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## **AGENDA**

**City Council Ad Hoc Committee**

**Election Code Amendments**

**July 18, 2016**

**Noon**

**City Clerk Large Conference Room  
300 LaPorte Avenue, Fort Collins, CO**

### **Committee Members:**

**Councilmember Bob Overbeck, District 1**

**Councilmember Kristin Stephens, District 4**

**Councilmember Ross Cunniff, District 5, Chair**

- 1. Call Meeting to Order**
- 2. Approval of February 23, 2016 Committee Meeting Minutes**
- 3. Suggested Election Code/Charter Changes**
  - a. Signature Verification**
  - b. Charter Amendment Regarding Date of Canvass (Certifying Election Results)**
  - c. Recordkeeping Requirements for Campaign Expenditures and Independent Expenditures**
  - d. Amending the District-Precinct Map**
  - e. Election Complaints**
- 4. Senate Bill 16-186: Small Issue Committee Disclosure Requirements**
- 5. Other Business**
- 6. Adjournment**

**Council Election Ad-Hoc Committee Minutes**  
February 23, 2016, 3:30 p.m.

**Members in Attendance:** Kristin Stephens, Bob Overbeck, and Ross Cunniff (chair).

**Staff in Attendance:** Carrie Daggett, City Attorney; Wanda Winkelmann, City Clerk; Rita Knoll, Chief Deputy City Clerk; Cary Carricato Alton, Paralegal.

A meeting of the City Council Ad-hoc Election Committee (“Committee”) was held on Wednesday, February 23, 2016, in the City Clerk’s Office Large Conference Room, to consider proposed changes to the Fort Collins Charter and Municipal Code related to elections.

The meeting began at 3:33 p.m. The Board reviewed the Agenda which contained these items:

1. Call Meeting to Order
2. Approval of January 20, 2016 Committee Meeting Minutes
3. Suggested Election Code Changes
  - a. Signature Verification – provided updated information
  - b. Absentee Ballots – broaden to include all absentee voters
4. Other Business
5. Adjournment

Councilmember Cunniff called the meeting to order. Councilmember Cunniff stated that the second order of business from the agenda was approval of the minutes from January 20, 2016 meeting. Councilmember Stephens moved for the approval of the minutes, Councilmember Overbeck seconded the motion. The minutes were approved unanimously.

**Suggested Election Code Changes**

**a. Signature Verification**

City Clerk Winkelmann summarized the new information obtained from touring the Larimer County Facilities on February 18, 2016. In addition, Ms. Winkelmann indicated there have been ongoing discussions with the Colorado Secretary of State’s office concerning signature verification. Ms. Winkelmann summarized the current system which is a web voter look up interface. Chief Deputy City Clerk Knoll clarified that the current Secretary of State system is a web interface where the City does not currently have access to the signatures. The Secretary of State is considering giving municipalities access to the signature portion of voter information. Ms. Knoll noted that it is a manual system where each signature on ballots must be reviewed manually by an election worker.

Councilmember Cunniff asked if, based on the bar codes associated with each ballot, each signature could be associated with each ballot to simplify verifying signatures through work with the City’s IT department. City Clerk Winkelmann responded that it would not be through the City’s IT department, but through modifications to the Secretary of State system. Chief Deputy Clerk Knoll clarified that the Secretary of State, at this point, is not looking for an automated solution, but they are proposing a manual solution so the City would have access to the signature images. She added one election vendor provides an automated solution, and there are other industries that use signature technology such as in the banking industry. She said that the City Clerk would want to pursue an automated system.

City Clerk Winkelmann reported that in talking with other municipalities concerning their practices for signature verification, it was reported that other municipalities had been obtaining signature images from their respective Counties. Ms. Winkelmann indicated that, through follow up with Larimer County, it was determined that it was possible for them to provide signature images. Ms. Winkelmann met with Larimer County and they indicated that they had just recently learned that they can provide signature images, and that an Intergovernmental Agreement and confidentiality agreement would be necessary to facilitate this sharing of images. Ms. Winkelmann indicated there would be need for further discussion about whether to go with the Secretary of State system or the Larimer County system, but it is encouraging that there are now two available options to consider.

Councilmember Overbeck asked how much additional time is needed to fully investigate the options and what works best from staff perspective. City Clerk Winkelmann indicated that the City Clerk's office recommendation is that it be done in time for the April, 2019 election. Chief Deputy Clerk Knoll clarified that the bill before the legislature does not require or authorize signature verification until after March 30, 2018.

Chief Deputy Clerk Knoll reported that the Larimer County Clerk shared valuable information concerning signature verification during their meeting. The Larimer County Clerk indicated that it takes an election judge approximately four seconds for each manual verification of a voter's signature. She also stated that the County is qualifying approximately sixty percent of ballots electronically, so the time estimate only applies to those ballots that must be manually verified, and of those manually verified, ninety percent are qualified on the first available signature. The legislation has been modified to state that if one election judge feels that the signatures are a match, the ballot is qualified and counted. This process eliminates voters from getting unfairly disqualified.

There was discussion of the statistics of manually checking ballots based on the last election and the number of ballots received on particular dates, including Election Day. Based on the information received from Larimer County, City Clerk Winkelmann indicated that it would have taken approximately twenty man hours to signature verify the ballots just received on Election Day, so the Clerk's Office would have had to have more available election judges on hand, or the results on Election Day would have been delayed. Chief Deputy Clerk Knoll explained that based on the payment to election judges, she didn't think it was cost prohibitive to have enough elections judges on hand.

City Attorney Carrie Daggett explained that concerning the process to implement signature verification, two approaches have been discussed which will be put into the Ordinance coming forward on second reading. The first option is to add language which recognizes the pending legislation and directing the City Clerk to come back with further recommended modifications to election code at a later date. The second option would be to put in the code that prior to the April, 2019 Election, there would not be signature verification, but that the City intends to institute it in future elections.

City Clerk Winkelmann explained that one vendor estimates the cost for signature verification equipment to be \$65,000. The equipment could be used for three to four elections.

Councilmember Stephens asked City Attorney Daggett what she felt the best course might be to take under the circumstances. City Attorney Daggett explained that she felt there might be benefit to showing a commitment in moving forward with signature verification; however, based on the number of variables changing and the evolving legislation, she leaned toward codifying the current practice and recognizing a need for further discussion once all the information is available. She explained that whatever the Committee recommends, those changes would be made to the Ordinance that goes to print on February 24, 2016.

Councilmember Stephens indicated that it would be her preference to leave room to spell out the signature verification process once all the information is known. She indicated that she would be an advocate of publicly stating that the City is committed to instituting a process, but not enough information is known to codify the changes to the City Election Code. Ms. Daggett indicated there is draft language in the draft Ordinance which says that the City Clerk should continue to investigate options and come back to the Council in late 2016 with further recommendations.

Councilmember Overbeck indicated that his preference would be to indicate that a modification will be necessary in the future. The Committee unanimously approved submitting this option to the Council as whole.

b. Absentee Ballots – broaden to include all absentee voters

City Clerk Winkelmann stated that when they looked at the proposed election code changes, it occurred to them that it might be useful to broaden the ability of voters who request absentee ballots to vote electronically, and not just those who are military and registered as UOCAVA voters. This could apply to a situation where someone is in the United States, but still isn't able to return their ballot by mail. So, there was a small change to the language previously recommended. Chief Deputy City Clerk Knoll explained this change will reflect current practice of the City Clerk's office.

**Other Business**

Councilmember Cunniff asked if there were other issues that needed the Committee's attention. City Clerk Winkelmann indicated that the only item was whether the Committee would be interested in touring the Larimer County Election facilities. The Committee members each expressed an interest in touring these facilities, and recommended that the entire Council be asked if they were interested in touring the facilities. City Clerk Winkelmann indicated that she would follow up on this issue and report to the Council.

City Attorney Carrie Daggett stated there have been modifications to the Election Code Changes under the section concerning applicable law. Ms. Daggett indicated this section (Page 8, Section 14) was simplified and she believes that the change is easier to understand and follow.

Meeting adjourned at 3:58 p.m.

<p><b>PROPOSED CHANGE A:</b></p> <p>Conduct signature verification beginning with the 2019 municipal election.</p> <p>(Note: this change is dependent upon the Charter Amendment in Proposed Change B)</p>	<p><b>EXPLANATION:</b></p> <p>House Bill 16-1070 requires that after March 30, 2018, access to the digitized signatures contained in the statewide voter registration system must be made available to municipal clerks.</p>
<p><b>CURRENT CODE PROVISION:</b></p> <p><b>Sec. 7-190. - Voting and return of ballots.</b></p> <p>(a) Upon receipt of a ballot, the eligible elector shall mark the ballot, sign and complete the return envelope and comply with the instructions provided with the ballot.</p> <p>(b) The eligible elector may return the marked ballot to the City Clerk by United States mail or by depositing the ballot at the office of the City Clerk or any place designated by the City Clerk. The ballot must be returned in the return envelope. If an eligible elector returns the ballot by mail, the elector may provide the necessary postage or, if not so paid by the elector, the cost of return postage shall be paid by the City. In order to be counted, the ballot must be received at the office of the City Clerk or a designated depository prior to 7:00 p.m. on election day.</p> <p>(c) Ballots received by the City Clerk after 7:00 p.m. on election day shall not be counted, but shall be preserved in accordance with § 7-195 below.</p> <p><b>Sec. 7-191. - Receipt and qualification of ballots; signature verification not required.</b></p> <p>(a) All ballots, including undeliverable ballots, shall be marked to indicate the date the ballot was received by the City Clerk.</p> <p>(b) Upon receipt of a voted ballot, an election worker shall first qualify the submitted ballot based on a visual inspection of the self-affirmation signature on the return envelope compared to the name of the elector printed on the envelope to determine whether the ballot was submitted by said elector. Comparison of the signature on the return envelope to any signature image, including those signature images in the statewide voter registration system, is not required. If the ballot so qualifies and is otherwise valid, the election judge shall indicate in the poll book that the eligible elector cast a ballot, and shall prepare the ballot for counting in accordance with <u>§ 7-193</u> below.</p> <p>(c) If an election worker is unable to qualify the ballot as set forth in Subsection (b) above, the ballot shall be rejected and the reason for rejection shall be indicated in the poll book. Rejected ballots shall remain unopened and shall be securely stored separate from qualified ballots unless such ballots are corrected as provided in <u>§ 7-192</u> below.</p> <p>(d) If an election worker determines that an eligible elector to whom a replacement ballot has been issued has voted more than once, the City Clerk shall not count any ballot cast by the elector.</p>	
<p><b>SUGGESTED AMENDMENT:</b></p> <p><b>Sec. 7-190. - Voting and return of ballots.</b></p> <p>(a) Upon receipt of a ballot, the eligible elector shall mark the ballot, sign and complete the return envelope and comply with the instructions provided with the ballot.</p> <p>(b) The eligible elector may return the marked ballot to the City Clerk by United States mail or by depositing the ballot at the office of the City Clerk or any place designated by the City Clerk. The ballot must be returned in the return envelope. If an eligible elector returns the ballot by mail, the elector may provide the necessary postage or, if not so paid by the elector, the cost of return postage shall be paid by the City. In order to be counted, the ballot must be received at the office of the City Clerk or a designated depository prior to 7:00 p.m. on election day.</p> <p>(c) Ballots received by the City Clerk after 7:00 p.m. on election day shall not be counted <b>except as provided in § 7-191 below</b>, but shall be preserved in accordance with § 7-195 below.</p> <p><b>Sec. 7-191. - Receipt and qualification of ballots; signature verification <b>not required</b>.</b></p> <p>(a) All ballots, including undeliverable ballots, shall be marked to indicate the date the ballot was received by the City Clerk.</p>	



(b) Upon receipt of a voted ballot in an election conducted prior to April 2019, an election worker shall first qualify the submitted ballot based on a visual inspection of the self-affirmation signature on the return envelope compared to the name of the elector printed on the envelope to determine whether the ballot was submitted by said elector. Comparison of the signature on the return envelope to any signature image, including those signature images in the statewide voter registration system, is not required. If the ballot so qualifies and is otherwise valid, the election judge shall indicate in the poll book that the eligible elector cast a ballot, and shall prepare the ballot for counting in accordance with § 7-193 below.

(c) Beginning with the April 2019 municipal election, provided that the City Clerk has been given access to digitized signatures in the statewide voter registration system for each elector, election workers shall compare the elector's self-affirmation signature on the return envelope with the elector's digitized signature(s) in the statewide voter registration system in accordance with the provisions of Section 31-10-910.3, C.R.S.

(ed) If an election worker is unable to qualify the ballot as set forth in Subsection (b) or (c) above, the ballot shall be rejected and the reason for rejection shall be indicated in the poll book. Rejected ballots shall remain unopened and shall be securely stored separate from qualified ballots unless such ballots are corrected as provided in § 7-192 below.

(de) If an election worker determines that an eligible elector to whom a replacement ballot has been issued has voted more than once, the City Clerk shall not count any the first ballot east received by the elector and shall reject any subsequent ballots received from that elector.

#### **Sec. 7-192. - Rejected ballots.**

~~The City Clerk is authorized, but not required, to make a reasonable effort to allow an eligible elector whose ballot has been rejected to correct the deficiency causing rejection.~~

(a) *Unsigned return envelopes.* Beginning with the April 2019 municipal election, the City Clerk shall, within three (3) days after receipt of a ballot returned in an unsigned return envelope, but in no event later than two (2) days after election day, send to the eligible elector at the mailing address indicated in the registration records a letter explaining the deficiency and instructing the eligible elector how to correct the deficiency. If the elector appears in the office of the City Clerk no later than the close of business on the eighth day after the date of the election to sign the return envelope, and if the ballot is otherwise valid, the ballot shall be counted.

(b) *Ballots received without a return envelope.* Beginning with the April 2019 municipal election, the City Clerk shall, within three (3) days after receipt of ballot received without placing the ballot in a return envelope, provided that such ballot still has the ballot stub attached providing information sufficient to identify the elector to whom the ballot was issued, but in no event later than two (2) days after election day, send to the eligible elector at the mailing address indicated in the registration records a letter explaining the deficiency and instructing the eligible elector how to correct the deficiency. If the elector appears in the office of the City Clerk no later than the close of business on the eighth day after Election Day to sign the return envelope, and if the ballot is otherwise valid, the ballot shall be counted.

(c) No elector shall be allowed to correct a deficiency without first producing valid proof of identification. No elector shall be allowed to open, change, or alter his or her ballot while in the process of correcting the deficiency.

<b>PROPOSED CHANGE B:</b>	<b>EXPLANATION:</b>
Consider a Charter Amendment to Amend the Canvass Date	Per state statute, Larimer County sends a letter to voters whose ballot was rejected due to problems with the signature. If signature verification is implemented in the April 2019 election, staff recommends a Charter Amendment be placed on the April 2017 ballot that moves the canvass date to 10 days after the election to permit time for letters to be sent.
<b>CURRENT CHARTER PROVISION:</b>	
<p><b>Section 7. Certification of election results.</b> On the third day after every city election and, after verifying the total number of legal votes cast for each candidate and measure voted upon, the Board of Elections shall complete a certificate declaring the results of the election. The candidate receiving the highest number of votes...</p>	
<b>SUGGESTED AMENDMENT:</b>	
<p><b>Section 7. Certification of election results.</b> <b>No later than</b> <del>On</del> the tenth <del>third</del> day after every city election and, after verifying the total number of legal votes cast for each candidate and measure voted upon, the Board of Elections shall complete a certificate declaring the results of the election. The candidate receiving the highest number of votes... <b>In the event of a mandatory recount or recount by request, the Board of Elections shall complete a certificate declaring the results of the election no later than the fifth day after the completion of the recount.</b></p>	

<b>PROPOSED CHANGE C:</b>	<b>EXPLANATION:</b>
Add expenditure recordkeeping requirements for campaign committees and independent expenditures	Presently there is not a requirement in the code for the recordkeeping of receipts for expenditures by committees or independent expenditures. This is a suggested improvement as a result of an election complaint.
<b>CURRENT CODE PROVISION:</b>	
<p><b>Sec. 7-135. Campaign contributions.</b> (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 Subsection 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.</p>	
<b>SUGGESTED AMENDMENT:</b>	
<p><b>Sec. 7-135. Campaign contributions/expenditures.</b> (f) Recordkeeping. (1) All contributions received by a candidate committee, issue committee or political committee shall be <b>documented and</b> deposited and maintained in a financial institution in a separate account whose title shall include the name of the committee. All records pertaining to <b>contributions and related such</b> accounts shall be maintained by the committee for <b>ninety (90) days one year</b> following any election in which the committee received contributions unless a complaint has been filed under Subsection 7-143(a) alleging a violation of the provisions of this Article, in which case</p>	

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~~ in connection with any investigation or other action to enforce the terms of this Article.

(2) All expenditures shall be documented and all records pertaining to said expenditures, including but not limited to invoices, receipts, and instruments of payment, shall be maintained by the committee for one year following any election in which the committee expended the funds unless a complaint has been filed under Subsection 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. Documentation shall include the name and address of the vendor(s) or payee(s) providing the property, materials, or services and the amount of the expenditure. Such records shall be made available upon request of the City and subject to inspection in connection with any investigation or other action to enforce the terms of ~~at any hearing held pursuant to~~ this Article.

#### **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 ~~sufficient to allow for determination of compliance with this section;~~
- (5) The amount of the independent expenditures; ~~and~~
- (6) The date the funds were obligated; ~~and~~
- (7) ~~Copies of receipts, invoices, or other documentation related to the independent expenditure.~~

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. ~~All independent expenditures shall be documented and all records pertaining to independent expenditures including but not limited to invoices, receipts, and instruments of payment shall be maintained for one year following any election in which the funds were expended unless a complaint has been filed under Subsection 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 made available upon request of the City and subject to inspection at any hearing held pursuant to this Article.~~



**PROPOSED CHANGE D:**

Amend Sections 7-71 and 7-87 to clarify when the City Clerk recommends amending the District-Precinct map.

**EXPLANATION:**

The recent redistricting effort prompted staff to review the process for recommending amendments.

**CURRENT CODE PROVISION:**

**Sec. 7-71. - Precinct map.**

The boundaries of the election precincts as herein created in the City are hereby fixed and established as shown on the map entitled "District-Precinct Map," which map is on file in the office of the City Clerk.

**Sec. 7-87. - Redistricting; notice.**

(a) The City Council shall, by ordinance, amend the boundaries of the foregoing districts as necessary to comply with the provisions of Article II, Section 1(c) of the Charter. The City Clerk shall cause to be published twice, in a local newspaper of general circulation in the City, notice of the date, time and place of the City Council's consideration of any such redistricting ordinance. The first such notice shall be published no less than fourteen (14) days prior to the date of first hearing of the redistricting ordinance, and the second notice shall be published no less than ten (10) days prior to the date of the first reading of the same.

(b) Not more than eighteen (18) months after the official decennial publication of the United States Census concerning the population of the City of Fort Collins, the City Clerk shall recommend to the City Council any district boundary changes necessary to ensure that, to the extent reasonably possible, there is no more than a ten-percent deviation between the most populous and the least populous district.

(c) Not less than once every five (5) years after making the determination required under Subsection (b) above, the City Clerk shall again review the district boundaries to determine whether the maximum deviation between the most populous and the least populous district meets the standard described in Subsection (b) above. If the standard in Subsection (b) above is not met, the City Clerk shall recommend to the City Council any district boundary changes necessary to ensure that the districts conform to such standard.

(d) Any changes to district boundaries shall be established by ordinance no less than one hundred twenty (120) days before a regular municipal election.

**SUGGESTED AMENDMENT:**

**Sec. 7-71. - Precinct map/amendment.**

(a) The boundaries of the election precincts as herein created in the City are hereby fixed and established as shown on the map entitled "District-Precinct Map," which map is on file in the office of the City Clerk.

(b) Upon notice by Larimer County that its precinct boundaries have been amended, the City Clerk shall review precinct boundaries and recommend to City Council any precinct boundary changes to ensure they match Larimer County's precincts.

**Sec. 7-87. - Redistricting; notice.**

(c) Not less than once every ~~five (5)~~ six (6) years after making the determination required under Subsection (b) above, the City Clerk shall again review the district boundaries to determine whether the maximum deviation between the most populous and the least populous district meets the standard described in Subsection (b) above. If the standard in Subsection (b) above is not met, the City Clerk shall recommend to the City Council any district boundary changes necessary to ensure that the districts conform to such standard.

(d) The need to amend precinct boundaries pursuant to Section 7-71(b) shall automatically cause the City Clerk to review current population deviations, regardless of how long it has been since the last review. If the deviation is found to exceed ten percent, the City Clerk shall recommend that the City Council make boundary adjustments, and present the Council with possible redistricting options that to the maximum extent possible equalize the population in each district, subject to the requirements for contiguity and compactness set forth in Article II, Section 1(c) of the Charter, with a maximum permissible deviation of ten percent between the most populous and least populous district.

(ed) Any changes to district boundaries shall be established by ordinance no less than ~~one hundred twenty (120) days~~ one hundred eighty (180) before a regular municipal election.

<b>PROPOSED CHANGE E:</b>	<b>EXPLANATION:</b>
Clarify that election complaints shall be received in writing. Consider creating an administrative procedure for addressing election complaints.	Presently, the code does not require election complaints to be received in writing. No additional steps regarding the disposition of the complaint are formalized in writing (such as an administrative policy).

<b>CURRENT CODE PROVISION:</b>
<p><b>Sec. 7-20. - Duties of City Clerk.</b> The City Clerk shall:</p> <p>(1) Provide forms and instructions to assist candidates and the public in complying with the reporting requirements of Article V;</p> <p>(2) Keep a copy of any report or statement required to be filed by Article V 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;</p> <p>(3) Make reports and statements filed under Article V available on the City's website no later than the next business day;</p> <p>(4) Report apparent violations of Article V to the City Manager.</p> <p><b>Sec. 7-143. - Violations and penalties.</b></p> <p>(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 <a href="#">§ 1-15</a>.</p> <p>(b) Failure to comply with the provisions of this Article shall have no effect on the validity of any election.</p>

<b>SUGGESTED AMENDMENT:</b>
<p><b>Sec. 7-20. - Duties of City Clerk.</b> The City Clerk shall:</p> <p>... (4) Report <del>apparent</del> <b>complaints received regarding alleged</b> violations of Article V to the City Manager.</p> <p><b>Sec. 7-143. – Violations, <del>and</del> penalties., and complaints.</b></p> <p>(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 <a href="#">§ 1-15</a>.</p> <p>(b) <b>Complaints made regarding alleged violations of Article V shall be made in writing to the City Clerk and shall contain a detailed description of the allegations.</b></p> <p>(c) Failure to comply with the provisions of this Article shall have no effect on the validity of any election.</p>

NOTE: The governor signed this measure on 6/10/2016.

# An Act

SENATE BILL 16-186

BY SENATOR(S) Tate, Baumgardner, Grantham, Holbert, Lambert, Marble, Neville T.;  
also REPRESENTATIVE(S) Lontine, Becker K., Court, Pabon, Rosenthal, Ryden.

CONCERNING DISCLOSURE REQUIREMENTS TO BE APPLIED TO SMALL-SCALE ISSUE COMMITTEES UNDER COLORADO LAW GOVERNING CAMPAIGN FINANCE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 1-45-103, add (16.3) as follows:

**1-45-103. Definitions - repeal.** As used in this article, unless the context otherwise requires:

(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.

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*



(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.

(c) THIS SUBSECTION (16.3) IS REPEALED, EFFECTIVE JUNE 30, 2019.

**SECTION 2.** In Colorado Revised Statutes, 1-45-108, amend (1) (a) (I), (1) (a) (II), (3.3), and (6); and add (1.5) as follows:

**1-45-108. Disclosure - definition - 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.

(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 SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF SUBSECTION (1) 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. ANY 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) 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 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) 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 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 SUBPARAGRAPH (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) ANY SMALL-SCALE ISSUE COMMITTEE DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) IS NOT REQUIRED TO MAKE ANY DISCLOSURE ABOUT ANY CONTRIBUTIONS OR EXPENDITURES IT HAS MADE OR RECEIVED.

(c) (I) 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 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 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, THE COMMITTEE THROUGH ITS REGISTERED AGENT, SHALL REPORT THIS CHANGE IN THE COMMITTEE'S STATUS TO THE SECRETARY OF STATE.

(d) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JUNE 30, 2019.

(3.3) Subject to the provisions of subsection ~~(7)~~ 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 shall 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.

(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.

**SECTION 3. Appropriation.** For the 2016-17 state fiscal year, \$20,130 is appropriated to the department of state. This appropriation is from the department of state cash fund created in section 24-21-104 (3) (b), C.R.S. To implement this act, the department may use this appropriation for personal services related to information technology services.

**SECTION 4. Applicability.** This act applies to the portion of any election cycle or for the portion of the calendar year remaining after the effective date of this act and for any election cycle or calendar year commencing after such effective date, whichever is applicable.

**SECTION 5. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Bill L. Cadman  
PRESIDENT OF  
THE SENATE

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Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Effie Ameen  
SECRETARY OF  
THE SENATE

---

Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

---

John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO