file the candidate affidavit or, alternatively, a copy of the candidate's self-nomination and acceptance form or letter submitted in accordance with section 1-13.5-303, if such form or letter contains a statement that the candidate is familiar with the provisions of this article, no later than the date established for certification of the special district's ballot pursuant to section 1-5-203 (3)(a). A candidate in a municipal election may comply with this section by filing a candidate affidavit pursuant to section 31-10-302 (6), C.R.S., if such affidavit contains a statement that the candidate is familiar with the provisions of this article.

(2) (a) Except as provided in subsection (2)(b) of this section, each candidate for the general assembly, governor, lieutenant governor, attorney general, state treasurer, secretary of state, state board of education, regent of the university of Colorado, and district attorney shall file an accurate and complete statement disclosing the information required by section 24-6-202 (2) with the appropriate officer, on a form approved by the secretary of state, within ten days of filing the affidavit required by subsection (1) of this section.

(b) No candidate listed in paragraph (a) of this subsection shall be required to file another disclosure statement if the candidate had already filed such a statement less than ninety days prior to filing the affidavit required by subsection (1) of this section.

(c) A candidate must electronically file the disclosure statement required in subsection (2)(a) of this section, and the secretary of state must make all disclosure statements available to the public on its website. The secretary may redact certain information such as a candidate's address or other personal information.

(d) The form approved by the secretary of state must include an affirmation for the candidate to certify that the information provided in the disclosure statement is true, complete, and correct to the best of the candidate's knowledge and belief.

(2.5) A candidate seeking reelection does not have to file another disclosure statement required by subsection (2)(a) of this section if the incumbent filed the annual report

required by section 24-6-202 (2) within thirty days of the date on which the incumbent became a candidate for reelection.

(3) If any person fails to file the affidavit or an accurate and complete disclosure statement required by subsection (2) of this section, the designated election official certifying the ballot in accordance with section 1-5-203 (3)(a) shall send a notice to the person by e-mail and mail. The notice must state that the person will be disqualified as a candidate if the person fails to file the appropriate document within ten business days after the notice has been sent. If the person fails to file the appropriate document within that time frame, the designated election official shall disqualify the candidate.

(3.5) In addition to any other process provided in law or rule, any person may file a complaint with the secretary of state about a candidate not complying with the requirements of this section.

(4) Any disclosure statement required by subsection (2) of this section shall be amended no more than thirty days after any termination, acquisition, or substantial change of interests as to which disclosure is required.

(5) If a person is defeated as a candidate or withdraws from the candidacy, that person shall not be required to comply with the provisions of this section after the withdrawal or defeat.

1-45-111. Duties of the secretary of state- enforcement. (Repealed) 1-45-111.5. Duties of the secretary of state- enforcement- sanctions- definitions.

(1) The secretary of state shall promulgate such rules, in accordance with article 4 of title 24, C.R.S., as may be necessary to enforce and administer any provision of this article.

(1.5) (a) Any person who believes that a violation of article XXVIII of the state constitution, the secretary of state's rules concerning campaign and political finance, or this article 45 has occurred may file a written complaint with the secretary of state in accordance with section 1-45-111.7.

(b) Any person who commits a violation of either the secretary of state's rules concerning campaign and political finance or this article that is not specifically listed in article XXVIII of the state constitution shall be subject to any of the sanctions specified in section 10 of article XXVIII of the state constitution or in this section.

(c) In addition to any other penalty authorized by article XXVIII of the state constitution or this article 45, a hearing officer may impose a civil penalty of fifty dollars per day for each day that a report, statement, or other document required to be filed under this article 45 that is not specifically listed in article XXVIII of the state constitution is not filed by the close of business on the day due. Any person who fails to file three or more successive

committee registration reports or reports concerning contributions, expenditures, or donations in accordance with the requirements of section 1-45-107.5 shall be subject to a civil penalty of up to five hundred dollars for each day that a report, statement, or other document required to be filed by an independent expenditure committee is not filed by the close of business on the day due. Any person who knowingly and intentionally fails to file three or more reports due under section 1-45-107.5 shall be subject to a civil penalty of up to one thousand dollars per day for each day that the report, statement, or other document is not filed by the close of business on the day due. Imposition of any penalty under this subsection (1.5)(c) shall be subject to all applicable requirements specified in section 10 of article XXVIII of the state constitution governing the imposition of penalties.

(c.5) In addition to and without prejudice to any other penalty authorized under this article 45, a hearing officer shall impose a civil penalty as follows:

(I) At least one hundred dollars for each violation that is a failure to include a disclosure statement in accordance with section 1-46-103 (2), if the violation does not involve any paid advertising or other spending to promote or attract attention to a communication prohibited by section 1-46-103 (1), or such other higher amount that, based on the degree of distribution and public exposure to the unlawful communication, the hearing officer deems appropriate to deter future violations of section 1-46-103; and

(II) At least ten percent of the amount paid or spent to advertise, promote, or attract attention to a communication prohibited by section 1-46-103 (1) that does not include a disclosure statement in accordance with section 1-46-103 (2), or such other higher amount that, based on the degree of distribution and public exposure to the unlawful communication, the hearing officer deems appropriate to deter future violations of section 1-46-103.

(d) In connection with a complaint brought to enforce any requirement of article XXVIII of the state constitution or this article 45, a hearing officer may order disclosure of the source and amount of any undisclosed donations or expenditures.

(e) In connection with any action brought to enforce any provision of article XXVIII of the state constitution or this article 45, the membership lists of a membership organization, a labor organization or, in the case of a publicly held corporation, a list of the shareholders of the corporation, shall not be disclosed by means of discovery or by any other manner.

(f) Any person who is fined up to one thousand dollars per day for a knowing and intentional failure to file under paragraph (c) of this subsection (1.5) shall, if the person has shareholders or members, notify such shareholders or members of the penalty and the adjudicated violations on its publicly accessible website in a prominent manner for not less than one hundred eighty days after the final adjudication. A copy of this notice, with the website address used, shall be filed with the secretary of state and shall be a public record.

(g) The secretary of state has, as a matter of right, the right to intervene in any action pending before the office of administrative courts or the court of appeals that is brought to enforce the provisions of article XXVIII of the state constitution or this article.

(2) A party in any action brought to enforce the provisions of article XXVIII of the state constitution or of this article 45 is entitled to the recovery of the party's reasonable attorney fees and costs from any attorney or party who has brought or defended the action, either in whole or in part, upon a determination by the hearing officer that the action, or any part thereof, lacked substantial justification or that the action, or any part thereof, was commenced for delay or harassment or if it finds that an attorney or party unnecessarily expanded the proceeding by other improper conduct, including abuses of discovery procedures available under the Colorado rules of civil procedure. Notwithstanding any other provision of this subsection (2), no attorney fees may be awarded under this subsection (2) unless the court or hearing officer, as applicable, has first considered and issued written findings regarding the provisions of section 13-17-102 (5) and (6). Either party in an action in which the hearing officer awarded attorney fees and costs may apply to a district court to convert an award of attorney fees and costs into a district court judgment. Promptly upon the conversion of the award of attorney fees and costs into a district court judgment, the clerk of the district court shall mail notice of the filing of the judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice must include the name and post-office address of the judgment creditor and the judgment creditor's lawyer, if any, in this state. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk. Lack of mailing notice of filing by the clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed. For purposes of this subsection (2), "lacked substantial justification" means substantially frivolous, substantially groundless, or substantially vexatious.

(3) Upon a determination by the hearing officer that an issue committee failed to file a report required pursuant to section 1-45-108, the hearing officer shall direct the issue committee to file any such report within ten days containing all required disclosure of any previously unreported contributions or expenditures and may, in addition to any other penalty, impose a penalty not to exceed twenty dollars for each contribution received and expenditure made by the issue committee that was not timely reported.

(4) (a) Upon failure of a witness or party to comply with an administrative subpoena issued in relation to an alleged campaign finance violation pursuant to article XXVIII of the state constitution or this article, the party that requested the administrative subpoena or the issuing agency may petition the district court ex parte with a copy of the petition sent to the subpoenaed witness or party and the administrative law judge by regular mail, for an order directing the witness or party to comply with the administrative subpoena.

(b) If the petition required by paragraph (a) of this subsection (4) shows to the district court's satisfaction that the administrative subpoena was properly served pursuant to rule 4 of the Colorado rules of civil procedure, the district court shall order the subpoenaed

witness or party to appear before the district court and show cause why the witness or party should not be ordered to comply with the administrative subpoena. A copy of the petition and the court order shall be served, pursuant to rule 5 of the Colorado rules of civil procedure, on the witness or party at least fifteen days before the date designated for the witness or party to appear before the district court.

(c) At a show cause hearing ordered by the district court pursuant to paragraph (b) of this subsection (4), the court shall review the administrative subpoena and any evidence presented by the parties to determine compliance with the Colorado rules of civil procedure. The subpoenaed witness or party shall bear the burden of showing good cause as to why he or she should not be ordered to comply with the administrative subpoena.

(d) If the court determines that the subpoenaed witness or party is required to comply with the administrative subpoena:

(I) The district court shall order compliance forthwith and may impose remedial and punitive fines, including attorneys' fees and costs, for the witness's or party's failure to comply with the administrative subpoena; and

(II) The hearing officer shall schedule a hearing on the complaint to occur on a day after the occurrence of the required deposition and such other discovery as may be warranted due to such deposition.

(e) If the subpoenaed witness or party fails to appear at the show cause hearing, the district court may issue a bench warrant for the arrest of the subpoenaed witness or party and may impose other sanctions pursuant to the Colorado rules of civil procedure.

(5) Repealed.

1-45-111.7. Campaign finance complaints- initial review- curing violations- investigation and enforcement- hearings - advisory opinions- document review- collection of debts resulting from campaign finance penalties- definitions.

(1) Definitions. As used in this section, unless the context otherwise requires:

(a) "Article XXVIII" means article XXVIII of the state constitution.

(b) "Deputy secretary" means the deputy secretary of state appointed pursuant to section 24-21-105 or the deputy secretary's designee.

(c) "Division" means the division within the office of the secretary responsible for administering the state's laws governing campaign and political finance.

(d) "Hearing officer" means a person authorized to conduct a hearing under section 24-4-105 (3).

(e) "Rules" means the rules of the secretary concerning campaign and political finance.

(f) "Secretary" means the secretary of state or the secretary's designate.

(2) Filing complaints.

(a) Any person who believes that a violation has occurred of article XXVIII, this article 45, article 46 of this title 1, or the rules may file a complaint with the secretary.

(b) A complaint must be filed no later than one hundred eighty days after the date on which the complainant either knew or should have known, by the exercise of reasonable diligence, of the alleged violation.

(c) Any complaint must be filed in writing and signed by the complainant on the form provided by the secretary. The complaint must identify one or more respondents and include the information required to be provided on the form.

(d) Upon receipt of a complaint, the division shall notify the respondent of the complaint by e-mail or by regular mail if e-mail is unavailable.

(e) The division shall forward any complaint made against a candidate for secretary or the secretary to the department of law for the review of the complaint by the attorney general to act on behalf of the division in accordance with applicable requirements of this section.

(3) Initial review.

(a) The division shall conduct an initial review of a complaint filed under subsection (2) of this section to determine whether the complaint:

(I) Was timely filed under subsection (2)(b) of this section;

(II) Specifically identifies one or more violations of article XXVIII, this article 45, or the rules; and

(III) Alleges sufficient facts to support a factual and legal basis for the violations of law alleged in the complaint.

(b) Within ten business days of receiving a complaint, the division shall take one or more of the actions specified in this subsection (3)(b):

(I) If the division makes an initial determination that the complaint was not timely filed, has not specifically identified one or more violations of article XXVIII, this article 45, or the rules, or does not assert facts sufficient to support a factual or legal basis for an alleged violation, the division shall prepare and file with the deputy secretary a motion to dismiss the complaint. The deputy secretary shall make a determination on the motion to dismiss within five business days, which must be provided to the complainant and the respondent

by e-mail or by regular mail if e-mail is unavailable. If the deputy secretary denies the motion, the division shall determine whether to conduct a review under subsection (3)(b)(II) or (3)(b)(III) of this section. The final determination by the deputy secretary on the motion to dismiss constitutes final agency action and is subject to judicial review by a state district court under section 24-4-106.

(II) If the division makes an initial determination that the complaint alleges one or more curable violations as addressed in subsection (4) of this section, the division shall notify the respondent and provide the respondent an opportunity to cure the violations.

(III) If the division makes an initial determination that the complaint has specifically identified one or more violations of article XXVIII, this article 45, or the rules, and has alleged facts sufficient to support a factual or legal basis for each alleged violation, and that either a factual finding or a legal interpretation is required, the division shall conduct additional review under subsection (5) of this section within thirty days to determine whether to file a complaint with a hearing officer.

(4) Curing violations.

(a) Upon the division's initial determination that a complaint alleges a failure to file or otherwise disclose required information, or alleges another curable violation, the division shall notify the respondent by e-mail or by regular mail if e-mail is unavailable of the curable deficiencies alleged in the complaint.

(b) The respondent has ten business days from the date the notice is e-mailed or mailed to file an amendment to any relevant report that cures any deficiencies specified in the notice.

(c) The respondent shall provide the division with notice of the respondent's intent to cure on the form provided by the secretary and include a copy of any amendments to any report containing one or more deficiencies.

(d) Upon receipt of the respondent's notice of an intent to cure, the division may ask the respondent to provide additional information and may grant the respondent an extension of time to file an amended notice of intent to cure in order to respond to any such request.

(e) (I) After the period for cure has expired, the division shall determine whether the respondent has cured any violation alleged in the complaint and, if so, whether the respondent has substantially complied with its legal obligations under article XXVIII, this article 45, and the rules in accordance with subsection (4)(f) of this section.

(II) If the division determines that the respondent has substantially complied with its legal obligations, the division shall prepare and file with the deputy secretary a motion to dismiss the complaint. The motion must be accompanied by a draft order specifying the manner in which the respondent has satisfied the factors specified in subsection (4)(f) of this section. The deputy secretary shall make a determination on the motion to dismiss, which must be provided to the complainant and the respondent by e-mail or by regular

mail if e-mail is unavailable. If the deputy secretary denies the motion, the division shall determine whether to conduct a review under subsection (3)(b)(II) or (3)(b)(III) of this section. The determination by the deputy secretary under this subsection (4)(e)(II) is final agency action and is subject to judicial review by a state district court under section 24-4-106.

(III) If the division determines that the respondent has failed to substantially comply under subsection (4)(f) of this section, the division shall conduct an additional review under subsection (5)(a) of this section to determine whether to file the complaint with a hearing officer.

(f) In determining whether an entity substantially complied with its legal obligations under article XXVIII, this article 45, or the rules the division must consider:

(I) The extent of the respondent's noncompliance;

(II) The purpose of the provision violated and whether that purpose was substantially achieved despite the noncompliance; and

(III) Whether the noncompliance may properly be viewed as an intentional attempt to mislead the electorate or election officials.

(g) If the division determines that the respondent failed to cure any alleged deficiency, the division shall conduct an additional review under subsection (5)(a) of this section to determine whether to file a complaint with a hearing officer.

(5) Investigations and enforcement.

(a) (I) The division shall investigate each complaint that was not dismissed during either its initial review or by means of the cure proceedings in accordance with subsection (3) or (4) of this section to determine whether to file a complaint with a hearing officer. The division may also initiate an investigation under subsection (7)(b) of this section.

(II) For the purpose of an investigation relating to a complaint filed under subsection (2)(a) of this section or an investigation initiated by the division under subsection (7)(b) of this section, the division may request the production of any documents or other tangible things that are believed to be relevant or material to the investigation, and shall establish the relevance and materiality in writing. Notwithstanding any other provision of law, documents or other tangible things provided to the division during the course of an investigation under this subsection (5) are not subject to inspection or copying under the "Colorado Open Records Act", part 2 of article 72 of title 24. Notwithstanding any other provision of law, documents or other tangible things provided to the division during the course of an investigation under this subsection (5) and other materials prepared or assembled to assist the secretary's designee in reaching a decision are work product as defined in section 24-72-202 (6.5)(a) and are not public records subject to inspection under part 2 of article 72 of title 24.

(III) If the division receives a person's membership list or donor list during the course of the division's initial review under subsection (3) of this section, investigation under this subsection (5), or the cure process, including the determination of substantial compliance, as described in subsection (4) of this section, the division shall not disclose such list or the identity of any member or donor to any person. Notwithstanding any other provision of law, any such membership or donor list is not a public record subject to inspection, copying, or any other form of reproduction under part 2 of article 72 of title 24.

(IV) The division shall determine whether it will file a complaint with a hearing officer within thirty days after initiating an investigation. If the division makes a determination that a complaint should not be filed with a hearing officer because there is not sufficient information to support the allegations contained in the complaint or for any other reason, it shall prepare and file with the deputy secretary a motion to dismiss the complaint. The deputy secretary shall make a determination on the motion to dismiss within thirty-five days of the initial determination of the division under this subsection (5)(a)(IV), or the initiation of an investigation by the division under subsection (7)(b) of this section, which must be provided to the complainant and the respondent by e-mail or by regular mail if e-mail is unavailable. If the deputy secretary denies the motion, the division has fourteen business days to file a complaint with a hearing officer under this subsection (5).

(V) If the division files a complaint with a hearing officer under this subsection (5), it is responsible for conducting such discovery as may be necessary for effectively prosecuting the complaint, supplementing or amending the complaint with such additional or alternative claims or allegations as may be supported by the division's investigation, amending the complaint to strike allegations or claims that are not supported by the division's investigation, and in all other respects prosecuting the complaint.

(b) A complainant or any other nonrespondent is not a party to the division's initial review, cure proceedings, investigation, or any proceedings before a hearing officer as described in this section. A complainant may seek permission from the hearing officer to file a brief as an amicus curiae. A person's status as a complainant is not sufficient to establish that he or she may be affected or aggrieved by the secretary's action on the complaint. To the extent this subsection (5)(b) conflicts in any respect with section 24-4-105 or 24-4-106, this subsection (5)(b) controls. A complainant may also seek judicial review by a state district court of a final agency action under section 24-4-106.

(6) Conduct of hearings.

(a) Any hearing conducted by a hearing officer under this section must be in accordance with section 24-4-105; except that a hearing officer shall schedule a hearing within thirty days of the filing of the complaint, which hearing may be continued upon the motion of any party for up to thirty days or a longer extension of time upon a showing of good cause.

(b) Any initial determination made by a hearing officer must be made in accordance with section 24-4-105 and is subject to review by the deputy secretary. The final agency decision is subject to review under section 24-4-106.

(7) Document review.

(a) In addition to any other powers and duties it possesses under law, the division may also review any document the secretary receives for filing under article XXVIII, this article 45, or the rules.

(b) In connection with the review of other available information regarding a potential violation under this subsection (7):

(I) If the division determines that a person violated or potentially violated any of the provisions of article XXVIII, this article 45, or the rules, the division shall either notify the person of his or her opportunity to cure the identified deficiencies in accordance with subsection (4) of this section or notify the person that the division is initiating an investigation under subsection (5) of this section. The division shall send the notification by e-mail or by regular mail if e-mail is unavailable.

(II) If the division initiates an investigation or files a complaint with a hearing officer in connection with its review, the procedures described in subsections (5) and (6) of this section apply.

(c) As used in this subsection (7), “review” means the factual inspection of any document required to be filed with the secretary for campaign finance registration, reporting, or disclosure in order to assess the document’s accuracy and completeness and the timeliness of the document’s filing.

(8) Advisory opinions.

(a) Any person seeking guidance on the application of article XXVIII, this article 45, or the rules may request that the secretary issue an advisory opinion regarding that person’s specific activity.

(b) The secretary shall determine, at the secretary’s discretion, whether to issue an advisory opinion under subsection (8)(a) of this section. In making this determination, the secretary shall consider factors including whether:

(I) The advisory opinion will terminate a controversy or remove one or more uncertainties as to the application of the law to the requestor’s situation;

(II) The request involves a subject, question, or issue that concerns a formal or informal matter or investigation currently pending before the secretary or a court; and

(III) The request seeks a ruling on a moot or hypothetical question.

(c) A person may rely on an advisory opinion issued by the secretary as an affirmative defense to any complaint filed under this section.

(d) A refusal by the secretary to issue an advisory opinion does not constitute a final agency action that is subject to appeal.

(9) Debt collection.

(a) The secretary may pursue collection of any outstanding debt resulting from a campaign finance penalty that the secretary deems collectible.

(b) Repealed.

(10) Municipal complaints.

(a) A complaint alleging that a violation of article XXVIII of the state constitution, this article 45, or the rules has occurred in connection with a municipal campaign finance matter must be filed with the clerk of the applicable municipality. Unless otherwise provided by local law, a complainant must file the complaint in writing, sign the complaint, and identify one or more respondents. The complaint shall be filed and processed in accordance with local law unless referred to the secretary as specified in subsection (10)(c)(I) or (10)(c)(II) of this section.

(b) The clerk shall conduct an initial review of a campaign finance complaint within ten business days of receiving the complaint or within the time specified in local law to determine whether the complaint satisfies the requirements of subsection (10)(a) of this section or the requirements of local law, as applicable. If, after initially reviewing a complaint pursuant to this subsection (10)(b), the clerk determines that a complaint does not satisfy the requirements of subsection (10)(a) of this section, the clerk shall dismiss the complaint.

(c) (I) If, after initially reviewing a campaign finance complaint pursuant to subsection (10)(b) of this section, the clerk determines that the complaint satisfies the requirements of subsection (10)(a) of this section and local law, as applicable, but presents an actual or potential conflict for the clerk or the clerk's staff, the clerk shall refer the complaint to the secretary, in a form and manner determined by the secretary, within fourteen business days of receiving the complaint if the municipality has adopted an ordinance that authorizes the municipality to refer a campaign finance complaint to the secretary based on an actual or potential conflict of the clerk or the clerk's staff, as determined in writing by the clerk.

(II) If the clerk of a statutory municipality that does not have a campaign finance complaint and hearing process determines, after initially reviewing a campaign finance complaint pursuant to subsection (10)(b) of this section, that a complaint satisfies the requirements of subsection (10)(a) of this section, the clerk shall refer the complaint to the secretary, in a form and manner determined by the secretary, within fourteen business days of receiving the complaint if the municipality has adopted an ordinance that authorizes the municipality to refer a campaign finance complaint to the secretary because the municipality does not have a campaign finance complaint and hearing process.

(d) To refer a campaign finance complaint to the secretary pursuant to this subsection (10), a municipality must have an ordinance that authorizes the municipality to refer such a complaint to the secretary and must provide a copy of the ordinance to the secretary. A municipality is not authorized to refer a campaign finance complaint to the secretary pursuant to this subsection (10) for an election that is fewer than one hundred eighty days after the ordinance is provided to the secretary. A municipal ordinance that authorizes the municipality to refer a campaign finance complaint to the secretary must:

(I) Authorize the secretary to use the provisions of subsections (3) to (7) of this section to process, investigate, and resolve the campaign finance complaint; except that the determination of whether the complaint was timely filed pursuant to subsection (3)(a)(I) of this section shall consider the time for filing a complaint under local law;

(II) Permit the filing of a campaign finance complaint no more than one hundred eighty days after the date on which the complainant either knew or should have known, by the exercise of reasonable diligence, of the alleged violation;

(III) Require the filing of a campaign finance complaint to be in writing and signed by the complainant on a form provided by the secretary, including identification of one or more respondents and including the information required to be provided on the form;

(IV) Direct the municipality to cooperate with the secretary in the processing and investigation of the campaign finance complaint; and

(V) Disclaim any interest of the municipality in fines collected in connection with a referred campaign finance complaint.

(e) Upon dismissing a complaint or referring a complaint to the secretary pursuant to this section, the clerk shall notify the complainant of the clerk's action by e-mail or by regular mail if e-mail is unavailable.

(f) A municipality must cooperate with the secretary in the review, investigation, and determination of any campaign finance complaint referred to the secretary pursuant to this section.

(g) If the secretary receives a campaign finance complaint referred by a clerk pursuant to subsection (10)(c)(I) or (10)(c)(II) of this section, the secretary shall deem the complaint filed pursuant to subsection (2) of this section on the date of receipt from the clerk, and the secretary shall ensure that the complaint is addressed in accordance with the requirements of this section. The determination that a conflict exists is not reviewable by the secretary.

(h) The secretary shall apply the substantive provisions of a home rule municipality's local law in processing, investigating, and resolving a campaign finance complaint referred to the secretary pursuant to this section.

(i) All fines collected in connection with a referred campaign finance complaint are payable to the secretary.

(j) The adoption of a local law authorizing the referral of a campaign finance complaint to the secretary pursuant to this section is not a waiver of the application of any provisions of article XX or XXVIII of the state constitution or section 1-45-116. Nothing in this subsection (10) requires a municipality to repeal an ordinance or resolution establishing a campaign finance complaint and hearing process.

(k) As used in this subsection (10):

(I) “Clerk” means the clerk of a municipality or the person or entity designated to review campaign finance complaints under a local law.

(II) “Conflict” means the actual or reasonably perceived inability to process a campaign finance complaint or impose a remedy in a fair and impartial manner, including an actual or reasonably perceived bias or other factors that may impact the independence of the decision-maker regarding the complainant or a candidate.

(III) “Local law” means a municipal charter, ordinance, or resolution that address the matters covered by article XXVIII of the state constitution and this article 45.

1-45-112. Duties of municipal clerk.

(1) The municipal clerk shall:

(a) Develop a filing and indexing system for their offices consistent with the purposes of this article;

(b) Keep a copy of any report or statement required to be filed by this article for a period of ten years from the date of filing. In the case of candidates who were elected, those candidate’s reports and filings shall be kept for six years after the candidate leaves office.

(c) Make reports and statements filed under this article available to the public for inspection and copying no later than the end of the next business day after the date of filing. No information copied from such reports and statements shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

(c.5) Make publicly available without charge on a website, or for in-person inspection, any reports, disclosures, or statements that are filed pursuant to this article 45 and are subject to the retention requirements set forth in subsection (1)(b) of this section. For an individual who submits an open records request involving such reports, disclosures, or statements, if printouts or photographs relating to such an open records request are requested, the municipal clerk may charge appropriate fees.

(d) Upon request by the secretary of state, transmit records and statements filed under this article to the secretary of state;

(e) Notify any person under their jurisdiction who has failed to fully comply with the provisions of this article and notify any person if a complaint has been filed with the secretary of state alleging a violation of this article.

(f) Repealed.

(2) The secretary of state shall reimburse the municipal clerk of each municipality at the rate of two dollars per candidate per election to help defray the cost of implementing this article.

1-45-112.5. Immunity from liability.

(1) Any individual volunteering his or her time on behalf of a candidate or candidate committee shall be immune from any liability for a fine or penalty imposed pursuant to section 10 (1) of article XXVIII of the state constitution in any proceeding that is based on an act or omission of such volunteer if:

(a) The volunteer was acting in good faith and within the scope of such volunteer's official functions and duties for the candidate or candidate committee; and

(b) The violation was not caused by willful and intentional misconduct by such volunteer.

(2) Subsection (1) of this section shall be administered in a manner that is consistent with section 1 of article XXVIII of the state constitution and with the legislative declaration set forth in section 1-45-102.

(3) Any media outlet shall be immune from civil liability in any court where the media outlet:

(a) Withdraws advertising time reserved by an independent expenditure committee that fails to register in accordance with the requirements of section 1-45-107.5 (3)(a); or

(b) Elects to void an advertising contract and the advertisement:

(I) Is paid for by an independent expenditure committee that fails to register under section 1-45-107.5 (3)(a);

(II) Is paid for by an independent expenditure committee that is registered under section 1-45-107.5 (3)(a) but the committee fails to file a disclosure report under section 1-45-108 (2) through the date of the most recent required report; or

(III) Fails to satisfy the requirements of section 1-45-107.5 (5)(a).

(4) An affected media outlet may void a contract that implicates paragraph (b) of subsection (3) of this section in the sole discretion of the media outlet.

1-45-113. Sanctions. (Repealed) 1-45-114. Expenditures - political advertising - rates and charges.

(1) No candidate shall pay to any radio or television station, newspaper, periodical, or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space, materials, or services. Any such rate shall not be rebated, directly or indirectly.

(2) Any radio or television station, newspaper, or periodical that charges a candidate committee a lower rate for use of space, materials, or services than the rate such station, newspaper, periodical, or supplier charges another candidate committee for the same public office for comparable use of space, materials, or services shall report the difference in such rate as a contribution to the candidate committee that is charged such lower rate pursuant to section 1-45-108.

(3) Nothing in this article shall be construed to prevent an adjustment in rates related to frequency, volume, production costs, and agency fees if such adjustments are offered consistently to other advertisers.

1-45-115. Encouraging withdrawal from campaign prohibited.

No person shall offer or give any candidate or candidate committee any money or any other thing of value for the purpose of encouraging the withdrawal of the candidate's candidacy, nor shall any candidate offer to withdraw a candidacy in return for money or any other thing of value.

1-45-116. Home rule counties and municipalities.

Any home rule county or municipality may adopt ordinances or charter provisions with respect to its local elections that are more stringent than any of the provisions contained in this act. Any home rule county or municipality which adopts such ordinances or charter provisions shall not be entitled to reimbursement pursuant to subsection 1-45-112 (2). The requirements of article XXVIII of the state constitution and of this article shall not apply to home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address the matters covered by article XXVIII and this article.

1-45-117. State and political subdivisions- limitations on contributions.

(1) (a) (I) No agency, department, board, division, bureau, commission, or council of the state or any political subdivision of the state shall make any contribution in campaigns involving the nomination, retention, or election of any person to any public office, nor shall any such entity make any donation to any other person for the purpose of making an independent expenditure, nor shall any such entity expend any money from any source, or make any contributions, to urge electors to vote in favor of or against any:

(A) Statewide ballot issue that has been submitted for the purpose of having a title designated and fixed pursuant to section 1-40-106 (1) or that has had a title designated and fixed pursuant to that section;

(B) Local ballot issue that has been submitted for the purpose of having a title fixed pursuant to section 31-11-111 or that has had a title fixed pursuant to that section;

(C) Referred measure, as defined in section 1-1-104 (34.5), passed by the general assembly or the governing body of any political subdivision of the state with authorization to refer matters to voters;

(D) Recall measure for the recall of any officer that has been submitted for approval for circulation on an approved petition form.

(II) However, a member or employee of any such agency, department, board, division, bureau, commission, or council may respond to questions about any such issue described in subparagraph (I) of this paragraph (a) if the member, employee, or public entity has not solicited the question. A member or employee of any such agency, department, board, division, bureau, commission, or council who has policy-making responsibilities may expend not more than fifty dollars of public moneys in the form of letters, telephone calls, or other activities incidental to expressing his or her opinion on any such issue described in subparagraph (I) of this paragraph (a).

(b) (I) Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state, or any political subdivision thereof from expending public moneys or making contributions to dispense a factual summary, which shall include arguments both for and against the proposal, on any issue of official concern before the electorate in the jurisdiction. Such summary shall not contain a conclusion or opinion in favor of or against any particular issue. As used herein, an issue of official concern shall be limited to issues that will appear on an election ballot in the jurisdiction.

(II) Nothing in this subsection (1) shall be construed to prevent an elected official from expressing a personal opinion on any issue.

(III) Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from:

(A) Passing a resolution or taking a position of advocacy on any issue described in subparagraph (I) of paragraph (a) of this subsection (1); or

(B) Reporting the passage of or distributing such resolution through established, customary means, other than paid advertising, by which information about other proceedings of such agency, department, board, division, bureau, or council of the state or any political subdivision thereof is regularly provided to the public.

(C) Nothing in this subsection (1) shall be construed as prohibiting a member or an employee of an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from expending personal funds, making contributions, or using personal time to urge electors to vote in favor of or against any issue described in subparagraph (I) of paragraph (a) of this subsection (1).

(2) The provisions of subsection (1) of this section shall not apply to:

(a) An official residence furnished or paid for by the state or a political subdivision;

(b) Security officers who are required to accompany a candidate or the candidate's family;

(c) Publicly owned motor vehicles provided for the use of the chief executive of the state or a political subdivision;

(d) Publicly owned aircraft provided for the use of the chief executive of the state or of a political subdivision or the executive's family for security purposes; except that, if such use is, in whole or in part, for campaign purposes, the expenses relating to the campaign shall be reported and reimbursed pursuant to subsection (3) of this section.

(3) If any candidate who is also an incumbent inadvertently or unavoidably makes any expenditure which involves campaign expenses and official expenses, such expenditures shall be deemed a campaign expense only, unless the candidate, not more than ten working days after the such expenditure, files with the appropriate officer such information as the secretary of state may by rule require in order to differentiate between campaign expenses and official expenses. Such information shall be set forth on a form provided by the appropriate officer. In the event that public moneys have been expended for campaign expenses and for official expenses, the candidate shall reimburse the state or political subdivision for the amount of money spent on campaign expenses.

(4) (a) A violation of this section is subject to the provisions of section 10 (1) of article XXVIII of the state constitution, section 1-45-111.7, or any appropriate order or relief, including an order directing the person making a contribution or expenditure in violation of this section to reimburse the fund of the state or political subdivision, as applicable, from which such money was diverted for the amount of the contribution or expenditure, injunctive relief, or a restraining order to enjoin the continuance of the violation.

(b) If a board, commission, or council is found to have made a contribution or expenditure in violation of this section, an individual member of the board, commission, or council who voted in favor of or otherwise authorized the contribution or expenditure may be ordered to reimburse an amount pursuant to subsection (4)(a) of this section as long as the amount does not exceed the amount ordered to be reimbursed by any other individual of the board, commission, or council who voted in favor or otherwise authorized the contribution or expenditure.

1-45-117.5. Media outlets- political records.

Any media outlet that is subject to the provisions of 47 U.S.C. sec. 315 (e) shall maintain and make available for public inspection such records as the outlet is required to maintain to comply with federal law or rules.

1-45-118. Severability.

If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Article 46 Failure to Disclose a Deepfake in a Communication Concerning a Candidate for Elective Office

1-46-101. Legislative declaration.

(1) The general assembly finds and declares that:

(a) The revolutionary innovations in generative artificial intelligence systems capable of producing image, audio, video, and multimedia content (AI-generated content) pose a threat to free and fair elections in the state;

(b) AI-generated content may be used to create deepfakes that falsely depict a candidate's speech or action in order to spread misinformation and disinformation at scale and with unprecedented speed; and

(c) A deepfake is analogous to a person being forced to say something in a video recorded under duress, where the victim appears to say something they would not normally say, one through force and the other through deepfake technology. A voter's opinion of a candidate may be irreparably tainted by a fabricated representation of a candidate or elected official saying or doing something they did not say or do. These false, negative portrayals may exist indefinitely once posted on the internet and permanently damage a candidate or elected official's reputation and even put their safety at risk.

1-46-102. Definitions.

As used in this article 46, unless the context otherwise requires:

(1) (a) "AI-generated content" means image, video, audio, multimedia, or text content that is substantially created or modified by generative artificial intelligence such that the use

of generative artificial intelligence alters the meaning or significance that a reasonable person would take away from the content.

(b) “AI-generated content” does not include image, video, audio, multimedia, or text content that is minimally edited, adjusted, or enhanced by generative artificial intelligence such that the use of generative artificial intelligence does not materially alter the meaning or significance that a reasonable person would take away from the content.

(2) (a) “Candidate” has the same meaning as set forth in section 2 (2) of article XXVIII of the state constitution; except that, “candidate” also includes any person who seeks nomination or election to any federal public office in this state.

(b) For purposes of this article 46, “candidate” also includes an incumbent or current office holder.

(3) “Deepfake” means an image, video, audio, or multimedia AI-generated content that falsely appears to be authentic or truthful and which features a depiction of an individual appearing to say or do something the individual did not say or do.

(4) “Generative artificial intelligence” or “generative AI” means an artificial intelligence system capable of generating novel image, video, audio, multimedia, or text content based on prompts or other forms of data provided by a person.

(5) “Metadata” means structural or descriptive information about data such as content, format, source, rights, accuracy, provenance, periodicity, granularity, publisher or responsible party, contact information, method of collection, and other descriptions.

(6) “Office” means the office of the secretary of state, or the section or division of the office of the secretary of state administering the election laws of this state pursuant to section 1-1-107 (4).

(7) “Person” has the same meaning as set forth in section 1-13-109 (3).

1-46-103. Use of deepfakes in a communication concerning a candidate for elective office- disclosure requirements- limitations- rules.

(1) Except as provided in subsections (2) and (3) of this section, no person shall distribute, disseminate, publish, broadcast, transmit, or display a communication concerning a candidate for elective office that includes a deepfake to an audience that includes members of the electorate for the elective office to be represented by the candidate either sixty days before a primary election or ninety days before a general election, if the person knows or has reckless disregard for the fact that the depicted candidate did not say or do what the candidate is depicted as saying or doing in the communication.

(2)

(a) The prohibition in subsection (1) of this section does not apply to a communication that includes a disclosure stating, in a clear and conspicuous manner, that: “This (image/audio/video/multimedia) has been edited and depicts speech or conduct that falsely appears to be authentic or truthful.”

(b) A disclosure required under this section is considered to be made in a clear and conspicuous manner if the disclosure meets the following requirements:

(I) In a visual communication, the text of the disclosure statement appears in a font size no smaller than the largest font size of other text appearing in the visual communication. If the visual communication does not include any other text, the disclosure statement appears in a font size that is easily readable by the average viewer.

(II) In an audio communication, the disclosure statement shall be read in a clearly spoken manner in the same pitch, speed, language, and volume as the majority of the audio communication, at the beginning of the audio communication, at the end of the audio communication, and, if the audio communication is greater than two minutes in length, interspersed within the audio communication at intervals of not more than one minute each;

(III) The metadata of the communication includes the disclosure statement, the identity of the tool used to create the deepfake, and the date and time the deepfake was created;

(IV) The disclosure statement in the communication, including the disclosure statement in any metadata, is, to the extent technically feasible, permanent or unable to be easily removed by a subsequent user;

(V) The communication complies with any additional requirements for the disclosure statement that the secretary of state may adopt by rule to ensure that the disclosure statement is presented in a clear and conspicuous and understandable manner; and

(VI) In a broadcast or online visual or audio communication that includes a statement required by subsection (2) of this section, the statement satisfies all applicable requirements, if any, promulgated by the federal communications commission for size, duration, and placement.

(3) This section is subject to the following limitations:

(a) This section does not alter or negate any rights, obligations, or immunities of an interactive computer service in accordance with 47 U.S.C. sec. 230, as amended, and shall otherwise be construed in a manner consistent with federal law;

(b) This section does not apply to a radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer that broadcasts a communication that includes a deepfake prohibited by subsection (1) of this section as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage

of a bona fide news event, if the broadcast or publication clearly acknowledges through content or a disclosure, in a manner that can be easily heard and understood or read by the average listener or viewer, that there are questions about the authenticity of the deepfake in the communication;

(c) This section does not apply to a radio or television broadcasting station, including a cable or satellite television operator, programmer, producer, or streaming service, when the station is paid to broadcast a communication that includes a deepfake;

(d) This section does not apply to an internet website, or a regularly published newspaper, magazine, or other periodical of general circulation, including an internet or electronic publication or streaming service, that routinely carries news and commentary of general interest and that publishes a communication that includes a deepfake prohibited by subsection (1) of this section, if the publication clearly states that the communication that includes the deepfake does not accurately represent a candidate for elective office;

(e) This section does not apply to media content that constitutes satire or parody or the production of which is substantially dependent on the ability of an individual to physically or verbally impersonate the candidate and not upon generative AI or other technical means;

(f) This section does not apply to the provider of technology used in the creation of a deepfake; and

(g) This section does not apply to an interactive computer service, as defined in 47 U.S.C. sec. 230 (f)(2), for any content provided by another information content provider as defined in 47 U.S.C. sec. 230 (f)(3).

(4) The secretary of state shall promulgate such rules, in accordance with article 4 of title 24, as may be necessary to administer and enforce any provision of this article 46.

1-46-104. Enforcement- administrative hearing.

Any person who believes that a violation of section 1-46-103, or the secretary of state's rules concerning the use of a deepfake in a communication concerning a candidate for elective office, has occurred may file a written complaint with the office in accordance with section 1-45-111.7 (2). Such complaint shall be reviewed and adjudicated in accordance with section 1-45-111.7 and the secretary of state's rules for complaints and administrative hearings pursuant to article 45 of this title 1.

1-46-105. Civil action- injunctive relief- damages.

(1) A candidate whose appearance, action, or speech is depicted in a deepfake that is included in a communication distributed in violation of section 1-46-103 may:

(a) Seek injunctive or other equitable relief prohibiting the distribution, dissemination, publication, broadcast, transmission, or display of the communication, and preventing the defendant from otherwise further violating this article 46;

(b) Bring an action for compensatory and punitive damages against the person that distributed, disseminated, published, broadcast, transmitted, or displayed the communication;

(c) Seek reasonable attorney fees, filing fees, and costs of action; and

(d) Seek any other just and appropriate relief necessary to enforce this article 46 and remedy the harm caused by the violation of section 1-46-103.

(2) An action commenced pursuant to subsection (1)(a) of this section must be heard by the district court at the earliest practical time.

(3) An action commenced pursuant to subsection (1)(a) or (1)(b) of this section does not limit or preclude a plaintiff from securing or recovering any other available remedy, or from seeking to institute a criminal action against the defendant.

(4) In any civil action alleging a violation of section 1-46-103, the plaintiff bears the burden of establishing the violation by clear and convincing evidence.

1-46-106. Limitation.

(1) Nothing in this article 46 limits or impairs in any way the right of the attorney general, or any person or entity, to pursue a legal action against a person in connection with a deepfake pursuant to any other law, cause of action, tort theory, or other authority.

(2) Nothing in this article 46 exempts a person who knowingly or recklessly distributes, disseminates, publishes, broadcasts, transmits, or displays a communication concerning a candidate for elective office that includes a false statement through a deepfake from criminal liability in accordance with section 1-13-109, or any other applicable provision of law.

***Colorado
Constitution
Article XXVIII
Campaign and
Political Finance***

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Section 1. Purpose and findings

The people of the state of Colorado hereby find and declare that large campaign contributions to political candidates create the potential for corruption and the appearance of corruption; that large campaign contributions made to influence election outcomes allow wealthy individuals, corporations, and special interest groups to exercise a disproportionate level of influence over the political process; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; that because of the use of early voting in Colorado timely notice of independent expenditures is essential for informing the electorate; that in recent years the advent of significant spending on electioneering communications, as defined herein, has frustrated the purpose of existing campaign finance requirements; that independent research has demonstrated that the vast majority of televised electioneering communications goes beyond issue discussion to express electoral advocacy; that political contributions from corporate treasuries are not an indication of popular support for the corporation's political ideas and can unfairly influence the outcome of Colorado elections; and that the interests of the public are best served by limiting campaign contributions, encouraging voluntary campaign spending limits, providing for full and timely disclosure of campaign contributions, independent expenditures, and funding of electioneering communications, and strong enforcement of campaign finance requirements.

Section 2. Definitions.

For the purpose of this Article and any statutory provisions pertaining to campaign finance, including provisions pertaining to disclosure:

(1) "Appropriate officer" means the individual with whom a candidate, candidate committee, political committee, small donor committee, or issue committee must file pursuant to section 1-45-109 (1), C.R.S., or any successor section.

(2) "Candidate" means any person who seeks nomination or election to any state or local public office that is to be voted on in this state at any primary election, general election, school district election, special district election, or municipal election. "Candidate" also includes a judge or justice of any court of record who seeks to be retained in office pursuant to the provisions of section 25 of article VI. A person is a candidate for election if the person has publicly announced an intention to seek election to public office or retention of a judicial office and thereafter has received a contribution or made an expenditure in support of the candidacy. A person remains a candidate for purposes of this Article so long as the candidate maintains a registered candidate committee. A person who maintains a candidate committee after an election cycle, but who has not publicly announced an intention to seek election to public office in the next or any subsequent election cycle, is a candidate for purposes of this article.

(3) "Candidate committee" means a person, including the candidate, or persons with the common purpose of receiving contributions or making expenditures under the authority of a candidate. A contribution to a candidate shall be deemed a contribution to the

candidate's candidate committee. A candidate shall have only one candidate committee. A candidate committee shall be considered open and active until affirmatively closed by the candidate or by action of the secretary of state.

(4) "Conduit" means a person who transmits contributions from more than one person, directly to a candidate committee. "Conduit" does not include the contributor's immediate family members, the candidate or campaign treasurer of the candidate committee receiving the contribution, a volunteer fund raiser hosting an event for a candidate committee, or a professional fund raiser if the fund raiser is compensated at the usual and customary rate.

(5) (a) "Contribution" means:

(I) The payment, loan, pledge, gift, or advance of money, or guarantee of a loan, made to any candidate committee, issue committee, political committee, small donor committee, or political party;

(II) Any payment made to a third party for the benefit of any candidate committee, issue committee, political committee, small donor committee, or political party;

(III) The fair market value of any gift or loan of property made to any candidate committee, issue committee, political committee, small donor committee or political party;

(IV) Anything of value given, directly or indirectly, to a candidate for the purpose of promoting the candidate's nomination, retention, recall, or election.

(b) "Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate, candidate committee, political committee, small donor committee, issue committee, or political party; a transfer by a membership organization of a portion of a member's dues to a small donor committee or political committee sponsored by such membership organization; or payments by a corporation or labor organization for the costs of establishing, administering, and soliciting funds from its own employees or members for a political committee or small donor committee.

(6) "Election cycle" means either:

(a) The period of time beginning thirty-one days following a general election for the particular office and ending thirty days following the next general election for that office;

(b) The period of time beginning thirty-one days following a general election for the particular office and ending thirty days following the special legislative election for that office; or

(c) The period of time beginning thirty-one days following the special legislative election for the particular office and ending thirty days following the next general election for that office.

(7) (a) "Electioneering communication" means any communication broadcasted by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences or otherwise distributed that:

(I) Unambiguously refers to any candidate; and

(II) Is broadcasted, printed, mailed, delivered, or distributed within thirty days before a primary election or sixty days before a general election; and

(III) Is broadcasted to, printed in a newspaper distributed to, mailed to, delivered by hand to, or otherwise distributed to an audience that includes members of the electorate for such public office.

(b) "Electioneering communication" does not include:

(I) Any news Articles, editorial endorsements, opinion or commentary writings, or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate or political party;

(II) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party;

(III) Any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;

(IV) Any communication that refers to any candidate only as part of the popular name of a bill or statute.

(8) (a) "Expenditure" means any purchase, payment, distribution, loan, advance, deposit, or gift of money by any person for the purpose of expressly advocating the election or defeat of a candidate or supporting or opposing a ballot issue or ballot question. An expenditure is made when the actual spending occurs or when there is a contractual agreement requiring such spending and the amount is determined.

(b) "Expenditure" does not include:

(I) Any news Articles, editorial endorsements, opinion or commentary writings, or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate or political party;

(II) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party;

(III) Spending by persons, other than political parties, political committees and small donor committees, in the regular course and scope of their business or payments by a membership organization for any communication solely to members and their families;

(IV) Any transfer by a membership organization of a portion of a member's dues to a small donor committee or political committee sponsored by such membership organization; or

payments made by a corporation or labor organization for the costs of establishing, administering, or soliciting funds from its own employees or members for a political committee or small donor committee.

(9) "Independent expenditure" means an expenditure that is not controlled by or coordinated with any candidate or agent of such candidate. Expenditures that are controlled by or coordinated with a candidate or candidate's agent are deemed to be both contributions by the maker of the expenditures, and expenditures by the candidate committee.

(10) (a) "Issue committee" means any person, other than a natural person, or any group of two or more persons, including natural persons:

(I) That has a major purpose of supporting or opposing any ballot issue or ballot question; or

(II) That has accepted or made contributions or expenditures in excess of two hundred dollars to support or oppose any ballot issue or ballot question.

(b) "Issue committee" does not include political parties, political committees, small donor committees, or candidate committees as otherwise defined in this section.

(c) An issue committee shall be considered open and active until affirmatively closed by such committee or by action of the appropriate authority.

(11) "Person" means any natural person, partnership, committee, association, corporation, labor organization, political party, or other organization or group of persons.

(12) (a) "Political committee" means any person, other than a natural person, or any group of two or more persons, including natural persons that have accepted or made contributions or expenditures in excess of \$200 to support or oppose the nomination or election of one or more candidates.

(b) "Political committee" does not include political parties, issue committees, or candidate committees as otherwise defined in this section.

(c) For the purposes of this Article, the following are treated as a single political committee:

(I) All political committees established, financed, maintained, or controlled by a single corporation or its subsidiaries;

(II) All political committees established, financed, maintained, or controlled by a single labor organization; except that, any political committee established, financed, maintained, or controlled by a local unit of the labor organization which has the authority to make a decision independently of the state and national units as to which candidates to support or oppose shall be deemed separate from the political committee of the state and national unit;

(III) All political committees established, financed, maintained, or controlled by the same political party;

(IV) All political committees established, financed, maintained, or controlled by substantially the same group of persons.

(13) "Political party" means any group of registered electors who, by petition or assembly, nominate candidates for the official general election ballot. "Political party" includes affiliated party organizations at the state, county, and election district levels, and all such affiliates are considered to be a single entity for the purposes of this Article, except as otherwise provided in section 7.

(14) (a) "Small donor committee" means any political committee that has accepted contributions only from natural persons who each contributed no more than fifty dollars in the aggregate per year. For purposes of this section, dues transferred by a membership organization to a small donor committee sponsored by such organization shall be treated as pro-rata contributions from individual members.

(b) "Small donor committee" does not include political parties, political committees, issue committees, or candidate committees as otherwise defined in this section.

(c) For the purposes of this Article, the following are treated as a single small donor committee:

(I) All small donor committees established, financed, maintained, or controlled by a single corporation or its subsidiaries;

(II) All small donor committees established, financed, maintained, or controlled by a single labor organization; except that, any small donor committee established, financed, maintained, or controlled by a local unit of the labor organization which has the authority to make a decision independently of the state and national units as to which candidates to support or oppose shall be deemed separate from the small donor committee of the state and national unit;

(III) All small donor committees established, financed, maintained, or controlled by the same political party;

(IV) All small donor committees established, financed, maintained, or controlled by substantially the same group of persons.

(15) "Unexpended campaign contributions" means the balance of funds on hand in any candidate committee at the end of an election cycle, less the amount of all unpaid monetary obligations incurred prior to the election in furtherance of such candidacy.

Section 3. Contribution limits.

(1) Except as described in subsections (2), (3), and (4) of this section, no person, including a political committee, shall make to a candidate committee, and no candidate committee

shall accept from any one person, aggregate contributions for a primary or a general election in excess of the following amounts:

(a) Five hundred dollars to any one:

(I) Governor candidate committee for the primary election, and governor and lieutenant governor candidate committee, as joint candidates under 1-1-104, C.R.S., or any successor section, for the general election;

(II) Secretary of state, state treasurer, or attorney general candidate committee; and

(b) Two hundred dollars to any one state senate, state house of representatives, state board of education, regent of the university of Colorado, or district attorney candidate committee.

(2) No small donor committee shall make to a candidate committee, and no candidate committee shall accept from any one small donor committee, aggregate contributions for a primary or a general election in excess of the following amounts:

(a) Five thousand dollars to any one:

(I) Governor candidate committee for the primary election, and governor and lieutenant governor candidate committee, as joint candidates under 1-1-104, C.R.S., or any successor section, for the general election;

(II) Secretary of state, state treasurer, or attorney general candidate committee; and

(b) Two thousand dollars to any one state senate, state house of representatives, state board of education, regent of the university of Colorado, or district attorney candidate committee.

(3) (a) No political party shall accept aggregate contributions from any person, other than a small donor committee as described in paragraph (b) of this subsection (3), that exceed three thousand dollars per year at the state, county, district, and local level combined, and of such amount no more than twenty-five hundred dollars per year at the state level;

(b) No political party shall accept aggregate contributions from any small donor committee that exceed fifteen thousand dollars per year at the state, county, district, and local level combined, and of such amount no more than twelve thousand, five hundred dollars at the state level;

(c) No political party shall accept contributions that are intended, or in any way designated, to be passed through the party to a specific candidate's candidate committee;

(d) In the applicable election cycle, no political party shall contribute to any candidate committee more than twenty percent of the applicable spending limit set forth in section 4 of this Article.

(e) Any unexpended campaign contributions retained by a candidate committee for use in a subsequent election cycle shall be counted and reported as contributions from a

political party in any subsequent election for purposes of paragraph (d) of this subsection (3);

(4) (a) It shall be unlawful for a corporation or labor organization to make contributions to a candidate committee or a political party, and to make expenditures expressly advocating the election or defeat of a candidate; except that a corporation or labor organization may establish a political committee or small donor committee which may accept contributions or dues from employees, officeholders, shareholders, or members.

(b) The prohibition contained in paragraph (a) of this subsection (4) shall not apply to a corporation that:

(I) Is formed for the purpose of promoting political ideas and cannot engage in business activities; and

(II) Has no shareholders or other persons with a claim on its assets or income; and

(III) Was not established by and does not accept contributions from business corporations or labor organizations.

(5) No political committee shall accept aggregate contributions or pro-rata dues from any person in excess of five hundred dollars per house of representatives election cycle.

(6) No candidate's candidate committee shall accept contributions from, or make contributions to, another candidate committee, including any candidate committee, or equivalent entity, established under federal law.

(7) No person shall act as a conduit for a contribution to a candidate committee.

(8) Notwithstanding any other section of this Article to the contrary, a candidate's candidate committee may receive a loan from a financial institution organized under state or federal law if the loan bears the usual and customary interest rate, is made on a basis that assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule. The contribution limits described in this section shall not apply to a loan as described in this subsection (8).

(9) All contributions received by a candidate committee, issue committee, political committee, small donor committee, or political party shall be deposited in a financial institution in a separate account whose title shall include the name of the committee or political party. All records pertaining to such accounts shall be maintained by the committee or political party for one-hundred eighty days following any general election in which the committee or party received contributions unless a complaint is filed, in which case they shall be maintained until final disposition of the complaint and any consequent litigation. Such records shall be subject to inspection at any hearing held pursuant to this Article.

(10) No candidate committee, political committee, small donor committee, issue committee, or political party shall accept a contribution, or make an expenditure, in currency or coin exceeding one hundred dollars.

(11) No person shall make a contribution to a candidate committee, issue committee, political committee, small donor committee, or political party with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution made to any candidate committee, issue committee, political committee, small donor committee, or political party, nor shall any person make such reimbursement except as provided in subsection (8) of this section.

(12) No candidate committee, political committee, small donor committee, or political party shall knowingly accept contributions from:

(a) Any natural person who is not a citizen of the United States;

(b) A foreign government; or

(c) Any foreign corporation that does not have the authority to transact business in this state pursuant to Article 115 of title 7, C.R.S., or any successor section.

(13) Each limit on contributions described in subsections (1), (2), (3) (a), (3) (b) and (5) of this section, and subsection (14) of section 2, shall be adjusted by an amount based upon the percentage change over a four year period in the United States bureau of labor statistics consumer price index for Denver- Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest twenty-five dollars. The first adjustment shall be done in the first quarter of 2007 and then every four years thereafter. The secretary of state shall calculate such an adjustment in each limit and specify the limits in rules promulgated in accordance with article 4 of title 24, C.R.S., or any successor section.

Section 4. Voluntary campaign spending limits.

(1) Candidates may certify to the secretary of state that the candidate's candidate committee shall not exceed the following spending limits for the applicable election cycle:

(a) Two and one-half million dollars combined for a candidate for governor and governor and lieutenant governor as joint candidates under 1-1-104, C.R.S., or any successor section;

(b) Five hundred thousand dollars for a candidate for secretary of state, attorney general, or treasurer;

(c) Ninety thousand dollars for a candidate for the state senate;

(d) Sixty-five thousand dollars for a candidate for the state house of representatives, state board of education, regent of the university of Colorado, or district attorney.

(2) Candidates accepting the campaign spending limits set forth above shall also agree that their personal contributions to their own campaign shall be counted as political party contributions and subject to the aggregate limit on such contributions set forth in section 3 of this article.

(3) Each candidate who chooses to accept the applicable voluntary spending limit shall file a statement to that effect with the secretary of state at the time that the candidate files a candidate affidavit as currently set forth in section 1-45-110(1), C.R.S., or any successor section. Acceptance of the applicable voluntary spending limit shall be irrevocable except as set forth in subsection (4) of this section and shall subject the candidate to the penalties set forth in section 10 of this Article for exceeding the limit.

(4) If a candidate accepts the applicable spending limit and another candidate for the same office refuses to accept the spending limit, the accepting candidate shall have ten days in which to withdraw acceptance. The accepting candidate shall have this option of withdrawing acceptance after each additional non-accepting candidate for the same office enters the race.

(5) The applicable contribution limits set forth in section 3 of this Article shall double for any candidate who has accepted the applicable voluntary spending limit if:

(a) Another candidate in the race for the same office has not accepted the voluntary spending limit; and

(b) The non-accepting candidate has raised more than ten percent of the applicable voluntary spending limit.

(6) Only those candidates who have agreed to abide by the applicable voluntary spending limit may advertise their compliance. All other candidates are prohibited from advertising, or in any way implying, their acceptance of voluntary spending limits.

(7) Each spending limit described in subsection (1) of this section shall be adjusted by an amount based upon the percentage change over a four year period in the united states bureau of labor statistics consumer price index for Denver-Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest twenty-five dollars. The first adjustment shall be done in the first quarter of 2007 and then every four years thereafter. The secretary of state shall calculate such an adjustment in each limit and specify the limits in rules promulgated in accordance with Article 4 of title 24, C.R.S., or any successor section.

Section 5. Independent expenditures.

(1) Any person making an independent expenditure in excess of one thousand dollars per calendar year shall deliver notice in writing to the secretary of state of such independent expenditure, as well as the amount of such expenditure, and a detailed description of the use of such independent expenditure. The notice shall specifically state the name of the candidate whom the independent expenditure is intended to support or oppose. Each

independent expenditure in excess of one-thousand dollars shall require the delivery of a new notice. Any person making an independent expenditure within thirty days of a primary or general election shall deliver such notice within forty-eight hours after obligating funds for such expenditure.

(2) Any person making an independent expenditure in excess of one thousand dollars shall disclose, in the communication produced by the expenditure, the name of the person making the expenditure and the specific statement that the advertisement of material is not authorized by any candidate. Such disclosure shall be prominently featured in the communication.

(3) Expenditures by any person on behalf of a candidate for public office that are coordinated with or controlled by the candidate or the candidate's agent, or political party shall be considered a contribution to the candidate's candidate committee, or the political party, respectively. 7

(4) This section 5 applies only to independent expenditures made for the purpose of expressly advocating the defeat or election of any candidate.

Section 6. Electioneering communications.

(1) Any person who expends one thousand dollars or more per calendar year on electioneering communications shall submit reports to the secretary of state in accordance with the schedule currently set forth in 1-45-108 (2), C.R.S., or any successor section. Such reports shall include spending on such electioneering communications, and the name, and address, of any person that contributes more than two hundred and fifty dollars per year to such person described in this section for an electioneering communication. In the case where the person is a natural person, such reports shall also include the occupation and employer of such natural person. The last such report shall be filed thirty days after the applicable election.

(2) Notwithstanding any section to the contrary, it shall be unlawful for a corporation or labor organization to provide funding for an electioneering communication; except that any political committee or small donor committee established by such corporation or labor organization may provide funding for an electioneering communication.

Section 7. Disclosure.

The disclosure requirements relevant to candidate committees, political committees, issue committees, and political parties, that are currently set forth in section 1-45-108, C.R.S., or any successor section, shall be extended to include small donor committees. The disclosure requirements of section 1-45-108, C.R.S., or any successor section, shall be extended to require disclosure of the occupation and employer of each person who has made a contribution of one hundred dollars or more to a candidate committee, political committee, issue committee, or political party. For purposes of this section and 1-45-108, C.R.S., or any successor section, a political party shall be treated as separate entities at the state, county, district, and local levels.

Section 8. Filing - where to file - timeliness.

The secretary of state shall promulgate rules relating to filing in accordance with article 4 of title 24, C.R.S., or any successor section. The rules promulgated pursuant to this section shall extend section 1- 45-109, C.R.S., or any successor section to apply to small donor committees.

Section 9. Duties of the secretary of state - enforcement.

(1) The secretary of state shall:

(a) Prepare forms and instructions to assist candidates and the public in complying with the reporting requirements of this article and make such forms and instructions available to the public, municipal clerks, and county clerk and recorders free of charge;

(b) Promulgate such rules, in accordance with Article 4 of title 24, C.R.S., or any successor section, as may be necessary to administer and enforce any provision of this Article;

(c) Prepare forms for candidates to declare their voluntary acceptance of the campaign spending limits set forth in section 4 of this Article. Such forms shall include an acknowledgment that the candidate voluntarily accepts the applicable spending limit and that the candidate swears to abide by those spending limits. These forms shall be signed by the candidate under oath, notarized, filed with the secretary of state, and available to the public upon request;

(d) Maintain a filing and indexing system consistent with the purposes of this Article;

(e) Make the reports and statements filed with the secretary of state's office available immediately for public inspection and copying. The secretary of state may charge a reasonable fee for providing copies of reports. No information copied from such reports shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose;

(f) Refer any complaints filed against any candidate for the office of secretary of state to the attorney general. Any administrative law judge employed pursuant to this section shall be appointed pursuant to part 10 of Article 30 of title 24, C.R.S., or any successor section. Any hearing conducted by an administrative law judge employed pursuant to subsection (2) of this section shall be conducted in accordance with the provisions of section 24-4-105, C.R.S., or any successor section.

(2) (a) Any person who believes that a violation of section 3, section 4, section 5, section 6, section 7, or section 9 (1) (e), of this Article, or of sections 1-45-108, 1-45-114, 1-45-115, or 1-45-117 C.R.S., or any successor sections, has occurred may file a written complaint with the secretary of state no later than one hundred eighty days after the date of the alleged violation. The secretary of state shall refer the complaint to an administrative law judge within three days of the filing of the complaint. The administrative law judge shall hold a hearing within fifteen days of the referral of the complaint, and shall

render a decision within fifteen days of the hearing. The defendant shall be granted an extension of up to thirty days upon defendant's motion, or longer upon a showing of good cause. If the administrative law judge determines that such violation has occurred, such decision shall include any appropriate order, sanction, or relief authorized by this Article. The decision of the administrative law judge shall be final and subject to review by the court of appeals, pursuant to section 24-4-106 (11), C.R.S., or any successor section. The secretary of state and the administrative law judge are not necessary parties to the review. The decision maybe enforced by the secretary of state, or, if the secretary of state does not file an enforcement action within thirty days of the decision, in a private cause of action by the person filing the complaint. Any private action brought under this section shall be brought within one year of the date of the violation in state district court. The prevailing party in a private enforcement action shall be entitled to reasonable attorneys fees and costs.

(b) The attorney general shall investigate complaints made against any candidate for the office of secretary of state using the same procedures set forth in paragraph (a) of this subsection (2). Complainant shall have the same private right of action as under paragraph (a) of this subsection (2).

(c) A subpoena issued by an administrative law judge requiring the production of documents by an issue committee shall be limited to documents pertaining to contributions to, or expenditures from, the committee's separate account established pursuant to section 3(9) of this Article to support or oppose a ballot issue or ballot question. A subpoena shall not be limited in this manner where such issue committee fails to form a separate account through which a ballot issue or ballot question is supported or opposed.

Section 10. Sanctions.

(1) Any person who violates any provision of this Article relating to contribution or voluntary spending limits shall be subject to a civil penalty of at least double and up to five times the amount contributed, received, or spent in violation of the applicable provision of this Article. Candidates shall be personally liable for penalties imposed upon the candidate's committee.

(2) (a) The appropriate officer shall impose a penalty of fifty dollars per day for each day that a statement or other information required to be filed pursuant to section 5, section 6, or section 7 of this Article, or sections 1-45-108, 1-45-109 or 1-45-110, C.R.S., or any successor sections, is not filed by the close of business on the day due. Upon imposition of a penalty pursuant to this subsection (2), the appropriate officer shall send the person upon whom the penalty is being imposed proper notification by certified mail of the imposition of the penalty. If an electronic mail address is on file with the secretary of state, the secretary of state shall also provide such notification by electronic mail. Revenues collected from fees and penalties assessed by the secretary of state or revenues collected in the form of payment of the secretary of state's attorney fees and costs pursuant to this

Article shall be deposited in the department of state cash fund created in section 24-21-104 (3), C.R.S., or any successor section.

(b) (I) Any person required to file a report with the secretary of state and upon whom a penalty has been imposed pursuant to this subsection (2) may appeal such penalty by filing a written appeal with the secretary of state no later than thirty days after the date on which notification of the imposition of the penalty was mailed to such person's last known address in accordance with paragraph (a) of this subsection (2). Except as provided in paragraph (c) of this subsection (2), the secretary shall refer the appeal to an administrative law judge. Any hearing conducted by an administrative law judge pursuant to this subsection (2) shall be conducted in accordance with the provisions of section 24-4-105, C.R.S., or any successor section. The administrative law judge shall set aside or reduce the penalty upon a showing of good cause, and the person filing the appeal shall bear the burden of proof. The decision of the administrative law judge shall be final and subject to review by the court of appeals pursuant to section 24-4-106 (11), C.R.S., or any successor section.

(II) If the administrative law judge finds that the filing of an appeal brought pursuant to subparagraph (I) of this paragraph (b) was frivolous, groundless, or vexatious, the administrative law judge shall order the person filing the appeal to pay reasonable attorney fees and costs of the secretary of state in connection with such proceeding.

(c) Upon receipt by the secretary of state of an appeal pursuant to paragraph (b) of this subsection (2), the secretary shall set aside or reduce the penalty upon a showing of good cause.

(d) Any unpaid debt owing to the state resulting from a penalty imposed pursuant to this subsection (2) shall be collected by the state in accordance with the requirements of section 24-30-202.4, C.R.S., or any successor section.

(3) Failure to comply with the provisions of this article shall have no effect on the validity of any election.

Section 11. Conflicting provisions declared inapplicable.

Any provisions in the statutes of this state in conflict or inconsistent with this article are hereby declared to be inapplicable to the matters covered and provided for in this Article.

Section 12. Repeal of conflicting statutory provisions.

Sections 1-45-103, 1-45-105.3, 1-45-107, 1-45-111, and 1-45-113 are repealed.

Section 13. Applicability and effective date.

The provisions of this article shall take effect on December 6, 2002 and be applicable for all elections thereafter. Legislation may be enacted to facilitate its operations, but in no way limiting or restricting the provisions of this Article or the powers herein granted.

Section 14. Severability.

If any provision of this Article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.



Colorado Secretary of State

Campaign and Political Finance [8 CCR 1505-6]

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Rule 1. Definitions

- 1.1 “Administrative complaint” means a complaint alleging that one or more violations of Colo. Const. Article XXVIII, Article 45, or Article 46 of Title 1, C.R.S., such other constitutional or statutory provisions that are incorporated or referenced therein, or the rules has occurred and that is filed by the division, or its designee, with a hearing officer.
- 1.2 “Agency” or “Department” means the Colorado Department of State.
- 1.3 “Ballot measure” means ballot issue or ballot question.
- 1.4 “Business activities” for purposes of Colo. Const. Article XXVIII:
 - 1.4.1 “Business activities” means providing goods or services that result in income or any other revenue-generating activity not expressly for political purposes.
 - 1.4.2 “Cannot engage in business activities,” means that the articles of incorporation and bylaws, either expressly or implicitly, prohibit the corporation from engaging in any business activities.
- 1.5 “Committee” as used generally in these rules includes candidate committee, political committee, small donor committee, issue committee, small-scale issue committee, independent expenditure committee, political party committee, and political organization.
- 1.6 “Contribution” has the same meaning as set forth in Colo. Const. Article XXVIII, Section 2(5)(a), and section 1-45-103(6), C.R.S.
 - 1.6.1 A contribution does not include an endorsement of a candidate or an issue by any person, or include interest earned in an interest-bearing bank account, dividend income from invested committee funds, earned income from commercially reasonable transactions, or transfers of money within a political party.
 - 1.6.2 Volunteer services

- (a) Time-based services volunteered by an individual are not considered a contribution if the individual receives no direct or indirect compensation for the time volunteered.
- (b) If an individual volunteers only a portion of his or her time-based services, the volunteered portion is not considered a contribution.
- (c) Any unpaid services that create a thing of value are not considered a contribution. If volunteer services yield a thing of value, “contribution” only includes the reasonable value of the materials involved, unless the value is de minimis.

1.6.3 “Contribution in support of the candidacy” as outlined in Colo. Const. Article XXVIII, Section 2(2), includes all contributions given directly to, or expenditures or spending coordinated with, a candidate for a specific public office, including those to a person who maintains a candidate committee after an election cycle.

1.7 “C.R.C.P.” means Colorado Rules of Civil Procedure.

1.8 “Designated filing agent” means any natural person appointed by a committee who is responsible for timely filing campaign finance reports.

1.9 “Deputy secretary” means the person appointed by the Secretary of State as the deputy secretary of state pursuant to section 24-21-105, C.R.S., with authority under section 1-45-111.7, C.R.S., or such other person as may be designated by the deputy secretary of state as the deputy secretary’s designee under section 1-45-111.7(1)(b), C.R.S.

1.10 “Direct ballot measure expenditure” means a direct ballot issue expenditure or a direct ballot question expenditure.

1.11 “Direct spending”, as used in section 1-45-103(7.2), C.R.S., includes both a monetary and non-monetary purchase, payment, distribution, loan, advance, deposit, monetary or non-monetary gift, contract, promise, or agreement to expend funds.

1.12 “Division” or “elections division” has the same meaning as in section 1-45-111.7(1)(c), C.R.S., which is commonly known as the Elections Division of the Colorado Department of State.

1.13 “Frequent filing schedule” means:

1.13.1 For state and school district director candidates and committees, the filing schedule outlined in sections 1-45-108 (2)(a)(I)(B), (2)(a)(I)(C), (2)(a)(I)(D), and (2)(a)(I)(E), C.R.S.;

1.13.2 For a county, municipal, and special district candidate or committee, the filing schedule outlined in section 1-45-108 (2)(a)(II), C.R.S.;

1.13.3 For political committees, small donor committees, independent expenditure committees, and political organizations participating in a regular biennial school election, the filing schedule outlined in sections 1-45-108(2)(a)(I)(C), (2)(a)(I)(D), and (2)(a)(I)(E), C.R.S.; and

1.13.4 For issue committees supporting or opposing a ballot measure that attempts access to or will appear on an upcoming ballot, the filing schedule outlined in sections 1-45-108(1)(a)(I)(B), 1-45-108(2)(a)(I)(C), (2)(a)(I)(D), and (2)(a)(I)(E), C.R.S.

1.14 “Funding intermediary”, as used in section 1-45-103(12)(b)(II)(E), C.R.S., means acting as a pass-through for contributions earmarked for an issue committee. A person becomes an intermediary when they accept an earmarked contribution from one person and then make a contribution to an issue committee as directed.

1.15 “Hearing officer” has the same meaning as in section 1-45-111.7(1)(d), C.R.S., and is the person who has been retained by the agency to conduct hearings and issue initial decisions under section 1-45-111.7(6), C.R.S.

1.16 “Independent expenditure committee” has the same meaning as set forth in section 1-45-103(11.5), C.R.S.

1.17 “Infrequent filing schedule” means:

1.17.1 For a state and school district director candidate or committee, the quarterly filing schedule outlined in section 1-45-108(2)(a)(I)(A), C.R.S.;

1.17.2 For a county, municipal, or special district candidate or committee, the annual filing schedule outlined in section 1-45-108(2)(a)(II), C.R.S.; and

- 1.17.3 For issue committees supporting or opposing a ballot measure that will not appear on an upcoming ballot, the filing schedule outlined in sections 1-45-108(2)(a)(I)(A) and (2)(a)(II) C.R.S.
- 1.18 “Initial complaint” means a complaint alleging that one or more violations of Colo. Const. Article XXVIII, Article 45 of Title 1, C.R.S., such other constitutional or statutory provisions that are incorporated or referenced therein, or the rules has occurred and that is filed by any person, including the division, with the division pursuant to section 1-45-111.7(2)(a) and (7), C.R.S.
- 1.19 “Initial decision” has the same meaning as section 24-4-102, C.R.S., and includes the initial determination referenced in section 1-45-111.7(6)(b), C.R.S.
- 1.20 “Issue committee” means a person or a group of people that meets both of the conditions in Colo. Const. Article XXVIII, Section 2(10)(a)(I) and 2(10)(a)(II). An “issue committee” does not include a married couple.
- 1.21 “Limited liability company” or “LLC” has the same meaning as set forth in section 1-45-103.7(8), C.R.S.
- 1.22 “Member”, as used in Colo. Const. Article XXVIII, Sections 2(5)(b), 2(8)(b)(IV), and 2(14)(a) only, means a person who pays membership dues.
- 1.23 “Municipal campaign finance matter” as used in section 1-45-111.7(10), C.R.S., means any campaign finance matter exclusively related to a municipal campaign, including matters involving a candidate for a municipal office; a municipal ballot measure; and contributions or expenditures made by any person, committee, or group to support or oppose any candidate for municipal office, or municipal ballot measure. Notwithstanding home rule municipalities that have adopted their own campaign finance charter provisions, ordinances, rules or regulations, this definition applies to all municipalities.
- 1.24 “Non-public information” means confidential material in any form that is not available to the general public, including a non-public campaign plan, communications plan, campaign budget, specification of unmet and potentially unmet campaign needs, proposed or actual media buy, list or description of households or voters who will receive or have received materials under a mailing or other distribution program, polling or focus group results, or other proprietary

material. “Non-public information,” does not include communications dealing solely with candidate positions on legislative or policy issues.

- 1.25 “Organization”, as used in section 1-45-103(12)(b)(II), C.R.S., means a person other than a natural person or two or more natural persons that work together with a particular purpose.
- 1.26 “Per day” means “per calendar day” unless otherwise indicated.
- 1.27 “Per year” means “per calendar year” unless otherwise indicated.
- 1.28 “Political committee” has the same meaning as set forth in Colo. Const. Article XXVIII, Section 2(12), and does not include a married couple.
- 1.29 “Principal”, as used in section 1-45-105.5, C.R.S., means any person that employs, retains, engages, or uses, with or without compensation, a professional or volunteer lobbyist. A person serving as an officer, employee, member, shareholder, or partner of an organization or business entity that employs, retains, engages, or uses a lobbyist is not considered a principal.
- 1.30 “Public office” means any office voted for in this state at any election. “Public office” does not include the office of president or vice president of the United States, the office of senator or representative in the Congress of the United States, or any office within a political party.
- 1.31 “Publicly announced an intention to seek election to public office or retention of a judicial office”, as set forth in Colo. Const. Article XXVIII, Section 2(2), means:
- 1.31.1 Registering a candidate committee; or
- 1.31.2 Announcing an intention to seek public office or retention of a judicial office through:
- (a) A speech, advertisement, or other communication reported or appearing in public media; or
 - (b) A statement made in any place accessible to the public; or
 - (c) A statement made in a manner that a reasonable person would expect to become public.

- 1.32 “Registered agent”, as set forth in sections 1-45-108(3)(b) and 1-45-109(4)(b), C.R.S., is a natural person or candidate designated to receive mailings, to address concerns and questions regarding a committee, and is responsible for timely filing campaign finance reports.
- 1.33 “Respondent” means a person or entity who is the subject of a campaign and political finance complaint.
- 1.34 “Standalone candidate” means a candidate without a committee who does not accept contributions.
- 1.35 “Substantial evidence”, as used in these rules, means evidence that is probative, credible, and competent and of such weight as to be adequate for the division to accept a fact as true. This standard of proof requires a greater weight of evidence than that which is required for finding “probable cause”.
- 1.36 “Support or oppose”, for the purpose of determining if a person or group of persons is a political committee as defined by Colo. Const. Article XXVIII, Section 2(12)(a), means that the person or group of persons that contributed or made an expenditure did so in coordination with the candidate or candidate committee.
- 1.37 “Transfer”, as used in section 1-45-107.5(14), C.R.S., means the disposition of or parting with funds by check, electronic transfer, or other means. It does not include payment to a vendor or payment of a contract for goods or services.

Rule 2. Candidates and Candidate Committees

2.1 Standalone candidates

- 2.1.1 A standalone candidate need not register a candidate committee.
- 2.1.2 A standalone candidate must file disclosure reports for all reporting periods in which he or she makes expenditures. [Sections 1-45-108 and 1-45-109, C.R.S.]

2.2 Candidate committees

- 2.2.1 A candidate may serve as the candidate committee’s registered agent or appoint another natural person to be the registered agent. Only the registered agent, the designated filing agent, or the candidate may file the contribution and expenditure report.

- 2.2.2 Once assigned a candidate committee must follow the frequent filing schedule for the remainder of the year, except as outlined in Rule 17.5.
- 2.2.3 A candidate committee may accept the contribution limit specified in Colo. Const. Article XXVIII, Section 3(1) and section 1-45-103.7(1.5), C.R.S. for the primary election even if the primary election is canceled under section 1-4-104.5(1), C.R.S. or the candidate is running unopposed.
- 2.2.4 Managing unexpended campaign contributions
- (a) A candidate committee's ending balance on the report filed 35 days after the major election must reflect the committee's unexpended balance and that total is reported as the beginning balance on the first report due in the next election cycle. The candidate committee's beginning balance must reflect what amount is retained for use in a subsequent election cycle and what amount is retained for use as unexpended funds.
 - (b) Candidates seeking re-election to the same office
 - (1) A candidate committee may retain contributions to use in a subsequent election cycle for the same public office, in an amount not to exceed the political party contribution limit in Colo. Const. Article XXVIII, Section 3(3) and section 1-45-103.7(1.5)(a)(III), C.R.S. (as adjusted by Rule 10.17).
 - (2) If a candidate committee retains contributions to use in a subsequent election cycle for the same office, the amount retained counts toward the limit on contributions from a political party.
 - (3) If a candidate committee retains contributions from a prior election cycle in excess of the political party contribution limit, the candidate committee may not use those funds for any subsequent election cycle but may retain them for use in accordance with section 1-45-106(1)(b), C.R.S., if applicable. The committee may also contribute the funds to a political party, donate the funds to a charitable organization

recognized by the Internal Revenue Service, or return the funds to contributors.

- (c) Candidates seeking election to a different office
 - (1) A candidate committee may transfer funds to a new candidate committee established by the same candidate for a different public office, subject to the political party contribution limit for the prior office sought. [Colo. Const. Article XXVIII, Section 3, and section 1-45-103.7(12)(b), C.R.S.]
 - (A) Funds held in excess of the party limit must be disbursed before the new election cycle in accordance with section 1-45-106(5), C.R.S., and cannot be rolled over.
 - (B) Funds previously designated as unexpended funds from a prior election cycle cannot be transferred to the new committee and must be disbursed as specified in section 1-45-106(1)(a) and (b), C.R.S.
 - (2) Contributions from persons or committees made to the prior candidate committee do not apply toward the contribution limits for the new candidate committee.
 - (3) A candidate committee transferring funds to a candidate committee for a different office must terminate within ten days of registering the new candidate committee.
 - (4) A candidate seeking election to a state, county, or local office may not transfer funds from a federal candidate committee to a Colorado candidate committee that is subject to the provisions of the Fair Campaign Practices Act.
- (d) Funds rolled over, up to the political party limit of a new candidate committee, from a candidate's prior candidate committee will have the effect of offsetting how much the candidate may receive in party contributions during that election cycle by the amount of the rollover.

2.2.5 Disposition of debt in anticipation of committee termination

- (a) A candidate committee must report all contributions received during the election cycle and those contributions are subject to the contribution limit, regardless of debt carried over from a prior election cycle.
- (b) Financial obligations incurred by a candidate committee in an election cycle that are not paid within a commercially reasonable period of time, not to exceed one year after the close of that election cycle, are “contributions” from the person extending credit.

2.3 Candidate affidavits. A candidate required to file with the Secretary of State must file a candidate affidavit electronically using the Secretary of State’s online campaign finance filing system. [Sections 1-45-110(1) and 24-21-111, C.R.S.]

2.4 Personal financial disclosures

2.4.1 Filing of personal financial disclosures

- (a) A candidate who is not an incumbent need not file a personal financial disclosure statement if the candidate filed a full disclosure statement less than 90 days before filing a candidate affidavit.
- (b) If a candidate withdraws their candidacy by submitting appropriate documentation before filing the disclosure statement required in section 1-45-110(2)(a), C.R.S., the candidate need not file a disclosure statement. Any delinquent filing fines that the candidate accrued before withdrawing may be waived by the appropriate filing office.
- (c) An incumbent must file full a personal financial disclosure statement annually. Personal financial disclosure statement update forms are no longer accepted.
- (d) An incumbent seeking re-election need not file a personal financial disclosure statement if the incumbent filed a full disclosure statement less than 30 days before filing a candidate affidavit.

- (e) Any personal financial disclosure statements filed by incumbents more than 30 days before January 10th will not satisfy the requirement to file the annual disclosure statement.
- (f) Personal financial disclosure statements must be amended within 30 days of a substantial change in interest. Amended personal financial disclosure statements must be made on the form provided by the Secretary of State.
- (g) All personal financial disclosure filings required under sections 1-45-110 and 24-6-202, C.R.S., must be filed electronically by 11:59 p.m. MT on the due date and will be publicly available online.

2.4.2 Income and debt ranges for required disclosures:

- (a) Ranges for income from any individual source:
 - (i) Less than \$999;
 - (ii) \$1,000 to \$9,999;
 - (iii) \$10,000 to \$24,999;
 - (iv) 25,000 to \$49,999;
 - (v) \$50,000 to \$74,999;
 - (vi) \$75,000 to \$99,999;
 - (vii) \$100,000 to \$149,999;
 - (viii) \$150,000 to \$199,999;
 - (ix) \$200,000 to \$249,999;
 - (x) \$250,000 to \$499,999;
 - (xi) \$500,000 to \$749,999;
 - (xii) \$750,000 to \$999,999;
 - (xiii) \$1,000,000 to \$1,499,999;

- (xiv) \$1,500,000 to \$ 1,999,999;
 - (xv) \$2,000,000 to \$4,999,999; and
 - (xvi) Greater than \$5,000,000.
- (b) Ranges of debt:
- (i) Less than \$1,000;
 - (ii) \$1,000 to \$9,999;
 - (iii) \$10,000 to \$24,999;
 - (iv) 25,000 to \$49,999;
 - (v) \$50,000 to \$74,999;
 - (vi) \$75,000 to \$99,999;
 - (vii) \$100,000 to \$149,999;
 - (viii) \$150,000 to \$199,999;
 - (ix) \$200,000 to \$249,999;
 - (x) \$250,000 to \$499,999;
 - (xi) \$500,000 to \$749,999;
 - (xii) \$750,000 to \$999,999;
 - (xvi) \$1,000,000 to \$1,499,000;
 - (xvii) \$1,500,000 to \$1,999,999; and
 - (xviii) Greater than \$2,000,000.

2.4.3 Failure to file

- (a) Any person can file a complaint under section 1-45-111.7, C.R.S., concerning the completeness, accuracy, or timeliness of a candidate's, including an incumbent who is also a candidate,

personal financial disclosure filed in accordance with a candidate affidavit.

- (b) In the event a complaint concerning the completeness, accuracy, or timeliness of an incumbent's personal financial disclosure is filed with the Department when such incumbent is not a candidate, the Department will transmit the complaint to the appropriate body for considering such complaints as is designated under section 24-6-202(8), C.R.S. The Department will notify both the complainant and the incumbent of the transfer of the complaint. Upon such transfer, the Department will take no further action on the complaint unless or until the public body that received the transfer refers the matter back to the Department.
- (c) If a complaint is filed under section 1-45-111.7, C.R.S., alleging that the candidate's personal financial disclosure was inaccurate or an amended disclosure was not accurate or timely filed, the division may consider the following responses from the candidate, without limitation, in determining whether the personal financial disclosure or amendment meets statutory requirements:
 - (1) Documentation refuting the allegation of inaccuracy or incompleteness, including without limitation, for example:
 - (A) Federal tax returns;
 - (B) Banking, investment, or other financial statements;
 - (C) Deeds of trust or other property records;
 - (D) A financial manager's or auditor's certified statement of the candidate's financial holdings; or
 - (E) Other independently verifiable documentary evidence; or
 - (2) A signed affirmation under penalty of perjury from the candidate attesting that the allegation of inaccuracy or incompleteness is not true and the substance of the personal

financial disclosure, including amendments, is complete and accurate.

- (d) If there is evidence of willful behavior outlined in section 24-6-202(7), C.R.S., such complaint may be referred to the applicable law enforcement without prejudice to the division's concurrent investigation of the matter and the pursuit of civil or administrative penalties independent of any criminal sanction.
- (e) If a person subject to a complaint related to a personal financial disclosure under section 1-45-110(2), C.R.S., meets the criteria of section 1-45-110(5), C.R.S., and is defeated or withdraws from the candidacy, that person will not be required to file, supplement, or correct a personal financial disclosure after the election but may still be subject to a complaint and potential monetary penalty.

2.5 For special district candidates and committees, election cycle means the period of time beginning thirty-one days following the special district election for the particular office and ending thirty days following the next special district election for that office.

Rule 3. Political Committees and Small Donor Committees

- 3.1 A political committee or small donor committee may not make contributions to an issue committee or small-scale issue committee, except to the extent that a contribution is for the purchase of items such as event tickets, merchandise, or services. [Colo. Const. Article XXVIII, Section 2(12)(a)]
- 3.2 A political committee may change its registration to a small donor committee without terminating the political committee if it has never accepted contributions of more than \$50 per natural person per year.
- 3.3 Only the following qualify as a contribution or expenditure made to "support or oppose" a candidate, as those terms are used in the definition of "political committee" in subsection (12) (a) of section 2 of article XXVIII of the Colorado Constitution:
 - 3.3.1 Contribution to the candidate committee: must be a payment, loan, pledge, gift, or advance of money, guarantee of a loan, or the gift or loan of property, made by the political committee and given directly to the

candidate committee for the purpose of promoting the candidate's nomination, retention, recall, or election; or

3.3.2 Expenditure from the political committee: must be coordinated with a candidate committee or political party and be intended to:

- (a) Support that candidate's nomination, retention, recall, or election; or
- (b) Oppose a competing candidate's nomination, retention, recall, or election.

3.4 Where there is no coordination as described in Rule 3.3, and the aggregate amount of the expenditures is in excess of one thousand dollars, the entity is an independent expenditure committee rather than a political committee. If the person or group meets the registration requirements of an independent expenditure committee, it must register as an independent expenditure committee.

Rule 4. Issue Committees

4.1 An issue committee may support or oppose more than one ballot measure if the committee registration form states each measure, describes each measure, and states whether the committee supports or opposes the measure.

[Colo. Const. Article XXVIII, Section 2(10)(a)(I) and (2)(10)(a)(II)]

4.2 If an issue committee supports or opposes a ballot measure on an upcoming ballot, the issue committee must file on a frequent filing schedule. See Rule 17.2.3.

4.3 A statewide issue committee must file reports of contributions and expenditures for all of the activity that qualifies it as an issue committee under section 1-45-103(12), C.R.S.

4.4 Major purpose standard

4.4.1 For an organization supporting or opposing a non-statewide ballot measure, a major purpose of the organization as that phrase is used in Colo. Const. Article XXVIII, Section 2(10)(a), is determined based on the consideration of:

- (a) The organization's specifically identified objectives in its organizational documents at the time it is established or as such documents are later amended; or
- (b) The organization's demonstrated pattern of conduct, as reflected through the following non-exclusive set of factors, including:
 - (1) The scope of the issues addressed in the organization's print and electronic publications;
 - (2) The length of time the organization had existed;
 - (3) The organization's original purpose;
 - (4) The organization's organizational structure;
 - (5) The various issues in which the organization had been involved; and
 - (6) The amount of money the organization had spent on the issue in question in relation to its annual budget.

[Cerbo v. Protect Colo. Jobs, Inc., 240 P.3d 495, (Colo. App. 2010)]

4.4.2 For an organization supporting or opposing a statewide ballot measure, a major purpose as outlined in section 1-45-103(12)(b), C.R.S., is determined as follows:

- (a) The organization's specifically identified objectives in its organizational documents at the time it is established or as such documents are later amended; or
- (b) The organization's demonstrated pattern of conduct which is evidenced by its spending. Specifically,
 - (1) During the current and two preceding years, did the organization:
 - (A) Make contributions to a single statewide issue committee or make direct ballot measure expenditures in support of or opposition to one

statewide ballot measure that, combined, exceeded 20% of the organization's total spending (in any location and for any reason) during the current and two preceding years; or

- (B) Make contributions to more than one statewide issue committee or make direct ballot measure expenditures in support of more than one statewide ballot measure that combined exceeded 30% of the organization's total spending (in any location and for any reason) during the current and two preceding years; or

- (2) Does the organization have a pattern of conduct as acting as a funding intermediary by making earmarked contributions to an issue committee.

4.4.3 For campaign and political finance complaints involving whether the respondent is an organization that has a major purpose of supporting or opposing one or more ballot measures, a rebuttable presumption that the organization met the standard for having a major purpose under section 1-45-103(12)(b), C.R.S., is created if:

- (a) A campaign and political finance complaint has been filed and the division initially determines that the complaint alleges a potential violation in which the respondent may have a major purpose of supporting or opposing one or more ballot measures; and
- (b) The respondent fails to provide substantial evidence, as defined in Rule 1.36, that they have not met the major purpose standard.

4.4.4 This presumption will be considered sufficient information to support the filing of an administrative complaint with a hearing officer under section 1-45-111.7(5), C.R.S. The presumption of meeting the major purpose standard can be rebutted by the respondent during the administrative hearing process. The presumption of meeting the major purpose standard no longer applies once the respondent has appeared and answered an administrative complaint in a hearing before a hearing officer.

- 4.5 Termination. An issue committee may file a termination report at any time if the following conditions are met:
- 4.5.1 The committee no longer has a major purpose of supporting or opposing a ballot measure and no longer intends to accept or make contributions or expenditures to support or oppose a ballot measure; and
 - 4.5.2 The committee's TRACER account reflects no cash on hand and no outstanding debts, obligations, or penalties.
- 4.6 Small-scale issue committees
- 4.6.1 A small-scale issue committee may support or oppose more than one ballot measure if the committee registration form states each measure, describes each measure, and states whether the committee supports or opposes the measure.
- [Colo. Const. Article XXVIII, Section 2(10)(a)(I) and (2)(10)(a)(II)]
- 4.6.2 The notification required by section 1-45-108(1.5)(c)(III), C.R.S. must be submitted on the form provided by the Secretary of State.
 - 4.6.3 The disclosure report required by section 1-45-108(1.5)(c)(I), C.R.S., must be filed with the appropriate officer within five calendar days after notification to the appropriate officer that the small-scale issue committee qualifies as an issue committee under section 1-45-108(1.5)(c)(III), C.R.S.
 - 4.6.4 Upon conversion of a small-scale issue committee to an issue committee, the issue committee's first report of contributions and expenditures must reflect the small-scale issue committee's funds on hand as a beginning balance.
 - 4.6.5 A small-scale issue committee may terminate by filing an affirmation indicating the committee has no outstanding debts or obligations and wishes to terminate.
 - 4.6.6 A small-scale issue committee required to register under section 1-45-108(1.5), C.R.S. may register and report as an issue committee at any time.

- 4.7 For issue committees and small-scale issue committees, the election cycle is a calendar year, beginning January 1 and ending December 31. This rule does not apply to issue committees formed to support or oppose a recall.

Rule 5. Independent Expenditures and Independent Expenditure Committees

- 5.1 An independent expenditure committee must report donations over \$20 given for the purpose of making an independent expenditure.
- 5.1.1 An independent expenditure committee must itemize donations of \$250 or more per year given for the purpose of making an independent expenditure and include the name and address of the donor.
- 5.1.2 Except for a committee exercising its right to cure under section 1-45-111.7(4), C.R.S., if the committee is unable to gather the information required by section 1-45-107.5(4)(b)(II), or (III), C.R.S., within 30 days after receipt of the donation, the committee must return the donation to the donor no later than the 31st day after receipt.
- 5.1.3 An independent expenditure committee must itemize independent expenditures made in an aggregate amount of \$1,000 in any one calendar year and include the information required by section 1-45-107.5, C.R.S.
- 5.1.4 An independent expenditure committee must list all expenditures of \$250 or more during a reporting period, including the name and address of payees. The committee may report any disbursement not defined as an expenditure to the appropriate officer.
- 5.1.5 An independent expenditure committee must list individual expenditures in amounts of less than \$250 that aggregate to total of \$250 or more to the same payee during the reporting period.
- 5.1.6 An independent expenditure committee may report all other expenditures of less than \$250 during a reporting period, in total, as non-itemized expenditures.
- 5.2 An independent expenditure committee may not coordinate its campaign-related expenditures with a candidate, candidate committee, or political party. Nothing in these rules limits joint fundraising efforts or the transfer of funds raised through joint fundraising efforts by an independent expenditure committee or other

committee as long as each committee pays its allocated share of joint fundraising expenses and no committee participating in the joint fundraising activity receives more than its allocated share of funds raised in accordance with applicable contribution limits.

Rule 6. Political Parties

6.1 The appropriate filing officer for a state or county political party is the Secretary of State. [Section 1-45-108(1)(a)(I), C.R.S.]

6.2 Transfers of money within a party

6.2.1 A party may transfer money from one level of the organization to another without limit.

6.2.2 The party must disclose transfers as “other income” in accordance with Rule 10.15.

6.3 Home rule jurisdictions

6.3.1 A political party in a home rule jurisdiction that maintains a separate account in accordance with Rule 14.3 may not include contributions to, or expenditures from that separate account in reports filed with the Secretary of State.

6.3.2 If a political party receives contributions into a separate account in accordance with Rule 14.3, the party may not transfer funds from that account to other county parties or to a state party.

Rule 7. Federal PACs and 527 Political Organizations

7.1 Federal PACs

7.1.1 A Federal PAC that qualifies as a political committee under Colo. Const. Article XXVIII, section 2(12), must register with the Secretary of State’s office as a state political committee and follow all requirements for state political committees; except that a Federal PAC is not required to form a separate bank account for the state political committee so long as the funds used for the state political committee can be separately identified. Nothing in this rule requires a Federal PAC to observe Colorado

requirements for contributions, expenditures, or other campaign finance activity for federal elections or elections in states other than Colorado.

7.2 Political organizations.

7.2.1 A political organization must file on the frequent filing schedule for a political committee in an even-numbered year, and on the infrequent filing schedule in an odd-numbered year, according to the filing schedules set forth in section 1-45-108(2), C.R.S.

7.2.2 A political organization that receives no contributions and spends less than \$20 during a reporting period is not required to file a disclosure report for that reporting period. [Section 1-45-108.5(1)(b), C.R.S.]

7.2.3 A political organization must file all disclosure reports required by section 1-45-108.5, C.R.S., with the appropriate filing officer. For the purposes of this rule, the appropriate filing officer is the same for political organizations as for political committees.

Rule 8. Registering a Committee

8.1 The committee registration must include the purpose or nature of interest of the committee or party.

8.1.1 A candidate committee must identify the name of the candidate.

8.1.2 A political committee, independent expenditure committee, small donor committee, or political organization must identify the types of candidates it supports or opposes, and the offices they seek and, as applicable, public policy position(s).

8.1.3 An issue committee or small-scale issue committee must identify the ballot measure it will support or oppose, if known. If particular ballot measures are not known, the issue committee or small-scale issue committee must identify the policy position it will support or oppose.

Rule 9. Registered Agents

9.1 The registered agent or a designated filing agent for any committee must sign the committee's registration form and all disclosure reports. For registration forms and reports filed by a candidate or candidate committee, the candidate must

sign. For purposes of this requirement, an electronic login will fulfill the signature requirement.

9.2 Resignation of the registered agent

9.2.1 A committee may assign a new registered agent by filing an amended committee registration. For a candidate committee, upon resignation of the registered agent the candidate becomes the registered agent until a new agent is assigned. For all other committees, the registered agent's name remains on file until the committee assigns a new registered agent.

9.2.2 A committee must file an amended committee registration form within ten days after the resignation of a registered agent or the appointment of a new registered agent. A committee must have an active registered agent at all times. [Section 1-45-108(3)(b), C.R.S.; Rule 12.1]

Rule 10. Managing Contributions and Expenditures

10.1 Unexpended campaign contributions.

10.1.1 For purposes of section 1-45-106(1), C.R.S., contributions to a candidate committee become unexpended campaign contributions at the earliest of the following:

- (a) The end of the election cycle; or
- (b) When the candidate withdraws from the political race and intends to terminate his or her candidate committee.

10.1.2 For purposes of section 1-45-106(3), C.R.S., contributions to an issue committee become unexpended contributions at the end of the election cycle in which the committee supported or opposed a ballot measure, or one that attempted access to the ballot. Funds do not become unexpended contributions if the issue committee supports or opposes, or intends to support or oppose, another ballot measure or measures.

10.1.3 Unexpended contributions may not be used for personal purposes except to reimburse a candidate or incumbent for reasonable and necessary expenses for the care of a child or a dependent as allowed under sections 1-45-103.7(6.5) and 1-45-106(1)(b)(VI), C.R.S.

10.2 Except for independent expenditure committees and small-scale issue committees, committees must report contributions as follows:

10.2.1 Committees must individually list all contributions of \$20 or more received during a reporting period, including names and addresses of the contributors. If a contributor gives \$20 or more in the aggregate during the reporting period, the committee must individually list the contributor on the report, regardless of the amount of each contribution. [Section 1-45-108(1), C.R.S.]

10.2.2 A committee may report all other receipts and contributions less than \$20 in total as non-itemized contributions for the reporting period, except for contributions from an LLC. A committee must itemize all contributions from an LLC, regardless of amount. [Section 1-45-103.7(5)(d), C.R.S.]

10.2.3 Disclosure of occupation and employer

- (a) The requirement to disclose a contributor's or donor's occupation and employer applies only to any one-time contribution or donation, and not to the person's aggregate contributions or donations.
- (b) Except for a committee exercising its right to cure under section 1-45-111.7(4), C.R.S., if a committee does not report required occupation and employer information, and the committee is unable to gather the information within 30 days after receipt of the contribution, the committee must return the contribution to the contributor no later than the 31st day after receipt.
- (c) The requirement under section 1-45-108, C.R.S., to disclose a contributor's or donor's occupation and employer applies only to a contributor who is a natural person.

10.3 Except for independent expenditure committees and small-scale issue committees, committees must report expenditures as follows:

10.3.1 A committee must list all expenditures of \$20 or more during a reporting period, including the name and address of payees. The committee may report any disbursement not defined as an expenditure to the appropriate officer.

10.3.2 A committee must list individual expenditures in amounts less than \$20 that aggregate to total \$20 or more to the same payee during the reporting period.

10.3.3 A committee may report all other expenditures less than \$20 during a reporting period in total as non-itemized expenditures.

[Section 1-45-108(1), C.R.S.]

10.4 Date of a contribution or donation.

10.4.1 A contribution or donation by check or money order is accepted, at the earliest on the date that it is received or at the latest, on the date that the contribution or donation is deposited into the committee account. If a committee receives a donation by check or money order at least five business days before the end of a reporting period, the committee must deposit the check or money order or return to the contributor before that reporting period closes.

10.4.2 A cash contribution or donation is accepted the date the cash is in the committee's possession.

10.4.3 A contribution or donation made by credit card, PayPal, or other payment intermediary service is accepted on the date the contributor or donor authorizes the payment, or if unknown, on the date the payment intermediary service electronically transfers the contribution or donation.

10.4.4 A non-monetary or in-kind contribution or donation is accepted on the date the committee takes possession of the item, or has the right to possess or use the item.

10.4.5 For purposes of section 1-45-105.5, C.R.S., concerning contributions by lobbyists to certain state officers and candidates when legislation is under consideration, a contribution is accepted when the pledge is made or possession of the check is transferred to any person not under the control of the issuer, whichever is sooner.

10.4.6 If a committee accepts a contribution or donation from a joint account and the contributor or donor is not specified, the committee may apportion the entire amount to the joint account who signed the check or determine how

to apportion the contribution or donation between joint account holders. If the committee apportions a contribution or donation between joint account holders, the committee must notify each joint account holder of the apportionment.

10.4.7 Any other contribution or donation is accepted on the date its received.

10.5 A committee must maintain all financial records for 180 days after any general election cycle in which the committee received contributions. If a complaint is filed against the committee, the committee must maintain financial records until final disposition of the complaint and any consequent litigation. The committee must maintain covered organization and LLC affirmations for one year after the end of the election cycle.

10.6 If a committee receives a contribution in excess of the contribution limit, the committee must return the excess to the contributor within ten days of receipt or within three days after receiving notification from the appropriate filing office, whichever is sooner, and will not be held liable.

10.7 A committee may accept contributions in cryptocurrency, up to the acceptable limit for a cash or coin contribution. The amount of the contribution is the value of the cryptocurrency at the time of the contribution. The committee must report any gain or loss after the contribution as other income or receipts.

10.8 Contributions by anonymous contributor

10.8.1 A committee may not keep anonymous contributions of \$20 or more.

10.8.2 Anonymous contributions are contributions where the identity of the contributor or other required reporting information is unknown.

10.8.3 A committee must donate an anonymous contribution of \$20 or more to a charitable organization recognized by the Internal Revenue Service, or transmit the contribution to the State Treasurer within 30 days after receipt.

10.9 Reporting contributions and loans:

- 10.9.1 If a candidate does not accept voluntary spending limits, the candidate may make unlimited contributions from his or her personal funds to his or her candidate committee.
- 10.9.2 A candidate who accepts voluntary spending limits may make a loan to his or her candidate committee in any amount, so long as the unpaid balance of any loan does not exceed the contribution limit in Colo. Const. Article XXVIII, Sections 3 and 4(2) at any time.
- 10.10 If all candidates who declined voluntary spending limits have withdrawn from the race or lost in the primary election, a candidate who accepted voluntary spending limits may not continue to accept contributions double the standard limits.
- 10.11 Cost-sharing by candidates
- 10.11.1 Each candidate, standalone candidate, and candidate committee that shares any cost or expense including brochures, communications, advertisements, office space, or other overhead must pay its proportionate share of the cost within 30 days of the date the cost was incurred. The committee or candidate that made the expense must report the entire amount as an expenditure. The committee or candidate reimbursing for the expense must reimburse within 30 days and report their portion of the expense as an expenditure, and the reimbursed committee or candidate must report reimbursement payments as a returned expenditure.
- 10.11.2 A committee nor candidate need not report discounts resulting from shared expenses as contributions given by a vendor or others on a purchase solely because more than one committee is cost-sharing with another committee.
- 10.11.3 If a “paid for by” disclaimer is needed for any shared communication, the names of all of the committees or candidates must be included on the communication.
- 10.12 Reimbursement of expenditures – payments by credit card or payment intermediary service
- 10.12.1 A committee must report a reimbursement of \$20 or more and include the purpose, payee, and amount of the reimbursement.

10.12.2 For the purpose of reporting, simply disclosing that a payment was made to a credit card company or a payment intermediary service such as PayPal is not adequate. The committee must itemize all payments of \$20 or more made with a credit card or through a payment intermediary service, including the name and address of the original payee, amount, original date of expenditure, and purpose of the expenditure.

10.12.3 An immediate reimbursement for committee expenses is not a contribution.

[Section 1-45-108(1)(e), C.R.S.]

10.13 Loans to a candidate committee

10.13.1 Financial institution loans to a candidate committee under Colo. Const. Article XXVIII, Section 3(8) may not be forgiven.

10.13.2 Candidate loans to his or her committee

- (a) A candidate may make an interest-free loan to his or her candidate committee. Any foregone interest is not a contribution to the committee.
- (b) A committee must report the interest repaid for a loan made under Colo. Const. Article XXVIII, Section 3(8) as an expenditure.
- (c) A candidate may forgive a loan he or she loaned to his or her own committee. The amount of unpaid debt forgiven by the candidate remains a contribution and is not considered a returned contribution.

10.14 A committee may deposit committee money in more than one financial institution.
[Colo. Const. Article XXVIII, Section 3(9)]

10.15 Other income

10.15.1 A committee may invest its funds in any type of account or instrument of a government regulated financial institution.

10.15.2 A committee must disclose all interest or dividends earned on its bank account, earned income from a commercially reasonable

transaction, or transfers of money within a political party as other income on the committee's reports. These other receipts are not subject to contribution limits.

10.16 Disclosure of contributions by limited liability companies (LLCs) [Section 1-45-103.7(5), (6), (7), and (8), C.R.S.]

10.16.1 The affirmation must include the occupation and employer of any member attributed with contributing \$100 or more.

10.16.2 The affirmation provided by an LLC under section 1-45-103.7, C.R.S., must include the name and address of each LLC member, the amount attributed to each member, and, if more than \$100 is attributed to a member, the occupation and employer of that member. When reporting the contribution, the committee must select the "LLC" contributor type and include the name and address of the LLC, the name and address of each member, and the amount attributed to each member. Attribution is determined by the pro-rata share of ownership.

10.16.3 A committee must return any contribution received from an LLC that does not comply with the affirmation requirements in section 1-45-103.7, C.R.S., and this rule to the contributor within 30 days.

10.16.4 A committee must itemize each contribution received from an LLC on disclosure reports, regardless of the dollar amount.

10.16.5 Any contribution from an LLC counts against contribution limits for both the individual members to whom the contribution is attributed and the LLC itself. [Colo. Const. Article XXVIII, Section 3(9)]. An LLC may not make a contribution that exceeds the limit for a "person" established in Colo. Const. Article XXVIII, Section 3, as adjusted by Rule 10, regardless of the amount attributed to each individual member.

10.17 Current adjusted limits

10.17.1 Adjusted limits made in the first quarter of 2023 and effective until the next adjustment is made in 2027:

- (a) There is no adjustment to the contribution limits on individual donations to small donor committees outlined in Colo. Const. Article XXVIII, Section 2(14).
- (b) The aggregate limits on contributions from any person for a primary or a general election, described in Colo. Const. Article XXVIII, Section 3(1), are adjusted as follows:
 - (1) \$725 to any one:
 - (A) Governor candidate committee for the primary election, and Governor and Lieutenant Governor candidate committee, as joint candidates under section 1-1-104, C.R.S., or any successor section, for the general election;
 - (B) Secretary of State, State Treasurer, or Attorney General candidate committee.
 - (2) \$225 to any one State Senate, State House of Representatives, State Board of Education, Regent of the University of Colorado, or any District Attorney candidate committee.
- (c) The aggregate limits on contributions from a small donor committee for a primary or a general election, described in Colo. Const. Article XXVIII, Section 3(2), are adjusted as follows:
 - (1) \$7,825 to any one:
 - (A) Governor candidate committee for the primary election, and Governor and Lieutenant Governor candidate committee, as joint candidates under section 1-1-104, C.R.S., or any successor section, for the general election;
 - (B) Secretary of State, State Treasurer, or Attorney General candidate committee; and

- (2) \$3,100 to any one State Senate, State House of Representatives, State Board of Education, Regent of the University of Colorado, or any District Attorney candidate committee.
- (d) The aggregate limits on contributions from any person to a political party, described in Colo. Const. Article XXVIII, Section 3(3)(a), are adjusted as follows:
 - (1) \$4,675 per year at the state, county, district, and local level combined; and
 - (2) Of such, no more than \$3,875 at the state level.
- (e) The aggregate limits on contributions from a small donor committee to a political party, described in Colo. Const. Article XXVIII, Section 3(3)(b), are adjusted as follows:
 - (1) \$23,600 per year at the state, county, district, and local level combined; and
 - (2) Of such, no more than \$19,650 at the state level.
- (f) The aggregate limits on pro-rata contributions or dues made to political committees, described in Colo. Const. Article XXVIII, Section 3(5), are adjusted to \$725 per house of representatives election cycle.
- (g) The aggregate limits on contributions to a county candidate as defined in section 1-45-103.7(1.5)(a)(I), C.R.S. are as follows:
 - (1) \$1,425 for a primary or a general election from any person other than a small donor committee or a political party;
 - (2) \$14,400 for a primary or a general election from any small donor committee; and
 - (3) \$25,475 for the election cycle from a political party.
- (h) The aggregate limits on contributions to candidates for school district director are as follows:

-
- (1) \$2,500 per election cycle from any person other than a small donor committee; and
 - (2) \$25,000 per election cycle from any small donor committee.
- (i) This table contains the contribution limits listed in subsections (a)-(h).

Recipient:	Contributor:				
	Natural Person	Person, other than a natural person	Political committee	Small donor committee	Political party
Political committee	\$725 per election cycle	\$725 per election cycle	\$725 per election cycle	\$725 per election cycle	\$725 per election cycle
Small donor committee	\$50 per year	Prohibited	Prohibited	Prohibited	Prohibited
Governor (governor & lt. governor)	\$725 per election cycle*	\$725 per election cycle*	\$725 per election cycle*	\$7,825 per election cycle*	\$789,060 per election cycle
Secretary of state, state treasurer, attorney general	\$725 per election cycle*	\$725 per election cycle*	\$725 per election cycle*	\$7,825 per election cycle*	\$157,805 per election cycle
State senate	\$225 per election cycle*	\$225 per election cycle*	\$225 per election cycle*	\$3,100 per election cycle*	\$28,395 per election cycle
State house of representatives, state board of education, regent of the University of Colorado, district attorney	\$225 per election cycle*	\$225 per election cycle*	\$225 per election cycle*	\$3,100 per election cycle*	\$20,500 per election cycle

Recipient:	Contributor:				
	Natural Person	Person, other than a natural person	Political committee	Small donor committee	Political party
Political party	\$4,675 (\$3,875 at the state level) per year	\$4,675 (\$3,875 at the state level) per year	\$4,675 (\$3,875 at the state level) per year	\$23,600 (\$19,650 at the state level) per year	Transfers within a party may be made without limitation.
County candidate	\$1,425 per election cycle*	\$1,425 per election cycle*	\$1,425 per election cycle*	\$14,400 per election cycle*	\$25,475 per election cycle
School district director	\$2,500 per election cycle	\$2,500 per election cycle	\$2,500 per election cycle	\$25,000 per election cycle	\$2,500 per election cycle

* A candidate may accept the contribution limit for both the primary election and the general election.

- (j) The voluntary spending limits for a candidate described in Colo. Const. Article XXVIII, Section 4(1), are adjusted as follows:
 - (1) The spending limit for Governor, and Governor and Lieutenant Governor as joint candidates under section 1-1-104, C.R.S., or any successor section is adjusted to \$3,945,300.
 - (2) The spending limit for a candidate for Secretary of State, Attorney General, or Treasurer is adjusted to \$789,025.

- (3) The spending limit for a candidate for State Senate is adjusted to \$141,975.
- (4) The spending limit for a candidate for State House of Representatives, State Board of Education, Regent of the University of Colorado, or any District Attorney is adjusted to \$102,500.

Candidate	Voluntary Spending Limit
Governor, and Governor and Lieutenant Governor as joint candidates	\$3,945,300
Secretary of State, Attorney General, or State Treasurer	\$789,025
State Senate	\$141,975
State House of Representatives, State Board of Education, Regent of the University of Colorado, or District Attorney	\$102,500

10.18 Major Contributor Reports.

10.18.1 Municipal committees required to file major contributor reports under section 1-45-108(2.5), C.R.S. must file with the municipal clerk.

10.18.2 Small-scale issue committees are not required to file major contributor reports under section 1-45-108(2.5), C.R.S.

10.19 Reporting a direct ballot measure expenditure

10.19.1 The disclosure report required by section 1-45-108(1)(a)(VI), C.R.S.

- (a) The aggregate of \$5,000 in direct ballot measure expenditures can be met with expenditures of any amount.
- (b) Once a person makes \$5,000 in direct ballot measure expenditures in the aggregate within a calendar year, each additional expenditure of \$1,000 or more must be reported.

- (c) A single direct ballot measure expenditure of less than \$1,000 does not need to be reported.
- (d) Direct ballot measure expenditure disclosure reports must be filed within 48 hours of when the direct spending occurs or when a contractual agreement is made.
- (e) Expenditures by an issue committee are not direct ballot measure expenditures and should be reported in accordance with Rule 10.3 and section 1-45-108(1), C.R.S.

10.19.2 Each direct ballot measure expenditure disclosure must include:

- (a) The name and address of the payor;
- (b) The name and address of payee;
- (c) The name of the original source of the funds, if the direct ballot measure expenditure was paid with earmarked funds;
- (d) The amount of the direct ballot measure expenditure;
- (e) The date of the direct ballot measure expenditure;
- (f) The purpose for which the direct ballot measure expenditure was made, including the ballot measure and whether the direct ballot measure expenditure was in support or opposition of the ballot measure; and
- (g) An affirmation signed by an authorized representative on a form provided by the Department or appropriate officer that the filer does not meet the definition of an issue committee and only used permissible sources for the expenditure.

10.20 Earmarked contributions

- 10.20.1 A contribution will be considered earmarked if it includes or is accompanied by a direction or instruction which results in all or any part of a contribution or expenditure being made to, or expended on behalf of, a candidate, committee, or ballot measure.

10.20.2 Disclosure reports of earmarked contributions must include the original source of the funds as well as conduits, funding intermediaries, or other persons involved in the transaction.

10.20.3 Recipients of earmarked contributions must disclose the original source of the contribution and the person who made the contribution.

Rule 11. Electioneering Communications

- 11.1 Any person who expends \$1,000 or more per calendar year on electioneering communication or regular biennial school electioneering communication must include the method of communication on the electioneering report.
- 11.2 Persons making electioneering communications or regular biennial school electioneering communications must maintain all financial records for 180 days after the general election or regular biennial school election, as applicable. If a complaint is filed against the person making electioneering communications or regular biennial school electioneering communications, the person must maintain financial records until final disposition of the complaint and any resulting litigation.
- 11.3 Electioneering communication reports must include the name of the candidate(s) unambiguously referred to in the electioneering communication or regular biennial school electioneering communication. [Colo. Const. Article XXVIII, Section 2(7)(a)(I)]
- 11.4 A committee need not file electioneering communication reports separate from regularly filed disclosure reports if the expenditure or spending subject to Colo. Const. Article XXVIII, Section 6 is identified as an electioneering communication or regular biennial school electioneering communication. The disclosure of electioneering communication expenditures or spending on a regularly filed report must include the name of the candidate(s) referred to in the communication.

Rule 12. Changing or Closing a Committee

- 12.1 A committee must report any change to its committee registration statement to the appropriate filing officer within ten days. [Section 1-45-108(3), C.R.S.]

- 12.2 A candidate seeking a different public office must terminate his or her existing candidate committee and register a new candidate committee within ten days. See Rule 2.2.
- 12.3 A committee may file a termination report terminating the committee if the following conditions are met:
- 12.3.1 The committee no longer intends to receive contributions or make expenditures;
 - 12.3.2 The committee's TRACER account has a zero balance, indicating it has no cash or assets on hand and there are no outstanding debts, penalties, or obligations;
 - 12.3.3 A committee may dispose of assets remaining in its possession before termination in the same manner as allowed for unexpended contributions;
 - 12.3.4 The committee has no pending campaign and political finance complaints or related proceedings pending before the elections division or any court; and
 - 12.3.5 In addition to the requirements outlined in this Rule 12.3, candidate committees must terminate within:
 - (a) One year after the election, if the candidate was not elected; or
 - (b) One year after an elected candidate leaves office.
- [Sections 1-45-103.7(12)(a)(I) and (II), C.R.S.]
- 12.4 Administrative committee terminations. The appropriate officer may terminate a standalone candidate or committee if the standalone candidate or committee fails to file any required reports for six consecutive reporting periods or 18 months, whichever is shorter, or files "zero" reports or reports with no activity for the same time period in accordance with the procedures set out in the State Administrative Procedure Act. [Colo. Const. Article XXVIII, Section 2(3), and section 24-4-105, C.R.S.]
- 12.5 If the appropriate filing office receives verifiable information in writing that the candidate is deceased, the appropriate filing office may immediately terminate the candidate's candidate committee.

Rule 13. Corporations and Membership Organizations

- 13.1 A corporation or labor organization may establish a political committee, an independent expenditure committee, and a small donor committee. Each committee is subject to the applicable individual contribution and expenditure limits for that committee. A corporation or labor organization may pay for the costs of establishing, administering, and soliciting funds from its own employees or members. [Colo. Const. Article XXVIII, Sections 2(5)(b) and 2(14)(b)]
- 13.2 Transferring membership dues to a small donor committee, independent expenditure committee, and political committee.
- 13.2.1 A membership organization transferring a portion of a member's dues to a small donor committee, independent expenditure committee, or political committee must provide the respective committee with the member's name, address, amount of dues transferred, and the date of the dues transfer.
- 13.2.2 Each small donor committee, independent expenditure committee, and political committee must keep records of all contributions or donations received in the form of membership dues including the name, address, and amount of the dues transferred. [Section 1-45-108(1)(a)(I), C.R.S.]
- 13.2.3 Each small donor committee and political committee must itemize and report the name and address of each person contributing \$20 or more in a reporting period, including but not limited to contributions in the form of membership dues transferred by a membership organization to the committee. [Colo. Const. Article XXVIII, Section 2(14)(a); section 1-45-108(1)(a), C.R.S.]
- 13.2.4 On each disclosure report, the candidate or registered agent of a committee must certify and declare, under penalty of perjury, that to the best of his or her knowledge or belief all contributions or donations received in a reporting period, including contributions or donations received in the form of membership dues transferred by a membership organization, are from permissible sources. [Colo. Const. Article XXVIII, Section 3]

Rule 14. Local Offices and Home Rule

- 14.1 The requirements of Colo. Const. Article XXVIII and of Article 45 of Title 1, C.R.S., do not apply to home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address any of the matters covered by Colo. Const. Article XXVIII or Article 45 of Title 1. Nothing precludes a home rule municipality from adopting or using Colo. Const. Article XXVIII and of Article 45 of Title 1, C.R.S., for their compliance and enforcement.
- 14.2 During the legislative session, a lobbyist may not contribute to a member of the General Assembly who is a candidate for any state or local office, including any office in a home rule municipality that has adopted charters, ordinances, or resolutions that address any of the matters covered by Colo. Const. Article XXVIII or Article 45 of Title 1.
- 14.3 A political party may establish a separate account for contributions and expenditures made by the party, for the purpose of supporting the party's home rule county or municipal candidates. Contributions to and expenditures from such account do not count against party limits or reported under Colo. Const. Article XXVIII or Article 45 of Title 1, C.R.S.

Rule 15. Recall Elections

- 15.1 The recall election cycle begins on the date the recall petition is approved for circulation by the designated election official and ends on the last day of the final reporting period following the date of the recall election as defined in Rule 15.2.2.
- 15.1.1 If a recall petition is determined to be insufficient, the recall election cycle ends 25 days after the time for protest and final disposition of any protest or appeal of such determination.
- 15.1.2 If a recall election is canceled for any other reason, the recall election cycle ends 25 days after the deadline for filing the recall election petition, or 25 days after the event that caused the designated election official to cancel the election, whichever is later.
- 15.1.3 If a recall election is canceled, all committees that were participating in the recall election except small-scale issue committees must file a report five days after the end of the recall election cycle. The reporting period begins on the first day following the last day of the reporting period for the previous report. If there was no previous report, the reporting period

begins on the date the committee registered. The reporting period ends on the last day of the election cycle.

- 15.2 Except for issue committees and small-scale issue committees, committees participating in a recall election must file reports on the fifth day of every month until disclosure under section 1-45-108(2.7), C.R.S. and Rule 15.5 begins.

15.2.1 The initial reporting period for committees formed for the purpose of the recall election begins on the date the committee registers with the appropriate filing office.

15.2.2 Subsequent reporting periods for a committee participating in the recall election begin on the first day of each month and end on the last day of that month, except that the final reporting period ends 25 days following the date the recall election was held.

15.2.3 All other committees whose original formation was not for the purpose of supporting or opposing a recall measure must notify the appropriate officer within ten days after deciding to support or oppose a recall or support or oppose a successor candidate. Once notified, the appropriate officer will place the committee on the recall filing calendar until the end of the recall election cycle.

- 15.3 The incumbent in a recall election is not a candidate for the successor election and may open an issue committee or small-scale issue committee to oppose the recall. The incumbent may not use his or her candidate committee to oppose the recall.

- 15.4 The aggregate contribution limits specified for a general election in Colo. Const. Article XXVIII, Section 3, as adjusted by these Rules, apply to the recall election with respect to each successor candidate.

- 15.5 A committee supporting or opposing a candidate in a recall election must file disclosure reports:

15.5.1 14 days before the recall election;

15.5.2 Seven days before the recall election; and

15.5.3 30 days after the recall election.

[Section 1-45-108 (2.7), C.R.S.]

- 15.6 Under Colo. Const. Article XXVIII, Section 2(3), a successor candidate must terminate any other active candidate committee for the candidate and open a new candidate committee for the purpose of running in the recall election. Transfer of funds from a previously active candidate committee are subject to Rule 2.2.4.
- 15.7 An issue committee remaining open at the end of the recall election cycle must file reports according to the infrequent filing schedule in Rule 17.2.3(b).

Rule 16. Special Districts

- 16.1 A special district designated election official or director candidate must file a copy of the self-nomination and acceptance form described in Rule 16.2 with the Secretary of State no later than 60 days before the special district election. This rule does not apply if the special district cancels the election.
- 16.2 Self-nomination and acceptance forms and affidavits of intent to be a write-in candidate.
- 16.2.1 The self-nomination and acceptance form and letter, and affidavits of intent to be a write-in candidate must include the following information:
- (a) The candidate's full name;
 - (b) The name of the special district and the special district director office sought;
 - (c) The date of the election;
 - (d) The county in which the district court that authorized the creation of the special district is located;
 - (e) The candidate's residence and mailing addresses;
 - (f) The candidate's telephone number;
 - (g) The candidate's email address;
 - (h) The date on which the form, letter, or affidavit was filed by the candidate;

- (i) The candidate's signature; and
- (j) The signature of a registered elector acting as a witness.

[Sections 1-45-110, 1-13.5-303, C.R.S.]

16.3 A special district candidate is not required to file disclosure reports if:

16.3.1 The special district candidate affidavit, the self-nomination and acceptance form or letter, or the affidavit of intent to be a write-in candidate contains a statement substantially stating, "I will not, in my campaign for this office, receive contributions or make expenditures exceeding \$200 in the aggregate during the election cycle, however, if I do so, I will thereafter register and file all disclosure reports required under the Fair Campaign Practices Act;" and

16.3.2 The candidate does not accept contributions or make expenditures exceeding \$200 in the aggregate during the election cycle.

[Colo. Const. Article XXVIII, Section 2(2) and section 1-45-108(1), C.R.S.]

Rule 17. Filing Calendars and Reporting periods

17.1 A committee other than a political organization or small-scale issue committee must file a disclosure report for every reporting period, even if the committee has no activity to report during the reporting period.

17.2 Filing schedules.

17.2.1 A candidate committee files on:

- (a) A frequent filing schedule during the year in which the office to which candidate seeks to be elected is up for election.
- (b) An infrequent filing schedule during any year in which the office to which candidate seeks to be elected is not up for election.
- (c) For purposes of this rule, the office to which the candidate seeks to be elected is the office named in the candidate's most recent candidate affidavit.

17.2.2 A political committee, small donor committee, political party, independent expenditure committee, or political organization files on:

- (a) A frequent filing schedule during any year in which a general election occurs and, if participating in a regular biennial school election, in any year in which a biennial school election occurs.
- (b) An infrequent filing schedule during any year in which no general election occurs, except if the committee is participating in a regular biennial school election.

17.2.3 An issue committee files on:

- (a) A frequent filing schedule during any year in which an issue that the committee supports or opposes appears on, or seeks access to, the ballot.
- (b) An infrequent filing schedule during any year in which the committee does not support or oppose any issues appearing on, or which seek access to, any ballot.

17.2.4 An issue committee must notify the appropriate filing office within ten days after deciding that it will support or oppose a ballot measure on an upcoming ballot.

- (a) Once an issue committee notifies the appropriate filing office of its active status under this Rule, the appropriate filing office will place the committee on a frequent filing schedule.
- (b) Once an issue committee has declared its committee filing status as frequent or infrequent in a particular year, the committee must follow the appropriate filing schedule for the remainder of that election cycle, except that an inactive committee may change its status to active at any time.

17.3 Report periods

17.3.1 The reporting period for any report begins on the first day following the last day of the reporting period for the previous report. The reporting period for

any report, except a quarterly report or post-election report, closes five calendar days before the date that the report is due.

17.3.2 Quarterly reporting periods close on the last day of the month. The report is due on or before April 15th, July 15th, October 15th, and January 15th following each calendar quarter. If the filing deadline falls on a Saturday, Sunday, or legal holiday, the filing deadline is the next business day. [Section 1-45-108(2)(a), C.R.S.]

17.3.3 Monthly reports are due on the first calendar day of the following month. If the filing deadline falls on a Saturday, Sunday, or legal holiday, the filing deadline is the next business day. When the filing deadline for a monthly report approximates the filing deadline for a biweekly report, no separate monthly report must be filed, and the biweekly report serves as the monthly report. [Section 1-45-108(2)(a) and (c), C.R.S.]

17.4 Reports for former officeholders, persons not elected to office, and term-limited office holders

17.4.1 Annual reporting

- (a) A candidate committee for a candidate not elected to office, who was formerly in office, or who is term-limited may submit a written request to file only an annual report for each calendar year.
 - (1) Statewide and school district candidate committees must file an annual report not later than January 15th of the following year.
 - (2) All other candidate committees must file an annual report on the first day of the month in which the anniversary of the major election occurs, in accordance with section 1-45-108(2)(a)(II), C.R.S.
- (b) A change in the balance of funds resulting solely from the accrual of interest or dividends to the account and/or the automatic deduction of periodic service fees does not subject a candidate committee to the reporting requirements of section 1-45-108, C.R.S. At a minimum, a candidate committee must file an annual report as set forth in subsection (a) of this Rule.

[Sections 1-45-108(2)(c) and (2)(d), C.R.S.]

17.4.2 The exemption in section 1-45-108(2)(d), C.R.S., applies only to reports where the entire reporting period occurs after the election in which the candidate's name appeared on the ballot.

17.5 Any filing related to a municipal campaign finance matter must be filed with the municipal clerk.

Rule 18. Late Filing Penalties and Waiver Process

18.1 Requests for waiver or reduction of campaign finance penalties

18.1.1 Requests for waiver or reduction of campaign finance penalties due to late or missing filing penalties imposed under Colo. Const. Article xxviii, Section 10(2):

- (a) The filer should provide an explanation that includes all relevant factors relating to the delinquency and any mitigating circumstances, including measures taken to avoid future delinquencies.
- (b) Before the appropriate officer will consider a request, the report must be filed, and a request including the required information must be submitted.
- (c) The appropriate filing office will not consider a waiver request after a penalty has been paid.

18.1.2 Requests for waiver or reduction of campaign finance penalties due to late or missing filings imposed under Colo. Const. Article XXVIII, Section 10(2) must be considered by the appropriate officer according to the following rules:

Scenario - applied in numerical order (i.e. if #1 doesn't apply, move to #2)		Result
#1	A waiver is requested and establishes good cause that made timely filing impracticable (For example, was in the hospital, got in a car accident, was stranded by a blizzard, etc.). The event or events that made timely filing impracticable must occur within a reasonable time of the date on which the report was filed.	Waive penalty in full. A waiver will be granted without consideration of previous delinquencies.
#2	A waiver is requested but does not present circumstances that made timely filing impracticable (For example, forgot, was out of town, electronic calendar crashed), and:	

Scenario - applied in numerical order (i.e. if #1 doesn't apply, move to #2)	Result
(a) Filer had contributions and/or expenditures during the reporting period. The penalty imposed is \$100 or more.	First delinquency in 24 months: The penalty will be reduced to \$50. Second delinquency in 24 months: The penalty will be reduced by 50%. Third (or subsequent) delinquency in 24 months: A reduction in penalty will not be granted. Penalties imposed under this Section are capped at the higher of the contributions or expenditures made during the reporting period. If a delinquency is found to be willful, the penalty cap may be increased to two to five times the higher of the contributions or expenditures made during the reporting period. For purposes of this analysis, previous delinquencies exclude those for which a waiver under scenario #1 was granted.
(b) Filer has no activity (contributions OR expenditures) during the reporting period and the committee balance is zero. The penalty imposed is \$100 or more.	The penalty will be reduced to \$50.

Scenario - applied in numerical order (i.e. if #1 doesn't apply, move to #2)	Result
(c) Filer has a fund balance greater than zero and filer has no activity (contributions OR expenditures) during the reporting period. The penalty imposed is \$100 or more.	First delinquency in 24 months: The penalty will be reduced to \$50. Second delinquency in 24 months: The penalty will be reduced by 50%, subject to a cap of 10% of the fund balance (but not less than \$100). Third (or subsequent) delinquency in 24 months: The penalty is capped at 10% of the fund balance, and a minimum penalty of \$100 will be imposed. If a delinquency is found to be willful, the penalty cap may be increased to 20% to 50% of the fund balance. For purposes of this analysis, previous delinquencies exclude those for which a waiver under scenario #1 was granted.
(d) Filer seeks to terminate active status, has a fund balance of \$1,000 or less, and has no activity (contributions OR expenditures) during the reporting period(s) in question.	Penalties are subject to a cap equal to the total amount of the filer's fund balance as of the date on which the delinquent report was filed, if the committee is promptly terminated.

Scenario - applied in numerical order (i.e. if #1 doesn't apply, move to #2)		Result
#3	A waiver is requested, but submitted more than 30 days after the date of penalty imposition. For purposes of this analysis, a filer has 30 days after the date on which the final notice of penalty imposition is issued following the filing of the delinquent report. Until an outstanding report is filed, penalties continue to accrue at a rate of \$50 per day and no request for waiver will be considered.	A request will not be considered unless good cause has been shown for failure to meet the 30-day waiver filing requirement.

18.1.3 The appropriate officer may consider any additional factors that establish good cause or may otherwise be relevant to the request for waiver or reduction of campaign finance penalties for late or missing filings. In considering a request, the appropriate officer may request additional information, including but not limited to financial or other records maintained by the filer.

18.1.4 Filers may request that the appropriate officer reconsider a request for waiver or reduction of campaign finance penalties. A filer must submit, in writing any request for reconsideration within 30 days of the date on which the waiver decision was mailed. The filer must present additional material facts that are significantly different than those presented in the original request for reduction or waiver.

18.1.5 The appropriate officer will respond to requests for waiver or reduction of campaign finance penalties within 60 days. Failure to respond within 60 days, however, will not constitute an approval of the request.

18.1.6 When reduced, penalties are rounded to the highest \$25. The appropriate officer will not reduce a penalty to an amount less than \$25, unless a full waiver has been granted.

18.1.7 When applying Rule 18.1.2(2)(d), all outstanding penalties must be considered.

Rule 19. Electronic Filing

19.1 All disclosure reports filed with the Secretary of State under Colo. Const. Article XXVIII and Article 45 of Title 1, C.R.S., must be filed electronically on the Secretary of State's TRACER system, except as provided in Rule 19.2. Paper reports will not be accepted.

19.2 In accordance with section 24-21-111, C.R.S., reports are not required to be filed electronically in either of the following circumstances:

19.2.1 The Secretary of State has granted an exception to the electronic filing requirement after written application based on hardship or other good cause shown.

- (a) All applications for an exception must include a brief statement of the hardship or good cause. The Secretary of State must receive the application at least 15 calendar days before the applicable filing deadline, unless the exception is based on emergency circumstance. For applications made under emergency circumstances after the deadline, the nature of the emergency must be described in the application.
- (b) The filing of an application for exception based on emergency circumstances does not delay any reporting deadlines. If a penalty is imposed for failure to file a report on the date due, the penalty may be set aside or reduced in accordance with Colo. Const. Article XXVIII, Section 10(2).
- (c) The Secretary of State will review and respond in writing to all applications for an exception within three business days.

19.2.2 The report is filed using the Secretary of State's Electronic Data Interface (EDI) upon approval of the Secretary of State.

19.3 For the purpose of section 1-45-109(2)(a), C.R.S., "close of business" for electronic filing means 11:59 p.m. MT.

- 19.4 If the electronic filing system is unavailable for a total of more than one hour on the due date for filing a report, the Secretary of State may extend the due date for an additional day. [Sections 1-45-108(2.3) and 1-45-109(6), C.R.S.]

Rule 20. Redaction of Sensitive Information

- 20.1 Any person who believes their safety or the safety of an immediate family member may be in jeopardy as a result of information disclosed on any campaign finance registration or report, personal financial disclosure, or gift and honoraria report filed with the Secretary of State, may apply to the Secretary of State to redact sensitive personal information from the online versions of such report(s).
- 20.1.1 The Secretary of State, upon a finding of good cause, may redact the minimum amount of sensitive information necessary to protect the safety of such person or his or her immediate family.
- 20.1.2 If the Secretary of State redacts sensitive information disclosed on a campaign finance report, the original unredacted report remains a public record under Article 72 of Title 24 C.R.S.
- 20.2 Applications for redaction of sensitive information must be submitted in writing and include the requestor's name, the identified entry(s) of concern, a justification for the application, and the committee to whom the contribution(s) was made or expenditure(s) received.
- 20.3 Applications for redaction of sensitive personal information are not subject to disclosure under the Colorado Open Records Act. [Section 24-72-201 et. seq., C.R.S.]

Rule 21. Coordination

- 21.1 "Coordination". Expenditures or spending are coordinated with a candidate committee or political party if:
- 21.1.1 A person makes an expenditure or engages in spending at the request, suggestion, or direction of, in consultation with, or under the control of that candidate committee or political party; or
- 21.1.2 An independent expenditure or electioneering communication is created, produced, or distributed:

- (a) After one or more substantial discussion(s) between the candidate or political party and the person making the expenditure or engaging in the spending,
 - (1) In which the person making the expenditure or engaging in the spending received non-public information about the candidate or political party's plans, projects, activities, or needs; and
 - (2) The information is material to the creation, production, or dissemination of an independent expenditure or electioneering communication; or
- (b) By a common consultant who provides, or has provided during the election cycle, professional services to the candidate committee or political party as well as to the person making the expenditure or engaging in the spending; and
 - (1) In which the person making the expenditure or engaging in the spending received non-public information about the candidate or political party's plans, projects, activities, or needs; and
 - (2) The information is material to the creation, production, or dissemination of an independent expenditure or electioneering communication.

21.1.3 This rule does not apply to an attorney, accountant, bookkeeper, or registered agent who provides services within the scope of his or her profession.

21.1.4 If a candidate committee or political party and the person making the expenditure or engaging in spending use a common consultant, an independent expenditure or electioneering communication is not coordinated if the consultant places effective barriers (i.e., "firewalls") to the transmission of non-public information between:

- (a) The candidate committee or political party; and

- (b) The person making an independent expenditure or engaging in spending. Physical or technological barriers include appropriate security measures, and must be set forth in a written policy that is distributed to all affected agents, employees, board members, directors, officers, and consultants. A firewall is not effective if non-public material information is nonetheless directly or indirectly transmitted to the person making an expenditure or engaging in spending.

21.1.5 For purposes of this Rule:

- (a) Candidate committee or political party includes any agent, employee, board member, director, or officer of that candidate committee or political party.
- (b) The person making the expenditure or engaging in the spending includes any agent, employee, board member, director, or officer of the person making the expenditure or engaging in the spending.

21.2 Pre-candidacy coordination

21.2.1 For purposes of section 1-45-103.7(11)(a), C.R.S., a person actively solicits funds for an independent expenditure committee with the intent of benefitting his or her future candidacy when the person:

- (a) Organizes, directs, or plans a fundraising event for the independent expenditure committee; or asks for, encourages, or suggests a donation to the independent expenditure committee; and
- (b) Knows or reasonably should know that the independent expenditure committee will support the person's future candidacy.

Rule 22. "Paid for by" Disclaimer Statements

22.1 Disclaimer requirement for nonbroadcast communications, including online communications.

22.1.1 Under section 1-45-107.5(5)(c), C.R.S., nonbroadcast communications must contain a clear and conspicuous "paid for by" disclaimer that is clearly readable, printed in text that is no less than 15 percent of the size

of the largest font used in the communication, or at least eight-point font, and includes:

- (a) The name of the person that paid for the communication;
- (b) In the case of an independent expenditure, a statement that the communication is not authorized by any candidate; and
- (c) A natural person who is the registered agent if the person identified in subsection (a) above is not a natural person.

22.1.2 These requirements do not apply to bumper stickers, pins, buttons, pens, and similar small items upon which the “paid for by” disclaimer cannot be reasonably printed.

22.1.3 If the size, format, or display requirements of an electronic or online communication make it impracticable to include a “paid for by” disclaimer statement on the communication, the disclaimer statement must be available by means of a direct link from the communication to the web page or application screen containing the statement.

- (a) The information provided in the direct link are subject to all of the size and content requirements in Rule 22.1.1.
- (b) The information provided in the direct link must be clearly and conspicuously displayed, and must be immediately apparent on the screen without receiving or viewing any additional material.
- (c) If the communication is a direct or indirect electronic message to a person, including but not limited to a text message, only the initial communication must contain the direct link.
- (d) For purposes of this Rule, it is impracticable to include a disclaimer statement if it would severely interfere with the ability to convey the intended message.

Rule 23. Complaints filed under section 1-45-111.7, C.R.S.

23.1 Filing initial complaints

23.1.1 Campaign and political finance complaints must be filed in writing and can be submitted by hardcopy or electronically. Electronic signatures are permitted for any complaint documentation that requires a signature by complaint, respondent, or the elections division.

23.1.2 A complaint must identify both a respondent and a complainant. Anonymous complaints or complaints that fail to identify a complainant and respondent may be rejected and not reviewed by the elections division.

23.1.3 Complaints must meet the plausibility pleadings standard by presenting a plausible basis, based on concrete, non-conclusory allegations of particularized facts, to support the allegations that a potential campaign and political finance violation occurred. The plausibility of an allegation is determined while accepting as true the concrete, non-conclusory assertions of fact upon which the allegation is based.

23.1.4 Complaints that stem from a common set of operative facts as a pending complaint will be consolidated when practicable. When consolidation is not practicable and the outcome of the initial case will be determinative of the later case, a complaint will be stayed until a final agency decision issues on the initial complaint and any appeals are resolved.

23.1.5 Violations stemming from late or missing filings that have had a late filing penalty assigned or the assigned penalty has been waived under Rule 18 are not subject to additional monetary penalties under Rule 23.4 for the late filing violation.

23.1.6 A respondent that fails to preserve potentially relevant information or records concerning its contributions or expenditures or otherwise reportable activity upon receipt of a complaint may be subject to an adverse inference establishing that the information or records that were not preserved after receipt of a complaint would otherwise establish the disputed fact. This adverse inference is subject to the equitable principles applicable under the common law spoliation doctrine.

23.2 Referral of municipal complaints

23.2.1 A municipal complaint may not be directly filed with the division and must be reviewed by the municipal clerk as required by section 1-46-111.7(10)(a)-(b), C.R.S., before being referred to the division.

23.2.2 A municipal complaint may be referred to the division to process and investigate if the complaint meets all of the following conditions:

- (a) A complaint meets the grounds for referral:
 - (1) For statutory and home rule municipalities, the complaint involves an actual or potential conflict for the municipal clerk or the clerk's staff; or
 - (2) For statutory municipalities, the municipality has not adopted a campaign and political finance complaint and hearing process;
- (b) A local ordinance meeting the conditions in section 1-45-111.7(10)(d), C.R.S., and this rule's subsection (c) specifically allows complaints to be referred to the division due to a conflict or because there is no local enforcement process; and
- (c) The municipality has adopted the ordinance and provided a copy to the Department 180 days or more prior to the municipal election at issue in the complaint. Once a copy of the ordinance has been provided to the Department, another copy does not need to be provided for additional complaints unless amended or updated.

23.2.3 A municipal complaint referred to the division must include:

- (a) The underlying complaint and any documents attached to the complaint;
- (b) A municipal complaint cover sheet, available on the Secretary of State's website, with all the required information provided;
- (c) The name and contact information for a person within the municipal clerk's office who will assist the division with any questions during the processing of the complaint;
- (d) A copy of the local ordinance that allows referral; and

- (e) Any relevant campaign and political finance filings, documents, copies of applicable local law, communications with complainant or respondent related to the complaint, determination of the conflict, evidence of the initial review conducted under section 1-45-111.7(10), C.R.S., or other documents relevant to the complaint.

23.2.4 Timeliness

- (a) A municipal complaint must be referred to the division within 14 business days of receipt by the municipality and will be processed and reviewed according to the provisions of subsections 1-45-111.7(3)-(10), C.R.S.
- (b) For processing deadlines under section 1-45-111.7, C.R.S., the division will process the complaint based on the date the complaint was received by the division from the municipal clerk.
- (c) Unless local law provides for a different date, a municipal complaint must be filed no later than 180 days after the date on which the complainant either knew or should have known, by the exercise of reasonable diligence, of the alleged violation. The determination of timeliness is calculated from the date the complaint is filed with the municipality.

23.2.5 The division may reject a referral of a municipal complaint if the clerk did not conduct an initial review as provided in section 1-45-111.7, C.R.S., the complaint was not referred to the division within 14 business days, or the municipality did not have an ordinance in place that allowed referral or otherwise met referral requirements.

23.2.6 The division has no jurisdiction to consider an allegation against a municipality or a municipal clerk that the municipality or clerk improperly failed to refer a municipal campaign finance complaint to the Department. Such claims, if any, may be pursued against the municipality or the clerk in the District Court where the municipality is located pursuant to Rule 106(4) of the Colorado Rules of Civil Procedure. The Department has no liability to a complainant or any other person for the failure of a municipality or a municipal clerk to refer a municipal campaign finance complaint to the Department.

23.3 Documents related to complaints.

23.3.1 The original complaint, notice of initial review, motion to dismiss, an order issued by the Secretary of State's Office, final agency decision, and any complaint filed by the elections division with a hearing officer will be publicly available at the time the document is provided to the respondent.

23.3.2 The elections division may redact any document that it will otherwise make available pursuant to this rule if such redaction is necessary to protect any personal private information or personally identifiable information, is not relevant or material to the determination, or is otherwise required under the Colorado Open Records Act.

23.3.3 Any document the elections division receives under section 1-45-111.7(5)(a)(III), C.R.S., will not be retained after the time necessary to review, investigate, or prosecute a complaint, including any appeal, as applicable.

23.4 Settlement of complaints and fine structure for violations

23.4.1 After a complaint has been filed with a hearing officer the elections division may enter into a settlement agreement with the respondent.

23.4.2 In assessing a fine amount or approving a settlement, the deputy secretary of state or a hearing officer, as applicable, will consider all of the following factors:

- (a) Specific fine amounts outlined in Rule 23.4.3;
- (b) Any appropriate specific action in Rule 23.4.4;
- (c) Whether Rule 18 late filing penalties have been issued and if a waiver was granted;
- (d) Sanctions available under section 1-45-111.5, C.R.S.; and
- (e) The mitigating and aggravating factors, including those listed in Rule 23.4.5, to increase or decrease the monetary fine or terms.

23.4.3 Fine amounts

- (a) Failure to register a committee
 - (1) Amount of contributions or donations accepted or expenditures made while out of compliance, outlined below:
 - (A) Less than \$1,000 fine is at least \$150;
 - (B) Between \$1,001 and up to \$5,000 fine is at least \$300; or
 - (C) Greater than \$5,000 the fine of at least \$300 plus at least 10 percent of total amount of the contributions and expenditures made.
 - (b) Failure to file complete and accurate affidavits, disclosures, contributions, expenditures, or other finance reports
 - (1) Failure to file complete and accurate reports is a \$100 fine per report plus 5 percent of the activity not accurately or completely reported.
 - (2) Failure to file an accurate candidate affidavit
 - (A) If the affidavit is submitted within 14 days of registration deadline, the fine is at least \$50; or
 - (B) If the affidavit is submitted after 14 days post deadline, the fine is at least \$100.
 - (3) Failure to file an accurate or complete initial, updated, or amended personal financial disclosure as required under section 1-45-110, C.R.S., which includes content required by section 24-6-202(2), C.R.S.
 - (A) If the personal financial disclosure is filed or corrected within 14 days of the applicable filing due date, the fine is at least \$50;
 - (B) If the personal financial disclosure is filed or corrected prior to the filing of any complaint alleging an insufficient filing of a personal financial disclosure, so

- long as the disclosure is submitted at least 30 days prior to the first election in which the candidate is running, the fine is at least \$100;
- (C) If the personal financial disclosure is filed or corrected after the filing of any complaint alleging an insufficient filing of a personal financial disclosure, so long as the disclosure is submitted at least 30 days prior to the first election in which the candidate is running, the fine is at least \$250;
 - (D) If the personal financial disclosure is filed or corrected fewer than 30 days before the election in which the candidate is running, the fine is at least \$500;
 - (E) If the candidate or incumbent is defeated or withdraws and the personal financial disclosure was not corrected, the fine will be at least \$500; or
 - (F) If the personal financial disclosure is corrected after the election, and the respondent was not defeated or did not withdraw, the fine is at least \$1,000.
- (4) Failure to file an initial disclosure report or an annual update as required under section 24-6-202, C.R.S.
- (A) If the disclosure report is filed within 14 days of due date, the fine is at least \$50;
 - (B) If the disclosure report is filed within 28 days of due date, the fine is at least \$100;
 - (C) If the disclosure report is filed more than 28 days late but at least 30 days prior to an election in which the official is running, the fine is at least \$500; or
 - (D) If the disclosure report is filed after an election in which the official is running, the fine is at least \$1,000.

- (5) Filing an inaccurate or incomplete personal financial disclosure or failure to correct an inaccurate or incomplete personal financial disclosure could result in criminal and civil penalties under section 24-6-202(7), C.R.S.
- (c) Prohibited contributions, donations, and expenditures
 - (1) For accepting a prohibited contribution including accepting an amount that exceeds a contribution limit or making prohibited expenditures, the fine is at least \$100 and 10 percent of the prohibited activity:
 - (2) Prohibited use of unspent campaign funds and exceeding voluntary contribution limits
 - (A) A fine of at least \$250 per violation; and
 - (B) A fine that is up to 25 percent of the amount of the prohibited activity.
- (d) Disclaimer and electioneering communications
 - (1) If noncompliant communication is mitigated prior to the election: a fine of at least 5 percent cost of the noncompliant communication including cost to broadcast;
 - (2) If noncompliant communication is not mitigated prior to the election: a fine of at least 10 percent of the cost of the communication including cost to broadcast; or
 - (3) For failure to include a compliant disclosure statement for a deepfake communication, the penalties are outlined under section 1-45-111.5(1.5)(c.5), C.R.S.
- (e) Violations by the state or a political subdivision under section 1-45-117, C.R.S.
 - (1) If the violation is cured before the election but there was no substantial compliance, the fine will be at least \$500;

- (2) If the violation is not cured before the election, the fine will be at least \$1,000; or
- (3) If the amount of funds improperly used is ascertainable, the fine will be at least three times the amount of the improperly used funds.
- (f) Other violations of campaign and political finance rules and regulations will be assessed penalties based on the circumstances of the violations and factors outlined in Rule 23.4.4.

23.4.4 Specific action(s)

- (a) In addition to monetary fines the deputy secretary of state or assignee may seek a specific action(s) from the respondent. Specific actions may include:
 - (1) Registering as a committee or candidate in TRACER;
 - (2) Return or donation of prohibited contribution or disgorgement of the value of the improper conduct;
 - (3) Filing or amending disclosure reports;
 - (4) Inclusion or correction of disclaimer on the communication; or
 - (5) Other specific performance or terms that may be warranted.

23.4.5 The elections division may also consider the follow mitigating and aggravating factors:

- (a) Nature and extent of the violation;
- (b) Timing of the violation (including proximity to the election);
- (c) Ability or effort to mitigate the violation;
- (d) Evidence of an intentional act or a pattern or practice of misconduct;

- (e) Extent to which the harm caused by the violation or the value of the violation cannot be reasonably calculated; or
- (f) Other aggravating or mitigating factors may be taken into consideration in reaching a just and equitable outcome.

Rule 24. Procedural Rules for Hearings under section 1-45-111.7, C.R.S.

24.1 Scope of rules

24.1.1 These rules apply to initial complaints filed under section 1-45-111.7(2)(a) and (7), C.R.S., and to administrative complaints filed by the division with a hearing officer pursuant to section 1-45-111.7(5), C.R.S.

24.2 Filing an administrative complaint

24.2.1 The division shall determine whether it will file an administrative complaint within:

- (a) 30 days after initiating an investigation under section 1-45-111.7(5), C.R.S.; or
- (b) 14 business days after the deputy secretary's denial of a motion to dismiss the initial complaint filed under section 1-45-111.7(5), C.R.S.

24.2.2 An administrative complaint may supplement or amend the initial complaint with such additional or alternative factual allegations and legal claims that are supported by the division's review and investigation under sections 1-45-111.7(4) and (5), C.R.S., and also may omit any factual allegations, legal claims, and named respondents in the initial complaint that are not supported by the division's review and investigation.

24.2.3 In any proceedings related to an administrative complaint, the division will be represented by counsel from the Colorado Department of Law, or such other special assistant attorneys general as may be designated by the Colorado Department of Law.

24.2.4 For purposes of this rule, any filings made to the hearing officer shall be made to the following email address:

AdministrativeHearingOfficer@coloradosos.gov.

24.3 General conduct of hearings

24.3.1 To the extent practicable, and unless inconsistent with these rules and the applicable statute, the C.R.C.P. applies to matters before the hearing officer. Unless the context otherwise requires, whenever the word "court" appears in a rule of civil procedure, that word shall be construed to mean a hearing officer. The following C.R.C.P. rules do not apply:

- (a) C.R.C.P. 16.;
- (b) The filing deadlines for motions and cross motions for summary judgment set forth in C.R.C.P. 56(c); and
- (c) Any other C.R.C.P. rule that by its terms necessarily does not apply to the litigation of a disputed administrative complaint.

24.3.2 A hearing officer need not strictly comply with the Colorado Rules of Evidence. Such rules shall serve as guidance for the hearing officer who has discretion to admit evidence, not admissible under Colorado Rules of Evidence, that is sufficiently reliable and trustworthy, and is evidence that possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.

24.3.3 The hearing officer will conduct any hearings at the offices of the Department at 1700 Broadway, Denver, Colorado, unless exigent circumstances require use of another location. The Department will provide such administrative, technical, and logistical support to the hearing officer as may be required to facilitate such hearings. Remote hearings by video conference or telephone conference may be conducted as circumstances require.

24.3.4 Any hearing conducted by the hearing officer shall be open to the public, unless closed pursuant to a written order by the hearing officer finding good cause for such closure.

24.3.5 All hearings conducted by the hearing officer shall be audio recorded, with an audio recording system provided by the Department.

- (a) The audio recording of the hearing shall be the official record of the proceeding.

- (b) Any party may request a copy of the recording, at the party's expense.
- (c) One party or the other, or by agreement of the parties, may make arrangements for a court reporter transcription of the proceedings.

24.3.6 Subject to the exceptions set forth in sections 1-45-111.7(5)(a)(II) and (III), C.R.S., all documents filed with or by the hearing officer shall be open to public inspection, unless otherwise prohibited by law, regulation, or court order, or when upon motion by either party and so ordered by the hearing officer to prohibit public inspection.

24.3.7 As required by section 1-45-111.7(6)(b), C.R.S., or any successor provision, any initial decision issued by a hearing officer must be made in accordance with section 24-4-105, C.R.S., and is subject to review by the deputy secretary, including any submission of exceptions filed by the parties. The final agency decision is subject to review under section 24-4-106, C.R.S.

24.4 Assignment of cases

24.4.1 Cases will be assigned on a rotating basis to the hearing officer(s) retained by the Department for purposes of conducting hearings under this rule. Should the Department retain only one hearing officer, that hearing officer will be assigned and will prioritize hearing cases in order of their filing as appropriate.

24.5 Setting of hearings or other proceedings

24.5.1 Within 30 days of the filing of an administrative complaint, a hearing officer will set a date for hearing unless a stay is entered, the matter is continued, or the hearing officer finds good cause for an enlargement of time.

24.5.2 For a proceeding that is stayed, or for a hearing that has been continued, any party may file a request to reset the proceedings to set a hearing date with the hearing officer.

24.6 Entry of appearance and withdrawal of counsel

24.6.1 Entries of appearance and withdrawals of counsel shall be in conformance with C.R.C.P. 121, section 1-1. Any out-of-state attorney shall comply with C.R.C.P. 221.1.

24.6.2 Rule 24.7.1 does not apply to a substitution of counsel if new counsel enters an appearance at the same time as prior counsel withdraws.

24.7 Default procedures

24.7.1 A person who is served an administrative complaint is required to file a written answer, a motion under C.R.C.P. 12(b), a motion for enlargement of time or a motion to stay due to settlement within 30 days after the service or mailing of notice of the proceeding. If a person receiving such notice fails to file an answer, a hearing officer may enter a default against that person.

24.7.2 Respondent may, but is not required to, file an answer during a stay or if the administrative complaint is dismissed. If a stay is lifted and complaint proceedings resume, respondent must file an answer, or responsive pleading within 30 days or as provided by the hearing officer.

24.7.3 A hearing officer will not grant a motion for entry of a default under this rule unless the following requirements are met:

- (a) The motion for entry of a default must be served upon all parties to the proceeding, including the person against whom a default is sought;
- (b) The motion shall be accompanied by an affidavit establishing that both the notice of the proceeding and the motion for entry of default have been personally served upon the person against whom a default is sought or have been mailed by first-class mail to the last address furnished to the agency by the person against whom the default is sought; and
- (c) Any motion for entry of default requesting a fine or civil penalty shall set forth the legal authority for the claim and any applicable calculation thereof.

24.8 Discovery

- 24.8.1 Discovery may be sought by any party without authorization of the hearing officer.
- 24.8.2 To the extent practicable, C.R.C.P. 26 through 37 and 121, section 1-12, and the duty to confer at C.R.C.P. 121, section 1-15(8), apply to proceedings within the scope of these rules, except to the extent that they provide for or relate to required disclosures, or the time when discovery can be initiated.
- 24.8.3 In addition to the requirements of C.R.C.P. 36, a request for admission shall explicitly advise the responding party that failure to timely respond to the request may result in all of the matters stated in the request being deemed established unless the hearing officer, on motion, permits withdrawal or amendment of the admission. The failure to comply with this rule may result in the matters contained in the request being deemed denied.
- 24.8.4 Discovery requests and responses should not be filed with the hearing officer, except to the extent necessary for the hearing officer to rule upon motions involving discovery disputes, requests for summary judgment, or such other dispositive motions as may depend on a discovery response.
- 24.8.5 Either party may move to modify discovery deadlines and limitations in accordance with pre-hearing procedures as set forth in Rule 24.11.
- 24.8.6 Either party may move for a protective order. The motion must specify the disclosure or portion of the disclosure to be subject to a protective order, as well as the legal basis for seeking such an order.
- 24.9 Determination of motions
- 24.9.1 Any motion involving a contested issue of law shall be supported by a recitation of legal authority.
- 24.9.2 A responding party shall have 14 days from service, or as specified by the hearing officer to file and serve a responsive brief. Reply briefs may be filed within seven days of service of the responsive brief, or as specified by the hearing officer.

24.9.3 If facts not in the record before the hearing officer are to be considered in disposition of the motion, the parties may file affidavits at the time of filing the motion or responsive or reply brief. Copies of such affidavits and any documentary evidence used in connection with the motion shall be served on all other parties.

24.9.4 If possible, motions will be determined upon the written motion and briefs submitted. The hearing officer may order oral argument or evidentiary hearing on the hearing officer 's request. If any party fails to appear at an oral argument or hearing without prior showing of good cause for non-appearance, the hearing officer may proceed to hear and rule on the motion.

24.9.5 An expedited hearing on any motion may be held at the instance of the hearing officer. If any party requests that a motion be determined immediately with or without a hearing, or that a hearing be held on a motion in advance of a previously set motions date, that party shall:

- (a) Inform the hearing officer in writing of said request;
- (b) Contact all other parties, determine their position on the motion, and indicate on the face of the motion whether other parties oppose the motion and whether they will request a hearing on the motion; and
- (c) Conference in all other parties to set the matter directly with the hearing officer on an expedited basis, if a hearing is desired by any party and authorized upon advanced notice by the hearing officer.

24.10 Burden of proof

24.10.1 The proponent of a request for remedy or relief shall have the burden of proof, and every party to the proceeding shall have the right to present their case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

24.10.2 Respondent bears the burden of proving any affirmative defenses.

24.10.3 The degree of proof required to prevail on a request for a remedy or relief is a preponderance of the evidence, unless a constitutional or statutory provision sets a different standard.

24.11 Prehearing procedures, statements, and conferences

24.11.1 Unless otherwise ordered by the hearing officer, each party shall file with the hearing officer and serve on each other party a prehearing statement in substantial compliance with the form as outlined in Appendix A to these rules.

24.11.2 Prehearing statements shall be filed and served no later than seven days prior to the hearing or such other date as specified by the hearing officer. Exhibits shall not be filed with prehearing statements, unless ordered by the hearing officer. Exhibits shall be exchanged between the parties by the date on which prehearing statements are to be filed and served on such other date as ordered by the hearing officer.

- (a) The authenticity of exhibits, statutes, ordinances, regulations, or standards set forth in the prehearing statement shall be admitted unless objected to in a written objection filed with the hearing officer and served on other parties no later than five days prior to hearing.
- (b) The information provided in a prehearing statement shall be binding on each party throughout the course of the hearing unless modified to prevent manifest injustice. New witnesses or exhibits may be added only if the need to do so was not reasonably foreseeable at the time of filing of the prehearing statement and then only if it would not prejudice other parties or necessitate a delay of the hearing. The division shall use numbers to identify exhibits and any opposing party shall use letters.
- (c) In the event of noncompliance with this rule, the hearing officer may impose appropriate sanctions including, but not limited to, the striking of witnesses, exhibits, claims, and defenses.

24.11.3 Prehearing conferences may be held at the request of either party or upon order of the hearing officer.

24.12 Motions for continuance

24.12.1 Continuances shall be granted only upon a showing of good cause. Motions for continuance must be filed in a timely manner. Stipulations for a continuance shall not be effective unless and until approved by the hearing officer.

24.12.2 Good cause may include, but is not limited to:

- (a) Death or incapacitation of a party or an attorney for a party;
- (b) Entry or substitution of an attorney for a party a reasonable time prior to the hearing, if the entry or substitution reasonably requires a postponement of the hearing;
- (c) A change in the parties or pleadings sufficiently significant to require a postponement;
- (d) A showing that more time is necessary to complete mandatory preparation for the hearing;
- (e) Agreement of the parties to a settlement of the case which has been submitted for approval to the deputy secretary; or
- (f) Discovery.

24.12.3 Good cause normally will not include the following:

- (a) Unavailability of counsel because of engagement in another judicial or administrative proceeding, unless the other proceeding was involuntarily set subsequent to the setting in the present case;
- (b) Unavailability of a necessary witness, if the witness's testimony can be taken by telephone or by deposition; or
- (c) Failure of an attorney or a party timely to prepare for the hearing.

24.13 Subpoenas

24.13.1 Upon oral or written request of any party or of counsel for any party, a hearing officer shall sign a subpoena or subpoena duces tecum requiring the attendance of a witness or the production of documentary evidence, or both, at a deposition or hearing. Unless otherwise provided

by statute, rule, or regulation, practice before the hearing officer regarding subpoenas shall be governed by C.R.C.P. 45.

24.13.2 Hearing officer shall designate and authorize specific Department personnel to use a stamp signature or to otherwise duplicate the signature of a hearing officer on subpoenas completed by the parties. However, no other party or person may duplicate the signature of a hearing officer. Subpoenas issued in contravention of this rule are invalid and may subject the party using them to sanctions.

24.13.3 Any attorney representing a party before a hearing officer may issue a subpoena or subpoena duces tecum requiring the attendance of a witness or the production of documentary evidence, or both, at a deposition or hearing. Such attendance may be in-person or by video conference as provided by the hearing officer.

24.14 Settlements

24.14.1 At any time, the parties may enter into a settlement agreement. The settlement agreement must be in writing and signed by the parties.

24.14.2 The division shall file a motion to stay proceedings with the hearing officer once good faith settlement negotiations begin. The division shall file a motion of dismissal with the hearing officer if a settlement has been approved by the deputy secretary. If the settlement agreement is not approved and alternative terms cannot be agreed upon, the division will move the hearing officer to lift the stay and resume proceedings before the hearing officer.

24.14.3 The following factors shall be considered in arriving at a settlement agreement:

- (a) Specific fine amounts outlined in Rule 23.4.3;
- (b) Any appropriate specific action in Rule 23.4.4; and
- (c) The mitigating and aggravating factors in Rule 23.4.5 to increase or decrease the monetary fine or terms, including the public interest in resolution of the complaint.

24.14.4 The settlement agreement is contingent upon approval by the deputy secretary, who must also consider the factors set forth in Rule 24.14.3. If the deputy secretary does not approve the settlement agreement, none of the terms or recitals of the agreement are binding or enforceable by either party.

24.14.5 If Respondent fails to comply with the terms of a settlement agreement, including failure to submit payment or satisfy any registration, filing, or other tasks required by the settlement agreement, the division may pursue an enforcement action in Denver District Court.

24.14.6 The settlement agreement shall become the final agency action under section 24-4-105, C.R.S., upon approval by the deputy secretary.

24.15 Ex parte communications

24.15.1 With the exception of scheduling or other purely administrative matters, a party or counsel for a party shall not initiate any communication with a hearing officer pertaining to a matter before that hearing officer unless prior consent of all other parties or their counsel has been obtained. Copies of all pleadings or correspondence filed with that hearing officer or directed to a hearing officer by any party shall be served upon all other parties or their counsel.

24.15.2 During the pendency of an administrative complaint, the deputy secretary, as well as staff directly supporting the deputy secretary or the deputy secretary's designee, shall have no contact regarding the matter with the hearing officer while the matter is pending before the hearing officer. Staff directly supporting the deputy secretary or the deputy secretary's designee are authorized to contact support staff directly supporting the hearing officer concerning procedural, record-keeping, or other non-substantive matters.

24.16 Computation and modification of time

24.16.1 In computing any period of time prescribed or allowed by these rules, the provisions of C.R.C.P. 6 shall apply. The time periods of these rules may be modified at the discretion of the hearing officer.

24.17 Filing of pleadings and other papers

24.17.1 Pleadings and other papers may be filed by email to the hearing officer. Pleadings may not be filed by facsimile copy.

24.17.2 After the case has been assigned a case number, all pleadings and papers filed with the hearing officer shall contain that case number.

24.18 Service of pleadings and other papers.

24.18.1 Service of pleadings or other papers on a party or on an attorney representing a party may be made by email. Service of pleadings will not be accepted by facsimile copy.

24.18.2 Pleadings or other papers sent to the hearing officer must contain a certificate of service attesting to service on the opposing party and in the case of service by mail providing the address where pleadings or other papers were served.

24.18.3 Attorneys and parties not represented by attorneys must inform the hearing officer and all other parties of their current address and of any change of address during the course of the proceedings.

24.19 Court reporters

24.19.1 Neither the Department nor the hearing officer supplies court reporters. If any party wishes to have all or a portion of a proceeding transcribed by a court reporter, that party may make private arrangements to do so at that party's own expense. The recording of any proceeding made electronically by the hearing officer shall be the official record.

24.19.2 A request to the hearing officer or the Department for a recording must be in writing and must contain the case number and the date and time of the hearing or conference.

24.20 Substitution of hearing officer

24.20.1 In the event the hearing officer becomes aware of a circumstance that reflects an actual or perceived conflict of interest for the hearing officer to conduct a hearing on an administrative complaint, the hearing officer shall promptly transmit to the deputy secretary a request for the deputy secretary to appoint a substitute hearing officer in their place to

conduct the hearing in the matter. The deputy secretary will appoint a substitute hearing officer to conduct the hearing of the pending administrative complaint.

24.20.2 A party may seek substitution of the hearing officer assigned to conduct the hearing on an administrative complaint only upon a verified motion with supporting evidence that is concrete and particular and not speculative, demonstrating that a reasonable person would question the propriety of the hearing officer conducting the hearing on the administrative complaint. Such a request for substitution of the hearing officer will be determined in the first instance by the hearing officer assigned to hear the administrative complaint. If the hearing officer denies the request for a substitute hearing officer, that decision is not subject to review until the hearing officer issues an initial decision for review by the deputy secretary, at which time a party may raise the substitution issue among its exceptions to the initial decision.

24.20.3 By way of illustration, and without limitation, circumstances that may give rise to an actual or perceived conflict of interest requiring the substitution of the hearing officer are the follow:

- (a) A familial relationship with a party or the party's counsel;
- (b) A current business or professional relationship with or representation of a party;
- (c) Current representation of a respondent in another campaign finance case either before the division or in a separate hearing; or
- (d) Such other circumstances as would cause a reasonable person to question the propriety of the hearing officer conducting the hearing on the administrative complaint.

24.21 Transfer

24.21.1 Upon motion by the division, any administrative complaint pending before the Office of Administrative Courts shall be transferred to a hearing officer as provided for in these rules. The administrative complaint will proceed uninterrupted.

Rule 25. Deepfake Communications**25.1 Deepfake communications**

25.1.1 Deepfakes must involve a candidate as that term is defined in section 1-46-102(2), C.R.S., which includes current federal, state, and local officeholders in Colorado, and candidates for federal, state, and local offices on the ballot in Colorado, and must be disseminated to an audience that includes Colorado electors.

25.1.2 There is a rebuttable presumption that the alleged deepfake communication was created, edited, or modified using generative A.I. if:

- (a) A campaign and political finance complaint has been filed and the division initially determines under section 1-45-111.7(3), C.R.S., that the complaint alleges a potential violation of section 1-46-103(1), C.R.S.; and
- (b) The respondent fails to provide substantial evidence, as defined in Rule 1.35, regarding how the communication was created or modified.

25.1.3 This presumption will be considered sufficient information to support the filing of an administrative complaint with a hearing officer under section 1-45-111.7(5), C.R.S. The presumption that a communication was created, edited, or modified using generative A.I. can be rebutted by the respondent during the administrative complaint process. The presumption no longer applies once the respondent has appeared and answered an administrative complaint in a hearing before a hearing officer.

25.2 Disclosure statements

25.2.1 A deepfake communication must include a disclosure statement that meets the requirements of subsections 1-46-103(2), (3)(b) and (3)(d), C.R.S. Substantial compliance with these statutory provisions may be found to be compliant.

25.2.2 If a communication is required to have a “paid for by” disclaimer under section 1-45-108.3, C.R.S., the communication must include both a “paid for by” disclaimer and a deepfake disclosure statement.

APPENDIX A - OUTLINE FOR PREHEARING STATEMENT

The following shall be included in each party's Prehearing Statement:

I. PENDING MOTIONS. A list of all outstanding motions that have not been ruled upon by the hearing officer.

II. STATEMENT OF CLAIMS AND DEFENSES. A concise statement of all claims or defenses asserted by all parties, together with all matters in mitigation or aggravation.

III. UNDISPUTED FACTS. A concise statement of all facts that the party contends are or should be undisputed.

IV. DISPUTED ISSUES OF FACT. A concise statement of the material facts that the party claims or concedes to be in dispute.

V. POINTS OF LAW. A concise statement of all points of law that are to be relied upon or that may be in controversy, citing pertinent statutes, regulations, cases and other authority. Extended legal argument is not required but may be reserved for a trial brief at the option of the party.

VI. WITNESSES. The name, address and telephone number of any witness or party whom the party may call at hearing, together with a detailed statement of the content of that person's testimony.

VII. EXPERTS. The name, address and brief summary of the qualifications of any expert witness a party may call at hearing, together with a statement that details the opinions to which each expert is expected to testify. These requirements may be satisfied by the incorporation of an expert's resume or report containing the required information.

VIII. EXHIBITS. A description of any physical or documentary evidence to be offered into evidence at the hearing. An agency shall use numbers to identify exhibits and any opposing party shall use letters.

IX. STIPULATIONS. A listing of all stipulations of fact or law reached, as well as a listing of any additional stipulations requested or offered to facilitate disposition of the case.

X. TRIAL EFFICIENCIES. An estimate of the amount of time required to try the case.

APPENDIX B – OUTLINE FOR CASE MANAGEMENT ORDER

A case management conference was held on _____ at which the following schedule and deadlines were ordered:

Hearing:

The hearing has been scheduled for _____ through _____ at _____ starting at 9:00 a.m.

Discovery:

1. Discovery cutoff, including completion of expert and fact witness depositions and receipt of all written discovery: _____
2. The numerical limits on interrogatories, requests forth in C.R.C.P. 26 (b)(2) are/are not adopted. The C.R.C.P. 26 (b)(2)(A) are/are not adopted.
3. Other discovery issues

Expert Disclosures:

1. The Agency's initial disclosure of expert witnesses: _____
2. The opposing party's initial disclosure of expert witnesses: _____
3. Rebuttal experts: _____
4. Expert disclosures shall be filed with the hearing officer, as well as served on the opposing party.

Prehearing Statements:

(Set out any modifications to the content of the prehearing statements.)

Motions Deadline:

1. Dispositive motions: _____ Responses: _____
2. All other prehearing motions to the extent that the basis for the motion is reasonably known: _____ Response: _____

Service:

(Set out any agreement or order as to the method of service, i.e., by email, mail, or other method. Set out whether extra time for mailing is permitted.)

Filing:

(Set out any agreement or order as to the method of filing, i.e., by email, mail, or other method. Set out whether extra time for mailing is permitted.)

Prehearing Conference:

A motions hearing/final prehearing conference is set for _____ at ____
a.m./p.m. at _____.

DONE AND SIGNED

(date)

(NAME)

Hearing Officer



Guidance on Disclaimer Statements

Note: While not every single communication requires a disclaimer statement, the Secretary of State's Office recommends including them on all communications for the reasons outlined in this document.

Communications can fall into three basic categories: General communications, Independent Expenditure communications, and Electioneering Communications. All three categories of communications have different requirements for disclaimer statements which are based on the content of the communication, the timeframe during which the communication is distributed, and the cost of the communication. Depending on these factors, it is possible for a communication to overlap and fall into one or more categories.

Colorado law requires all candidate committees, political committees, issue committees, small donor committees, 527 political organizations, political parties, and any other person making an expenditure or spending more than \$1,000 per calendar year on a communication to include a disclaimer statement on that communication.

Additionally, disclaimer statements are also required on every Independent Expenditure costing more than \$1,000 and on Electioneering Communications once the total spent on Electioneering Communications reaches \$1,000 or more.

The following are examples of the types of communications covered by disclaimer statement requirements:

- Broadcast and Non-broadcast communications (TV, radio, phone)
- Communications printed, mailed, delivered, or otherwise distributed (flyers, billboards, ads)
- Communications that appear on a website
- Communications that appear on streaming media services
- Communications placed in an online forum for a fee

General Communications (Section 1-45-108.3(1), C.R.S.)

These are communications that do not meet the definition of an Electioneering Communication or an Independent Expenditure. Generally speaking, any campaign communication, including those supporting or opposing ballot issues or ballot questions, requires a disclaimer statement if the cost of that communication exceeds \$1,000 in a calendar year although the guidance from this office is to include a disclaimer statement on **all** campaign communications regardless of cost.

The disclaimer statement must:

- Include the name of the person that paid for the communication; and
- Identify a natural person who is the registered agent if the person above is not a natural person

Example: Paid for by Citizens to Elect John Doe. Registered Agent: Jane Doe

The guidance from the Secretary of State's Office is that communications distributed via separate media or containing substantially different messaging and content are likely to each be treated as separate communications and therefore the \$1,000 threshold applies separately to each individual communication. For example, a flyer would be considered a unique and separate communication from a yard sign. If a person spent \$900 on flyers, \$500 on a newspaper ad, \$750 on yard signs, and \$1,200 on a billboard in a given calendar year, assuming all communications were made outside the electioneering communication window, only the billboard would require a disclaimer statement because only that communication cost more than \$1,000.

Important Guidance Note!

The Secretary of State's Office recommends that all candidates, committees, and other persons place disclaimer statements on **all** communications they distribute to avoid confusion or inadvertently violating current campaign finance laws. This is especially true for communications that might be reprinted or redistributed at a later point in time because the spending threshold of \$1,000 remains in place for an entire calendar year. For example, if an initial production run of yard signs only cost \$500, they would not require a disclaimer statement, but if a person spent another \$525 to redistribute additional quantities of the same yard signs at a later date, the **entire** run of yard signs would be subject to disclaimer requirements because the total cost of the yards signs has exceeded \$1,000.

Important Guidance Note!

It is important to note that some communications might also qualify as either independent expenditures or electioneering communications or even both depending on the timing of the communication and who paid for the expenditure. Even if the cost of a single independent expenditure or a unique communication is less than \$1,000, if the communication also constitutes an Electioneering Communication and the total spent by the person on Electioneering Communications has met or exceeded \$1,000 in aggregate during a calendar year, disclaimer statements are required on those communications. Again, the Secretary of State's Office recommends including disclaimer statements on **all** communication to avoid potential violations.

Electioneering Communications (Section 1-45-108.3(3), C.R.S.)

An Electioneering Communication is a communication that unambiguously refers to a candidate and is distributed:

- 30 days before the primary election through the day before the General Election; or
- 60 days before the Regular Biennial School Election

Anyone spending \$1,000 or more on Electioneering Communications (or Regular Biennial School Electioneering Communications) in aggregate during a calendar year, must include a disclaimer statement on all Electioneering Communications once total spending reaches \$1,000 including unique instances of Electioneering Communications that cost less than \$1,000.

The disclaimer statement must:

- Include the name of the person that paid for the communication; and
- Identify a natural person who is the registered agent if the person above is not a natural person

Example: Paid for by Colorful Colorado. Registered Agent: Jane Doe

For example, if a person first spent \$400 on flyers, then spent \$400 on a newspaper ad, and then subsequently spent \$400 on yard signs and all of that spending took place within the Electioneering Communication window, the yard signs would require disclaimer statements even though they only cost \$400 because the aggregate amount spent on Electioneering Communications has now exceeded \$1,000 during the calendar year.

Additionally, the guidance from this office is that even if a person paid for a communication before the Electioneering Communication window began, if the communication unambiguously refers to a candidate and the actual distribution of the communication occurs during the Electioneering Communication window, it qualifies as an Electioneering Communication.

Independent Expenditure Communications (Section 1-45-107.5(5), C.R.S)

These are communications that are not paid for by, controlled by, or coordinated with any candidate or agent of that candidate.

If the communication costs more than \$1,000, the communication requires a disclaimer statement. The content of the disclaimer is contingent upon the method of distribution as outlined below:

Broadcast	Non-Broadcast (including online)
• Name of the person that paid for the communication • Identifies a natural person who is the registered agent if the person above is not a natural person	• Name of the person that paid for the communication • Identifies a natural person who is the registered agent if the person above is not a natural person • A statement that the communication is not authorized by any candidate

Each communication is treated as a unique instance in determining whether or not a disclaimer statement is necessary. For communications that do not cost more than \$1,000, no disclaimer statement is required.

For example, if a person spent \$1,200 on flyers, \$900 on a newspaper ad, and \$2,000 on a radio ad, only the flyers and the radio ad would require disclaimer statements assuming all communications were made outside the electioneering communication window. The \$900 newspaper ad is below the \$1,000 threshold requiring a disclaimer statement on an independent expenditure.

Disclaimer Review

The Secretary of State's Office has put together the following chart to help you determine if a specific communication requires a disclaimer statement. However, please note that the guidance from this office is to include a disclaimer statement on **all** campaign communications regardless of cost or timing.

Unique communication? (e.g yard sign vs. flyer vs. Facebook ad)	Is communication an Independent Expenditure?	Did communication cost more than \$1,000? (Calculate all production runs of a communication including reprints and subsequent distributions)	Does the communication fall within the window for Electioneering Communications?	If communication is an Electioneering Communication, is the aggregate cost of electioneering spending \$1,000 or more? (including the cost of this communication)	Disclaimer Required?
Yes	Yes	No	No	N/A	No
Yes	Yes	Yes	No	N/A	Yes
Yes	Yes	No	Yes	No	No
Yes	Yes	No	Yes	Yes	Yes
Yes	Yes	Yes	Yes	Yes	Yes
Yes	No	No	No	N/A	No
Yes	No	No	Yes	No	No
Yes	No	No	Yes	Yes	Yes
Yes	No	Yes	No	N/A	Yes
Yes	No	Yes	Yes	Yes	Yes

Note: For additional information on size and placement requirements for disclaimer statements, please refer to Campaign and Political Finance Rule 22.

For additional questions about Colorado's Campaign Finance laws and rules e-mail us at:
cpfhelp@sos.state.co.us or call 303-894-2200 (dial 3, then 1)

Colorado Secretary of State
Elections Division
1700 Broadway, Ste. 500
Denver, CO 80290
Ph: (303) 894-2200 ext. 6383
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www.coloradosos.gov



Space Below For Office Use Only

CANDIDATE AFFIDAVIT

[Art. XXVIII, Sec. 2(2) & 1-45-110(1), C.R.S.]

- State, County, School District, and Special District Candidates file with the Secretary of State
- Municipal Candidates file with the Municipal Clerk

This affidavit certifies that I, _____, a member of the
(Name*)
_____ political party/organization (if applicable), am a candidate
(Political Party*)
for the _____ election, [Art. XXVIII, Sec. 2(2)] for the office of _____,
(Year*) (Office*)
Ward _____ (if applicable), County _____ (if applicable).
(Ward*) (County*)

I understand that campaign finance activities in Colorado are governed by Article XXVIII of the Colorado Constitution, Article 45, Title 1 of the Colorado Revised Statutes (C.R.S.) (also known as the Fair Campaign Practices Act (FCPA)), and the Secretary of State's Rules Concerning Campaign and Political Finance.

I further certify that I am familiar with the provisions of the Colorado Fair Campaign Practices Act (FCPA) as required in §1-45-110 of the Colorado Revised Statutes.

Signature of Candidate* _____ Date*: _____

Physical Address of Candidate*: _____
(Street/City/St/Zip*)

Mailing address: _____

Business Phone: _____ Residence Phone*: _____

Fax: _____ Web Address: _____

E-Mail Address*: _____

Fields marked with * are required unless they do not apply to the race for which you are submitting this affidavit. The notary section below must be completed in full.

STATE OF COLORADO
COUNTY OF _____

Before me, _____, a notary/officer duly authorized to administer oaths, in and
for said State, personally appeared _____, whose name is subscribed
to the foregoing Candidate Affidavit, and who affirms, that said statements are true and that he/she acknowledges
the execution of said instrument to be of their own free act and voluntary deed for the uses and purposes therein set
forth.

Subscribed and affirmed to before me this _____ day of _____, 20_____.

(Seal)

(Notary/Official Signature)

(Commission Expires)

CANDIDATE AFFIDAVIT INSTRUCTIONS

Colorado Constitution Reference: Section 2(2), article XXVIII

Colorado Revised Statutes: Section 1-45-110(1), C.R.S.

Who uses this form? All candidates for public office.

Purpose of form: This form is to be used by all candidates seeking an elected office.

Is this form required for all candidates, including judges? YES, except that candidates in special district elections may file a self-nomination and acceptance form instead.

When should this form be filed? Form must be filed with the appropriate election official within 10 days of becoming a candidate.

When does an individual become a candidate? When the individual publicly announces an intent to seek public office and thereafter receives a contribution or makes an expenditure in support of the candidacy.

What is the definition of Public announcement? Campaign and Political Finance Rule 1.12 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 shall also constitute a public announcement of an intention to seek election or retention.”

COMPLETING THE FORM

1. Print or type the name of candidate on the first line.
2. Print or type the political affiliation of the candidate, only if seeking a partisan office (one which has a party identification on the ballot). Do not complete for school district, special district or municipal candidates.
3. Print or type the year the office is up for election and the office being sought.
4. Indicate the ward number of the office being sought, if applicable.
5. The candidate must sign and date the form. **Signature must be notarized.**
6. Print or type the physical address of the candidate. Include street, city, state and Zip Code (all are required).
7. Print or type the mailing address of the candidate if different than physical address.
8. Print or type the candidate's business or residential telephone number.
9. Print or type the candidate's E-Mail address. The Secretary of State's office will use this address to send notices and correspondences.
10. **The remainder of the form must be completed by a Notary Public.**

Please note that this form and the information contained within are considered public information. All information is required (except party and district where they do not apply).

Colorado Secretary of State
Elections Division
1700 Broadway, Suite 550
Denver, CO 80290
Ph: (303) 894-2200
Fax: (303) 869-4861
Email: cpfhelp@coloradosos.gov
Website: www.coloradosos.gov



Below Space or Office Use Only

NEW COMMITTEE REGISTRATION FORM

(1-45-108, C.R.S.)

Please use this form if you are registering a new committee for Colorado campaign finance purposes.

Independent Expenditure Committees Use Secretary of State Form CPF-37

Or register online at: tracer.sos.colorado.gov

Select Only One Committee Type:

- ☐ Candidate Committee ☐ State Political Committee ☐ Small Donor Committee ☐ Political Party
☐ Issue Committee ☐ Small-Scale Issue Committee ☐ 527 Political Organization

Committee Name:

Name should be descriptive. Include office, organization name, etc. Note: Colorado does not have PACs, only Political Committees.

Committee Address (physical): _____

Committee Address (mailing): _____

Phone Number: _____ Alternate Phone Number: _____ Fax Number: _____

Web Address: _____

Check Only One Jurisdiction:

- ☐ State ☐ COUNTY ☐ Special District ☐ School District
- Enter Applicable Counties

Purpose/Office Sought (include party, office, district & election year, if applicable):

Financial Institution Information:

Institution Name: _____

Institution Address: _____

Authorized Agents Contact Information:

Registered Agent:

Name: _____

Phone Number: _____

E-mail Address: _____

Alternate E-mail 1: _____

Alternate E-mail 2: _____

Designated Filing Agent: (Optional)

Name: _____

Phone Number: _____

E-mail Address: _____

Alternate E-mail 1: _____

Alternate E-mail 2: _____

Registered Agent's Signature:

X _____ Date: _____

Designated Filing Agent's Signature:

X _____ Date: _____

Candidate Committee Complete the following:

Print Candidate Name: _____

Candidate Address (include mailing): _____

Candidate Signature:

X _____ Date: _____

Colorado Secretary of State
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www.sos.state.co.us



REPORT OF CONTRIBUTIONS AND EXPENDITURES 2010 Revised Reporting Forms

The Report of Contributions and Expenditures is a financial report required for all committees or parties that accept contributions or make expenditures to support or oppose a candidate or an initiative seeking access to the ballot and/or a referendum placed on the ballot by the general assembly. The report is comprised of 7 basic data entry pages along with several informational and instructional pages. The data entry forms consist of the Report of Contributions and Expenditures with the Detail Summary, Schedules A, B, C, D and the Statement of Non-Monetary Contributions. Completion of Schedules A, B, C, D and the Statement of Non-Monetary Contribution forms should be done prior to completion of the Report of Contributions and Expenditures and Detail Summary pages. Listed below are brief descriptions of what each data entry page accomplishes to help you complete and finalize this report.

Report of Contributions and Expenditures (page 1)

A summary page of the committee or party name, address, financial institution, registered agent and the contribution/expenditure totals for a specific reporting period with the **Detailed Summary page** (page 2) that summarizes totals for all other data entry forms. Complete this 2-page form last.

Schedule A

This form is used to report monetary contributions received by the committee or party that exceed \$19.99. (Money received into the committee/party.)

Schedule B

This form is used to report expenditures paid out by the committee or party that exceed \$19.99. (Money expended/paid out by the committee/party.)

Schedule C

This form details loans received and repaid by the committee/party. (Money received by committee from a financial institution and/or repayment of a loan to a financial institution.)

Schedule D

This form allows the committee/party to account for either a contribution or expenditure that has been made and is being returned to the committee/party.

Statement of Non-Monetary Contributions

This form details contributions received that are tangible and can be assessed a fair market value. Expenditures on behalf of a candidate that are coordinated with or controlled by the candidate, candidate's agent or the political party shall be counted as a contribution to and expenditure by the candidate committee or the political party.

The Report of Contributions and Expenditures **MUST** be received by the appropriate officer on or before the due date. Postmark dates are not recognized. A faxed report **MUST** be followed up with the original document within seven calendar days. The candidate and/or registered agent are responsible for the content and accuracy of the report.

Municipal committees should contact their municipal/town clerk for assistance.

Instructions for
**REPORT OF CONTRIBUTIONS AND EXPENDITURES
DETAILED SUMMARY**

Reference Colorado Revised Statute:	1-45-108, C.R.S.
Who uses this form?	All Committees
Purpose of form:	This form is used to summarize the information from all other forms.
Is this form required?	Yes
When do I file this form?	This form must be received by the designated election official on or before the filing due date for the reporting period. Postmarks are not accepted.

COMPLETING THE FORM

This form uses information contained on other forms; all other applicable forms must be completed prior to filing this summary form.

STEP 1. Completely fill out the Report of Contributions and Expenditures page until you reach Line 1.

- Print or type the full name of the committee
- Print or type the address of your committee. Print or type the city, state and zip code of your committee.
- Print or type the name of the financial institution where the committee funds are deposited. [1-45-108(1)(a)(IV)(b), C.R.S.]
- Print or type the address of the financial institution including city, state and zip code.
- Determine what type of report is being filed.
 - **Regularly Scheduled Filings** are normal reporting periods as required in 1-45-108 & 1-45-109, C.R.S. (These dates are available through the Campaign and Political Finance manual, your local election official, the calendars provided and the Secretary of State web site www.sos.state.co.us)
 - **Amended Filings** are reports that correct a previously filed report.
 - **Termination Reports** are filings that close a committee, indicating the committee is no longer in existence. You **must** report a zero balance on line #5. (Art. XXVIII, Sec. 2(3), 1-45-106, C.R.S., and the *Rules Concerning Campaign and Political Finance* 3.3)
- Check (☒) the appropriate box next to the type of report filed. If this report is an *amended filing*, print or type the date of the originally filed report being amended.
- Print or type the Reporting Period being covered. (The beginning and ending dates)

STEP 2. Skip Lines 1-5 and the Authorization portion of the Report of Contributions and Expenditures page (page 1) and go to the Detailed Summary page (page 2).

STEP 3. On the Detail Summary page of the Report of Contributions and Expenditures form completely fill out the header information and lines 6 through 20.

- Line #6 – Enter the total amount from Schedule A.

- Line #7 – Enter the total amount of contributions received this reporting period that were \$19.99 or less.
- Line #8 – Enter the total amount of all loans received this reporting period. (Schedule C)
- Line #9 – Enter the total amount of all other receipts. (Example: Interest, Dividends)
- Line #10 – Enter the total amount of all expenditures returned or refunded to the committee. (Schedule D - money coming back to the committee).
- Line #11 – Enter the sum of Lines #6 through #10.
- Line #12 – Enter the total amount of all Non-Monetary Contributions from the Statement of Non- Monetary Contributions form.
- Line #13 – Enter the sum of Line #11 and #12.
- Line #14 – Enter the total amount from Schedule B.
- Line #15 – Enter the total amount of all Expenditures \$19.99 or less.
- Line #16 – Enter the total amount of all loan payments paid this reporting period. (Schedule C)
- Line #17 – Enter the total amount of contributions returned to the donor. Example: A contributor exceeded contribution limits and the amount exceeding that limit must be returned. (Schedule D - money going out of the committee).
- Line #18 – Enter the total amount of expenditures by a third party that are controlled by or coordinated with a candidate, candidate committee or political party. (Statement of Non-Monetary Contribution form)
- Line #19 – Enter the sum of Lines #14 through #17.
- Line #20 – Enter the sum of lines #18 and #19. [Art. XXVIII, Sec. 5(3)]

STEP 4. Return to the Report of Contributions and Expenditures form and complete Lines 1-5.

- Line #1 – If this is your first Report of Contributions and Expenditures as a committee enter zero (0). If you have previously filed enter the ending balance from line #5 of your most recently filed report.
- Line #2 – Enter the total amount from Line #11.
- Line #3 – Enter the sum of Lines #1 and #2.
- Line #4 – Enter the total amount from Line #19.
- Line #5 – Enter the difference of Line #3 minus Line #4.

STEP 5. Complete the Authorization portion of the Report of Contributions and Expenditures form by printing the name of the registered agent and then sign and date the report.

Elections Division
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www.sos.state.co.us



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REPORT OF CONTRIBUTIONS AND EXPENDITURES

(C.R.S. 1-45-108)

Full Name of Committee/Person:	
As Shown on Registration	
Address of Committee/Person:	
City, State & Zip Code:	
Committee Type:	
Name and Address of Financial Institution:	

SOS ID NUMBER (state and county committees ONLY):

N/A

Type of Report:

☐

Regularly Scheduled Filing.

☐

120 days prior to the Election

☐

30 days prior to the Election

☐

90 days prior to the Election

☐

15 days prior to the Election

☐

60 days prior to the Election

☐

30 days after the Election

☐

Annual - candidates from prior election held on

☐

Amended Filing. This amends previous report filed on (date)

Submit changes or new information **ONLY**

☐

Termination Report (Termination Reports **MUST** have a Monetary Balance of Zero in Line 5)

Reporting Period Covered:

date

Through

date

Declared Total Spending (if applicable): [Art.

XXVIII, Sect. 4 (1)]

\$ N/A

		Totals Detailed Summary Page
1	Funds on Hand at Beginning of Reporting Period (monetary only)	\$0.00
2	Total Monetary Contributions (line 11)	\$0.00
3	Total of Monetary Contributions & Beginning Amount (line 1+ line 2)	\$0.00
4	Total Monetary Expenditures (line 19)	\$0.00
5	Funds on Hand at End of Reporting Period (monetary) (line 3 - line 4)	\$0.00

The appropriate officer shall impose a penalty of \$50 per day for each day that a report is filed late.

[Art. XXVIII Sect. 10 (2) (a)]

Authorization (Must be completed by either the Registered Agent **OR** the Candidate) I hereby certify and declare, under penalty of perjury, that to the best of my knowledge or belief all contributions received during this reporting period, including any contributions received in the form of membership dues transferred by a membership organization, are from permissible sources.

Print Registered Agent's (Treasurer's) Name:

Registered Agent's (Treasurer's) Signature:

_____ Date: _____

Print Candidate Name:

Candidate's Signature:

_____ Date: _____

DETAILED SUMMARY

Full Name of Committee/Person:

0

Current Reporting Period:

1/0/00

Through

1/0/00

Funds on hand at the beginning of reporting period (Monetary Only):		
6	Itemized Contributions \$20 or More [CRS 1-45-108(1)(a)] (Please list on Schedule "A")	\$0.00
7	Total of Non-Itemized Contributions (Contributions of \$19.99 and Less)	
8	Loans Received (Please list on Schedule "C")	\$0.00
9	Total of Other Receipts (Interest, Dividends, etc.)	
10	Returned Expenditures (from recipient) (Please list on Schedule "D")	\$0.00
11	Total Monetary Contributions (Total of lines 6 through 10)	\$0.00
12	Total Non-Monetary Contributions (From Statement of Non-Monetary Contributions)	\$0.00
13	Total Contributions (Line 11 + line 12)	\$0.00
14	Itemized Expenditures \$20 or More [CRS 1-45-108(1)(a)] (Please list on Schedule "B")	\$0.00
15	Total of Non-Itemized Expenditures (Expenditures of \$19.99 and less)	
16	Loan Repayments Made (Please list on Schedule "C")	\$0.00
17	Returned Contributions (To Donor) (Please list on Schedule "D")	\$0.00
18	Total Coordinated Non-Monetary Expenditures (Candidate/Candidate Committee & Political Parties only)	
19	Total Monetary Expenditures (Total of lines 14 through 17)	\$0.00
20	Total Monetary Expenditures (Line 18 + Line 19)	\$0.00

Schedule A Instructions

NOTE: In addition to the reporting requirements of 1-45-108, C.R.S., please note provisions for specific Committee type, as follows:

Candidate, Issue, Political Party and Political Committee (PC)

- Required to disclose occupation **and** employer for all \$100 or more contributions made by natural persons. (Art. XXVIII, Sec. 7)

Small Donor Committee

- Accepts contributions of no more than \$50 per year, FROM NATURAL PERSONS ONLY.
[Art. XXVIII, Sec. 2(14)(a)]

PROHIBITED CONTRIBUTIONS

[Art. XXVIII, Sec.3 & C.R.S. 1-45-105.5]

- No candidate's candidate committee shall accept contributions from, or make contributions to, another candidate committee.
- No person shall act as a conduit for a contribution to a candidate committee.
- No candidate committee, political committee, small donor committee, or political party shall knowingly accept contributions from:
 - (a) Any natural person who is not a citizen of the United States;
 - (b) A foreign government; or
 - (c) any foreign corporation that does not have the authority to transact business in this state pursuant to article 115 of title 7, C.R.S., or any successor section.
- No candidate committee, political committee, small donor committee, issue committee, or political party shall accept a contribution, or make an expenditure, in currency or coin exceeding one hundred dollars.
- No person shall make a contribution to a candidate committee, issue committee, political committee, small donor committee, or political party with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution made to any candidate committee, issue committee, political committee, small donor committee, or political party, nor shall any person make such reimbursement except as provided in subsection (8) of this section. [Art. XXVIII, Sec. 3(8)]

Please refer to Article XXVIII, Section 3 of the Colorado Constitution for complete prohibited contributions.

Schedule A - Itemized Contributions Statement (\$20 or more)

[C.R.S. 1-45-108 (1) (a)]

Full Name of Committee/Person: 0

Reporting Period Covered:

1/0/00

date

Through

1/0/00

date

WARNING: Please read the instruction page for Schedule "A" before completing!

Total Itemized Contributions:

\$

-

PLEASE PRINT/TYPE

1 <u>Date Accepted</u>	4 Name (Last, First): _____
2 <u>Contribution Amount</u>	5 Address: _____
\$ _____	6 City/State/Zip: _____
3 <u>Aggregate Amount*</u>	7 Description: _____
\$ _____	8 Employer (if applicable, <u>mandatory</u>): _____
	9 Occupation (if applicable, <u>mandatory</u>): _____

1 <u>Date Accepted</u>	4 Name (Last, First): _____
2 <u>Contribution Amount</u>	5 Address: _____
\$ _____	6 City/State/Zip: _____
3 <u>Aggregate Amount*</u>	7 Description: _____
\$ _____	8 Employer (if applicable, <u>mandatory</u>): _____
	9 Occupation (if applicable, <u>mandatory</u>): _____

1 <u>Date Accepted</u>	4 Name (Last, First): _____
2 <u>Contribution Amount</u>	5 Address: _____
\$ _____	6 City/State/Zip: _____
3 <u>Aggregate Amount*</u>	7 Description: _____
\$ _____	8 Employer (if applicable, <u>mandatory</u>): _____
	9 Occupation (if applicable, <u>mandatory</u>): _____

1 <u>Date Accepted</u>	4 Name (Last, First): _____
2 <u>Contribution Amount</u>	5 Address: _____
\$ _____	6 City/State/Zip: _____
3 <u>Aggregate Amount*</u>	7 Description: _____
\$ _____	8 Employer (if applicable, <u>mandatory</u>): _____
	9 Occupation (if applicable, <u>mandatory</u>): _____

* For contribution limits within a committee's election cycle or contribution cycle, please refer to the following Colorado Constitutional cites: Candidate Committee Art. XXVIII, Sec. 2(6); Political Party Art. XXVIII, Sec. 3(3); Political Committee Art. XXVIII, Sec 3(5); Small Donor Committee Art. XXVIII, Sec. 2(14).

Schedule B - Itemized Expenditures Statement (\$20 or more)

[C.R.S. 1-45-108-(1) (a)]

Full Name of Committee/Person:

0

Reporting Period Covered:

1/0/00

date

Through

1/0/00

date

Total Itemized Expenditures:

0.00

PLEASE PRINT/TYPE

1 <u>Date Expended</u>	4 Name (Last, First): _____
2 <u>Amount</u>	5 Address: _____
\$ _____	6 City/State/Zip: _____
3 <u>Recipient is (optional):</u>	7 Purpose of Expenditure: _____
☐ Committee	_____
☐ Non-Committee	_____

1 <u>Date Expended</u>	4 Name (Last, First): _____
2 <u>Amount</u>	5 Address: _____
\$ _____	6 City/State/Zip: _____
3 <u>Recipient is (optional):</u>	7 Purpose of Expenditure: _____
☐ Committee	_____
☐ Non-Committee	_____

1 <u>Date Expended</u>	4 Name (Last, First): _____
2 <u>Amount</u>	5 Address: _____
\$ _____	6 City/State/Zip: _____
3 <u>Recipient is (optional):</u>	7 Purpose of Expenditure: _____
☐ Committee	_____
☐ Non-Committee	_____

1 <u>Date Expended</u>	4 Name (Last, First): _____
2 <u>Amount</u>	5 Address: _____
\$ _____	6 City/State/Zip: _____
3 <u>Recipient is (optional):</u>	7 Purpose of Expenditure: _____
☐ Committee	_____
☐ Non-Committee	_____

Schedule C - Loans

Full Name of Committee/Person:

0

Reporting Period Covered:

1/0/00

date

Through

1/0/00

date

LOANS - Loans Owed by the Committee

(Use a separate schedule for each loan. This form is for line item 8 and 16 of the Detailed Summary Report.)

[No information copied from such reports shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose. [Art. XXVIII, Sec. 9(e)] Notwithstanding any other section of this article to the contrary, a candidate's candidate committee may receive a loan from a financial institution organized under state or federal law if the loan bears the usual and customary interest rate, is made on a basis that assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule [Art. XXVIII, Sec. 3(8)]

LOAN SOURCE

Name (Last, First or Institution): _____

Address: _____

City/State/Zip: _____

Original Amount of Loan: \$ _____

Interest Rate: _____ %

Total of All Loans This Reporting

Period:	\$0.00
---------	--------

(Place on line 8 of Detailed Summary Report)

Loan Amount Received This Reporting Period:

Principal Amount Paid This Reporting Period:

Interest Amount Paid This Reporting Period:

Amount Repaid This Reporting Period:	\$0.00
--------------------------------------	--------

(Amount Repaid is sum of Principal & Interest entered on Detail Summary)

Total Repayments Made:	\$0.00
-------------------------------	--------

(Sum of Schedule C pages, Place on line 16 of Detailed Summary)

Outstanding Balance:

TERMS OF LOAN:

Date Loan Received

Due Date for Final Payment

LIST ALL ENDORSERS OR GUARANTORS OF THIS LOAN

[illegible]

Schedule D – Returned Expenditures & Contributions

Full Name of Committee/Person:

0

Reporting Period Covered:

1/0/00

date

Through

1/0/00

date

Total Returned Contributions:

\$

-

Total Returned Expenditures:

\$

-

Returned Contributions

(Previously reported on Schedule A – Contributions accepted and then returned to donors)

PLEASE PRINT/TYPE

1 <u>Date Accepted</u>	4 Name (Last, First):	
2 <u>Date Returned</u>	5 Address:	
3 <u>Amount</u>	6 City/State/Zip:	
\$	7 Purpose:	

1 <u>Date Accepted</u>	4 Name (Last, First):	
2 <u>Date Returned</u>	5 Address:	
3 <u>Amount</u>	6 City/State/Zip:	
\$	7 Purpose:	

Returned Expenditures

(Previously reported on Schedule B – Expenditures returned or refunded to the committee)

PLEASE PRINT/TYPE

1 <u>Date Expended</u>	4 Name (Last, First):	
2 <u>Date Returned</u>	5 Address:	
3 <u>Amount</u>	6 City/State/Zip:	
\$	7 Comment (optional):	

1 <u>Date Expended</u>	4 Name (Last, First):	
2 <u>Date Returned</u>	5 Address:	
3 <u>Amount</u>	6 City/State/Zip:	
\$	7 Comment (optional):	

Statement of Non-Monetary Contributions

[Art. XXVIII, Sect. 2, (5) (a) (II) (III), Sect. 5, (3)]

[C.R.S. 1-45-108 (1)]

Full Name of Committee/Person: 0

Reporting Period Covered:

1/0/00

date

Through

1/0/00

date

Total Itemized Expenditures:

\$0.00

PLEASE PRINT/TYPE

1 <u>Date Provided</u>	4 Name (Last, First): _____
	5 Address: _____
2 <u>Fair Market Value</u>	6 City/State/Zip: _____
	7 Description: _____
	8 Employer (if applicable, <u>mandatory</u>): _____
3 <u>Aggregate Amount</u>	9 Occupation (if applicable, <u>mandatory</u>): _____
	10 ☐ Check box if Coordinated with a Candidate/Candidate Committee or Political Party.*

1 <u>Date Provided</u>	4 Name (Last, First): _____
	5 Address: _____
2 <u>Fair Market Value</u>	6 City/State/Zip: _____
	7 Description: _____
	8 Employer (if applicable, <u>mandatory</u>): _____
3 <u>Aggregate Amount</u>	9 Occupation (if applicable, <u>mandatory</u>): _____
	10 ☐ Check box if Coordinated with a Candidate/Candidate Committee or Political Party.*

1 <u>Date Provided</u>	4 Name (Last, First): _____
	5 Address: _____
2 <u>Fair Market Value</u>	6 City/State/Zip: _____
	7 Description: _____
	8 Employer (if applicable, <u>mandatory</u>): _____
3 <u>Aggregate Amount</u>	9 Occupation (if applicable, <u>mandatory</u>): _____
	10 ☐ Check box if Coordinated with a Candidate/Candidate Committee or Political Party.*

1 <u>Date Provided</u>	4 Name (Last, First): _____
	5 Address: _____
2 <u>Fair Market Value</u>	6 City/State/Zip: _____
	7 Description: _____
	8 Employer (if applicable, <u>mandatory</u>): _____
3 <u>Aggregate Amount</u>	9 Occupation (if applicable, <u>mandatory</u>): _____
	10 ☐ Check box if Coordinated with a Candidate/Candidate Committee or Political Party.*

1 <u>Date Provided</u>	4 Name (Last, First): _____
	5 Address: _____
2 <u>Fair Market Value</u>	6 City/State/Zip: _____
	7 Description: _____
	8 Employer (if applicable, <u>mandatory</u>): _____
3 <u>Aggregate Amount</u>	9 Occupation (if applicable, <u>mandatory</u>): _____
	10 ☐ Check box if Coordinated with a Candidate/Candidate Committee or Political Party.*

* Note: If coordinated, then contribution must also be reported as a non-monetary expenditure on Detailed Summary. Art. XXVIII, Sec. 2(9) states: "...Expenditures that are controlled by or coordinated with a candidate or candidate's agent are deemed to be both contributions by the maker of the expenditures, and expenditures by the candidate committee."

Colorado Secretary of State
Elections Division
1700 Broadway, Ste. 550
Denver, CO 80290
Ph: (303) 894-2200 ext. 6383
Fax: (303) 869-4861
Email: cpfhelp@coloradosos.gov
www.coloradosos.gov



Space Below For Office Use Only

**CANDIDATE STATEMENT OF NON-RECEIPT OF CONTRIBUTIONS
AND
NON-EXPENDITURE OF FUNDS**
[1-45-108(1) & 1-45-109, C.R.S.]

This form is for the use of candidates that do **not** have a campaign committee and have not received contributions nor made expenditures.
No expenditures have been made on behalf of the candidate.

Name of Candidate: _____

Address of Candidate: _____

City, State, Zip: _____

Reporting Period: Beginning Date _____ Ending Date _____

CONTRIBUTIONS RECEIVED OR RECEIVABLE DURING THIS REPORTING PERIOD

\$ 0.00

EXPENDITURES MADE OR INCURRED DURING THIS REPORTING PERIOD

\$ 0.00

I, _____, affirm that no person received contributions on my behalf nor made any expenditures on my behalf. No contributions have been pledged to me nor on my behalf. I have not received any contributions nor have I made or incurred any expenditures on my own behalf during this election reporting period.

Candidate Signature: _____ Date: _____

Colorado Secretary of State
Elections Division
1700 Broadway, Ste. 550
Denver, CO 80290
Ph: (303) 894-2200 ext. 6383
Fax: (303) 869-4861
Email: cpfhelp@coloradosos.gov
www.coloradosos.gov



Space Below For Office Use Only

STATEMENT OF PERSONAL EXPENDITURES BY A CANDIDATE

[1-45-108(1) & 1-45-109, C.R.S.]

For use by a candidate who has not received any contributions (does not have a candidate committee), but has made expenditures of personal funds.

Name of Candidate: _____

Address of Candidate: _____

City: _____ State: _____ Zip Code: _____

Office: _____ Ward No.: _____ Elec./Yr.: _____

Reporting Period: Beginning Date _____ Ending Date _____

Total amount of Non-Itemized Expenditures (\$19.99 or less): \$ _____

Expenditures exceeding \$19.99 shall be itemized and listed below.

Date Expended	Amount	Name of Recipient			Address
	\$				
City		State	Zip	Comment / Purpose	

Date Expended	Amount	Name of Recipient			Address
	\$				
City		State	Zip	Comment / Purpose	

Date Expended	Amount	Name of Recipient			Address
	\$				
City		State	Zip	Comment / Purpose	

I certify to the best of my knowledge this Statement of Expenditures is true and correct.

Candidate Signature: _____ Date: _____