

Issue Committee Guidelines



City of Fort Collins
Special Municipal Election

November 5, 2002

TABLE OF CONTENTS

General

Introduction	1-1
Election Administration	1-1
Important Telephone Numbers	1-2

Campaign Regulations

Electioneering	2-1
Election Signs	2-1
Identification of Written Campaign Materials	2-1
Door-to-Door Solicitation	2-2
Penalties	2-2

Campaign Reporting Requirements

General	3-1
Issue Committees	3-1
Registration	3-1
Campaign Reports	3-2
Bank Accounts	3-3
Contribution and Expenditure Limits	3-3
Expenditures for Political Advertising	3-3
Reports are Public Record	3-3
Unexpended Campaign Contributions	3-3

Election Calendar

Master Election Calendar	4-1
Action Specific Calendars	4-1

Forms	Back Pocket
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Introduction

The *Issue Committee Guidelines* are furnished as a source of general information about the regulations governing issue committees formed for the purpose of supporting or opposing municipal ballot issues. These guidelines contain basic information and are not intended to be comprehensive in scope or depth. 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. If there is any inconsistency between these guidelines and the applicable provisions of the City Code, City Charter, or state law, the provisions of the Code, Charter, or state law take precedence.

Election Administration

All regular and special municipal elections are administered by the City Clerk's Office under the provisions of the City Code, the City Charter, and Colorado law. In the case of a special municipal election held in conjunction with the Larimer County General or Coordinated Election, the City will contract with Larimer County for the conduct of the election.

All information regarding the conduct of the election and requirements of an issue committee should be obtained from the City Clerk's Office. Other entities, such as Larimer County, are not familiar with the requirements of the City Code and Charter. The City Clerk's Office will assist you through the election process as much as possible. However, the City Clerk's Office cannot provide legal advice.

The City Clerk's Office is open from 8:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of legal holidays.

Important Telephone Numbers

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

Election-Related Questions

Wanda M. Krajicek, City Clerk	221-6515
Rita Knoll Harris, Chief Deputy City Clerk	221-6516
Aimee Jensen, Deputy City Clerk	221-6315

Sign Code Questions

Building and Zoning Department	221-6760
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Questions/Complaints Regarding Placement of Election Signs in the Public Right-of-Way

Engineering Department	221-6605
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Voter Registration Questions/Requests for Voter Registration Records

Larimer County Elections Office	498-7820
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General City Government Information

Switchboard/Information Desk	221-6500
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City Clerk's FAX Number

221-6295

CAMPAIGN REGULATIONS

Electioneering

State law prohibits electioneering on election day within any polling place, or in any public street or room, or in any public manner within 100 feet of any building in which a polling place is located.

Election Signs

Permits are not required for placement of political signs on private property. Permission should be obtained from the property owner before signs are placed on private property. Political signs are not allowed on parkland, medians, sidewalks, street rights-of-way, in front of City buildings or any other public area owned or controlled by the City of Fort Collins. Political signs may only be placed upon private property behind the sidewalk and only with the consent of the property owner.

Any number of election signs are allowed in **residential zones**, provided each sign does not exceed 8 square feet in area per face and is unlighted. In **nonresidential zones**, any number of election signs are allowed, provided each sign is not larger than 32 square feet in area per face.

Election signs may not be put in place more than 60 days before the election (see Election Calendar section for specific date). The Zoning Board of Appeals may consider a request for a variance to extend the time period. Variance requests to the Zoning Board of Appeals should be made through the City's Building and Zoning Department at 221-6760.

All election signs must be removed within five days after election day (see the Election Calendar section for specific date).

Provisions regulating the placement of election signs are contained in Article 3 of the Fort Collins Land Use Code.

Identification of Written Campaign Materials

State law prohibiting anonymous statements concerning candidates or issues was repealed effective July 1, 1997.

There are no local requirements to identify the sponsor(s) responsible for the publication, printing, or distribution of the material.

CAMPAIGN REGULATIONS

Door-to-Door Solicitation

Political solicitations are exempt from the City Code provision prohibiting door-to-door solicitations, except when the occupant of a private residence has chosen to post a “**NO SOLICITATION**” or “**NO TRESPASSING**” sign near the entrance to the premises. Posting of such a sign prohibits *any* kind of solicitation at that residence.

A copy of the City Code sections relating to door-to-door solicitation is provided at the end of this Section.

This provision is commonly referred to as the Green River Ordinance.

Penalties

Failure to comply with the City Code and Land Use Code provisions relating to door-to-door solicitations and election signs is punishable by a fine not to exceed \$1000 or by imprisonment not to exceed 180 days, or both. [City Code, Section 1-15]

to permit any gaming by means of cards, dice or device for playing of games of chance or skill and chance within or about the establishment where such tables, machines or alleys are kept.

(b) It shall be unlawful for any person licensed to maintain billiard or pool tables, electronic game machines or any other game or device required to be licensed, but not including bowling alleys, whirlyball arenas, roller skating rinks or similar facilities, to permit any person except employees to enter the room or place where such table or games are kept between the hours of 12:00 midnight and 5:00 a.m. of any day or to permit any playing upon or with the tables or devices between such hours, provided that the hours for playing such games in establishments licensed to serve alcoholic beverages shall be extended from 12:00 midnight to 2:00 a.m.
(Code 1972, § 73-43)

Sec. 15-91. Revocation of licenses authorized.

Any license issued or granted under the provisions of this Article may be revoked by the City Council whenever it shall be made to appear to the City Council that the person(s) to whom such license was issued or any agent or employee has directly or indirectly violated any of the provisions of this Article or the Code relating to the sale of intoxicating liquors.
(Code 1972, § 73-44)

Cross reference—Alcoholic beverages, Ch. 3.

Secs. 15-92—15-105. Reserved.

**ARTICLE IV. AUCTIONS
SPECIAL SALES AND
SOLICITATIONS***

DIVISION 1. GENERALLY

Sec. 15-106. Residential solicitations prohibited; exceptions.

No person shall enter or remain upon any private premises in the city, not having been requested or invited by the occupant(s) thereof, for the purpose of contacting said occupants to solicit the immediate or future purchase or sale of goods, services or any other

* *Cross references—Secondhand dealers, § 15-316 et seq.; outdoor vendors, § 15-381 et seq.*

thing of value. The provisions of this Section shall not apply to charitable, religious or political solicitations or the solicitation of newspaper or magazine subscriptions unless a "No Solicitation" or "No Trespassing" sign is posted at or near the entrance(s) to such residence.

(Ord. No. 41, 1994, § 1, 4-5-94)

Sec. 15-107. All solicitations prohibited by posting of "No Solicitation" or "No Trespassing" sign.

No person shall enter or remain upon any public or private premises in the city, not having been requested or invited by the occupant(s) thereof, for the purpose of soliciting the immediate or future purchase or sale of goods, services or any other thing of value, or to solicit a gift or donation when a "No Solicitation" or "No Trespassing" sign is posted at or near the entrance(s) to such premises. This provision shall apply to all solicitations, including, without limitation, those that are charitable, religious or political in nature.

(Ord. No. 41, 1994, § 1, 4-5-94)

Sec. 15-108. Attempt to obtain invitation prohibited.

No person shall attempt to obtain, by telephone or otherwise, an invitation to visit any private residence for the purpose of soliciting the purchase or sale of goods, services or any other thing of value, by knowingly making a false or deceptive representation or statement.

(Ord. No. 41, 1994, § 1, 4-5-94)

Secs. 15-109—15-120. Reserved.

DIVISION 2. AUCTIONS

Sec. 15-121. License required for public auctions.

It shall be unlawful for any persons to engage in the business of selling any property at public auction in the city without first having obtained a license as provided in this Division. Sales made under and by virtue of legal processes or under and by virtue of any power contained in mortgages, trust deeds or similar instruments are hereby excepted from the provisions of this Division.

(Code 1972, § 73-28)

CAMPAIGN REPORTING REQUIREMENTS

General

On November 21, 2000, the Fort Collins City Council adopted Ordinance No. 162, 2000 establishing local election campaign provisions. These provisions supersede the provisions of the *Fair Campaign Practices Act* [Title 1, Article 45 of the Colorado Revised Statutes] as to local elections. The local provisions, and any subsequent amendments thereto, have been codified in Article V, Chapter 7 of the City Code, a copy of which is included at the end of this Section.

Issue Committees

The City Code defines an “issue committee” as:

- (1) two or more persons who are elected, appointed, or chosen, or have associated themselves, for the purpose of accepting contributions and making expenditures to support or oppose any ballot issue or ballot question; or
- (2) Any partnership, committee, association, corporation, labor organization, or other organization or group of persons that has accepted contributions or made expenditures to support or oppose any ballot issue or ballot question. For the purposes of this subparagraph (2), the term "expenditure" shall not include expenditures made by persons in the regular course and scope of their business or in connection with communications sent solely to their members. The term "expenditure" also does not include a contribution, as defined in Section 7-132 of the City Code.

“Issue committee” does not include political committees or candidate committees as otherwise defined in Section 7-132 of the City Code.

Registration

All issue committees are required to register with the City Clerk before accepting any contributions. [City Code, Section 7-134]

All contact information provided on the registration form, including e-mail and web site addresses, will be provided to the general public as a part of general election information and posted on the City’s web site with other election-related information. The provision of e-mail and web site addresses on the registration form is optional. However, if provided, the information becomes a part of the public record and will be made available to the public without express permission from the committee.

A Committee Registration form is provided at the end of these *Guidelines*.

CAMPAIGN REPORTING REQUIREMENTS

Campaign Reports

All issue committees are required to report to the City Clerk all contributions and contributions in kind received, including the name and address of each person who has made contributions or contributions in kind in the amount of \$20 or more; expenditures made; and obligations entered into by the committee. [City Code, Section 7-136(a)]

Reports are due on the 21st day before the election, the 14th day before the election, the Friday before the election, 30 days after the election, and annually on the first day of the month in which the anniversary of the election occurs until such time as a termination report is filed. If the reporting period falls on a weekend or legal holiday, the report must be filed by the close of the next business day. (See Election Calendar section for specific dates.)

All reports must be submitted on forms provided by the City Clerk and must be complete in all respects. The City Clerk's Office will conduct a thorough review of each report filed. Any report that is deemed to be incomplete will be accepted on a conditional basis and the committee treasurer will be notified in writing as to any deficiencies found. Written notice may be provided in person, by mail, by fax, or by electronic mail if an electronic mail address is on file. The committee treasurer will have seven business days from the date of delivery of the notice to file an amended report that cures the deficiencies.

Reports must be current as of two days prior to the filing date.

A campaign report is considered timely if the original report is received by the City Clerk's office by the end of the business day on the date due or if a copy is filed by fax on or before the date due and the original report is filed by the close of the next business day. For the purpose of this provision, *original report* means a copy containing an original signature of the person completing the report.

All campaign reports will be scanned as an image and published on the City web site at **fcgov.com/cityclerk**. Reports that have been typed or handwritten in black ink will produce the best images.

Campaign Report forms are included in the packet of forms at the end of these *Guidelines*. In addition, the forms are provided on CD-Rom in Excel format.

CAMPAIGN REPORTING REQUIREMENTS

Bank Accounts

All contributions received by an issue 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 such accounts must be maintained by the committee for 90 days following any election in which the committee received contributions unless a complaint has been filed under Section 7-143(a) of the City Code alleging a violation of the provisions of Article V, Chapter 7 of the City Code, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Such records shall be subject to inspection at any hearing held pursuant to Article V, Chapter 7 of the City Code.

Contribution and Expenditure Limits

There are no limits on the amount of contributions (individual or aggregate) that an issue committee may receive, nor are there limits on the amount of expenditures made by an issue committee. However, contributions and expenditures must be reported as noted earlier in this Section.

Expenditures for Political Advertising

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

Reports are Public Record

Any report submitted pursuant to Article V, Chapter 7 of the City Code will be made available for public inspection. The campaign reports filed 14 days prior to the election and 30 days after the election will be published in the *Coloradoan*. In addition, all campaign reports will be available on the City's web site at **fcgov.com/cityclerk**.

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.

Unexpended Campaign Contributions

Unexpended contributions to an issue committee may be donated to any charitable organization recognized by the Internal Revenue Service or returned to the contributor. Funds on hand following the election may not be used for any other purpose.

ARTICLE IV. CANDIDATES*

DIVISION I. GENERALLY

Sec. 7-116. Nomination of candidates; withdrawal from candidacy.

A nominating petition required pursuant to Article VIII of the Charter may not be circulated earlier than sixty (60) days before the election and must be filed with the City Clerk not later than forty (40) days before the election. A person who has been nominated may, not later than thirty (30) days before the election, withdraw by filing with the City Clerk a request therefor in writing, and no name so withdrawn shall be placed upon the ballot.
(Ord. No. 24, 1998, 3-17-98)

Sec. 7-117. Recall elections; nomination of candidates.

Anyone desiring to become a candidate at a recall election shall do so by nominating petition as required in Article VIII of the Charter. All nominating petitions for such candidates shall be filed with the Office of the City Clerk no later than forty (40) days prior to the date of the recall election.
(Ord. No. 91, 1997, 7-1-97; Ord. No. 24, 1998, 3-17-98; Ord. No. 147, 2000, 11-7-00)

Secs. 7-118—7-130. Reserved.

ARTICLE V. CAMPAIGNS†

Sec. 7-131. Legislative declaration.

The City Council hereby finds and declares 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, full and timely disclosure of campaign contributions and strong enforcement of campaign laws.
(Ord. No. 162, 2000, § 1, 11-21-00)

Sec. 7-132. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Ballot issue, ballot question or issue shall mean any measure put to a vote of the registered electors of the city by the City Council at any election held under the provisions of the Charter. For purposes of this Article V, *ballot issue, ballot question or issue* shall also mean any measure for which recall, initiative or referendum proceedings have been commenced pursuant to Article IX, Section 1(b), Article X, Section 1(b), and Article X, Section 2(b), respectively, of the Charter.

Candidate shall mean any person who seeks nomination or election to the office of Mayor or Councilmember at any city election. A person is a candidate if the person has publicly announced an intention to seek such election or has filed nominating petitions for the office of Mayor or Councilmember. *Candidate* shall also mean any elected official who is the subject of recall proceedings pursuant to Article IX of the Charter.

Candidate committee shall mean a person, including the candidate, or persons with the common purpose of receiving contributions and making expenditures under the authority of a candidate. A candidate shall have only one (1) candidate committee. A candidate committee shall be considered open and active until the committee has filed a termination report with the City Clerk.

Contribution shall mean:

- (1) The payment, loan, pledge or advance of money, or guarantee of a loan, made to any candidate committee, issue committee or political committee;
- (2) Any payment made to a third party for the benefit of any candidate committee, issue committee or political committee;

***Cross reference**—Financial disclosure required by each City Councilmember and any candidate for the office of City Councilmember within the certain time specified, § 2-636.

†**Charter references**—City Council, Art. II; campaign contributions, Art. VIII, § 7.

Cross reference—Write-in candidates, § 7-103.

- (3) Anything of value given, directly or indirectly, to a candidate committee for the purpose of promoting the candidate's nomination, retention, recall or election; or
- (4) 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, issue committee or political committee.

Contribution shall not include services provided without compensation by individuals volunteering their time on behalf of a candidate, candidate committee, political committee or issue committee.

Contribution in kind shall mean the fair market value of a gift or loan of any item of real or personal property, other than money, made to or for any candidate committee, issue committee or political committee for the purpose of influencing the passage or defeat of any issue or the nomination, retention, election or defeat of any candidate. Personal services shall be considered a contribution in kind by the person paying compensation therefor. In determining the value to be placed on contributions in kind, a reasonable estimate of fair market value shall be used. *Contribution in kind* shall not include an endorsement of a candidate or an issue by any person and shall not include the payment of compensation for legal and accounting services rendered to a candidate, candidate committee, political committee or issue committee if the person paying for the services is the regular employer of the individual rendering the services and the services are solely for the purpose of ensuring compliance with the provisions of this Article.

Expenditure shall mean the payment, distribution, loan or advance of any money by any candidate committee, political committee or issue committee. *Expenditure* shall also include the payment, distribution, loan or advance of any money by a person for the benefit of a candidate committee, political committee or issue committee that is made with the prior knowledge and consent of an agent of the committee.

An expenditure occurs when the actual payment is made or when there is a contractual agreement and the amount is determined.

Independent expenditure shall mean the payment of money by any person for the purpose of advocating the election, defeat or recall of a candidate, which expenditure is not controlled by, or coordinated with, any candidate or any agent of such candidate. *Independent expenditure* shall include expenditures for political messages which unambiguously refer to any specific public office or candidate for such office, but shall not include expenditures made by persons, other than political committees, in the regular course and scope of their business and political messages sent solely to their members.

Issue committee shall mean:

- (1) Two (2) or more persons who are elected, appointed or chosen, or have associated themselves, for the purpose of accepting contributions and making expenditures to support or oppose any ballot issue or ballot question; or
- (2) Any partnership, committee, association, corporation, labor organization or other organization or group of persons that has accepted contributions or made expenditures to support or oppose any ballot issue or ballot question. For purposes of this Subparagraph (2), the term *expenditure* shall not include expenditures made by persons in the regular course and scope of their business or in connection with communications sent solely to their members. The term *expenditure* also does not include a contribution, as defined in this Section.

Issue committee shall not include political committees or candidate committees as otherwise defined in this Section.

Person shall mean any individual, partnership, committee, association, corporation, labor organization or other organization or group of persons.

Political committee shall mean two (2) or more persons who are elected, appointed or chosen, or have associated themselves, for the purpose of making contributions to candidate committees, issue committees

or other political committees, or for the purpose of making independent expenditures. *Political committee* shall not include:

- (1) Issue committees or candidate committees as otherwise defined in this Section; or
- (2) Any partnership, committee, association, corporation, labor organization or other organization or group of persons previously established for a primary purpose outside of the scope of this Article.

Political message shall mean a message delivered by telephone, any print or electronic media or other written material which advocates the election or defeat of any candidate or which unambiguously refers to such candidate.

Termination report shall mean a final report prepared by a candidate committee, issue committee or political committee and filed with the City Clerk which discloses the committee's contributions received, expenditures made and obligations entered into, when the following conditions have been met:

- (1) The committee no longer intends to receive contributions or make expenditures; and
- (2) A zero (0) balance exists in the account established and maintained under § 7-135(f) and the committee has no outstanding debts or obligations.

Unexpended campaign contributions shall mean the balance of funds on hand in any candidate committee, issue committee or political committee following an election, less the amount of all unpaid monetary obligations incurred prior to the election. (Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 1, 11-6-01)

Sec. 7-133. Candidate affidavit; disclosure statement; failure to file.

(a) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the City Clerk within ten (10) days, that the candidate is familiar with the provisions of this Article.

(b) Each candidate shall file a financial disclosure statement pursuant to § 2-636 with the City Clerk within ten (10) days after filing acceptance of nomination.

(c) Failure of any person to file the affidavit or disclosure statement required under this Section shall result in the disqualification of such person as a candidate for the office being sought. Disqualification shall occur only after the City Clerk has sent a notice to the person by certified mail, return receipt requested, addressed to the person's last known residence address. The notice shall state that the person will be disqualified as a candidate if the person fails to file the appropriate document within five (5) business days of receipt of the notice.

(d) The requirements of this Section shall not apply to any elected official who is the subject of recall proceedings. (Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 2, 11-6-01)

Sec. 7-134. Registration of committees.

All candidate committees, political committees and issue committees shall register with the City Clerk before accepting or making any contributions. Registration shall include a statement listing:

- (1) The committee's full name, spelling out any acronyms used therein;
- (2) A natural person authorized to act as a registered agent;
- (3) A street address and telephone number for the principal place of operations;
- (4) All affiliated candidates and committees;
- (5) The purpose or nature of interest of the committee.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 3, 11-6-01)

Sec. 7-135. Campaign contributions.

(a) *Limits.* No person may make contributions and/or contributions in kind totaling more than one hundred dollars (\$100.) to the candidate committee of any candidate for the office of Mayor. No person may make contributions and/or contributions in kind totaling more than seventy-five dollars (\$75.) to the candidate committee of any candidate for the office of Councilmember. No person shall make a contribution or contribution in kind in the name of another person or knowingly permit one's name to be used by another person to effect such a contribution or contribution in kind. These limitations shall apply to all contributions or contributions in kind, whether made directly to a candidate committee or indirectly via earmarked gifts passed through an intermediary, except that these limitations shall not apply to:

- (1) Contributions or contributions in kind made by a candidate to his or her own candidate committee;
- (2) Independent expenditures;
- (3) Monetary loans that are: (a) personally guaranteed in writing by the candidate, the candidate's immediate family or a business entity in which the candidate owns at least five (5) percent; or (b) secured by real or personal property owned by the candidate, the candidate's immediate family or a business entity in which the candidate owns at least five (5) percent; or
- (4) Contributions made to a candidate committee by another candidate committee established by the same candidate for the office of Mayor or Councilmember.

(b) *Joint contributions.* No person shall make a contribution jointly with another person through the issuance of a check drawn on a jointly-owned account unless: (i) the total amount of the joint contribution is less than the maximum amount that can be contributed by one (1) person under the contribution limits established in Subsection (a) of this Section or (ii) the check is signed by all owners of the account, in which event the amount of the total contribution shall be allocated equally among all such persons unless a different allocation is specified on the face of the check. No candidate committee, issue committee or political committee shall knowingly accept a contribution made in violation of this Subsection (b).

(c) *Contributions in excess of limits.* No later than ten (10) business days after receiving a contribution in excess of the limits set forth in this Section, the candidate committee that received the contribution shall remit the excess to the contributor.

(d) *Prohibited contributors.* No candidate committee, issue committee or political committee shall knowingly accept contributions from any person who is not a citizen of the United States, from a foreign government or from any foreign corporation that does not have authority to transact business in this state pursuant to Article 115 of Title 7, C.R.S.

(e) *Contributions from one (1) candidate committee to another.*

- (1) No candidate committee shall make a contribution or contribution in kind to, or accept a contribution or contribution in kind from, a candidate committee of another candidate.
- (2) No candidate committee shall accept a contribution or contribution in kind from a candidate committee of the same candidate that was established or maintained for a federal, state or county election campaign or office.

(f) *Recordkeeping.* All contributions received by a candidate committee, issue committee or political committee shall be deposited and maintained in a financial institution in a separate account whose title shall include the name of the committee. All records pertaining to such accounts shall be maintained by the committee for ninety (90) days following any election in which the committee received contributions unless a complaint has been filed under § 7-143(a) alleging a violation of the provisions of this Article, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Such records shall be subject to inspection at any hearing held pursuant to this Article.

(g) *Reimbursements prohibited.* No person shall make a contribution to a candidate committee, issue committee or political committee 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 or political committee, nor shall any person make such reimbursement.

An unexpended campaign contribution returned to a contributor by a candidate committee pursuant to § 7-135(a)(4) shall not be considered a reimbursement. (Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 189, 2000, § 1, 1-2-01; Ord. No. 148, 2001, § 4, 11-6-01)

Sec. 7-136. Disclosure; filing of reports.

(a) All candidate committees, political committees and issue committees shall report to the City Clerk their contributions and contributions in kind received, including the name and address of each person who has made contributions or contributions in kind in the amount of twenty dollars (\$20.) or more; expenditures made; and obligations entered into by the committee.

(b) For purposes of complying with the requirements of this Section, an issue committee consisting of an organization whose primary purpose is not to support or oppose ballot issues shall report only those contributions accepted, expenditures made and obligations entered into for the purpose of supporting or opposing a ballot issue or ballot question. Such issue committee shall not be required to report donations, membership dues or any other payments received unless such amounts are used or to be used for the purpose of supporting or opposing a ballot issue or ballot question.

(c) Reports shall be filed with the City Clerk on the twenty-first day, fourteenth day, and on the Friday before the election, thirty (30) days after the election, and annually on the first day of the month in which the anniversary of the election occurs until such time as a termination report is filed. If the reporting day falls on a weekend or legal holiday, the report shall be filed by the close of the next business day.

(d) The reports required by this Section shall 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.

(e) All reports shall be submitted on forms provided by the City Clerk and shall be complete in all respects. Reports shall be current in all respects as of two (2) days prior to the date upon which each such report is to be filed.

(f) A report required to be filed by this Article is timely if the original report is received by the City Clerk not later than the close of business on the due date or if a copy of the report is filed by fax on or before the date due and the original report is filed not later than the close of business on the next business day. For the purpose of this provision, the *original report* shall mean a copy containing an original signature of the person completing the report.

(g) Any report that is deemed by the City Clerk to be incomplete or inconsistent with the requirements of this Article shall be accepted on a conditional basis, and the committee treasurer shall be notified in writing as to any deficiencies found. Such notice may be delivered in person, by mail, by fax, or, if an electronic mail address is on file with the City Clerk, by electronic mail. The committee treasurer shall have seven (7) business days from the date of delivery of such notice to file an amended report that cures the deficiencies. Any such amended report shall supercede the original report filed for the reporting period.

(h) Any candidate committee, political committee or issue committee which has not accepted any contributions or contributions in kind, made any expenditures, or entered into any obligations during a reporting period, shall file a report with the City Clerk on the days specified in Subparagraph (c) above certifying that the committee has not accepted any contributions or contributions in kind, made any expenditures or entered into any obligations during the relevant reporting period. (Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 189, 2000, § 2, 1-2-01; Ord. No. 148, 2001, § 5, 11-6-01)

Sec. 7-137. Reports to be public record.

(a) Upon receipt of any campaign report submitted pursuant to this Article, the City Clerk shall make available such report for public inspection. The campaign report filed with the City Clerk fourteen (14) days prior to the election pursuant to § 7-136 above shall be published by the City Clerk in a newspaper of general circulation in the city, which publication shall occur no less than seven (7) days prior to the election. The campaign report filed with the City Clerk thirty (30) days after the election pursuant to § 7-136 above shall also be published by the City Clerk in a newspaper of general circulation in the city, which publication shall occur no more than seven (7) days after the City Clerk's receipt of the report.

(b) No information contained in any campaign report submitted pursuant to this Article shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 6, 11-6-01)

Sec. 7-138. Unexpended campaign contributions.

(a) Unexpended campaign contributions to a candidate committee may be:

- (1) Contributed to a political party;
- (2) Contributed to a candidate committee established by the same candidate for a subsequent campaign, subject to the limitations set forth in § 7-135(e)(2), if the candidate committee making such a contribution is affirmatively closed by the candidate no later than ten (10) days after the date such a contribution is made;
- (3) Donated to a charitable organization recognized by the Internal Revenue Service;
- (4) Returned to the contributors.

In no event shall contributions to a candidate committee be used for personal purposes not reasonably related to supporting the election or retention of the candidate.

(b) In addition to any use described in Subsection (a) of this Section, a person elected to the office of Mayor or Councilmember, or retained in office following a recall attempt, may use unexpended campaign contributions held by the person's candidate committee for any of the following purposes:

- (1) Voter registration;
- (2) Political issue education, which includes obtaining information from or providing information to the electorate;
- (3) Postsecondary educational scholarships;
- (4) To defray reasonable and necessary expenses related to mailings and similar communications to constituents;

(5) 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.

(c) 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 Subsection (a) of this Section, no later than five (5) years 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.

(d) Unexpended contributions to an issue committee or political committee may be donated to any charitable organization recognized by the Internal Revenue Service or returned to the contributor.
(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 7, 11-6-01)

Sec. 7-139. Independent expenditures.

Any person or political committee making independent expenditures totaling more than one hundred dollars (\$100.) shall deliver notice in writing of such independent expenditures to the City Clerk no later than three (3) business days after the day that such funds are obligated. Said notice shall include the following information:

- (1) The name, address and telephone number of the person making the independent expenditures;
- (2) The name of the candidate whom the independent expenditures are intended to support or oppose;
- (3) The name and address of the vendor(s) providing the property, materials or services;
- (4) A detailed description of the independent expenditures;
- (5) The amount of the independent expenditures; and

(6) The date the funds were obligated.

For the purposes of this provision, funds shall be considered to have been obligated as soon as an agreement is reached for the provision of the property, materials or services in question, regardless of when payment is to be made for such property or services. (Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 8, 11-6-01)

Sec. 7-140. Duties of City Clerk.

The City Clerk shall:

- (1) Prepare forms and instructions to assist candidates and the public in complying with the reporting requirements of this Article;
- (2) Develop a filing and indexing system consistent with the purposes of this Article;
- (3) Keep a copy of any report or statement required to be filed by this Article for a period of one (1) year from the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for one (1) year after the candidate leaves office;
- (4) Make reports and statements filed under this Article available for public inspection and copying no later than the end of the next business day after the date of filing;
- (5) Upon request by the Secretary of State, transmit records and statements filed under this Article to the Secretary of State;
- (6) Notify any person who has failed to fully comply with the provisions of this Article;
- (7) Report apparent violations of this Article to the City Manager.

(Ord. No. 162, 2000, § 1, 11-21-00)

Sec. 7-141. Expenditures for political advertising; rates and charges.

(a) No candidate committee 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.

(b) Any radio or television station, newspaper or periodical that charges an issue committee or candidate committee a lower rate for use of space, materials or services than the rate such station, newspaper, periodical or supplier charges another issue committee or candidate committee for the same ballot measure or public office for comparable use of space, materials or services shall report the difference in such rate as a contribution in kind to the issue committee or candidate committee that is charged such lower rate.

(c) 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. (Ord. No. 162, 2000, § 1, 11-21-00)

Sec. 7-142. 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. (Ord. No. 162, 2000, § 1, 11-21-00)

Sec. 7-143. Violations and penalties.

(a) Any person who knowingly violates or fails to comply with any of the provisions of this Article commits a misdemeanor and is subject to a fine or imprisonment in accordance with § 1-15.

(b) Failure to comply with the provisions of this Article shall have no effect on the validity of any election. (Ord. No. 162, 2000, § 1, 11-21-00)

Sec. 7-144. 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. (Ord. No. 162, 2000, § 1, 11-21-00)

Secs. 7-145—7-154. Reserved.

ELECTION CALENDAR

Master Election Calendar

For each election, the City Clerk's Office prepares a master election calendar. The purpose of the master calendar is to define for the staff all of the requirements of staff and other parties and the specific dates that certain actions must take place. It is difficult to prepare the master calendar too far in advance of an election because many times there are legislative bills pending that may affect the required actions and specific dates contained in the calendar. Therefore, the master calendar is continually changing.

The master calendar is rather lengthy and contains many task-related items not applicable to an issue committee. Therefore, the master election calendar is rarely distributed outside of City staff.

Action Specific Calendars

Upon request, the City Clerk's Office can prepare a calendar specific to a particular anticipated action. For example, if it becomes known to the City Clerk's Office that a group of citizens is considering an initiative for a particular election date, a calendar outlining the requirements and deadlines for an initiative petition will be created. However, it is important to note that action specific calendars may also be affected by pending legislation and are therefore subject to change at any time.

If no election calendars are included in this section at the time you obtain a copy of these guidelines, it is likely that no actions or inquiries have prompted the creation of such calendars at this time.

Special Municipal Election November 5, 2002

Important Dates - Issue Committees

ACTION	DATE/DEADLINE
Committee Registration	Before accepting any contributions
Earliest day to post election signs (60 days before election)	September 6, 2002
Campaign Report due (21 days before election)	October 15, 2002
Campaign Report due (14 days before election)	October 22, 2002
Campaign Report due (Friday before election)	November 1, 2002
ELECTION DAY	November 5, 2002
Election signs must be removed (5 days after election)	November 10, 2002
Campaign Report due (30 days after election)	December 5, 2002
Campaign Report due (annual filing)	November 1, 2003 and each year thereafter until termination report is filed