



Regular Municipal Election

Tuesday, November 7, 2023

**Municipal Election Basics:**  
***Running for Office in 2023***  
Candidate Guidelines

**City of Fort Collins**  
Office of the City Clerk  
300 Laporte Avenue, Building A  
Fort Collins, CO 80521  
Open Monday—Friday, 8 a.m. to 5 p.m.

 <http://www.fcgov.com/vote>  
[elections@fcgov.com](mailto:elections@fcgov.com)

 970-221-6515

FC  VOTE

Dear Prospective Candidates and Campaigns,

Congratulations on considering seeking public office or working with a campaign. My name is Anissa Hollingshead and I have the privilege of serving as the Fort Collins City Clerk. This includes serving as the City's chief election officer.

Our team in the City Clerk's Office is committed to serving the residents of Fort Collins by administering our portion of each local election with integrity and fairness. We are committed to ensuring all qualified voters have free, impartial, and equitable access to the ballot.

Candidates for local office play an important role in the election process. Whether you are an experienced official running for re-election or a first-time candidate, our office is here to help. This guide is one source of key information, and you are encouraged to review it thoroughly.

All information regarding the requirements of being a candidate for municipal office or placing something on the ballot at the municipal election should be obtained from our office. This year for the first time, Fort Collins' regular municipal election will be administered in November as a coordinated election with Larimer County. The provisions of City Code and Charter still govern several aspects of this election. The Clerk's Office assists the public and potential candidates with the election process but cannot provide legal advice. Consult a private attorney for specific legal guidance.

Throughout this election season, candidates who have filed candidate affidavits indicating their intent to run will receive email updates and other related communications. These will include reminders of key election dates, important deadlines, and any shifts that may occur as Election Day draws closer.


Please contact our office with questions and thank you for being part of the electoral process!




Anissa N. Hollingshead

*Contact for candidate filing, campaign finance reporting, placing a question on the ballot, petition processes, and basic election questions*

**Fort Collins City Clerk's Office**

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City Clerk Anissa Hollingshead

Chief Deputy City Clerk Rita Knoll

*Contact for November election administration questions and voter lists*

**Larimer County Clerk & Recorder**

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 [www.larimer.gov/elections](http://www.larimer.gov/elections)

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Fort Collins City Code Chapter 7, Article V. Campaigns

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# Section 1:

## Introduction to the 2023 Fort Collins Municipal Election

### TOPICS:

- **Voting in Fort Collins in 2023**  
*Overview of key election aspects and voter procedures.*
- **2023 Election Calendars**  
*Election Calendar for Candidates and Key Election Administration Dates.*
- **Laws Applicable to Fort Collins Elections**  
*Provisions of City Charter and City Code as well as State Statute governing the conduct of elections.*
- **Fort Collins District and Precinct Maps**  
*Downloadable maps of City, district and precinct boundaries and a district lookup tool are also on the City website.*



# Voting in Fort Collins in 2023

## Election Day is Tuesday, November 7, 2023

This will be a coordinated mail ballot election conducted with the Larimer County Clerk and Recorder. Ballots will be mailed to all registered voters starting Monday, October 16, 2023.

### City Offices on the Ballot in 2023

- Mayor (two-year term for at-large office elected by all City voters)
- District 2 Councilmember (four-year term elected by residents of District 2)
- District 4 Councilmember (four-year term elected by residents of District 4)
- District 6 Councilmember (four-year term elected by residents of District 6)

There may also be City questions on the ballot in 2023, as well as contests for other entities, including the School Board.

### Voter Registration

Eligible voters must be registered in order to vote in the 2023 Coordinated Election. Ballots are mailed out to registered voters. It is necessary to update an existing voter registration after moving or changing your name, or if a prior registration becomes inactive.

- Voters with a Colorado State ID or Driver's License can **register to vote online** up until 8 days before the election.
- Any voter can submit a **paper registration form** by mail, email or in person to the Larimer County Elections Office or the Fort Collins City Clerk's Office.
- Voters choosing to vote in person can also register when voting, including on Election Day.

### Voting Options

Eligible Fort Collins voters can decide how to cast their ballot in this mail ballot election. Voters who are registered at least 8 days before November 7 will have a ballot mailed to them.

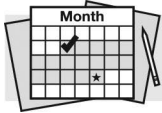
Ballots can be returned:

- **By mail.** Add postage to the return envelope and mail the ballot in, allowing enough time to ensure it is received by Election Day. It does not matter when a ballot is postmarked – it must be received by Larimer County Elections by 7 p.m. on Election Day to be counted.
- **In a ballot drop box.** Ballot drop boxes are located throughout Fort Collins. All drop boxes are open through 7 p.m. on Election Day.

Voters who are not registered in time to receive a mail ballot or who wish to vote in person for any reason may do so at the office of the County Clerk and Recorder or other designated voting locations. All ballot drop boxes and in person voting locations will be listed on the Larimer County election websites this fall.

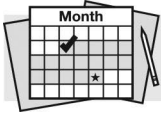
Voters can sign up for the **BallotTrax system** through Larimer County to be notified of where their ballot is in the election process from the time it is printed until it is accepted and counted. Visit [wheresmyballot.com](https://wheresmyballot.com) to sign up.





## 2023 Election Calendar for Candidates

DEADLINE	ACTION	CITATION
<b>Monday, November 7, 2022</b>  upon candidacy	Municipal candidates must have been electors of the city by this day in order to qualify to run for office in 2023 Candidate Affidavit due within ten (10) days of becoming a candidate	Fort Collins Charter Article II, Sec. 2(a) Fort Collins City Code §7-133
<b>Tuesday, August 8, 2023</b>	Earliest day to circulate nomination petitions ( <i>91 days before election</i> )	Fort Collins City Code §7-116
<b>Monday, August 28, 2023</b> <i>Turn in to City Clerk by 5 p.m.</i>	Last day to file nomination petitions ( <i>71 days before election</i> )	Fort Collins City Code §7-116
<b>Tuesday, August 8, 2023</b> <b>Monday, August 28, 2023</b>	Financial Disclosure Statement due at same time nomination petition is filed	Fort Collins City Code §7-133 (b)
<b>Friday, September 1, 2023</b>	Last day to amend nomination petition ( <i>67 days before election</i> )	Fort Collins City Code §7-116
<b>Tuesday, September 5, 2023</b>	Last day to file affidavit of intent to run as a write-in candidate ( <i>64 days before election</i> )	Fort Collins City Code §7-103
<b>Tuesday, September 5, 2023</b>	Deadline to withdraw from candidacy ( <i>63 days before election</i> )	Fort Collins City Code §7-116
<b>Tuesday, October 3, 2023</b>	Campaign Reports due ( <i>35 days before election</i> )	Fort Collins City Code §7-136 (c)(1)
<b>Tuesday, October 17, 2023</b>	Campaign Reports due ( <i>21 days before election</i> )	Fort Collins City Code §7-136 (c)(1)
<b>Tuesday, October 24, 2023</b>	Campaign Reports due ( <i>14 days before election</i> )	Fort Collins City Code §7-136 (c)(1)
<b>Friday, November 3, 2023</b> <i>(by noon)</i>	Campaign Reports due ( <i>by noon Friday before the election</i> )	Fort Collins City Code §7-136 (c)(1)
<b>Tuesday, November 7, 2023</b>	<b>ELECTION DAY</b> - Polls open 7 a.m.-7 p.m. - All ballots must be returned to County Clerk by 7:00 p.m.	
<b>Thursday, November 16, 2023</b>	Verification and counting of provisional ballots ends ( <i>Within 9 days after election day</i> )	C.R.S. 1-8.5-105 (5)
<b>Friday, November 17, 2023</b>	Tabulation of all in-person and accepted mail ballots cast by voters must be complete and a summary results report provided ( <i>Complete by the 10th day after election day</i> )	Rule 25.2.2 (e)
<b>Wednesday, November 29, 2023</b>	Complete canvass and certification of election ( <i>no later than 22 days after election</i> )	C.R.S. 1-10-102(1) & 1-10-103 (1)
<b>Tuesday, December 5, 2023</b>	Last day for an interested party to request a recount of the results of the Coordinated Election at their own expense. ( <i>Within 28 days after the Coordinated Election</i> )	C.R.S. 1-10.5-106 (2)
<b>Tuesday, December 12, 2023</b>	Campaign Reports due ( <i>35 days after election</i> )	Fort Collins City Code §7-136 (c)(1)
<b>Tuesday, December 12, 2023</b>	Last day to complete a statutory recount of any race in the Coordinated Election. ( <i>No later than the 35th day after the Coordinated Election</i> )	C.R.S. 1-10.5-102(2) & 1-10.5-103
<b>Thursday, December 14, 2023</b>	Last day to complete a recount requested by an interested party. ( <i>No later than the 37th day after the Election</i> )	C.R.S. 1-10.5-106(2)
<b>Tuesday, January 9, 2024</b>	Council Organizational Meeting at a special meeting on the second Tuesday of January after the election	Fort Collins City Charter Article II, Section 1 (d)
<b>Tuesday, January 16, 2024</b>	Campaign Reports due ( <i>70 days after election</i> )	Fort Collins City Code §7-136 (c)(1)



## 2023 Key Election Administration Dates\*

DATE	ACTION
Saturday, September 23, 2023	Last day to send mail ballots to military and overseas electors. <i>(No later than 45 days before the election)</i>
Saturday, September 23, 2023	First day to issue a mail ballot to a voter who requests one in person at the County Clerk's office or other designated location <i>(No sooner than 45 days before the election)</i>
Friday, October 6, 2023	Last day to print and distribute the ballot information booklet for statewide measures to active registered voters. <i>(At least 30 days before the election)</i>
Friday, October 6, 2023	Last day to mail notice of election for any ballot issues. <i>(At least 30 days before a ballot issue election)</i>
Friday, October 6, 2023	Last day to issue a mail ballot to a voter who requests one in person at the County Clerk's office or other designated location <i>(32 days before the election)</i>
Monday, October 16, 2023	Must be a resident of Colorado by this day to be able to participate in the election <i>(22 days before the election)</i>
Monday, October 16, 2023	First day ballots may be sent to voters <i>(22 days before the election)</i>
Monday, October 16, 2023	Last day to submit a voter registration application through a voter registration drive <i>(No later than 22 days before the election)</i>
Tuesday, October 17, 2023	Last day to conduct the public Logic and Accuracy Test. <i>(No later than the 21st day before election day)</i>
Wednesday, October 18, 2023	Last day to post Voter Service and Polling Center, Polling Location, and Drop-off signs for the Coordinated Election. <i>(At least 20 days before the election)</i>
Friday, October 20, 2023	Deadline to mail ballots to voters <i>(18 days before election)</i>
Monday, October 30, 2023	Last day to submit a voter registration application through the mail, a voter registration agency, a local driver's license examination facility, or online to receive a mail ballot <i>(Through the 8th day prior to the election)</i>
Monday, October 30, 2023 Tuesday, November 7, 2023	The minimum number of required voter service and polling centers must be open for the November 7 Coordinated Election. <i>(Beginning at least 8 days before and on election day, except Sundays)</i>
Tuesday, October 31, 2023	First day the minimum number of required Drop Boxes must be open for the November 7 Coordinated Election. <i>(Beginning at least 7 days before an election, including Saturdays and Sundays)</i>
Tuesday, November 7, 2023	<b>ELECTION DAY - Polls open 7:00am to 7:00pm.</b> All ballots must be in by 7:00 p.m. on Election Day in order to be counted. Ballots cast by military and overseas voters must be sent no later than 7:00 p.m. on Election Day and received by the close of business on the 8th day after the election.
Thursday, November 9, 2023	Deadline for the County Clerk to send missing signature, signature verification, and missing ID letters and emails for mail and provisional ballots. <i>(Within 3 days from signature/ID verification but no later than 2 days after Election Day)</i>
Wednesday, November 15, 2023	Last day for ballots cast by military and overseas electors to be received by the county clerk in order to be counted. <i>(No later than the 8th day after Election Day)</i>
Wednesday, November 15, 2023	Last day for a voter to cure a signature discrepancy or missing signature, or to provide missing ID. <i>(By 11:59 p.m. MT 8 days after Election Day)</i>

\*Most of these election administration tasks in a coordinated election are performed by the Larimer County Clerk and Recorder.



## Laws Applicable to Fort Collins Elections

### Home Rule Charter of the City of Fort Collins

The City Charter is the document establishing the form of government for the City of Fort Collins. The entire Charter is accessible online at:

[https://library.municode.com/co/fort\\_collins/codes/municipal\\_code?nodetid=FOCOCH](https://library.municode.com/co/fort_collins/codes/municipal_code?nodetid=FOCOCH)

Specific Charter provisions relating to the conduct of regular City elections include:

- **Article II. City Council** includes provisions establishing the elected officials of the City, their method of election, terms of service, district boundaries and qualifications. This article also provides details regarding how Council is organized, its powers, and how it takes formal actions.
- **Article VIII. Elections** outlines the general provisions under which City elections are conducted.

### Code of the City of Fort Collins

The Code of the City of Fort Collins (Code) is the book of laws for the City of Fort Collins. City ordinances are codified into the Code after adoption.

The Code is available online at:

[https://library.municode.com/co/fort\\_collins/codes/municipal\\_code](https://library.municode.com/co/fort_collins/codes/municipal_code)

Specific Code provisions relating to the conduct of regular City elections include:

- **Chapter 2 – Administration, Article II. City Council, Division 1 – Generally** includes details on the form of nomination petition for Councilmembers as well as the process for challenges to Councilmember qualifications.
- **Chapter 7 - Elections**
  - **Article I. - In General** provides for the laws governing City elections, including the requirements and procedures of the Uniform Election Code of 1992, as amended, to the extent necessary for an election to be conducted as a coordinated election.
  - **Sec. 7-56** provides that all regular municipal elections shall be coordinated with the County, unless otherwise provided by the Council by March 1 of the year in which the election is to be held.
  - **Article IV. Candidates** establishes the process and timelines for nomination of candidates.
  - **Article V. Campaigns** contains campaign finance reporting provisions all municipal candidates and campaign committees are subject to in the City of Fort Collins.

### Colorado Revised Statutes

- Uniform Election Code of 1992, as amended (CRS Title 1, Articles 1-13)
- Colorado Mail Ballot Election Act (CRS Title 1, Article 7.5)





## District and Precinct Maps

### Council District Boundaries

The city is divided into six Council districts. Each district is built from precincts which are established by Larimer County. District boundaries were last adjusted in 2022 following the 2020 Decennial Census and subsequent re-precincting by Larimer County.

### Resources on the City Website

[www.fcgov.com/cityclerk/district-boundaries](http://www.fcgov.com/cityclerk/district-boundaries)

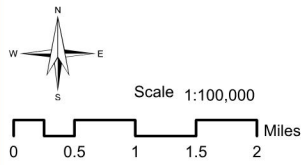
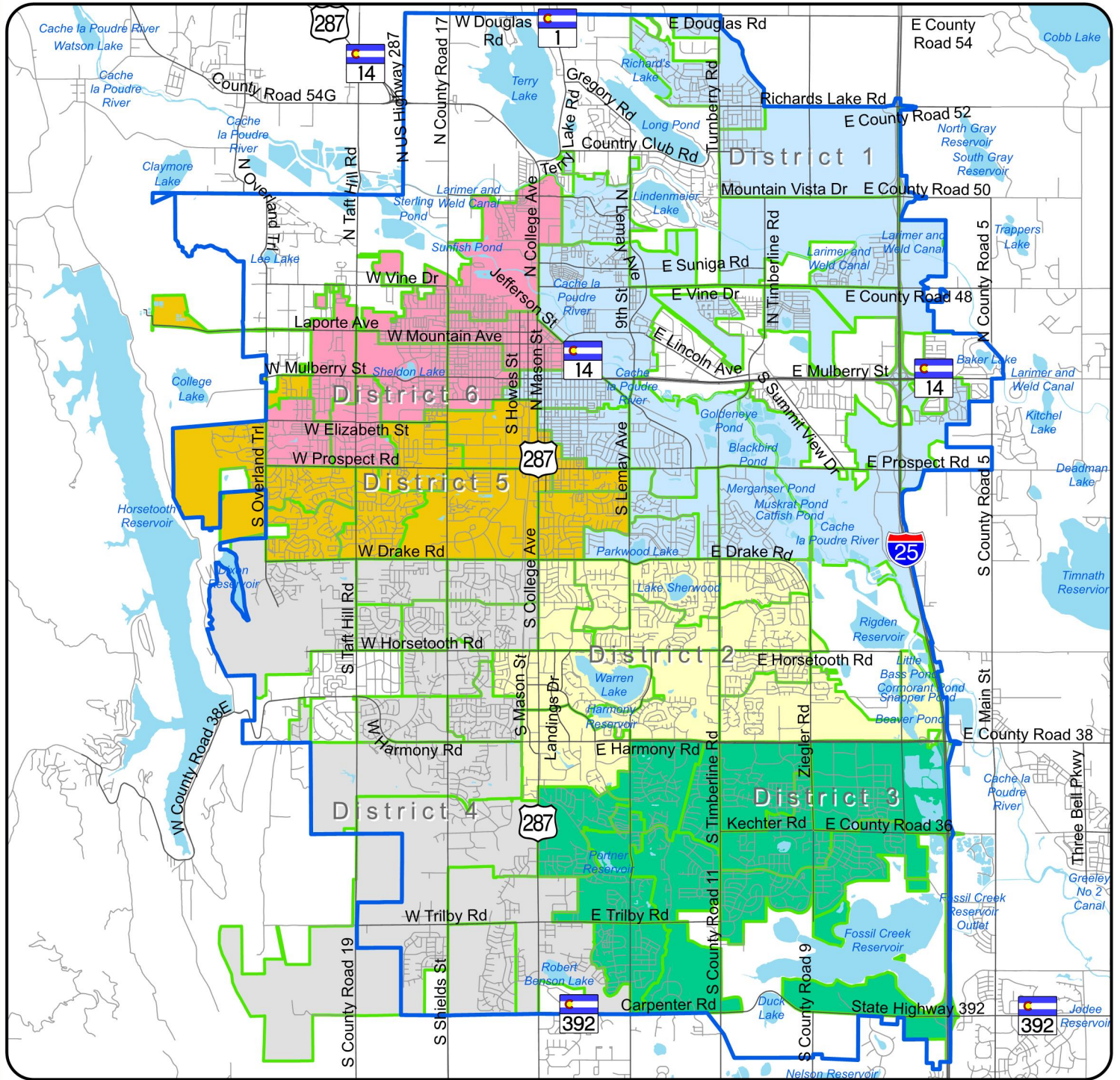
Fort Collins residents can use an online look up tool to enter their street address and find their assigned district. Districts have changed since the last municipal election.

Also available on the website are printable PDF maps in sizes ranging 8.5 x 11" to 34 x 44. The maps can be downloaded and taken to any local print shop for printing.

A large (30" x 44") detailed color District-Precinct map showing Council Districts and City and County precincts within the Districts is available in the City Clerk's Office.

# City of Fort Collins

## District-Precinct Map



Council Districts	
<span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border:1px solid blue;"></span> District 1 - Susan Gutowsky	<span style="display:inline-block; width:15px; height:15px; background-color:lightgrey; border:1px solid grey;"></span> District 4 - Shirley Peel
<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid orange;"></span> District 5 - Kelly Ohlson	<span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border:1px solid blue;"></span> Water Bodies
<span style="display:inline-block; width:15px; height:15px; background-color:lightgreen; border:1px solid green;"></span> District 2 - Julie Pignataro	<span style="display:inline-block; width:15px; height:15px; background-color:lightgrey; border:1px solid grey;"></span> Street Centerlines
<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid orange;"></span> District 6 - Emily Francis	Mayor - Jeni Arndt
<span style="display:inline-block; width:15px; height:15px; background-color:lightgreen; border:1px solid green;"></span> District 3 - Tricia Canonico	
<span style="display:inline-block; width:15px; height:15px; border-bottom:2px solid blue;"></span> GMA	

**CITY OF FORT COLLINS**  
**GEOGRAPHIC INFORMATION SYSTEM MAP PRODUCTS**

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# Section 2:

## Running for Office

### TOPICS:

- **Offices on the Ballot**  
*Information about the duties and responsibilities of offices on the ballot.*
- **Becoming a Candidate**  
*Guidance for preparing to file for office relating to qualifications and nomination petitions.*
- **Candidate Checklist**  
*Tool to track needed items.*
- **Campaign Regulations**  
*Overview of Fort Collins campaign finance reporting provisions.*
- **Campaign Reporting Requirements**  
*Fort Collins campaign finance reporting provisions.*



## Offices on the Ballot in 2023

Fort Collins operates under the Council-Manager form of government. This differentiates between the policy-making functions of City government and the administrative functions. All powers of the City and the determination of all matters of policy are vested in the City Council, except as otherwise provided by the City Charter or the State Constitution or State law on matters that are primarily of a general, statewide nature.

The Council includes seven members, including the Mayor and Councilmembers representing each of the City's six districts. The powers of the City Council are outlined in **Article II, Section 5** of the City Charter.

### Mayor

Candidates for the office of Mayor are nominated by registered electors residing anywhere within the city limits and are voted upon citywide. The term for Mayor is two years.

The Mayor presides over meetings of the City Council and has the same right to speak and vote as all Councilmembers. The general roles and responsibilities of the Mayor are outlined in **Article II, Section 4** of the City Charter.

### Compensation

Pursuant to Article II, Section 3 of the City Charter, the position of Mayor is compensated on a biweekly basis at 75% of the Area Median Income for a single-person household in the Fort Collins/Loveland Metropolitan Statistical Area. This amount is adjusted annually.

The 2023 annual compensation amount for the Mayor is \$56,400.

The Mayor has the option to participate in the City organization's healthcare-related benefits on the same terms available to City employees.

### District Councilmembers

Candidates for City Council are nominated by registered electors residing in the district the candidate is seeking to represent. The term for Councilmember is four years.

In 2023, the seats for Councilmembers representing Districts 2, 4, and 6 will be on the ballot.

### Compensation

Pursuant to Article II, Section 3 of the City Charter, the position of Councilmember is compensated on a biweekly basis at 50% of the Area Median Income for a single-person household in the Fort Collins/Loveland Metropolitan Statistical Area. This amount is adjusted annually.

At the special meeting when newly elected members of Council take their oath of office, the Council elects a Mayor Pro Tem for a two-year term from among its members. The Mayor Pro Tem is compensated at 60% of the Area Median Income.

The 2023 annual compensation amount for Councilmembers is \$37,600.

The 2023 annual compensation amount for the Mayor Pro Tem is \$45,120.

All Councilmembers have the option to participate in the City organization's healthcare-related benefits on the same terms available to City employees.





## Becoming a Candidate - Qualifications

### Qualifications

#### **City Charter Article II. – City Council, Section 2. Qualifications of candidates and members; challenges.**

- (a) An individual shall be eligible to be a candidate for the office of Councilmember if at the time of the election he or she is a citizen of the United States; is at least twenty-one (21) years of age; has been for one (1) year immediately preceding such election an elector of the city; and, in the case of a District Councilmember, has continuously resided in the District from which he or she is to be elected since the date of accepting any nomination for election under Article VIII, Section 3, of this Charter.
- (b) No person who has been convicted of a felony shall be eligible to be a candidate for, or hold, the office of Councilmember.\*
- (c) No person shall be eligible to stand for election to more than one (1) elective office at any single municipal election. During a term of office, no member of the Council shall be an employee of the city or hold any other elective public office. No person shall be elected or appointed to any city office, position or employment for which the compensation was increased or fixed by the Council while such person was a member thereof until after expiration of one (1) year from the date when such person ceased to be a member of the Council.
- (d) Any registered elector may file with the City Clerk a written protest challenging the qualifications of any member of the Council. Any such protest shall be resolved by the City Clerk as expeditiously as possible but no more than forty-five (45) days from the date of filing of the protest, pursuant to a procedure established by the Council by ordinance. In order to resolve such protests, the City Clerk shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. No protest shall be filed prior to the date of appointment or the date of issuance of the certificate of election of a Councilmember, whichever is applicable, nor shall any such protest, other than a protest based upon the fact of a felony conviction, be filed more than fifteen (15) days after said date.
- (e) The fact that a Councilmember may be determined to have lacked any qualification for the office of Councilmember during all or any portion of his or her term of office shall not affect the validity of any action taken by the Council during such Councilmember's term of office.

*\*Editor's note—With respect to eligibility to be a candidate for, or hold, the office of Councilmember, see also Article VII, Section 10 and Article XII, Section 4 of the Colorado Constitution.*

#### **Colorado Constitution Article VII, Section 10, Disenfranchisement during imprisonment.**

No person while confined in any public prison shall be entitled to vote; but every such person who was a qualified elector prior to such imprisonment, and who is released therefrom by virtue of a pardon, or by virtue of having served out his full term of imprisonment, shall without further action, be invested with all the rights of citizenship, except as otherwise provided in this constitution.

#### **Article XII, Section 4. Disqualifications from holding office of trust or profit.**

No person hereafter convicted of embezzlement of public moneys, bribery, perjury, solicitation or bribery, or subornation of perjury, shall be eligible to the general assembly, or capable of holding any office of trust or profit in this state.



## Becoming a Candidate – Nomination Petitions

### Nomination Petitions

Each candidate for municipal office must circulate and submit a nomination petition meeting the signature requirements listed in the next section.

A nomination petition is provided online prior to the circulation period and is available in the City Clerk's Office.

### Signature Requirements

Candidates for District seats must obtain signatures from at least **25 registered electors who reside within the District**.

Candidates for Mayor must obtain signatures from at least **25 registered electors who reside anywhere inside the city limits**. Candidates must sign the *Acceptance of Nomination* at the end of the nomination petition and the petition circulator must sign the *Verified Statement of Circulator* on the nomination petition. Both statements must be notarized.

The candidate must state on the nomination petition form how the candidate's name should appear on the ballot. Names will be arranged by surname on the ballot in alphabetical order for each office. The City Charter prohibits the printing of any title or degree designating the business or profession of the candidate. The candidate's name may be a nickname but may not include any punctuation marks setting out the nickname.

Candidates are encouraged to obtain more than the required 25 signatures.

A *Financial Disclosure Statement* must be filed with the City Clerk at the same time as the filing of the *Acceptance of Nomination*. See *Financial Disclosure Statements* on page 20.

### Petition Deadlines

As provided by the Charter, City Code and state law, nomination petitions must be circulated and filed no earlier than 91 days before the election; and no later than 71 days before the election. This circulation period is August 8 through August 28 in 2023.

### Notifications

Within five days after the filing of a nomination petition, the City Clerk will notify the candidate as to the sufficiency of the petition. This notification is typically done by email or phone. Additional signatures, if needed to make the petition sufficient, cannot be accepted after 5 p.m. on Friday, September 1, 2023, 67 days before the election.

### Withdrawal from Candidacy

A person who has been nominated may withdraw from candidacy by filing a written request with the City Clerk. Forms for withdrawing from candidacy may be obtained from the City Clerk and must be filed no later than 63 days before the election, by 5 p.m. on Tuesday, September 5, 2023.

### Write-In Candidates

Write-in votes are counted only if the write-in candidate files an *Affidavit of Intent* with the City Clerk not later than 64 days before the election, which will be Tuesday, September 5, 2023, due to the Labor Day holiday. Affidavit forms are available from the City Clerk's Office.



# Candidate Checklist

## Candidate Qualifications

Verify the following qualifications are met:

- A citizen of the United States.
- At least 21 years of age.
- A resident of Fort Collins for at least one year prior to the November 7 election, and for district candidates, also a resident of that district at the time of accepting the nomination.
- Not running for any other municipal elective office.
- Meet the requirements relating to felony convictions in the Charter, as read in light of the Colorado State Constitution provisions.

## Candidate Forms and Timeline

*All forms must be turned in to the City Clerk's Office*

### CANDIDATE AFFIDAVIT

Completed Candidate Affidavit due to the City Clerk within ten (10) days of becoming a candidate.

✓ *Must be signed and notarized before submission.*

### NOMINATION PETITION PACKET

Completed Nomination Petition signed by at least 25 registered electors residing in the City of Fort Collins – and within the relevant District for District candidates.

Packet includes:

- Nomination Petition - circulated **ONLY** from August 8 to August 28, 2023.
- Verified Statement of Circulator – to be completed and signed before a Notary Public.
- Acceptance of Nomination – to be completed and signed by Candidate before a Notary Public.

✓ *Nomination Packets will be available online and at the City Clerk's Office by August 1, 2023*

✓ *Packets must be filed with the City Clerk **no later than** August 28 at 5:00 p.m.*

✓ *Registered electors may only sign one nomination petition per office.*

### FINANCIAL DISCLOSURE STATEMENT

Must be filed with Acceptance of Nomination form that is part of the nomination petition packet.

## Campaign Reporting

*All forms must be turned in to the City Clerk's Office*

### COMMITTEE REGISTRATION/TERMINATION FORM

If a candidate intends to accept contributions or make expenditures, a Committee Registration Form for their candidate committee must be submitted first.

✓ *Candidates with already established candidate committees from a previous city election are authorized to use the same committee for a subsequent City election. **A new registration form must be submitted for the committee to ensure all required information is current.***

- ✓ *Choosing a generic candidate committee name without a year can help ensure you can keep the same committee name in the next election.*

**❑ BANK ACCOUNT VERIFICATION**

All contributions received by a candidate committee must be deposited and maintained in a financial institution in a separate account pursuant to **Sec. 7-135 (h)** of City Code.

Documentation of the account, satisfactory to the City Clerk, is required with the committee registration, as outlined in **Sec. 7-134(a)(7)**.

**❑ COMMITTEE REPORTS**

All Committees must file six (6) reports on specific days associated with each election:

- ❑ 35 day before report on October 3, 2023
  - ❑ 21 day before report on October 17, 2023
  - ❑ 14 day before report on October 24, 2023
  - ❑ Friday before report by noon on November 3, 2023
  - ❑ 35 day after report on December 12, 2023
  - ❑ 70 day after report on January 16, 2024
  
  - ❑ Annual report must be filed November 1 annually starting in 2024 and thereafter as long as account is open and until a termination report is filed.
- ✓ *Reports must cover the period from the last report to two (2) days prior to the required submission date.*
  - ✓ *All reports must be submitted on forms and in the format provided by the City Clerk's Office and must be complete in all respects.*
  - ✓ *A campaign report is considered timely if a copy is filed electronically not later than midnight MT on the date due, except the report due on the Friday before the election is due by noon.*
  - ✓ *Already established candidate committees from a previous city election may use any unexpended funds as a starting balance for the new election period once the candidate registers the committee for the new election period.*
  - ✓ *The City Clerk's Office may contact the committee's registered agent or treasurer if clarification is needed about any report filed. Any report that the City Clerk deems to be incomplete or inconsistent with the requirements for reporting will be accepted on a conditional basis and will be subject to the process and penalties in **Section 7-143. Violations and penalties.***

**❑ AFFIRMATION STATEMENT FOR LIMITED LIABILITY COMPANY (LLC) CONTRIBUTIONS**

Completed by the LLC and retained by the candidate committee pursuant to **City Code Section 7-135(b)**. Provided to City Clerk upon request.

**❑ CERTIFICATION OF FAIR MARKET VALUE**

Obtained by candidate committee pursuant to **City Code Section 7-135 (k)** from each seller or contributor for any goods or services purchased or constituting a contribution or contribution in kind of the correct, undiscounted value of the goods or services. Provided to City Clerk upon request.





## Campaign Regulations

### Commencement of Campaign Activities

There is no limitation on the point in time when a candidate for office may begin campaign activities. **Be aware you become a candidate if you have publicly announced an intention to seek election. Close attention should be paid to the requirements for registering candidate committees and maintaining bank accounts (page 19), and the limitations on the placement of election signs.**

*Public announcement shall mean:*

- (1) Registration of a candidate committee; or
- (2) A statement made by the candidate signifying an interest in, or exploring the possibility of, seeking the office by means of a speech, advertisement or other communication reported or appearing in public media or in any place accessible to the public, including social media, that a reasonable person would expect to become public. (**City Code Section 7-132**)

### 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.

Because this will be conducted as a coordinated election with Larimer County, City Hall **will not** be a polling place for the election.

### Election Signs

Election signs fall within the definition of temporary signs and must meet all standards in **Land Use Code Section 3.8.7.3**. Permits are not required for placement of non-banner temporary signs on private property; however, some restrictions on size and placement apply. If the temporary sign is a banner, a permit is required. Temporary signs may only be placed upon private property behind the sidewalk and only with the consent of the property owner.

**Temporary signs, including election signs,** are not allowed on park land, 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 without a permit. The public right-of-way includes the area between the sidewalk and the street, as well as approximately two feet behind the sidewalk. Banners require a permit.

Temporary signs are addressed in the City Code (**Section 17-42**) and the Land Use Code (**Section 3.8.7.3**). A temporary sign may be immediately removed if the City Engineer determines it has been placed on public property. The City will attempt to notify the owner that the temporary sign has been removed and will be destroyed within 10 days if not picked up. Any additional temporary signs will be immediately removed and destroyed without notification.



## Campaign Regulations

The allowed size and placement of temporary signs allowed in **residential and nonresidential zones** is set out in **Land Use Code Section 3.8.7.3(C)**. The signs cannot include lighting.

The placement of election signs constitutes an announcement of candidacy and triggers the requirement to file a Candidate Affidavit.

### Identification of Written Campaign Materials

Whenever a candidate or candidate committee makes an expenditure for the purpose of financing communications expressly advocating a particular result in an election or solicits any contribution or contribution in-kind through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing or any other type of general public political advertising, **the communication must clearly state that the communication is paid for by the candidate or candidate committee.** (City Code Sec. 7-140)

Signs including the name of a candidate, whether or not they expressly call for action (such as "Vote for Candidate X"), will be deemed to advocate for the election of said candidate, unless such sign is clearly for another purpose (such as a sign advertising the sale of a house for which the candidate is the listing real estate agent).

Signs including the name of a candidate that include any words or symbols implying that a voter should not vote for the candidate will be deemed to advocate for the defeat of the identified candidate. One example of this would be a candidate's name with a red circle with a diagonal line through it, commonly known to mean "NO".

These forms of communication include, but are not limited to, websites or social media of a candidate or candidate committee that are available to the general public and which required some expenditure of funds, and advertisements placed for a fee on another person's website or social media. **The statement required must be clear and conspicuous in the communication.** The required statement does not apply to communications where including the statement would be impractical, such as:

- (1) Bumper stickers, pins, buttons, pens and similar small items upon which the disclaimer cannot be conveniently printed;
- (2) Skywriting, water towers, wearing apparel, or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable; or
- (3) Checks, receipts, and similar items of minimal value that are used for purely administrative purposes and do not contain a political message.



## Campaign Regulations

### Door-to-door Solicitation

Political solicitations are exempt from the City Code provision prohibiting door-to-door solicitations, except where 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.

City Code provisions relating to noncommercial door-to-door solicitation are found in **Chapter 15, Article IV, Division 1**.

### Littering

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 temporary signs is a misdemeanor and upon conviction punishable by a fine not to exceed \$3,000 or by imprisonment not to exceed 180 days, or both. [**City Code Sec. 1-15**]



# Campaign Reporting Requirements

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# Campaign Reporting Requirements

## General

The Fort Collins City Council has established campaign finance provisions to be applied to local elections in lieu of any state laws on the subject. The local provisions have been codified in **Chapter 7, Article V of the City Code**. Several of these provisions were amended in 2022. This section of these candidate guidelines provides an overview of several key campaign reporting provisions but is not a comprehensive listing of all of Article V relating to Campaigns. The full Article is provided as an appendix to these guidelines.

References to Sections in these requirements are to Sections of the City Code. The City Code is the authoritative source for this information and legal counsel should be sought on any questions of interpretation.

All required campaign reporting forms are provided online on the City Clerk's Office Election website at [www.fcgov.com/elections](http://www.fcgov.com/elections).

## Candidate Filings

### Candidate Affidavit

From **Section 7-133. Candidate affidavits, 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.

From **Section 7-132. Definitions.:**

*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.

Failure to file a Candidate Affidavit as required by the City Code will result in the disqualification of the individual as a candidate for the office being sought.

### Bank Accounts

From **Section 7-135:**

- (h) *Recordkeeping.*

- (1) All contributions and contributions in kind received by a candidate committee, small-scale issue committee, issue committee or political committee shall be documented and deposited and maintained in a financial institution in a separate account that complies with Subsection 7-134(a)(7). Following any election in which the committee received contributions, the committee shall maintain all records pertaining to contributions and related accounts for one (1) year following the date the final disclosure report is due under Section 7-136 or the date the committee terminates, whichever is later, 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 this Article 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 of this Article.

From **Section 7-134**:

- (a) All candidate committees, political committees and issue committees shall register with the City Clerk before accepting any contributions or contributions in kind or making any expenditures. Registration must be on a form provided by the City Clerk and must include the following, together with any other information required to complete the registration form.
  - (7) The name and address of the financial institution in which all contributions received by the committee are deposited in a separate account bearing, in the case of a candidate committee, the name of the candidate, or in the case of a political or issue committee, the name of the person authorized to act as the registered agent for the committee, and documentation of such account reasonably satisfactory to the City Clerk;

### **Financial Disclosure Statement**

Pursuant to **Section 2-636**, each candidate must file a financial disclosure statement with the City Clerk at the same time as filing an acceptance of nomination. The purpose of the statement is to disclose information concerning source of income, financial and property interests, offices and directorships, creditors, and business associations.

Failure to file a financial disclosure statement as required by the City Code will result in the disqualification of the individual as a candidate for the office being sought. [City Code Sec. 7-133(c)]

## **Committees**

### **Candidate Committees**

From **Section 7-132**:

*Candidate committee* shall mean a person, including the candidate, or persons with the common purpose of receiving contributions or 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.

### **Committee Registration**

All candidate committees are required to register with the City Clerk **before** accepting contributions or making expenditures.

From **Section 7-134**:

- (a) All candidate committees, political committees and issue committees shall register with the City Clerk before accepting any contributions or contributions in kind or making any expenditures. Registration must be on a form provided by the City Clerk and must include the following, together with any other information required to complete the registration form.
  - (1) The committee's full name, spelling out any acronyms used therein;

- (2) The name of a natural person authorized to act as a registered agent for the committee;
  - (3) A current street address, mailing address (if different from the street address), telephone number and email address for the principal place of business of the committee;
  - (4) A current mailing address, telephone number and email address for the registered agent;
  - (5) The purpose or nature of interest of the committee;
  - (6) The date of the election regarding which the committee intends to be active;
  - (7) The name and address of the financial institution in which all contributions received by the committee are deposited in a separate account bearing, in the case of a candidate committee, the name of the candidate, or in the case of a political or issue committee, the name of the person authorized to act as the registered agent for the committee, and documentation of such account reasonably satisfactory to the City Clerk; and
  - (8) An acknowledgement and certification signed by the registered agent and, for any candidate committee, the candidate.
- (b) A registered committee must promptly provide updated address, telephone and email information to the City Clerk upon the change of such information for the committee or the registered agent of the committee, or any change in financial institution or account.

## **Contributions**

From **Section 7-132**:

*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;
- (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, mailing lists and other similar items of value, the amount equal to the value in excess of the amount of such compensation or consideration as reasonably determined by the candidate committee, issue committee or political committee based on market prices or other similar information.

*Contribution* shall not include:

- (1) Services provided without compensation by a natural person volunteering their personal time on behalf of a candidate, candidate committee, political committee, issue committee or small-scale issue committee;
- (2) Mailing lists that were not developed primarily for sale, have never been sold or offered for sale, were not produced by an employee or contractor (other than an employee of the recipient), and do not incorporate mailing lists that themselves would constitute a *contribution*;
- (3) Funds collected subsequent to the election to pay the cost of a requested recount pursuant to Section 7-46.

*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, small-scale 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.

## Contribution Limits

Contributions are subject to the following limits:

- \$100 total for Mayoral candidates
- \$75 total to District Councilmember candidates (**Sec.7-135(a)**)

From **Section 7-135:**

(a) *Limits.*

- (1) 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. 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:
  - a. Contributions or contributions in kind made by a candidate to his or her own candidate committee;
  - b. Independent expenditures;
  - c. 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
  - d. Contributions made to a candidate committee by another candidate committee established by the same individual as a candidate for the office of Mayor or Councilmember.
- (2) No person may make contributions and/or contributions in kind totaling more than one hundred dollars (\$100.) to a political committee.
- (3) 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.

A candidate committee which receives a contribution in excess of the limits set forth above must remit the excess to the contributor no later than 10 business days after receiving the contribution. (**Sec. 7-135(d)**)



## **Joint Contributions**

From **Section 7-135:**

- (c) *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 shall knowingly accept a contribution made in violation of this Subsection (c).

## **Limited Liability Company Contributions**

From **Section 7-135:**

- (b) *Limited Liability Company Contributions.* A limited liability company ("LLC") may make contributions or contributions in kind to candidate committees or political committees subject to the following requirements and all other applicable limits of this Section:
- (1) Any contribution from an LLC shall count against contribution limits for both the LLC itself and the individual members of the LLC as apportioned according. The amount a person contributes as an individual member of the LLC shall count towards the aggregate contribution limit for that person in Subsection (a) herein.
  - (2) The LLC shall provide the candidate committee or political committee with a written statement affirming the permissibility of the contribution on a form provided by the City Clerk. The affirmation shall include:
    - a. The name and address of the LLC and each LLC member;
    - b. Information on how the contribution is attributed among the LLC members, which attribution must reflect the capital each member has invested in the LLC relative to the total amount of capital invested in the company, or the percentage of ownership each member has in the LLC as of the date of the contribution.
  - (3) No candidate committee or political committee shall accept a contribution from an LLC unless the LLC provides the written affirmation in compliance with this Section before the contribution is deposited by the committee.
  - (4) The candidate committee or political committee receiving the contribution shall:
    - a. List both the individual LLC members' names and the name of the LLC as contributors on disclosure reports; and
    - b. Retain the affirmation statements for one (1) year after the date of the election; provider however, in the event a complaint is filed against the committee, the committee must maintain the affirmations until the final disposition of the complaint.
  - (5) As used in this Subsection (b), "limited liability company" shall have the same meaning as "domestic limited liability company" as defined in Section 7-90-102(15), C.R.S., or "foreign limited liability company" as defined in Section 7-90-102(24), C.R.S., as amended.

## **Prohibited Contributors**

From **Section 7-135:**

- (e) No candidate committee, issue committee, small-scale issue committee or political committee shall knowingly accept contributions or contributions in kind 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., or who is prohibited from contributing pursuant to the Charter of the City of Fort Collins or this Article.

- (f) No issue committee, small-scale issue committee or political committee shall make a contribution or contribution in kind to any other committee or to any candidate.
- (g) *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.

### **City Charter Article VIII, Section 8. – Campaign Contributions:**

No political party or city employee, directly or indirectly, and no public service corporation, nor any other person, firm or corporation, owning, interested in, or intending to apply for any franchise or contract with the city shall contribute or expend any money or other valuable thing, directly or indirectly, to assist in the election or defeat of any candidate.

### **Unexpended Campaign Contributions**

From **Section 7-138:**

- (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 in a City election, or to a candidate committee established after January 1, 2021, for a non-City election, to the extent permitted by applicable law. For a City election, such contributions are subject to the limitations set forth in Paragraph 7-135(g)(2);
  - (3) Donated to a charitable organization recognized by the Internal Revenue Service;
  - (4) Returned to the contributors;
  - (5) Used to pay for the cost of a recount requested by the candidate pursuant to § 7-46.

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 campaign contributions to an issue committee or political committee may be donated to any charitable organization recognized by the Internal Revenue Service, returned to the contributor, or used to pay for the cost of a recount requested by the committee's registered agent pursuant to § 7-46.
- (e) Any unexpended campaign contributions held by a candidate committee subsequent to the date of the election shall, upon the registration of a candidate committee for a City office in a subsequent election, be available for that candidate committee as a beginning fund balance to use in that election. Such carryover funds will not count against any contribution limit attributable to any past contributor in a prior election campaign. Absent the candidate registering a candidate committee for a City office in a subsequent election, the unexpended campaign contributions may be used as otherwise set forth in this Section.

## **Expenditures**

From **Section 7-135:**

- (h) *Recordkeeping.*
  - (2) Following any election in which the committee made any expenditure, the committee shall document all expenditures and shall maintain all records pertaining to said expenditures, including but not limited to invoices, receipts, instruments of payment, and copies of any public communications produced as a result of the expenditure, for one (1) year following the date the final disclosure report is due under Section 7-136 or the date the committee terminates, whichever is later, 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 this Article 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. 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 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 this Article.
- (i) *Reimbursements prohibited.* No person shall make a contribution or contribution in kind to a candidate committee, issue committee, small-scale 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 or contribution in kind made to any candidate committee, issue committee, small-scale issue committee or political committee, nor shall any person make such reimbursement. An unexpended campaign contribution returned to a contributor or compensation for a contribution in kind by a committee pursuant to § 7-135(c) shall not be considered a reimbursement.
- (j) A candidate committee, issue committee, small-scale issue committee or political committee shall not coordinate its expenditures or activities with, or share information with, any other committee and shall not conduct its campaign activities in a manner that has the effect of circumventing any restrictions or limitations on campaign contributions, expenditures or reporting set forth in this Article.

- (k) A candidate, candidate committee or political committee shall obtain from each seller a certification of full fair market value for any purchased goods or services and from the contributor for any goods or services that constitute a contribution or contribution in kind. Any seller or contributor asked to provide a certification of value shall provide to the candidate, candidate committee or political committee a correct and undiscounted statement of value. Certification of value documentation shall be provided by a candidate, candidate committee or political committee to the City Clerk, or other appropriate City official responsible for investigating or reviewing compliance, upon request.

### **Expenditures for Political Advertising**

From **Section 7-141**:

- (a) No committee shall pay to any radio or television station, newspaper, periodical, internet advertiser or website provider, social media provider 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, internet advertiser or website provider, social media provider or periodical that charges a committee a lower rate for use of space, materials or services than the rate such station, newspaper, internet advertiser or website provider, social media provider or 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 to the committee that is charged such lower rate. A person who receives a discounted rate as described herein shall be deemed to have received a contribution and to meet the definition of political committee, issue committee or small-scale issue committee, as applicable, and must comply with the related requirements.
- (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.

### **Campaign Reports**

From **Sec. 7-136**:

- (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 a contribution or a contribution in kind; expenditures made; and obligations entered into by the committee.

**ALL contributions and expenditures, regardless of amount, must be reported.**

*Expenditure* shall mean the payment, distribution, loan or advance of any money by any candidate committee, political committee, issue committee or small-scale 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, issue committee or small-scale 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. (**Sec. 7-132**)

Reports are due on:

- the 35th day before the election
- the 21st day before the election
- the 14th day before the election
- by noon on the Friday before the election
- the 35th day after the election
- the 70th day after the election, and
- annually on November 1 until such time as a termination report is filed.

If the reporting day falls on a weekend or legal holiday, the report must be filed by the close of the next business day. (Sec. 7-136(c))

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

## Reports are Public Record

From **Section 7-137**:

- (a) Upon receipt of any campaign report submitted pursuant to this Article, the City Clerk shall make available such report for public inspection and post the report on the City's website no later than the next business day.
- (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.

## Violations

### Complaints, Campaign Violations and Penalties

From **Section 7-145**:

- (a) Any candidate or registered elector of the City ("complainant") who has reason to believe a violation of Chapter 7, Article V, of this Code, has occurred by any person, candidate, candidate committee, issue committee, small-scale issue committee or political committee may file a written complaint with the City Clerk, no later than sixty (60) days after the alleged violation has occurred.
- (b) The complaint must contain:
  - (1) The name of the alleged violator;
  - (2) The Code provision allegedly violated;
  - (3) A brief statement or description of the offense allegedly committed and the basis for the allegation;
  - (4) Identification of any relevant documents or other evidence;
  - (5) Identification of any witnesses or persons with relevant knowledge; and
  - (6) The name, address and telephone number of the complainant.

From **Section 7-143. Violations and penalties:**

- (d) Each complaint received under Division 2 of this Article shall be posted on the City's website along with other campaign information. Records of communications between the City Clerk and the complainant and between the City Clerk and the subject of any complaint shall be a public record.

***Allegations of civil infraction(s)***

From **Section 7-145:**

- (d) For complaints that do not allege a criminal violation, the complaints shall be subject to a civil infraction process as provided herein:
  - (1) The City Clerk will forward the complaint to the respondent by electronic mail, notifying the respondent that the alleged violation may be subject to a civil infraction.
  - (2) The City Clerk will forward the complaint to the City Attorney, who shall review the complaint to determine whether the complaint:
    - a. Was timely filed under § 7-145(a);
    - b. Contains the information required by § 7-145(b); and
    - c. Alleges sufficient facts to support a factual and legal basis for the violations alleged.
  - (3) If the City Attorney determines that the complaint fails to satisfy any of the three (3) elements in the immediately preceding Subsection (2), the City Attorney shall so notify the City Clerk who will, in turn, notify the complainant and respondent in writing.
  - (4) If the City Attorney determines that the complaint satisfies the three (3) elements in the immediately preceding Subsection (2), the City Attorney shall notify the City Clerk who will, in turn, notify the respondent in writing of the presumptive penalty in accordance with § **7-143(a)** and that the respondent shall have seven (7) days from the date of the notice to submit written evidence of its cure or diligent efforts to cure the violation, including any amendments to any applicable report containing one or more deficiencies, modified campaign materials or other proof that the violation has been corrected. The respondent's written response shall be due to the City Clerk no later than 5:00 p.m. on the tenth (10<sup>th</sup>) day. In the event the tenth (10<sup>th</sup>) day is a City holiday, the response shall be due no later than 5:00 p.m. the next business day.
  - (5) On receipt of the respondent's written response, the City Attorney may, through the City Clerk, ask the respondent to provide more information and may grant the respondent an extension of time of up to seven (7) additional days to file an amended response regarding cure in order to respond to any such request.
  - (6) After the period for cure has expired, the City Attorney shall determine whether the respondent has cured any violation alleged in the complaint and, if so, whether respondent has substantially complied with its legal obligations under Chapter 7, Article 5, of this Code. In determining whether the respondent has substantially complied with its legal obligations, the City Attorney shall consider:
    - a. The extent of the respondent's noncompliance;
    - b. The purpose of the provision violated and whether that purpose was substantially achieved despite the noncompliance; and
    - c. Whether the noncompliance may properly be viewed as a knowing attempt to mislead the electorate or election officials.

If the City Attorney determines the respondent has cured any violation or otherwise substantially complied with its legal obligations under Chapter 7, Article 5, the City Attorney shall so notify the City Clerk who, in

turn, shall notify the complainant and the respondent and no penalty shall apply for the corresponding alleged violation or violations, as applicable.

- (7) If the City Attorney determines the respondent has not cured the alleged violation or otherwise substantially complied with its legal obligations, the City Attorney may conduct additional review or investigation of the allegations of the complaint to determine whether to file a complaint with the Municipal Court.
- (8) If the City Attorney files a complaint with the Municipal Court, the matter shall be governed by Article V of Chapter 19 of this Code.
- (9) A complainant or any other nonrespondent shall not be a party to the City Attorney's initial review, cure proceedings, investigation, or any proceeding in the Municipal Court. A complainant may request permission from the Municipal Judge or their designee to file an amicus curiae brief.
- (10) Any person that commits a violation of this Article shall be personally liable for the penalties imposed. Any candidate shall be personally liable for penalties imposed upon the candidate or the candidate's committee and may use campaign contributions to pay penalties.

### ***Allegations of criminal violation(s)***

From **Section 7-145**:

- (c) For complaints that allege a criminal violation as set forth in § 7-143(b), the City Clerk will forward the complaint to the respondent and to the City Attorney, who will evaluate the complaint for probable cause as provided for in this Division 2.

From **Section 7-143**:

- (b) Any person who undertakes any of the following commits a misdemeanor and is subject to a fine or imprisonment in accordance with § 1-15:
  - (1) Knowingly violates § 7-135(e), (i), (j), or (k), with the intent to circumvent the restrictions of § 7-135.
  - (2) Knowingly violates § 7-136 with the intent to fraudulently misrepresent campaign contributions or expenditures on a disclosure report;
  - (3) Knowingly violates § 7-142; or
  - (4) Is found liable for a violation after the person has been found liable for two (2) or more violations under this Article in a single election cycle.

The above criminal violations, if found guilty, are misdemeanors and subject to a fine or imprisonment in accordance with **Section 1-15** of the City Code.

From **Section 7-146**:

- (a) For those complaints that concern a criminal violation pursuant to § 7-143(b), if the City Attorney determines that no probable cause exists, that the complaint fails to allege an enforceable violation, or that the requirements of § 7-145 were not met by the complainant, the City Attorney shall so notify the City Clerk, who will, in turn, notify the complainant and respondent in writing.
- (b) If the City Attorney determines probable cause exists, the City Attorney may notify Fort Collins Police Services, who, in consultation with the City Attorney, may file and serve a summons and complaint to the respondent.

- (c) The City Attorney retains prosecutorial discretion on whether to ultimately file criminal charges. If the City Attorney determines filing a summons and complaint is inappropriate, he or she shall so notify the City Clerk, who will, in turn, notify the complainant and respondent in writing.

**Conflicts of Interest**

From **Section 7-147**:

Notwithstanding the above, nothing in this Article shall be read to preclude the City Attorney from declaring a conflict of interest, and taking appropriate action in accordance with this Code and general practices of the City, including, but not limited to, hiring special counsel, if deemed necessary and advisable under the circumstances.

**Complaint Not Required for City Action**

From **Section 7-148**:

Nothing in this Article shall preclude the City from pursuing an action, civil or criminal, against any person, candidate, candidate committee, issue committee, small-scale issue committee or political committee for any violation of this Chapter, regardless of whether a complaint had been filed pursuant to this Article.



# APPENDIX

## ARTICLE V. CAMPAIGNS<sup>1</sup>

### 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 or 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;
- (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, mailing

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<sup>1</sup>Charter reference(s)—City Council, Art. II; campaign contributions, Art. VIII, § 7.

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lists and other similar items of value, the amount equal to the value in excess of the amount of such compensation or consideration as reasonably determined by the candidate committee, issue committee or political committee based on market prices or other similar information.

*Contribution* shall not include:

- (1) Services provided without compensation by a natural person volunteering their personal time on behalf of a candidate, candidate committee, political committee, issue committee or small-scale issue committee;
- (2) Mailing lists that were not developed primarily for sale, have never been sold or offered for sale, were not produced by an employee or contractor (other than an employee of the recipient), and do not incorporate mailing lists that themselves would constitute a *contribution*;
- (3) Funds collected subsequent to the election to pay the cost of a requested recount pursuant to Section 7-46.

*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, small-scale 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.

*Expenditure* shall mean the payment, distribution, loan or advance of any money by any candidate committee, political committee, issue committee or small-scale 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, issue committee or small-scale 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. *Independent expenditure* shall also include the payment of money by any person for supporting or opposing a ballot issue or ballot question that is not controlled by, or coordinated with, an issue committee or a small-scale issue committee. *Independent expenditure* shall include, but not be limited to, advertisements placed for a fee on another person's website or advertisement space provided for no fee or a reduced fee where a fee ordinarily would have been charged.

*Independent expenditure* shall not include:

- (1) Expenditures made by persons in the regular course and scope of their business and political messages sent solely to their members;
- (2) Expenditures made by small-scale issue committees; or
- (3) Any news articles, editorial endorsements, opinion or commentary writings, or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by the candidate, or communications other than advertisements posted or published on the internet for no fee.

*Issue committee* shall mean:

- (1) Two (2) or more persons who are elected, appointed or chosen, or have associated themselves, and that take steps in furtherance of an intent to accept contributions or contributions in kind, or make expenditures, to support or oppose any ballot issue or ballot question; or

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- (2) Any person that takes steps in furtherance of an intent to accept contributions or contributions in kind for the purpose of supporting or opposing any ballot issue or ballot question; or
  - (3) Any person or associated persons upon making independent expenditures of two thousand five hundred dollars (\$2,500) or more for the purpose of supporting or opposing any ballot issue or ballot question.

*Issue committee* shall not include small-scale issue 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:

- (1) Two (2) or more persons who are elected, appointed or chosen, or have associated themselves, and that take steps in furtherance of an intent to accept contributions, or contributions in kind, or make expenditures to support or oppose one (1) or more candidates; or
- (2) Any person that takes steps in furtherance of an intent to accept contributions or contributions in kind for the purpose of supporting or opposing one (1) or more candidates; or
- (3) Any person or associated persons upon making independent expenditures of two thousand five hundred dollars (\$2,500) or more for the purpose of supporting or opposing one (1) or more candidates.

*Political committee* shall not include candidate committees as otherwise defined in this Section.

*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.

*Public announcement* shall mean:

- (1) Registration of a candidate committee; or
- (2) A statement made by the candidate signifying an interest in, or exploring the possibility of, seeking the office by means of a speech, advertisement or other communication reported or appearing in public media or in any place accessible to the public, including social media, that a reasonable person would expect to become public.

*Registered agent* shall mean a natural person designated by or representing a committee and responsible to receive mailings, respond to inquiries regarding the committee, to receive complaints related to the committee, and timely filing campaign finance reports and other filings required pursuant to this Chapter.

*Small-scale issue committee* means a committee otherwise meeting the definition of *issue committee* that has accepted contributions, contributions in kind or expenditures in an amount that does not exceed two thousand five hundred dollars (\$2,500.) 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 a single small-scale issue committee:

- a. A small-scale issue committee that supports or opposes a common ballot measure if the committee is established, financed, or controlled by a single corporation or its subsidiaries;
- b. A small-scale issue committee that supports or opposes a common ballot measure if the committee is established, financed, maintained, or controlled by a single labor organization or the affiliated local units it directs; and

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- c. A small-scale issue committee that supports or opposes a common ballot measure if the committee is established, financed, maintained, or controlled by substantially the same person, group of persons, or other organizations.

*Social media* shall mean any electronic medium, including an interactive computer service, application, or data network, that allows users to create, share, and view user-generated content, including but not limited to videos, still photographs, blogs, video blogs, podcasts, instant messages, electronic mail, or internet website profiles.

*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 Subsection 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, political committee or small-scale issue 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; Ord. No. 021, 2016, § 9, 3-1-16 ; Ord. No. 005, 2017 , § 5, 1-17-17; Ord. No. 045, 2018 , §§ 3, 4, 4-3-18; Ord. No. 077, 2018 , §§ 5, 6, 6-19-18; Ord. No. 113, 2018 , § 2, 9-4-18; Ord. No. 079, 2022 , § 2, 7-5-22)

### **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 at the same time as filing an 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.
- (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; Ord. No. 045, 2018 , § 5, 4-3-18)

### **Sec. 7-134. Registration of committees; termination.**

- (a) All candidate committees, political committees and issue committees shall register with the City Clerk before accepting any contributions or contributions in kind or making any expenditures. Registration must be on a form provided by the City Clerk and must include the following, together with any other information required to complete the registration form.
  - (1) The committee's full name, spelling out any acronyms used therein;
  - (2) The name of a natural person authorized to act as a registered agent for the committee;
  - (3) A current street address, mailing address (if different from the street address), telephone number and email address for the principal place of business of the committee;
  - (4) A current mailing address, telephone number and email address for the registered agent;

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- (5) The purpose or nature of interest of the committee;
  - (6) The date of the election regarding which the committee intends to be active;
  - (7) The name and address of the financial institution in which all contributions received by the committee are deposited in a separate account bearing, in the case of a candidate committee, the name of the candidate, or in the case of a political or issue committee, the name of the person authorized to act as the registered agent for the committee, and documentation of such account reasonably satisfactory to the City Clerk; and
  - (8) An acknowledgement and certification signed by the registered agent and, for any candidate committee, the candidate.
- (b) A registered committee must promptly provide updated address, telephone and email information to the City Clerk upon the change of such information for the committee or the registered agent of the committee, or any change in financial institution or account.
  - (c) Any candidate committee, political committee, issue committee or registered small-scale issue committee that has registered with the City Clerk, but has not engaged in any election activities or reported any contributions accepted or expenditures made, may terminate at any time by filing an amended committee registration indicating the nature of the amendment is termination of the committee and verifying that no contributions have been received or expenditures made since registration occurred pursuant to § 7-134. Alternatively, the committee shall file a campaign report indicating no contributions have been received or expenditures made, and indicating it is a termination report.
  - (d) Any political committee, issue committee or registered small-scale issue committee that has not taken the necessary steps to terminate pursuant to Subsection (c) above must have properly disposed of all funds and must file a termination report no later than seventy (70) days after the election.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 3, 11-6-01; Ord. No. 045, 2018, § 6, 4-3-18; Ord. No. 077, 2018, § 7, 6-19-18; Ord. No. 113, 2018, § 3, 9-4-18; Ord. No. 121, 2020, 10-20-20; Ord. No. 079, 2022, § 3, 7-5-22)

### **Sec. 7-135. Campaign contributions/expenditures.**

- (a) *Limits.*
  - (1) 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. 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:
    - a. Contributions or contributions in kind made by a candidate to his or her own candidate committee;
    - b. Independent expenditures;
    - c. 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
    - d. Contributions made to a candidate committee by another candidate committee established by the same individual as a candidate for the office of Mayor or Councilmember.

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- (2) No person may make contributions and/or contributions in kind totaling more than one hundred dollars (\$100.) to a political committee.
  - (3) 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.
- (b) *Limited Liability Company Contributions.* A limited liability company ("LLC") may make contributions or contributions in kind to candidate committees or political committees subject to the following requirements and all other applicable limits of this Section:
- (1) Any contribution from an LLC shall count against contribution limits for both the LLC itself and the individual members of the LLC as apportioned according. The amount a person contributes as an individual member of the LLC shall count towards the aggregate contribution limit for that person in Subsection (a) herein.
  - (2) The LLC shall provide the candidate committee or political committee with a written statement affirming the permissibility of the contribution on a form provided by the City Clerk. The affirmation shall include:
    - a. The name and address of the LLC and each LLC member;
    - b. Information on how the contribution is attributed among the LLC members, which attribution must reflect the capital each member has invested in the LLC relative to the total amount of capital invested in the company, or the percentage of ownership each member has in the LLC as of the date of the contribution.
  - (3) No candidate committee or political committee shall accept a contribution from an LLC unless the LLC provides the written affirmation in compliance with this Section before the contribution is deposited by the committee.
  - (4) The candidate committee or political committee receiving the contribution shall:
    - a. List both the individual LLC members' names and the name of the LLC as contributors on disclosure reports; and
    - b. Retain the affirmation statements for one (1) year after the date of the election; provider however, in the event a complaint is filed against the committee, the committee must maintain the affirmations until the final disposition of the complaint.
  - (5) As used in this Subsection (b), "limited liability company" shall have the same meaning as "domestic limited liability company" as defined in Section 7-90-102(15), C.R.S., or "foreign limited liability company" as defined in Section 7-90-102(24), C.R.S., as amended.
- (c) *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 shall knowingly accept a contribution made in violation of this Subsection (c).
- (d) *Contributions in excess of limits.* No later than ten (10) business days after receiving a contribution or contribution in kind in excess of the limits set forth in this Section, the committee that received the contribution shall remit the excess to the contributor or pay to the contributor the value of the contribution in kind.

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- (e) No candidate committee, issue committee, small-scale issue committee or political committee shall knowingly accept contributions or contributions in kind 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., or who is prohibited from contributing pursuant to the Charter of the City of Fort Collins or this Article.
  - (f) No issue committee, small-scale issue committee or political committee shall make a contribution or contribution in kind to any other committee or to any candidate.
  - (g) *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.
  - (h) *Recordkeeping.*
    - (1) All contributions and contributions in kind received by a candidate committee, small-scale issue committee, issue committee or political committee shall be documented and deposited and maintained in a financial institution in a separate account that complies with Subsection 7-134(a)(7). Following any election in which the committee received contributions, the committee shall maintain all records pertaining to contributions and related accounts for one (1) year following the date the final disclosure report is due under Section 7-136 or the date the committee terminates, whichever is later, 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 this Article 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 of this Article.
    - (2) Following any election in which the committee made any expenditure, the committee shall document all expenditures and shall maintain all records pertaining to said expenditures, including but not limited to invoices, receipts, instruments of payment, and copies of any public communications produced as a result of the expenditure, for one (1) year following the date the final disclosure report is due under Section 7-136 or the date the committee terminates, whichever is later, 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 this Article 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. 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 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 this Article.
  - (i) *Reimbursements prohibited.* No person shall make a contribution or contribution in kind to a candidate committee, issue committee, small-scale 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 or contribution in kind made to any candidate committee, issue committee, small-scale issue committee or political committee, nor shall any person make such reimbursement. An unexpended campaign contribution returned to a contributor or compensation for a contribution in kind by a committee pursuant to § 7-135(c) shall not be considered a reimbursement.



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- (j) A candidate committee, issue committee, small-scale issue committee or political committee shall not coordinate its expenditures or activities with, or share information with, any other committee and shall not conduct its campaign activities in a manner that has the effect of circumventing any restrictions or limitations on campaign contributions, expenditures or reporting set forth in this Article.
  - (k) A candidate, candidate committee or political committee shall obtain from each seller a certification of full fair market value for any purchased goods or services and from the contributor for any goods or services that constitute a contribution or contribution in kind. Any seller or contributor asked to provide a certification of value shall provide to the candidate, candidate committee or political committee a correct and undiscounted statement of value. Certification of value documentation shall be provided by a candidate, candidate committee or political committee to the City Clerk, or other appropriate City official responsible for investigating or reviewing compliance, upon request.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 189, 2000, § 1, 1-2-01; Ord. No. 148, 2001, § 4, 11-6-01; Ord. No. 005, 2017, § 6, 1-17-17; Ord. No. 077, 2018, § 8, 6-19-18; Ord. No. 113, 2018, §§ 4, 5, 9-4-18; Ord. No. 109, 2020, § 3, 9-15-20; Ord. No. 112, 2020, §§ 2, 3, 9-15-20; Ord. No. 079, 2022, § 4, 7-5-22)

### **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 a contribution or a contribution in kind; expenditures made; and obligations entered into by the committee.
- (b) For purposes of complying with the requirements of this Section, an issue committee, political committee or small-scale issue committee consisting of an organization whose primary purpose is not to support or oppose ballot issues or candidates shall report only those contributions and contributions in kind accepted, expenditures made and obligations entered into for the purpose of supporting or opposing a ballot issue or ballot question or candidate. Such committee shall not be required to report donations, membership dues or any other payments received and for non-election purposes except to the extent such amounts are used or set aside to be used for the purpose of supporting or opposing a ballot issue or ballot question or candidate.
- (c) Reports shall be filed with the City Clerk as follows:
  - (1) All committees must file reports on the following dates:
    - a. the thirty-fifth (35<sup>th</sup>) day before the election;
    - b. the twenty-first (21<sup>st</sup>) day before the election;
    - c. the fourteenth (14<sup>th</sup>) day before the election;
    - d. no later than noon on the Friday before the election;
    - e. the thirty-fifth (35<sup>th</sup>) day after the election; and
    - f. the seventieth (70<sup>th</sup>) day after the election.
  - (2) Candidate committees that continue in operation must file a report 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.
  - (3) 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 and contributions in kind received, and the total of expenditures made during the reporting period. The reports shall also include cumulative totals of contributions and

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contributions in kind received and a cumulative total of expenditures made by the committee during the election cycle.

- (e) All reports shall be submitted on forms provided by the City Clerk and shall be complete and correct 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 Section is timely if the report is filed electronically not later than midnight Mountain Standard Time on the date due. Notwithstanding the foregoing, the report that is due by noon on the Friday before the election must be filed by noon regardless of the manner of filing.
- (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 shall be subject to the penalties and process in § 7-143.
- (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.
- (i) Except as specified in this Subparagraph (i), the disclosure requirements specified in this Section shall not apply to a small-scale issue committee. To the extent there is any conflict between the small-scale issue committee provisions of Subparagraphs (i), (j), (k), and (l) of this Section 7-136, those Subparagraphs shall control. Any small-scale issue committee shall disclose or file reports about the contributions, contributions in kind 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:
  - (1) Any small-scale issue committee that accepts contributions or contributions in kind or makes expenditures in an aggregate amount during any applicable election cycle that does not exceed two hundred fifty dollars (\$250.) is not required to disclose or file reports about the contributions, contributions in kind or expenditures it has made or received or otherwise register as an issue committee in connection with accepting such contributions or contributions in kind or making such expenditures.
  - (2) Any small-scale issue committee that accepts contributions or contributions in kind or makes expenditures in an aggregate amount during any applicable election cycle of between two hundred fifty dollars (\$250.) and two thousand five hundred dollars (\$2,500.) shall 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 fifty dollars (\$250.). The registration required by this subparagraph must be on a form provided by the City Clerk and must include the following, together with any other information required to complete the registration form:
    - 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 current street address, mailing address (if different from the street address), telephone number and email address for the principal place of business of the committee;
    - d. A current mailing address, telephone number and email address for the registered agent;
    - e. The purpose or nature of interest of the committee;
    - f. The date of the election regarding which the committee intends to be active;

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- g. The name and address of the financial institution in which all contributions received by the committee are deposited in a separate account bearing the name of the committee, and documentation of such account reasonably satisfactory to the City Clerk; and
  - h. An acknowledgement and certification signed by the registered agent and, from any candidate committee, the candidate.
- (3) A registered small-scale issue committee must promptly provide updated address, telephone and email information to the City Clerk upon the change of such information for the committee or the registered agent of the committee, or any change in financial institution or account.
- (j) Except as required by Subsection 7-135(f)(2), no small-scale issue committee described in subsection (i)(2) is required under this Article to disclose or report any contributions, contributions in kind or expenditures it has made or received, so long as it continues to meet the definition of small-scale issue committee.
- (k) Within seven (7) days of the date on which a small-scale issue committee accepts contributions or contributions in kind or makes expenditures in an aggregate amount during any applicable election cycle that exceeds two thousand five hundred dollars (\$2,500.), 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, contribution in kind or expenditure accepted or made, the name and address of each person who has made such contribution or contribution in kind and the amount of each specific contribution, contribution in kind and expenditure accepted or made by the committee.
- (l) Once any issue committee that began as a small-scale issue committee accepts contributions or contributions in kind or makes expenditures in an aggregate amount during any applicable election cycle that exceeds two thousand five hundred dollars (\$2,500.), the committee shall from that point forward make disclosure of any contributions, contributions in kind or expenditures it accepts or makes not already reported under Subparagraph (k) and comply with all requirements under this Article applicable to issue committees.
- (m) Any political committee or issue committee formed prior to July 1, 2017, will be deemed to have been formed for an election held prior to said date, and shall be deemed terminated and shall cease to operate as a committee as of April 13, 2018, except that any such terminated committee and persons responsible for the operation of such committee shall continue to be subject to the limitations on disbursement of funds set forth in § 7-138.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 189, 2000, § 2, 1-2-01; Ord. No. 148, 2001, § 5, 11-6-01; Ord. No. 173, 2014, § 7, 12-16-14 ; Ord. No. 021, 2016, § 10, 3-1-16 ; Ord. No. 005, 2017 , § 8, 1-17-17; Ord. No. 045, 2018 , § 7—11, 4-3-18; Ord. No. 077, 2018 , § 9, 6-19-18; Ord. No. 113, 2018 , § 6, 9-4-18; Ord. No. 109, 2020 , § 4, 9-15-20; Ord. No. 079, 2022 , § 5, 7-5-22)

### **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 and post the report on the City's website no later than the next business day.
- (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; Ord. No. 021, 2016, § 11, 3-1-16 )

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### **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 in a City election, or to a candidate committee established after January 1, 2021, for a non-City election, to the extent permitted by applicable law. For a City election, such contributions are subject to the limitations set forth in Paragraph 7-135(g)(2);
  - (3) Donated to a charitable organization recognized by the Internal Revenue Service;
  - (4) Returned to the contributors;
  - (5) Used to pay for the cost of a recount requested by the candidate pursuant to § 7-46.

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 campaign contributions to an issue committee or political committee may be donated to any charitable organization recognized by the Internal Revenue Service, returned to the contributor, or used to pay for the cost of a recount requested by the committee's registered agent pursuant to § 7-46.
- (e) Any unexpended campaign contributions held by a candidate committee subsequent to the date of the election shall, upon the registration of a candidate committee for a City office in a subsequent election, be available for that candidate committee as a beginning fund balance to use in that election. Such carryover funds will not count against any contribution limit attributable to any past contributor in a prior election campaign. Absent the candidate registering a candidate committee for a City office in a subsequent election, the unexpended campaign contributions may be used as otherwise set forth in this Section.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 7, 11-6-01; Ord. No. 021, 2016, § 12, 3-1-16 ; Ord. No. 109, 2020 , § 5, 9-15-20)

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### **Sec. 7-139. Independent expenditures.**

- (a) Any person, excluding a committee required to register under this Article, who makes independent expenditures in connection with any particular ballot totaling in the aggregate more than two hundred fifty dollars (\$250.) shall report any such independent expenditures made after that threshold is met to the City Clerk on a form provided by the City Clerk no later than three (3) business days after the day that funds are obligated to pay for said independent expenditure. Said notice shall include the following information, together with any other information required by the City Clerk:
  - (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;
  - (6) The date the funds were obligated; and
  - (7) Copies of receipts, invoices, or other documentation related to the independent expenditure.
- (b) 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.
- (c) All independent expenditures shall be documented and all records pertaining to independent expenditures, including but not limited to invoices, receipts, instruments of payment, and copies of any public communications produced as a result of the expenditure, shall be maintained for one (1) year following any election in which the funds were expended 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 this Article 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 made available within three (3) business days upon request of the City and subject to inspection in connection with any hearing held pursuant to this Article.
- (d) Any person or persons, excluding a committee otherwise required to register under this Article, who makes or make independent expenditures in connection with any particular City election (including either candidate races or ballot questions or issues) totaling in the aggregate two thousand five hundred dollars (\$2,500) or more, shall register as an issue committee or political committee, as applicable, within three (3) business days of having made expenditures in excess of such threshold. The initial report of any such committee shall provide the dates of any reports of independent expenditures previously made and the source of funds for said previously reported expenditures.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 8, 11-6-01; Ord. No. 005, 2017, § 7, 1-17-17; Ord. No. 077, 2018, § 10, 6-19-18; Ord. No. 113, 2018, § 7, 9-4-18; Ord. No. 079, 2022, § 6, 7-5-22)

### **Sec. 7-140. Responsibility for communications.**

- (a) Required Statements.
  - (1) Whenever a candidate, candidate committee, issue committee, political committee or registered small-scale issue committee makes an expenditure for the purpose of financing communications expressly

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- advocating a particular result in an election, or solicits any contribution or contribution in-kind through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing or any other type of general public political advertising, such communication if paid for or authorized by a candidate, candidate committee, issue committee, political committee, registered small-scale issue committee, or any agent for the same, shall clearly state that the communication is paid for by that candidate, candidate committee, issue committee, political committee or registered small-scale issue committee.
- (2) Whenever any person makes an independent expenditure in excess of the reporting threshold in § 7-139 for the purpose of financing communications expressly advocating for a particular result in an election, such communication shall clearly state that the communication is paid for by that person.
- (b) In regard to the different forms of communication set forth in subsection (a) of this Section 7-140, "communication" shall include, but shall not be limited to:
- (1) Websites or social media of a candidate, candidate committee, issue committee, political committee or registered small-scale issue committee available to the general public;
  - (2) Websites or social media of a person if and to the extent they are financed by independent expenditures in excess of the reporting threshold in § 7-139 and are available to the general public; and
  - (3) Advertisements placed for a fee on another person's website or social media.
- (c) The statement required by this Section 7-140 must be clear and conspicuous in the communication. The statement required herein shall not apply to communications where including the statement would be impractical, such as:
- (1) Bumper stickers, pins, buttons, pens and similar small items upon which the disclaimer cannot be conveniently printed;
  - (2) Skywriting, water towers, wearing apparel, or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable; or
  - (3) Checks, receipts, and similar items of minimal value that are used for purely administrative purposes and do not contain a political message.
- (d) Nothing herein shall be deemed to alleviate any person from complying with federal campaign finance law, as applicable.
- (Ord. No. 113, 2018 , § 8, 9-4-18)

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

- (a) No committee shall pay to any radio or television station, newspaper, periodical, internet advertiser or website provider, social media provider 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, internet advertiser or website provider, social media provider or periodical that charges a committee a lower rate for use of space, materials or services than the rate such station, newspaper, internet advertiser or website provider, social media provider or 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 to the committee that is charged such lower rate. A person who receives a discounted rate as described herein shall be deemed to have received a contribution and to meet the definition of political committee, issue committee or small-scale issue committee, as applicable, and must comply with the related requirements.

- (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; Ord. No. 077, 2018, § 11, 6-19-18; Ord. No. 113, 2018, § 9, 9-4-18; Ord. No. 079, 2022, § 2, 7-5-22)

**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) Except as provided in Subparagraph (b) herein, any person who violates or fails to comply with the provisions of this Article as set forth in the following schedule commits a civil infraction and is subject to a civil penalty as follows:

Code Section	Penalty Amount
7-133 - Candidate affidavit; disclosure statement; failure to file	No monetary penalty (disqualification per Section 7-133)
7-134 - Registration of committees; termination.	\$150 first offense; \$300 each subsequent offense
7-135 - Campaign contributions/expenditures.	\$100 first offense; \$200 each subsequent offense
7-136 - Disclosure; filing of reports.	\$100 first offense; \$200 each subsequent offense
7-137(b) - Reports to be public record.	\$50 first offense; \$100 each subsequent offense
7-138 - Unexpended campaign contributions.	\$100 first offense; \$200 each subsequent offense
7-139 - Independent expenditures	\$100 first offense; \$200 each subsequent offense
7-140 - Responsibility for communications.	\$50 first offense; \$100 each subsequent offense
7-141 - Expenditures for political advertising; rates and charges.	\$50 first offense; \$100 each subsequent offense

- (b) Any person who undertakes any of the following commits a misdemeanor and is subject to a fine or imprisonment in accordance with § 1-15:
- (1) Knowingly violates § 7-135(e), (i), (j), or (k), with the intent to circumvent the restrictions of § 7-135.
  - (2) Knowingly violates § 7-136 with the intent to fraudulently misrepresent campaign contributions or expenditures on a disclosure report;
  - (3) Knowingly violates § 7-142; or
  - (4) Is found liable for a violation after the person has been found liable for two (2) or more violations under this Article in a single election cycle.
- (c) Failure to comply with the provisions of this Article shall have no effect on the validity of any election, except as expressly required by the City Charter.
- (d) Each complaint received under Division 2 of this Article shall be posted on the City's website along with other campaign information. Records of communications between the City Clerk and the complainant and between the City Clerk and the subject of any complaint shall be a public record.

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(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 109, 2020 , § 6, 9-15-20; Ord. No. 079, 2022 , § 8, 7-5-22)

**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)

***Division 2 Campaign Violations***

**Sec. 7-145. Allegation of campaign violation.**

- (a) Any candidate or registered elector of the City ("complainant") who has reason to believe a violation of Chapter 7, Article V, of this Code, has occurred by any person, candidate, candidate committee, issue committee, small-scale issue committee or political committee may file a written complaint with the City Clerk, no later than sixty (60) days after the alleged violation has occurred.
- (b) The complaint must contain:
  - (1) The name of the alleged violator;
  - (2) The Code provision allegedly violated;
  - (3) A brief statement or description of the offense allegedly committed and the basis for the allegation;
  - (4) Identification of any relevant documents or other evidence;
  - (5) Identification of any witnesses or persons with relevant knowledge; and
  - (6) The name, address and telephone number of the complainant.
- (c) For complaints that allege a criminal violation as set forth in § 7-143(b), the City Clerk will forward the complaint to the respondent and to the City Attorney, who will evaluate the complaint for probable cause as provided for in this Division 2.
- (d) For complaints that do not allege a criminal violation, the complaints shall be subject to a civil infraction process as provided herein:
  - (1) The City Clerk will forward the complaint to the respondent by electronic mail, notifying the respondent that the alleged violation may be subject to a civil infraction.
  - (2) The City Clerk will forward the complaint to the City Attorney, who shall review the complaint to determine whether the complaint:
    - a. Was timely filed under § 7-145(a);
    - b. Contains the information required by § 7-145(b); and
    - c. Alleges sufficient facts to support a factual and legal basis for the violations alleged.
  - (3) If the City Attorney determines that the complaint fails to satisfy any of the three (3) elements in the immediately preceding Subsection (2), the City Attorney shall so notify the City Clerk who will, in turn, notify the complainant and respondent in writing.



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- (4) If the City Attorney determines that the complaint satisfies the three (3) elements in the immediately preceding Subsection (2), the City Attorney shall notify the City Clerk who will, in turn, notify the respondent in writing of the presumptive penalty in accordance with § 7-143(a) and that the respondent shall have seven (7) days from the date of the notice to submit written evidence of its cure or diligent efforts to cure the violation, including any amendments to any applicable report containing one or more deficiencies, modified campaign materials or other proof that the violation has been corrected. The respondent's written response shall be due to the City Clerk no later than 5:00 p.m. on the tenth (10<sup>th</sup>) day. In the event the tenth (10<sup>th</sup>) day is a City holiday, the response shall be due no later than 5:00 p.m. the next business day.
  - (5) On receipt of the respondent's written response, the City Attorney may, through the City Clerk, ask the respondent to provide more information and may grant the respondent an extension of time of up to seven (7) additional days to file an amended response regarding cure in order to respond to any such request.
  - (6) After the period for cure has expired, the City Attorney shall determine whether the respondent has cured any violation alleged in the complaint and, if so, whether respondent has substantially complied with its legal obligations under Chapter 7, Article 5, of this Code. In determining whether the respondent has substantially complied with its legal obligations, the City Attorney shall consider:
    - a. The extent of the respondent's noncompliance;
    - b. The purpose of the provision violated and whether that purpose was substantially achieved despite the noncompliance; and
    - c. Whether the noncompliance may properly be viewed as a knowing attempt to mislead the electorate or election officials.

If the City Attorney determines the respondent has cured any violation or otherwise substantially complied with its legal obligations under Chapter 7, Article 5, the City Attorney shall so notify the City Clerk who, in turn, shall notify the complainant and the respondent and no penalty shall apply for the corresponding alleged violation or violations, as applicable.

- (7) If the City Attorney determines the respondent has not cured the alleged violation or otherwise substantially complied with its legal obligations, the City Attorney may conduct additional review or investigation of the allegations of the complaint to determine whether to file a complaint with the Municipal Court.
- (8) If the City Attorney files a complaint with the Municipal Court, the matter shall be governed by Article V of Chapter 19 of this Code.
- (9) A complainant or any other nonrespondent shall not be a party to the City Attorney's initial review, cure proceedings, investigation, or any proceeding in the Municipal Court. A complainant may request permission from the Municipal Judge or their designee to file an amicus curiae brief.
- (10) Any person that commits a violation of this Article shall be personally liable for the penalties imposed. Any candidate shall be personally liable for penalties imposed upon the candidate or the candidate's committee and may use campaign contributions to pay penalties.

(Ord. No. 005, 2017 , § 9, 1-17-17; Ord. No. 113, 2018 , § 10, 9-4-18; Ord. No. 109, 2020 , § 7, 9-15-20; Ord. No. 079, 2022 , § 9, 7-5-22)

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**Sec. 7-146. Evaluation of campaign complaint.**

- (a) For those complaints that concern a criminal violation pursuant to § 7-143(b), if the City Attorney determines that no probable cause exists, that the complaint fails to allege an enforceable violation, or that the requirements of § 7-145 were not met by the complainant, the City Attorney shall so notify the City Clerk, who will, in turn, notify the complainant and respondent in writing.
- (b) If the City Attorney determines probable cause exists, the City Attorney may notify Fort Collins Police Services, who, in consultation with the City Attorney, may file and serve a summons and complaint to the respondent.
- (c) The City Attorney retains prosecutorial discretion on whether to ultimately file criminal charges. If the City Attorney determines filing a summons and complaint is inappropriate, he or she shall so notify the City Clerk, who will, in turn, notify the complainant and respondent in writing.

(Ord. No. 005, 2017 , § 9, 1-17-17; Ord. No. 109, 2020 , § 8, 9-15-20)

**Sec. 7-147. Conflicts of interest.**

Notwithstanding the above, nothing in this Article shall be read to preclude the City Attorney from declaring a conflict of interest, and taking appropriate action in accordance with this Code and general practices of the City, including, but not limited to, hiring special counsel, if deemed necessary and advisable under the circumstances.

(Ord. No. 005, 2017 , § 9, 1-17-17)

**Sec. 7-148. Complaint not required for city action.**

Nothing in this Article shall preclude the City from pursuing an action, civil or criminal, against any person, candidate, candidate committee, issue committee, small-scale issue committee or political committee for any violation of this Chapter, regardless of whether a complaint had been filed pursuant to this Article.

(Ord. No. 005, 2017 , § 9, 1-17-17)

**Sec. 7-149. Administrative procedures.**

The City Manager is charged with ultimate authority to pursue complaints under this Article and is hereby authorized to adopt administrative regulations consistent with the provisions of this Article.

(Ord. No. 005, 2017 , § 9, 1-17-17)

**Sec. 7-150. Reserved.**

Ord. No. 109, 2020 , § 9, adopted September 15, 2020, repealed § 7-150, which pertained to action by complainant, and derived from Ord. No. 005, 2017 , § 9, adopted January 17, 2017.

**Secs. 7-151—7-154. Reserved.**