Issue Committee Guidelines

Updated January 2017

City of Fort Collins

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GENERAL

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 Winkelmann, City Clerk 221-6515
wwinkelmann@fcgov.com

Rita Knoll, Chief Deputy City Clerk 221-6516
rknoll@fcgov.com

Sign Code Questions

Zoning Department 416-2745
nbeals@fcgov.com

Questions/Complaints Regarding Placement of Election Signs in the Public Right-of-Way

Code Compliance 224-6046
plauridsen@fcgov.com

Voter Registration Questions/Requests for Voter Registration Records

Larimer County Elections Office 498-7820
elections@co.larimer.co.us

GIS Department - Maps 416-2483
gis@fcgov.com

CAMPAIGN REGULATIONS

ELECTIONEERING

State law prohibits electioneering (to take part actively and energetically in the activities of an election campaign; persuasion of voters in a political campaign) 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.

For municipal elections, electioneering is prohibited within 100 feet of City Hall West, 300 LaPorte Avenue.

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 are allowed on a lot at any time prior to the Election Day to which the sign relates.

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.

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.

LITTERING

Political solicitations are exempt from the City Code provision that prohibits door-to-door solicitations, unless there is a "no trespassing" or "no solicitation" sign posted near the entrance to the premises. Campaign material is not exempt from littering prohibitions. Campaign materials must be securely placed or deposited so as to prevent them from being blown or scattered by the wind. It is not permissible to place campaign materials in any fashion on motor vehicles without the vehicle owner's permission.

PENALTIES

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

CAMPAIGN REPORTING REQUIREMENTS

GENERAL

On November 21, 2000, the Fort Collins City Council adopted Ordinance No. 162, 2000 establishing election campaign provisions to be applied to local elections in lieu of any state laws on the subject. The local provisions have been codified in Article V, Chapter 7 of the City Code.

ISSUE COMMITTEES (THIS SECTION AMENDED JANUARY 2017)

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, small-scale issue 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 available for download from the City's web site. The form is also available upon request in the City Clerk's Office.

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, noon of 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.

All reports must be submitted on forms provided by the City Clerk and must be complete in all respects. The City Clerk's Office may contact the committee treasurer if clarification is needed with regard to any report filed.

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

A campaign report is considered timely if the paper 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 electronically not later than midnight MST on the date due.

All campaign reports will be scanned as an image and published on the City web site for the election. Reports that have been typed or handwritten in black ink produce the best images.

Campaign Report forms, in Excel format, can be downloaded from the City's web site. Paper copies of the forms are available upon request in the City Clerk's Office.

BANK ACCOUNTS (THIS SECTION AMENDED JANUARY 2017)

All contributions received by an issue committee must be documented and 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 contributions and related accounts must be maintained by the committee for one (1) year following any election in which the committee received contributions unless a complaint has been filed under Section 7-145(a) of the City Code alleging a violation of the provisions of Article V, Chapter 7 of the City Code or the person or committee has received notice of an investigation or prosecution of a violation of Article V, Chapter 7 by the City or other law enforcement authority, 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 in connection with any investigation or other action to enforce the terms pursuant to Article V, Chapter 7 of the City Code.

Note: Although the City Code requires that the account include the name of the committee, it is recommended the account be opened as a personal checking account. Other types of accounts, such as non-profit or corporate, require additional documentation that candidates do not typically have at the local campaign level.

CONTRIBUTION AND EXPENDITURE LIMITS (THIS SECTION AMENDED JANUARY 2017)

All expenditures must be documented and all records pertaining to those expenditures must be maintained by the committee for one (1) year following any election in which the committee expended the

funds unless a complaint has been filed under Subsection 7-145(a) alleging a violation of the provisions of this Article, or the person or committee has received notice of an investigation or prosecution of a violation of Chapter 7, Article V, in which case they must be maintained until final disposition of the complaint and any consequent court proceedings. Documentation includes the name and address of the vendor(s) or payee(s) providing the property, materials, or services and the amount of the expenditure. The records shall be made available within three (3) business days upon request of the City and subject to inspection in connection with any investigation or other action to enforce the terms of Chapter 7, Article V.

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. In addition, all campaign reports will be available on the City's web site under the link for upcoming election.

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.

SMALL-SCALE ISSUE COMMITTEES (THIS SECTION ADDED JANUARY 2017)

The City Code defines a "small-scale issue committee" as a committee otherwise meeting the definition of issue committee that has accepted or made contributions or expenditures in an amount that does not exceed five thousand dollars ($5,000.) during an applicable election cycle for the major purpose of supporting or opposing any ballot issue or ballot question.

The following are each treated as single small-scale issue committees:

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

b. 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; and

c. 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.

REGISTRATION (THIS SECTION ADDED JANUARY 2017)

Any 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 ($200.) 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.

Any 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 ($200.) and five thousand dollars ($5,000.) must register with the City Clerk within ten (10) business days of the date on which the aggregate amount of contributions or expenditures exceeds two hundred dollars ($200.). The registration required 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 all contributions received by the committee are deposited in a separate account bearing the name of the committee.

A Committee Registration form is available for download from the City's web site. The form is also available upon request in the City Clerk's Office.

BANK ACCOUNTS (THIS SECTION ADDED JANUARY 2017)

All contributions received by a small-scale issue committee must be documented and 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 contributions and related accounts must be maintained by the committee for one (1) year following any election in which the committee received contributions unless a complaint has been filed under Section 7-145(a) of the City Code alleging a violation of the provisions of Article V, Chapter 7 of the City Code or the person or committee has received notice of an investigation or prosecution of a violation of Article V, Chapter 7 by the City or other law enforcement authority, 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 in connection with any investigation or other action to enforce the terms pursuant to Article V, Chapter 7 of the City Code.

Note: Although the City Code requires that the account include the name of the committee, it is recommended the account be opened as a personal checking account. Other types of accounts, such as non-profit or corporate, require additional documentation that candidates do not typically have at the local campaign level.

CAMPAIGN REPORTS (THIS SECTION ADDED JANUARY 2017)

A small-scale issue committee does not need to file campaign reports unless or until it meets the following requirements:

Within seven (7) days of the date on which 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 ($5,000.), the committee shall:

(1) through its registered agent, report this change in the committee's status to the City Clerk; and

(2) report to the City Clerk on an approved form, 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.

Once 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 ($5,000.), the committee shall from that point forward make disclosure of any contributions or expenditures it accepts or makes not already reported under the requirements listed above and comply with all requirements of Chapter 7, Article V of City Code applicable to issue committees.

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.

Election-specific calendars will be available on the City's web site for the upcoming election.