



Colorado Campaign And Political Finance Manual

Published By
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SECRETARY OF STATE
DEPARTMENT OF STATE

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Greetings from the Secretary....

On December 6, 2002, Amendment 27, Campaign and Political Finance (CPF), approved by Colorado voters at the 2002 General Election, became law. It is now Article XXVIII of the Colorado Constitution. This presents a new challenge for all committees and election administrators: How to incorporate the new law while adapting to the changes it makes to existing law [Title 1, Art. 45; Fair Campaign Practices Act (FCPA)]. This 2003 edition of our Campaign and Political Finance Training Manual introduces the new law while highlighting the changes to the previous statute. As always, please call our campaign finance staff – listed in the Appendix – with any questions or concerns. Thank you.

A handwritten signature in black ink that reads "Donetta Davidson". The script is cursive and fluid, with the first name and last name clearly distinguishable.

Donetta Davidson
Colorado Secretary of State

Using the Manual

In addition to introducing new law – and changes to old law – this manual provides guidelines and helpful tips for proper compliance with the law. It is also a very useful guide to conducting research. You may wish to begin at the end – with the Appendix – and read Art. XXVIII, FCPA statutes and rules, and review the filing forms before beginning the training chapters.

!!!REMEMBER: You must read Art. XXVIII; Title 1, Art. 45 and the accompanying Campaign and Political Finance Rules to fully understand Colorado Campaign and Political Finance procedures and requirements!!!

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(All forms available at www.sos.state.co.us, Elections Center, Campaign Finance Reporting, Reporting Forms)

I. Registering Your Committee

Whether you are a candidate committee, issue committee, political party, small donor committee or political committee, you must register **BEFORE** accepting contributions or making expenditures. **[C.R.S. 1-45-108(3)]**

How do you identify your committee "type"? Ask yourself these questions:

1. Are two or more persons (including natural persons) involved?
2. Are you raising or spending money?

If you answered "Yes" to either of these questions, read Sec. 2 (Definitions) of Art. XXVIII to see if you meet the criteria.

Next, let's examine the different types of committees.

A. Candidate Committees

If you are a candidate, or working with others to financially support a specific candidate, begin by checking the definition of a **CANDIDATE COMMITTEE** to confirm that you meet the criteria. Next, review the following provisions governing **CANDIDATE COMMITTEES**. A candidate may have only one candidate committee at one time in any jurisdiction. ***Note: Candidates who do not***



accept contributions but spend their own funds must file disclosure reports itemizing all expenditures of \$20 or more. Candidates that accept no contributions and make no expenditures are not required to file. You may file a voluntary report in order to provide full disclosure to the public. Call our office whenever you need assistance.

Definitions:	Art. XXVIII, Sec. 2
Registration/Amendments:	C.R.S. 1-45-108(3)
Disclosure Requirements:	C.R.S. 1-45-108, C.R.S. 1-45-109
Filing Dates:	C.R.S. 1-45-108(2)(a)
Contribution limits:	Art. XXVIII, Sec. 3
Sanctions:	Art. XXVIII, Sec. 10

Tip 1: Filing Dates for municipal, county and some special district candidates differ from state candidates. Please be certain you have the correct Filing Dates.

- Tip 2: Only State candidates have contribution limits under Art. XXVIII. Home rule municipalities and counties may impose their own limits. Local candidates check with your municipal or county clerk. (Art. XXVIII, Sec. 3)*
- Tip 3: State candidate committees cannot accept contributions from corporations or labor organizations. [Art. XXVIII, Sec. 3(4)(a)]*
- Tip 4: Candidate committees cannot knowingly accept contributions from foreign citizens, corporations, or governments. [Art. XXVIII, Sec. 3(12)]*
- Tip 5: Candidate committees cannot accept contributions from, or make contributions to, another candidate committee. [Art. XXVIII, Sec. 3(6)]*
- Tip 6: Only the candidate or the registered agent may sign the "Report of Contributions and Expenditures". (Campaign and Political Finance Rule 22.2)*
- Tip 7: Once a candidate committee is opened, it can only be closed by filing a termination report, indicating a "zero" balance, or by the appropriate officer. (Campaign and Political Finance Rule 23.3)*
- Tip 8: No person shall act as a conduit for a contribution to a candidate committee. [Art. XXVIII, Sec. 3(7)]*

B. Issue Committees

Is there an issue in your community that you and others feel strongly about? Whether you support or oppose the issue, Colorado law requires that you register as an issue committee. **BEFORE** accepting contributions or making any expenditures, review the definition of **ISSUE COMMITTEE** to confirm that you meet the criteria. Next, read the following statutes:

Definitions:	Art. XXVIII, Sec. 2(10)
Registration:	C.R.S. 1-45-108(3)
Disclosure Requirements:	C.R.S. 1-45-108, C.R.S. 1-45-109
Filing Dates:	C.R.S. 1-45-108
Sanctions:	Art. XXVIII, Sec. 10

- Tip 1: Filing Dates for municipal, county and some special district candidates differ from state committees. Please be certain you have the correct filing dates.*
- Tip 2: In addition to the standard definition, you are also an issue committee if you accept or spend in excess of \$200 to support or oppose a ballot issue. [Art. XXVIII, Sec. 2(10)(a)(II)]*
- Tip 3: There are no contribution limits for issue committees. (Art. XXVIII, Sec. 3)*

Tip 4: Issue committees need not disclose the names of circulators paid more than \$20. A list of the number of payments with the dates and amounts is sufficient. (Campaign and Political Finance Rule 24.6)

Tip 5: Issue committees may only return unexpended campaign funds to the contributors or donate them to a charitable organization recognized by the Internal Revenue Service. [C.R.S. 1-45-106(3)]

Tip 6: Only the registered agent can sign the committee report.

Tip 7: An issue committee can only be closed by filing a termination report indicating a "zero" balance or by the appropriate authority. (Campaign and Political Finance Rule 23.3)

Tip 8: Any amendments or changes to your registration must be filed with the appropriate officer within five days of the change. (Campaign and Political Finance Rule 23.1)

C. Political Parties

By definition, political party refers to either a major or minor political party that nominates candidates to the ballot. They are subject to constitutional and statutory guidelines for registering and reporting their campaign funds.

Definitions:	Art. XXVIII, Sec. 2(13)
Registration/Amendments:	C.R.S. 1-45-108(3)
Disclosure Requirements:	C.R.S. 1-45-108, C.R.S. 1-45-109
Filing Dates:	C.R.S. 1-45-108
Contribution Limits:	Art. XXVIII, Sec. 3(3)
Sanctions:	Art. XXVIII, Sec. 10

Tip 1: Filing Dates for county parties differ from state parties. Please be certain you have the correct Filing Dates.

Tip 2: Political parties cannot knowingly accept contributions from foreign citizens, corporations, or governments. [Art. XXVIII, Sec. 3(12)]

Tip 3: Contributions from corporations and labor organizations are prohibited. [Art. XXVIII, Sec. 3(4)(a)]

Tip 4: Political parties cannot accept contributions intended for a specific candidate. [Art. XXVIII, Sec. 3(3)(c)]

Tip 5: No political party shall accept aggregate contributions from any person – other than a small donor committee – that exceed \$3,000 per year at the state, county, district and local levels

combined and of such amount no more than \$2500 per year at the state level. [Art. XXVIII, Sec. 3(3)(a)]

Tip 6: *No political party shall accept aggregate contributions from any small donor committee that exceed \$15,000 per year at the state, county, district and local levels combined and of such amount no more than \$12,500 at the state level. [Art. XXVIII, Sec. 3(3)(b)]*

Tip 7: *Only the registered agent can sign and submit the committee reports.*

Tip 8: *Any amendments or changes to your registration must be filed with the appropriate officer within five days of the change. (Campaign and Political Finance Rule 23.1)*

D. Political Committees (PCs)

Perhaps you and your friends want to support or oppose candidates or make independent expenditures. You may wish to register as a **POLITICAL COMMITTEE**. After reviewing the definition, please read the following:

Definition:	Art. XXVIII, Sec. 2(12)
Registration/Amendments:	C.R.S. 1-45-108(3)
Disclosure Requirements:	C.R.S. 1-45-108, C.R.S. 1-45-109
Filing Dates:	C.R.S. 1-45-108
Contribution limits:	Art. XXVIII, Sec. 3
Sanctions:	Art. XXVIII, Sec. 10

Tip 1: *Filing Dates for municipal, county and some special district committees differ from state committees. Please be certain you have the correct filing dates.*

Tip 2: *Definition of a political committee now includes person, other than a natural person, that has received or spent \$200 or more to support or oppose candidates. [Art. XXVIII, Sec. 2(12)(a)]*

Tip 3: *Political committees cannot knowingly accept contributions from foreign citizens, corporations, or governments. [Art. XXVIII, Sec. 3(12)]*

Tip 4: *Political committees may not accept more than \$500 per contributor per House of Representatives election cycle (every two years). [Art. XXVIII, Sec. 3(5)]*

Tip 5: *There are no statutory limitations on the use of unexpended campaign funds for political committees.*

Tip 6: *Only the registered agent can sign committee reports.*

Tip 7: A political committee may only be closed by filing a termination report indicating a “zero” balance or by the appropriate authority. (Campaign and Political Finance Rule 23.3)

E. Small Donor Committees

Article XXVIII introduces a new committee entity to Colorado campaign finance regulation: The small donor committee. This committee may only accept contributions of \$50 or less from natural persons. Please review the following before registering as a small donor committee:

Definitions:	Art. XXVIII, Sec. 2(14)
Registration:	C.R.S. 1-45-108(3)
Disclosure Requirements:	C.R.S. 1-45-108, C.R.S. 1-45-109
Filing Dates:	C.R.S. 1-45-108
Contribution Limits:	Art. XXVIII, Sec. 3
Sanctions:	Art. XXVIII, Sec. 10

Tip 1: Small donor committees will be treated as a “single” committee if established by same group of persons. [Art. XXVIII, Sec. 2 (14)(c)]

Tip 2: Small donor committees have higher contribution limits than other committees. (Art. XXVIII, Sec. 3)

F. Federal and Multi-State Committees

These committees may not be required to file as frequently as state committees provided they meet certain criteria provided in the Rules Concerning Campaign and Political Finance. If registered with the Federal Election Commission (FEC), a committee need not file reports with the Colorado Secretary of State. The reports are accessible via the Internet – and available to the public for internet viewing in the lobby of the Department of State. **Please contact the FEC at 1-800-424-9530 for more information on their website at www.fec.gov.**

Registration/Amendments:	C.R.S. 1-45-108(3)
Disclosure Requirements:	C.R.S. 1-45-108, C.R.S. 1-45-109
Filing Dates:	C.R.S. 1-45-108
Contribution limits:	Art. XXVIII, Sec. 3
Sanctions:	Art. XXVIII, Sec. 10

G. Recall Committees

A recall committee **is an issue committee** formed to support or oppose the recall of a public officer. [C.R.S. 1-45-108(6)] **Note: Committees authorized by a candidate are still candidate committees.**

Tip: Filing calendars for recall committees are determined by the date of the election. The filing officer will prepare and issue the calendar. [C.R.S. 1-45-108(6)]

II. Registered Agents

The **REGISTERED AGENT** plays a pivotal role in the success of every committee. The registered agent is responsible for maintaining all committee records and filing all reports on time. Most agents compare their duties to keeping a checkbook. Simply keep track of all the money coming in – and all the money going out. However, all constitutional/statutory requirements must be adhered to in order to avoid complaints against the committee. We recommend that you thoroughly review Sections 7 – 10 of Art. XXVIII and C.R.S. 1-45-108 (Disclosure), 1-45-109 (Filing).

Definition:	C.R.S. 1-45-108(3)(b)
Registration:	C.R.S. 1-45-108(3)(b), Campaign and Political Finance <i>Rule 22.2</i>
Disclosure Requirements:	C.R.S. 1-45-108
Amendments:	Campaign and Political Finance <i>Rule 23.1</i>
Deposits and record keeping:	Campaign and Political Finance <i>Rule 24</i>
Filing Dates:	C.R.S. 1-45-108
Contribution Limits:	Art. XXVIII, Sec. 3
Sanctions:	Art. XXVIII, Sec. 10

Tip: You remain the registered agent until the committee files an amended registration appointing a new agent! (Campaign and Political Finance Rule 21.7 and 23.1)

III. Candidate Information

If you are considering running for public office, you, your agent, fundraisers, and campaign manager need to become familiar with the requirements of Art. XXVIII of the Colorado Constitution, Title 1, Article 45 C.R.S. and the Rules Concerning Campaign and Political Finance. Here are some helpful tips to get you started:

Tip 1: You become a candidate when you publicly announce and thereafter accept a contribution. [Art. XXVIII, Sec. 2(2)]

Tip 2: You must file a notarized candidate affidavit with the appropriate officer within 10 days of publicly announcing an intention to seek election or retention to public office. For state candidates, a personal financial disclosure is due within 10 days of filing the candidate affidavit. (C.R.S. 1-45-110)

Tip 3: State candidates accepting voluntary spending limits must file the acceptance with the candidate affidavit. [Art. XXVIII, Sec. 4(3)]

Tip 4: You remain a candidate – for campaign finance purposes – as long as your committee is open. [Art. XXVIII, Sec. 2(2)]

Tip 5: All unexpended contributions to candidate committees to be used in a subsequent election are treated as political party contributions to the candidate committee and may not exceed 20% of the applicable spending limit for that office. [Art. XXVIII, Sec. 3(3)(d) and (e)]

Contribution Limits

(Note: Candidates seeking access to the primary election ballot may accept contributions according to the primary election contribution limits; if a candidate is nominated to the general election ballot then that candidate may accept contributions according to the general election contribution limits.)

From persons and PCs

(per primary election limit, per general election limit):	Statewides:	\$500
	All Others:	\$200

From small donor committees

(per primary election limit, per general election limit):	Statewides:	\$5,000
	All Others:	\$2,000

From political parties

(per election cycle – 2 yrs):	Gov/Lt. Gov:	\$500,000
	Other Statewides:	\$100,000
	State Senate:	\$18,000
	Others ^{**} :	\$13,000

^{**} Includes: candidates for the State House of Representatives, State Board of Education, C.U. Board of Regents, and District Attorney.

Voluntary Spending Limits (state candidates only)

Gov/Lt Gov:	\$2.5 million
Other statewide:	\$500,000
Senate:	\$90,000
Others **:	\$65,000

Please read Art. XXVIII, Sec. 9 Duties of the secretary of state – enforcement, and Sec. 10 Sanctions very carefully before registering. Also, *all candidates in home rule municipalities and home rule counties please read the AG opinion in the Appendix regarding the applicability of Art. XXVIII to local elections.*

IV. Independent Expenditures

Independent expenditures provide individuals, political parties and political committees the opportunity to support or oppose candidates **INDEPENDENTLY** of committees or their agents. To ensure that your committee follows the appropriate statutory guidelines for **INDEPENDENT EXPENDITURES**, please review the following statutes and rules:

Definition: Art. XXVIII, Sec. 2(9)

Reporting: Art. XXVIII, Sec. 5

Tip 1: Expenditures made by a candidate committee, or controlled by or coordinated with a candidate or their agent, are NOT "independent expenditures." [Art. XXVIII, Sec. 2(9)]

Tip 2: Independent expenditure statutes apply ONLY to expenditures made to support or oppose a candidate or candidates. They DO NOT apply to expenditures made to support or oppose an issue, or to expenditures coordinated or controlled by the candidate's political party. [Art. XXVIII, Sec. 2(9)]

Tip 3: Special reporting requirements for independent expenditures DO NOT apply to expenditures made by a candidate committee or agent of a candidate.

Tip 4: Independent expenditures are not counted against a candidate's spending limits (accepting candidates only). Expenditures that are controlled by or coordinated with a candidate or a candidate's agent are deemed to be both contributions by the maker of the expenditures, and expenditures by the candidate committee. [Art. XXVIII, Sec. 5(3)]

****** Includes: candidates for the State House of Representatives, State Board of Education, C.U. Board of Regents, and District Attorney.

V. Electioneering Communication

Reporting is now required by any person spending \$1000 or more per calendar year for broadcast or print messages “unambiguously” referring to any candidate distributed within 30 days before a primary or 60 days before a general election.

Definition:	Art. XXVIII, Sec. 2(7)
Reporting:	Art. XXVIII, Sec. 6, C.R.S. 1-45-108
Sanctions:	Art. XXVIII, Sec. 10

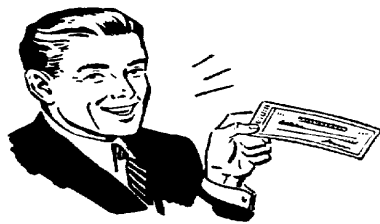
Tip 1: Reports are due same time as committee reports. (C.R.S. 1-45-108)

Tip 2: Reports must include all expenditures and the name and address of contributors giving more than \$250 per year. [Art. XXVIII, Sec. 6(1)]

Tip 3: Reports must include occupation and employer of “natural persons” contributing more than \$250 per year. [Art. XXVIII, Sec. 6(1)]

Tip 4: It is unlawful for a corporation or labor organization to provide funding for electioneering communication. [Art. XXVIII, Sec. 6(2)]

VI. Contributions



There are two main types of **CONTRIBUTIONS: monetary and non-monetary**. To ensure compliance with the law for all **CONTRIBUTIONS**, please review the following:

Definitions:	Art. XXVIII, Sec. 2(5)
Limits	Art. XXVIII, Sec. 3
Major Contributors:	C.R.S. 1-45-108(2.5)
Unexpended Contributions:	C.R.S. 1-45-106
Sanctions:	Art. XXVIII, Sec. 10

Tip 1: All contributions of \$20 or more must be itemized. [C.R.S. 1-45-108(1)(a)(I)]

Tip 2: Volunteer services by an individual are not considered contributions. [Art. XXVIII, Sec. 2(5)(b)]

- Tip 3: Contribution does not include transfer of member dues to a small donor committee. [Art. XXVIII, Sec. 2(5)(b)]*
- Tip 4: Small donor committees have higher contribution limits than other contributors. [Art. XXVIII, Sec. 3(2)]*
- Tip 5: Contributions to state candidates or political parties from corporations are prohibited. [Art. XXVIII, Sec. 3(4)(a)]*
- Tip 6: A contribution by check is considered received on the date the check is deposited. [Campaign and Political Finance Rule 24.2(a)]*
- Tip 7: No committee may accept contributions of cash or coin for more than \$100. [Art. XXVIII, Sec. 3(10)]*
- Tip 8: All contributions received must be deposited in a financial institution in a separate account with a title that includes the name of the committee or political party. [Art. XXVIII, Sec. 3(9)]*

VII. Expenditures

Simply stated, **EXPENDITURES** refer to the money an individual or committee spends. To ensure that your committee follows the law for making and reporting **EXPENDITURES**, please review the following statutes and rules:

Definitions: Art. XXVIII, Sec. 2(8)
Sanctions: Art. XXVIII, Sec. 10

- Tip 1: An expenditure occurs when it is made, when it is obligated, or when the contract is established. [Art. XXVIII, Sec. 2(8)]*
- Tip 2: There are now voluntary spending limits for state candidates. (Art. XXVIII, Sec. 4)*
- Tip 3: Expenditures that are controlled by or coordinated with a candidate or a candidate's agent are deemed to be both contributions by the maker of the expenditures, and expenditures by the candidate committee. [Art. XXVIII, Sec. 2(9)]*
- Tip 4: Reimbursing candidates for campaign-related expenses is a legitimate committee expenditure. (Campaign and Political Finance Rule 24.8)*
- Tip 5: Use the state per diem rate for mileage.*
- Tip 6: No committee may spend more than \$100 in cash or coin. [Art. XXVIII, Sec. 3(10)]*
- Tip 7: All expenditures of \$20 or more must be itemized. [C.R.S. 1-45-108(1)(a)(I)]*

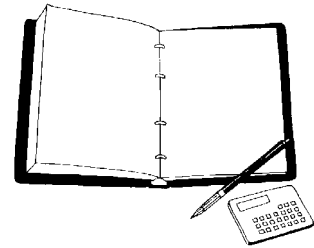
Voluntary Spending Limits for State Candidates:

<i>Gov/Lt Gov:</i>	<i>\$2.5 Million</i>
<i>Other statewide:</i>	<i>\$500,000</i>
<i>Senate:</i>	<i>\$90,000</i>
<i>Others</i> <small><i>(State House of Rep., State Board of Ed., C.U. Board of Regents, D.A.)</i></small>	<i>\$65,000</i>

VIII. Manual and Electronic Reporting

A. Manual Reporting

The Department of State has manual and electronic filing options for all committees. We encourage you to file electronically - you'll even have two extra days to file! While some committees have opted for the convenience of electronic filing, others prefer to file paper or "manual" reports. As with all reporting, it is important that your record keeping procedures are as simple as possible. For current filers the following section will be a valuable refresher; for first-time filers, please thoroughly study the statutes on disclosure and reporting before you begin.



Disclosure requirements: Art. XXVIII, Sec. 7, C.R.S. 1-45-108

Reporting requirements: Art. XXVIII, Sec. 8, C.R.S. 1-45-109

Report of Contributions and Expenditures (Cover Page): This page is designed to provide contribution and expenditure totals and past/current balances at a glance and to verify the committee name and address, the current reporting period, report status (current or amended) and the current registered agent.

Tip 1: All requested information on the Cover Page is required by statute and, therefore, mandatory.

Tip 2: Committee information (name, address, etc.) shall be amended within five days of any change by filing an amended committee registration form with the appropriate authority (secretary of state or local clerk). (Campaign and Political Finance Rule 23.1)

Tip 3: Only the registered agent may sign the report. (An exception is made for candidate committees only, allowing the candidate to sign.) (Campaign and Political Finance Rule 22.2)

Tip 4: File contributions and expenditures for the reporting period indicated only.

Tip 5: Please type or print legibly. Please, no fonts smaller than 12 pt.

Detailed Summary: The Detailed Summary gives filers an opportunity to bring forward the totals of all of the individual contribution and expenditure pages. These totals then are brought forward to the "Report of Contributions and Expenditures".

Tip 1: Do not include "Non-Monetary" Totals on the Report of Contributions and Expenditures page.

Tip 2: Be sure to total all "Non-Itemized" amounts (contributions and expenditures under \$20) on the detailed summary only if they have not been itemized on "Schedule A" or "Schedule B".

Tip 3: Contribution and expenditure totals on the "Detailed Summary" should match totals on the "Report of Contributions and Expenditures".

Schedule A – Contributions: All monetary contributions of \$20 or more are reported on this form. It also lets committees track and report aggregate totals for all contributors. (It may help manual filers to keep internal contribution records in alphabetical order by contributor.) Be sure that you know the appropriate election cycle for your committee to ensure that you do not exceed contribution limits. Please consult [Art. XXVIII Sec. 2(5)] in **Definitions**, or with your appropriate officer for clarification. ***Avoid relying on "hearsay" advice.***



Tip 1: Do not report "Non-Monetary" amounts as Schedule A monetary contributions. Use the "Statement of Non-Monetary" reporting form.

Tip 2: Candidates, small donor committees, political parties and political committees may not accept contributions from foreign citizens, corporations or governments. [Art. XXVIII, Sec. 3(12)]

Tip 3: A contribution made by check is considered "received" on the date the check is deposited into the committee account. Contributions by lobbyists to state officers and candidates are considered accepted "when possession of the check is

*transferred to any person not under the control of the issuer.”
[Campaign and Political Finance Rule 24.2(a) and (b)]*

Tip 4: State law prohibits making a contribution with the expectation that some or all will be reimbursed by another person. [Art. XXVIII, Sec. 3(11)]

A Major Contributor Report is in addition to regular reporting requirements. All committees are required to file a major contributor report for contributions of \$1,000 or more received within 30 days before the primary or general election. [C.R.S. 1-45-108(2.5)]

Tip 1: Do not file “major contribution” reports for contributions of more than \$1,000 received before the 30-day cut-off.

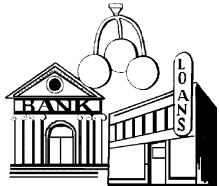
Tip 2: Donations filed as major contributions should also be included with regular reports.

Schedule B – Expenditures: All expenditures of \$20 or more are itemized on this form. The expenditure date may be either the date the payment is obligated or the bill is paid, whichever comes first. Expenditure also includes expenditures made by a third party on behalf of a candidate or committee.

Tip 1: Third-party expenditures are reported as non-monetary contributions.

Tip 2: Reimbursements to candidates, staff, and volunteers are reported as expenditures.

Schedule C–Loans: State candidates may receive loans from financial institutions, “if the loan bears the usual and customary interest rate...” [Article XXVIII, Sec. 3(8)]. Loans received from other sources are considered a form of contribution [Article XXVIII, Sec. 2(5)(a)]. This form gives committees a vehicle for reporting and tracking repayment until the loan is repaid in full.



Tip 1: Contribution limits shall not apply to loans. [Art. XXVIII, Sec. 3(8)]

Tip 2: Loans cannot be forgiven. [Art. XXVIII, Sec. 3(8)]

Independent Expenditure: Any person making an independent expenditure of \$1,000 or more must file The Notice of Independent Expenditure form. If the Independent Expenditure is made within thirty days of a primary or general election, the form must be filed within 48 hours after obligating funds for the expenditure. This notice is filed with the Secretary of State. (Art. XXVIII, Sec. 5)

Tip 1: Independent expenditures made by political parties and committees must still be reported on "Schedule B" within the correct reporting period.

Tip 2: Any expenditures made by candidate committees or any candidate agent are not considered "independent expenditures". [Art. XXVIII, Sec. 2(9)]

Returned Contributions: This form has been re-designed to accommodate both committees returning contributions and committees reporting returned contributions. It should be filed with a Report of Contributions and Expenditures reflecting the revised totals and either Schedule A or Schedule B.

Tip 1: Amended reports with Returned Contribution statements may be filed at any time. They need not be held until the next filing date.

Report of No Contributions or Expenditures: Candidates that accept no contributions and make no expenditures are not required to register a committee or file disclosure reports. Some candidates, however, may wish to file this form to publicly disclose their "zero" contribution and expenditure status.

Tip 1: This filing is voluntary but may prevent the perception that a candidate has failed to file reports.

Report of Expenditures by Candidate Only: Candidates who accept no contributions but prefer to expend only their own funds are required to disclose the amount of any expenditure.

Tip 1: This filing is mandatory and also avoids the perception that a candidate has failed to file reports. (Campaign and Political Finance Rule 24.3)

Amended Reports: Whenever a committee becomes aware of an error in past reporting the committee must amend the report as soon as possible by filing an "Amended Report of Contributions and Expenditures."

Tip 1: If an error is identified in a previous report, all reports that follow must be amended to reflect the subsequent amended totals.

Tip 2: When amending a report, file only the Report of Contributions and Expenditures page, Detailed Summary page, and the schedule that is being amended.

B. Electronic Reporting – Is Quick and Easy!










The Secretary of State introduced state committees to electronic campaign reporting in July 2000. Since then many committees have enjoyed the convenience of filing their reports directly via the Internet. You will need to obtain a login and password from the Department of State to file electronically. Fax your request to: Campaign Finance Unit, Elections Division at **303-869-4861**, or e-mail your request to: sos.elections@state.co.us



Tip: Electronically filed reports are due two days after manual reports!! [C.R.S. 1-45-108(2.3)(a)]

ELECTRONIC FILING INSTRUCTIONS

Our electronic filing system makes filing your Detailed Summary Report of Contributions and Expenditures easier, and gives you two additional days to file your report with the Secretary of State (see filing calendar). Just log onto www.sos.state.co.us:

-  Select the **Election Center** at the Secretary of State home page.
-  Select **Campaign Finance Filing and Inquiry** in the left-hand margin.
-  Select **Log-in**, and enter your assigned User ID, and Password (case sensitive).
-  Select **Reporting**
-  Select **Work on a Report**, and click on the current reporting period (verify on calendar).
-  Select **Enter Sum Totals** to report non-itemized (\$19.99 or less) contribution, expenditures, or loans.
-  Select **Enter Line Items** to report itemized (\$20.00 or more) contributions, expenditures, or non-monetary contributions.
-  Select **Save** after entering your contributions and expenditures. This saves the data so you may return to it later without it being viewed by the public.
-  Select **File My Report** ONLY IF YOU ARE READY TO FILE! YOUR REPORT IMMEDIATELY BECOMES PUBLIC ONCE IT IS FILED.
REMEMBER...REPORTS ARE NOT OFFICIALLY RECEIVED BY THIS OFFICE UNTIL YOU SELECT FILE MY REPORT!!!

Any questions please call 303-894-2200 and press 3 or call us directly: **Kristine Reynolds ext. 6309, or Kalani L. Clinkscale ext. 6302.**

IX. Terminating Your Committee

It is very important that committees terminate properly to end all filing requirements and avoid fines and penalties for non-reporting. A committee may only terminate by filing a Report of Contributions and Expenditures indicating a "zero" balance. The disbursement of unexpended campaign funds is unregulated for political parties and committees; specific guidelines are given for candidate and issue committees. (C.R.S. 1-45-106)

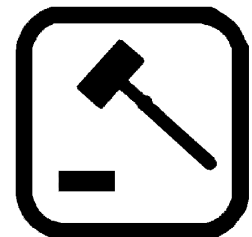
***Tip 1: Inactive candidate committees must terminate after nine years.
[C.R.S. 1-45-106 (1)(a)(III)]***

X. Conducting Research

Researching campaign reports has become easier than ever with the implementation of our website at www.sos.state.co.us. Data is updated daily providing the most current and accurate information available to everyone with access to the Internet. For those without Internet access data may be obtained at the **Colorado Department of State, 1560 Broadway, Suite 200 Denver, CO 80202 (downtown Denver)**. If coming to the office is not convenient or feasible, please send your written request to the above address, attention Elections Division. All requests are processed in the order received; pre-paid copies are available for \$0.50 per page. Please allow five to ten days for large orders. You may also submit a request via the Elections Division e-mail sos.elections@state.co.us, or by fax at **303-869-4861**.

XI. Filing Campaign & Political Finance Complaints

Anyone who believes that there have been intentional violations of the provisions listed in Art. XXVIII may file a complaint with the Secretary of State. All complaints must be filed with the Secretary of State and are reviewed for strict compliance with the guidelines in Campaign and Political Finance *Rule 26* and then forwarded to an administrative law judge for a hearing. Once a Campaign and Political Finance complaint has been submitted to the Division of Administrative Hearings all subsequent communication, correspondence, pleadings, etc., must be directed to that office **only**. Complaints must be filed within 180 days of the alleged violation. Anyone considering filing a complaint should first



thoroughly review Art. XXVIII, Sec. 10, C.R.S. 1-45-112, C.R.S. 1-45-117, and Campaign and Political Finance *Rule 26*. The Secretary of State's office cannot offer legal advice or interpret the law; our office can only advise with regard to the procedures for filing a complaint.

Tip 1: Complaints concerning a candidate for secretary of state will be investigated by the attorney general. [Art. XXVIII, Sec. 9(2)(b)]

Tip 2: Municipal and county clerks must notify any person under their jurisdictions of any CPF complaint filed against them. [C.R.S. 1-45-112(1)(e)]

XII. Frequently Asked Questions (FAQ's)

Q: What is the effective date of Art. XXVIII?

A: **The new law was effective as of December 6, 2002**, as provided in the amendment.

Q: When do you become a candidate under Amendment 27?

A: You become a candidate when you publicly announce AND THEREAFTER receive a contribution.

Q: May state candidates accept corporate and labor money under Art. XXVIII?

A: No. Contributions from corporations and labor organizations to candidates are prohibited.

Q: May corporations and labor organizations make direct donations to "Small Donor" committees?

A: No, only their employees or members may make donations to Small Donor Committees.

Q: How do "Small Donor" committees work?

A: The contribution limit from their supporters is lower than political committees at only \$50, but they can make larger contributions to candidates: \$5,000 (statewide office) and \$2,000 (all other state committees, including District Attorney). Only natural persons may contribute to small donor committees.

Q: May governor and lieutenant governor candidates maintain separate candidate committees?

A: No. Governor and lieutenant governor candidates must merge their committees. Effective December 6, 2002, their **combined balance** must be \$500,000 or less.

Q: Do we still have to keep our committee records for 90 days after the election?

- A: Committees must now keep their records for 180 days after the election, unless a complaint is filed, then the records must remain available until the matter is resolved.
- Q: What is "electioneering communication"?
- A: This term refers to print, radio, TV and any other electronic communications that unambiguously refer to any candidate and are distributed within 30 days of the primary and 60 days of the general election.
- Q: Do I have to report what I spend on "electioneering communication"?
- A: Yes. Anyone spending \$1,000 or more per calendar year on "electioneering communications" must report to the secretary of state on the same schedule as other committees. Reports must include the name and address of all contributors of \$250 or more **per year**, and their occupation and employer.
- Q: Are conduit contributions prohibited?
- A: Yes. Contributions delivered to a candidate committee by a third party are prohibited.

XIII. Appendix

- A. Contact Information
- B. Article XXVIII, Colorado Constitution (CPF)
- C. Title 1, Article 45, Fair Campaign Practices Act (FCPA)
- D. Rules Concerning Campaign and Political Finance
- E. Colorado Attorney General Advisory Opinion: No. 03-01 AG Alpha No. ST EL AGBAS January 13, 2003
- F. Registration and Filing Forms
- G. State, County & Municipal Filing Calendars

Appendix A - Contact Information

Department of State, Elections:

Phone:	303-894-2200
FAX:	303-869-4861
Email:	sos.elections@state.co.us
Voicemail:	303-894-2200 ext. 6380

CPF/FCPA Staff:

Sherry Wofford:	ext. 6306
Kalani Clinkscale:	ext. 6302
Kristine Reynolds:	ext. 6309

AMENDMENT 27 — CAMPAIGN FINANCE

Ballot Title: An amendment to the Colorado constitution concerning campaign finance, and, in connection therewith, reducing the amount of campaign contributions that persons may make to candidate committees, political committees, and political parties; establishing contribution limits for small donor committees; prohibiting candidate committees and political parties from making or accepting certain contributions; restricting the amount of contributions political parties and political committees may accept from certain sources; limiting contributions and expenditures that may be made by corporations or labor organizations; creating voluntary campaign spending limits; providing for a periodic adjustment of contribution and voluntary spending limits; specifying the treatment of unexpended contributions; requiring the disclosure of information about persons making electioneering communications above a specified amount; defining electioneering communications as certain near-election communications that unambiguously refer to a candidate and are targeted to voters; and incorporating into the constitution existing statutory provisions, with amendments, regarding definitions, deposits of contributions, limits on cash contributions, notice and disclosure of independent expenditures, reporting of contributions and expenditures, civil penalties, and duties of the secretary of state.

Text of Proposed Constitutional Amendment:

Be it enacted by the people of the state of Colorado:

The constitution of the state of Colorado is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE XXVIII CAMPAIGN AND POLITICAL FINANCE

Section 1. Purpose and findings. THE PEOPLE OF THE STATE OF COLORADO HEREBY FIND AND DECLARE THAT LARGE CAMPAIGN CONTRIBUTIONS TO POLITICAL CANDIDATES CREATE THE POTENTIAL FOR CORRUPTION AND THE APPEARANCE OF CORRUPTION; THAT LARGE CAMPAIGN CONTRIBUTIONS MADE TO INFLUENCE ELECTION OUTCOMES ALLOW WEALTHY INDIVIDUALS, CORPORATIONS, AND SPECIAL INTEREST GROUPS TO EXERCISE A DISPROPORTIONATE LEVEL OF INFLUENCE OVER THE POLITICAL PROCESS; THAT THE RISING COSTS OF CAMPAIGNING FOR POLITICAL OFFICE PREVENT QUALIFIED CITIZENS FROM RUNNING FOR POLITICAL OFFICE; THAT BECAUSE OF THE USE OF EARLY VOTING IN COLORADO TIMELY NOTICE OF INDEPENDENT EXPENDITURES IS ESSENTIAL FOR INFORMING THE ELECTORATE; THAT IN RECENT YEARS THE ADVENT OF SIGNIFICANT SPENDING ON ELECTIONEERING COMMUNICATIONS, AS DEFINED HEREIN, HAS FRUSTRATED THE PURPOSE OF

EXISTING CAMPAIGN FINANCE REQUIREMENTS; THAT INDEPENDENT RESEARCH HAS DEMONSTRATED THAT THE VAST MAJORITY OF TELEVISED ELECTIONEERING COMMUNICATIONS GOES BEYOND ISSUE DISCUSSION TO EXPRESS ELECTORAL ADVOCACY; THAT POLITICAL CONTRIBUTIONS FROM CORPORATE TREASURIES ARE NOT AN INDICATION OF POPULAR SUPPORT FOR THE CORPORATION'S POLITICAL IDEAS AND CAN UNFAIRLY INFLUENCE THE OUTCOME OF COLORADO ELECTIONS; AND THAT THE INTERESTS OF THE PUBLIC ARE BEST SERVED BY LIMITING CAMPAIGN CONTRIBUTIONS, ENCOURAGING VOLUNTARY CAMPAIGN SPENDING LIMITS, PROVIDING FOR FULL AND TIMELY DISCLOSURE OF CAMPAIGN CONTRIBUTIONS, INDEPENDENT EXPENDITURES, AND FUNDING OF ELECTIONEERING COMMUNICATIONS, AND STRONG ENFORCEMENT OF CAMPAIGN FINANCE REQUIREMENTS.

Section 2. Definitions. FOR THE PURPOSE OF THIS ARTICLE AND ANY STATUTORY PROVISIONS PERTAINING TO CAMPAIGN FINANCE, INCLUDING PROVISIONS PERTAINING TO DISCLOSURE:

(1) "APPROPRIATE OFFICER" MEANS THE INDIVIDUAL WITH WHOM A CANDIDATE, CANDIDATE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR ISSUE COMMITTEE MUST FILE PURSUANT TO SECTION 1-45-109 (1), C.R.S., OR ANY SUCCESSOR SECTION.

(2) "CANDIDATE" MEANS ANY PERSON WHO SEEKS NOMINATION OR ELECTION TO ANY STATE OR LOCAL PUBLIC OFFICE THAT IS TO BE VOTED ON IN THIS STATE AT ANY PRIMARY ELECTION, GENERAL ELECTION, SCHOOL DISTRICT ELECTION, SPECIAL DISTRICT ELECTION, OR MUNICIPAL ELECTION. "CANDIDATE" ALSO INCLUDES A JUDGE OR JUSTICE OF ANY COURT OF RECORD WHO SEEKS TO BE RETAINED IN OFFICE PURSUANT TO THE PROVISIONS OF SECTION 25 OF ARTICLE VI. A PERSON IS A CANDIDATE FOR ELECTION IF THE PERSON HAS PUBLICLY ANNOUNCED AN INTENTION TO SEEK ELECTION TO PUBLIC OFFICE OR RETENTION OF A JUDICIAL OFFICE AND THEREAFTER HAS RECEIVED A CONTRIBUTION OR MADE AN EXPENDITURE IN SUPPORT OF THE CANDIDACY. A PERSON REMAINS A CANDIDATE FOR PURPOSES OF THIS ARTICLE SO LONG AS THE CANDIDATE MAINTAINS A REGISTERED CANDIDATE COMMITTEE. A PERSON WHO MAINTAINS A CANDIDATE COMMITTEE AFTER AN ELECTION CYCLE, BUT WHO HAS NOT PUBLICLY ANNOUNCED AN INTENTION TO SEEK ELECTION TO PUBLIC OFFICE IN THE NEXT OR ANY SUBSEQUENT ELECTION CYCLE, IS A CANDIDATE FOR PURPOSES OF THIS ARTICLE.

(3) "CANDIDATE COMMITTEE" MEANS A PERSON, INCLUDING THE CANDIDATE, OR PERSONS WITH THE COMMON PURPOSE OF RECEIVING CONTRIBUTIONS OR MAKING EXPENDITURES UNDER THE AUTHORITY OF A CANDIDATE. A CONTRIBUTION TO A CANDIDATE SHALL BE DEEMED A CONTRIBUTION TO THE CANDIDATE'S CANDIDATE COMMITTEE. A CANDIDATE SHALL HAVE ONLY ONE CANDIDATE COMMITTEE. A CANDIDATE COMMITTEE SHALL BE CONSIDERED OPEN AND ACTIVE UNTIL AFFIRMATIVELY CLOSED BY THE CANDIDATE OR BY ACTION OF THE SECRETARY OF STATE.

(4) "CONDUIT" MEANS A PERSON WHO TRANSMITS CONTRIBUTIONS FROM MORE THAN ONE PERSON, DIRECTLY TO A CANDIDATE COMMITTEE. "CONDUIT" DOES NOT INCLUDE THE CONTRIBUTOR'S IMMEDIATE FAMILY MEMBERS, THE CANDIDATE OR CAMPAIGN TREASURER OF THE CANDIDATE COMMITTEE RECEIVING THE CONTRIBUTION, A VOLUNTEER FUND RAISER HOSTING AN EVENT FOR A CANDIDATE COMMITTEE, OR A PROFESSIONAL FUND RAISER IF THE FUND RAISER IS COMPENSATED AT THE USUAL AND CUSTOMARY RATE.

(5) (a) "CONTRIBUTION" MEANS:

(I) THE PAYMENT, LOAN, PLEDGE, GIFT, OR ADVANCE OF MONEY, OR GUARANTEE OF A LOAN, MADE TO ANY CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR POLITICAL PARTY;

(II) ANY PAYMENT MADE TO A THIRD PARTY FOR THE BENEFIT OF ANY CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR POLITICAL PARTY;

(III) THE FAIR MARKET VALUE OF ANY GIFT OR LOAN OF PROPERTY MADE TO ANY CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE OR POLITICAL PARTY;

(IV) ANYTHING OF VALUE GIVEN, DIRECTLY OR INDIRECTLY, TO A CANDIDATE FOR THE PURPOSE OF PROMOTING THE CANDIDATE'S NOMINATION, RETENTION, RECALL, OR ELECTION.

(b) "CONTRIBUTION" DOES NOT INCLUDE SERVICES PROVIDED WITHOUT COMPENSATION BY INDIVIDUALS VOLUNTEERING THEIR TIME ON BEHALF OF A CANDIDATE, CANDIDATE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, ISSUE COMMITTEE, OR POLITICAL PARTY; A TRANSFER BY A MEMBERSHIP ORGANIZATION OF A PORTION OF A MEMBER'S DUES TO A SMALL DONOR COMMITTEE OR POLITICAL COMMITTEE SPONSORED BY SUCH MEMBERSHIP ORGANIZATION; OR PAYMENTS BY A CORPORATION OR LABOR ORGANIZATION FOR THE COSTS OF ESTABLISHING, ADMINISTERING, AND SOLICITING FUNDS FROM ITS OWN EMPLOYEES OR MEMBERS FOR A POLITICAL COMMITTEE OR SMALL DONOR COMMITTEE.

(6) "ELECTION CYCLE" MEANS EITHER:

(a) THE PERIOD OF TIME BEGINNING THIRTY-ONE DAYS FOLLOWING A GENERAL ELECTION FOR THE PARTICULAR OFFICE AND ENDING THIRTY DAYS FOLLOWING THE NEXT GENERAL ELECTION FOR THAT OFFICE;

(b) THE PERIOD OF TIME BEGINNING THIRTY-ONE DAYS FOLLOWING A GENERAL ELECTION FOR THE PARTICULAR OFFICE AND ENDING THIRTY DAYS FOLLOWING THE SPECIAL LEGISLATIVE ELECTION FOR THAT OFFICE; OR

(c) THE PERIOD OF TIME BEGINNING THIRTY-ONE DAYS FOLLOWING THE SPECIAL LEGISLATIVE ELECTION FOR THE PARTICULAR OFFICE AND ENDING THIRTY DAYS FOLLOWING THE NEXT GENERAL ELECTION FOR THAT OFFICE.

(7) (a) "ELECTIONEERING COMMUNICATION" MEANS ANY COMMUNICATION BROADCASTED BY TELEVISION OR RADIO, PRINTED IN A NEWSPAPER OR ON A BILLBOARD, DIRECTLY MAILED OR DELIVERED BY HAND TO PERSONAL RESIDENCES OR OTHERWISE DISTRIBUTED THAT:

(I) UNAMBIGUOUSLY REFERS TO ANY CANDIDATE; AND

(II) IS BROADCASTED, PRINTED, MAILED, DELIVERED, OR DISTRIBUTED WITHIN THIRTY DAYS BEFORE A PRIMARY ELECTION OR SIXTY DAYS BEFORE A GENERAL ELECTION; AND

(III) IS BROADCASTED TO, PRINTED IN A NEWSPAPER DISTRIBUTED TO, MAILED TO, DELIVERED BY HAND TO, OR OTHERWISE DISTRIBUTED TO AN AUDIENCE THAT INCLUDES MEMBERS OF THE ELECTORATE FOR SUCH PUBLIC OFFICE.

(b) "ELECTIONEERING COMMUNICATION" DOES NOT INCLUDE:

(I) ANY NEWS ARTICLES, EDITORIAL ENDORSEMENTS, OPINION OR COMMENTARY WRITINGS, OR LETTERS TO THE EDITOR PRINTED IN A NEWSPAPER, MAGAZINE OR OTHER PERIODICAL NOT OWNED OR CONTROLLED BY A CANDIDATE OR POLITICAL PARTY;

(II) ANY EDITORIAL ENDORSEMENTS OR OPINIONS AIRED BY A BROADCAST FACILITY NOT OWNED OR CONTROLLED BY A CANDIDATE OR POLITICAL PARTY;

(III) ANY COMMUNICATION BY PERSONS MADE IN THE REGULAR COURSE AND SCOPE OF THEIR BUSINESS OR ANY COMMUNICATION MADE BY A MEMBERSHIP ORGANIZATION SOLELY TO MEMBERS OF SUCH ORGANIZATION AND THEIR FAMILIES;

(IV) ANY COMMUNICATION THAT REFERS TO ANY CANDIDATE ONLY AS PART OF THE POPULAR NAME OF A BILL OR STATUTE.

(8) (a) "EXPENDITURE" MEANS ANY PURCHASE, PAYMENT, DISTRIBUTION, LOAN, ADVANCE, DEPOSIT, OR GIFT OF MONEY BY ANY PERSON FOR THE PURPOSE OF EXPRESSLY ADVOCATING THE ELECTION OR DEFEAT OF A CANDIDATE OR SUPPORTING OR OPPOSING A BALLOT ISSUE OR BALLOT QUESTION. AN EXPENDITURE IS MADE WHEN THE ACTUAL SPENDING OCCURS OR WHEN THERE IS A CONTRACTUAL AGREEMENT REQUIRING SUCH SPENDING AND THE AMOUNT IS DETERMINED.

(b) "EXPENDITURE" DOES NOT INCLUDE:

(I) ANY NEWS ARTICLES, EDITORIAL ENDORSEMENTS, OPINION OR COMMENTARY WRITINGS, OR LETTERS TO THE EDITOR PRINTED IN A NEWSPAPER, MAGAZINE OR OTHER PERIODICAL NOT OWNED OR CONTROLLED BY A CANDIDATE OR POLITICAL PARTY;

(II) ANY EDITORIAL ENDORSEMENTS OR OPINIONS AIRED BY A BROADCAST FACILITY NOT OWNED OR CONTROLLED BY A CANDIDATE OR POLITICAL PARTY;

(III) SPENDING BY PERSONS, OTHER THAN POLITICAL PARTIES, POLITICAL COMMITTEES AND SMALL DONOR COMMITTEES, IN THE REGULAR COURSE AND SCOPE OF THEIR BUSINESS OR PAYMENTS BY A MEMBERSHIP ORGANIZATION FOR ANY COMMUNICATION SOLELY TO MEMBERS AND THEIR FAMILIES;

(IV) ANY TRANSFER BY A MEMBERSHIP ORGANIZATION OF A PORTION OF A MEMBER'S DUES TO A SMALL DONOR COMMITTEE OR POLITICAL COMMITTEE SPONSORED BY SUCH MEMBERSHIP ORGANIZATION; OR PAYMENTS MADE BY A CORPORATION OR LABOR ORGANIZATION FOR THE COSTS OF ESTABLISHING, ADMINISTERING, OR SOLICITING FUNDS FROM ITS OWN EMPLOYEES OR MEMBERS FOR A POLITICAL COMMITTEE OR SMALL DONOR COMMITTEE.

(9) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE THAT IS NOT CONTROLLED BY OR COORDINATED WITH ANY CANDIDATE OR AGENT OF SUCH CANDIDATE. EXPENDITURES THAT ARE CONTROLLED BY OR COORDINATED WITH A CANDIDATE OR CANDIDATE'S AGENT ARE DEEMED TO BE BOTH CONTRIBUTIONS BY THE MAKER OF THE EXPENDITURES, AND EXPENDITURES BY THE CANDIDATE COMMITTEE.

(10)(a) "ISSUE COMMITTEE" MEANS ANY PERSON, OTHER THAN A NATURAL PERSON, OR ANY GROUP OF TWO OR MORE PERSONS, INCLUDING NATURAL PERSONS:

(I) THAT HAS A MAJOR PURPOSE OF SUPPORTING OR OPPOSING ANY BALLOT ISSUE OR BALLOT QUESTION; OR

(II) THAT HAS ACCEPTED OR MADE CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF TWO HUNDRED DOLLARS TO SUPPORT OR OPPOSE ANY BALLOT ISSUE OR BALLOT QUESTION.

(b) "ISSUE COMMITTEE" DOES NOT INCLUDE POLITICAL PARTIES, POLITICAL COMMITTEES, SMALL DONOR COMMITTEES, OR CANDIDATE COMMITTEES AS OTHERWISE DEFINED IN THIS SECTION.

(c) AN ISSUE COMMITTEE SHALL BE CONSIDERED OPEN AND ACTIVE UNTIL AFFIRMATIVELY CLOSED BY SUCH COMMITTEE OR BY ACTION OF THE APPROPRIATE AUTHORITY.

(11) "PERSON" MEANS ANY NATURAL PERSON, PARTNERSHIP, COMMITTEE, ASSOCIATION, CORPORATION, LABOR ORGANIZATION, POLITICAL PARTY, OR OTHER ORGANIZATION OR GROUP OF PERSONS.

(12) (a) "POLITICAL COMMITTEE" MEANS ANY PERSON, OTHER THAN A NATURAL PERSON, OR ANY GROUP OF TWO OR MORE PERSONS, INCLUDING NATURAL PERSONS THAT HAVE ACCEPTED OR MADE CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF \$200 TO SUPPORT OR OPPOSE THE NOMINATION OR ELECTION OF ONE OR MORE CANDIDATES.

(b) "POLITICAL COMMITTEE" DOES NOT INCLUDE POLITICAL PARTIES, ISSUE COMMITTEES, OR CANDIDATE COMMITTEES AS OTHERWISE DEFINED IN THIS SECTION.

(c) FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING ARE TREATED AS A SINGLE POLITICAL COMMITTEE:

(I) ALL POLITICAL COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A SINGLE CORPORATION OR ITS SUBSIDIARIES;

(II) ALL POLITICAL COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A SINGLE LABOR ORGANIZATION; EXCEPT THAT, ANY POLITICAL COMMITTEE ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A LOCAL UNIT OF THE LABOR ORGANIZATION WHICH HAS THE AUTHORITY TO MAKE A DECISION INDEPENDENTLY OF THE STATE AND NATIONAL UNITS AS TO WHICH CANDIDATES TO SUPPORT OR OPPOSE SHALL BE DEEMED SEPARATE FROM THE POLITICAL COMMITTEE OF THE STATE AND NATIONAL UNIT;

(III) ALL POLITICAL COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY THE SAME POLITICAL PARTY;

(IV) ALL POLITICAL COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY SUBSTANTIALLY THE SAME GROUP OF PERSONS.

(13) "POLITICAL PARTY" MEANS ANY GROUP OF REGISTERED ELECTORS WHO, BY PETITION OR ASSEMBLY, NOMINATE CANDIDATES FOR THE OFFICIAL GENERAL ELECTION BALLOT. "POLITICAL PARTY" INCLUDES AFFILIATED PARTY ORGANIZATIONS AT THE STATE, COUNTY, AND ELECTION DISTRICT LEVELS, AND ALL SUCH AFFILIATES ARE CONSIDERED TO BE A SINGLE ENTITY FOR THE PURPOSES OF THIS ARTICLE, EXCEPT AS OTHERWISE PROVIDED IN SECTION 7.

(14)(a) "SMALL DONOR COMMITTEE" MEANS ANY POLITICAL COMMITTEE THAT HAS ACCEPTED CONTRIBUTIONS ONLY FROM NATURAL PERSONS WHO EACH CONTRIBUTED NO MORE THAN FIFTY DOLLARS IN THE AGGREGATE PER YEAR. FOR PURPOSES OF THIS SECTION, DUES TRANSFERRED BY A MEMBERSHIP ORGANIZATION TO A SMALL DONOR COMMITTEE SPONSORED BY SUCH ORGANIZATION SHALL BE TREATED AS PRO-RATA CONTRIBUTIONS FROM INDIVIDUAL MEMBERS.

(b) "SMALL DONOR COMMITTEE" DOES NOT INCLUDE POLITICAL PARTIES, POLITICAL COMMITTEES, ISSUE COMMITTEES, OR CANDIDATE COMMITTEES AS OTHERWISE DEFINED IN THIS SECTION.

(c) FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING ARE TREATED AS A SINGLE SMALL DONOR COMMITTEE:

(I) ALL SMALL DONOR COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A SINGLE CORPORATION OR ITS SUBSIDIARIES;

(II) ALL SMALL DONOR COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A SINGLE LABOR ORGANIZATION; EXCEPT THAT, ANY SMALL DONOR COMMITTEE ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A LOCAL UNIT OF THE LABOR ORGANIZATION WHICH HAS THE AUTHORITY TO MAKE A DECISION INDEPENDENTLY OF THE STATE AND NATIONAL UNITS AS TO WHICH CANDIDATES TO SUPPORT OR OPPOSE SHALL BE DEEMED SEPARATE FROM THE SMALL DONOR COMMITTEE OF THE STATE AND NATIONAL UNIT;

(III) ALL SMALL DONOR COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY THE SAME POLITICAL PARTY;

(IV) ALL SMALL DONOR COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY SUBSTANTIALLY THE SAME GROUP OF PERSONS.

(15) "UNEXPENDED CAMPAIGN CONTRIBUTIONS" MEANS THE BALANCE OF FUNDS ON HAND IN ANY CANDIDATE COMMITTEE AT THE END OF AN ELECTION CYCLE, LESS THE AMOUNT OF ALL UNPAID MONETARY OBLIGATIONS INCURRED PRIOR TO THE ELECTION IN FURTHERANCE OF SUCH CANDIDACY.

Section 3. Contribution limits. (1) EXCEPT AS DESCRIBED IN SUBSECTIONS (2), (3), AND (4) OF THIS SECTION, NO PERSON, INCLUDING A POLITICAL COMMITTEE, SHALL MAKE TO A CANDIDATE COMMITTEE, AND NO CANDIDATE COMMITTEE SHALL ACCEPT FROM ANY ONE PERSON, AGGREGATE CONTRIBUTIONS FOR A PRIMARY OR A GENERAL ELECTION IN EXCESS OF THE FOLLOWING AMOUNTS:

(a) FIVE HUNDRED DOLLARS TO ANY ONE:

(I) GOVERNOR CANDIDATE COMMITTEE FOR THE PRIMARY ELECTION, AND GOVERNOR AND LIEUTENANT GOVERNOR CANDIDATE COMMITTEE, AS JOINT CANDIDATES UNDER 1-1-104, C.R.S., OR ANY SUCCESSOR SECTION, FOR THE GENERAL ELECTION;

(II) SECRETARY OF STATE, STATE TREASURER, OR ATTORNEY GENERAL CANDIDATE COMMITTEE; AND

(b) TWO HUNDRED DOLLARS TO ANY ONE STATE SENATE, STATE HOUSE OF REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE UNIVERSITY OF COLORADO, OR DISTRICT ATTORNEY CANDIDATE COMMITTEE.

(2) NO SMALL DONOR COMMITTEE SHALL MAKE TO A CANDIDATE COMMITTEE, AND NO CANDIDATE COMMITTEE SHALL ACCEPT FROM ANY ONE SMALL DONOR COMMITTEE, AGGREGATE CONTRIBUTIONS FOR A PRIMARY OR A GENERAL ELECTION IN EXCESS OF THE FOLLOWING AMOUNTS:

(a) FIVE THOUSAND DOLLARS TO ANY ONE:

(I) GOVERNOR CANDIDATE COMMITTEE FOR THE PRIMARY ELECTION, AND GOVERNOR AND LIEUTENANT GOVERNOR CANDIDATE COMMITTEE, AS JOINT CANDIDATES UNDER 1-1-104, C.R.S., OR ANY SUCCESSOR SECTION, FOR THE GENERAL ELECTION;

(II) SECRETARY OF STATE, STATE TREASURER, OR ATTORNEY GENERAL CANDIDATE COMMITTEE; AND

(b) TWO THOUSAND DOLLARS TO ANY ONE STATE SENATE, STATE HOUSE OF REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE UNIVERSITY OF COLORADO, OR DISTRICT ATTORNEY CANDIDATE COMMITTEE.

(3)(a) No POLITICAL PARTY SHALL ACCEPT AGGREGATE CONTRIBUTIONS FROM ANY PERSON, OTHER THAN A SMALL DONOR COMMITTEE AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (3), THAT EXCEED THREE THOUSAND DOLLARS PER YEAR AT THE STATE, COUNTY, DISTRICT, AND LOCAL LEVEL COMBINED, AND OF SUCH AMOUNT NO MORE THAN TWENTY-FIVE HUNDRED DOLLARS PER YEAR AT THE STATE LEVEL;

(b) No POLITICAL PARTY SHALL ACCEPT AGGREGATE CONTRIBUTIONS FROM ANY SMALL DONOR COMMITTEE THAT EXCEED FIFTEEN THOUSAND DOLLARS PER YEAR AT THE STATE, COUNTY, DISTRICT, AND LOCAL LEVEL COMBINED, AND OF SUCH AMOUNT NO MORE THAN TWELVE THOUSAND, FIVE HUNDRED DOLLARS AT THE STATE LEVEL;

(c) No POLITICAL PARTY SHALL ACCEPT CONTRIBUTIONS THAT ARE INTENDED, OR IN ANY WAY DESIGNATED, TO BE PASSED THROUGH THE PARTY TO A SPECIFIC CANDIDATE'S CANDIDATE COMMITTEE;

(d) IN THE APPLICABLE ELECTION CYCLE, NO POLITICAL PARTY SHALL CONTRIBUTE TO ANY CANDIDATE COMMITTEE MORE THAN TWENTY PERCENT OF THE APPLICABLE SPENDING LIMIT SET FORTH IN SECTION 4 OF THIS ARTICLE.

(e) ANY UNEXPENDED CAMPAIGN CONTRIBUTIONS RETAINED BY A CANDIDATE COMMITTEE FOR USE IN A SUBSEQUENT ELECTION CYCLE SHALL BE COUNTED AND REPORTED AS CONTRIBUTIONS FROM A POLITICAL PARTY IN ANY SUBSEQUENT ELECTION FOR PURPOSES OF PARAGRAPH (d) OF THIS SUBSECTION (3);

(4) (a) IT SHALL BE UNLAWFUL FOR A CORPORATION OR LABOR ORGANIZATION TO MAKE CONTRIBUTIONS TO A CANDIDATE COMMITTEE OR A POLITICAL PARTY, AND TO MAKE EXPENDITURES EXPRESSLY ADVOCATING THE ELECTION OR DEFEAT OF A CANDIDATE; EXCEPT THAT A CORPORATION OR LABOR ORGANIZATION MAY ESTABLISH A POLITICAL COMMITTEE OR SMALL DONOR COMMITTEE WHICH MAY ACCEPT CONTRIBUTIONS OR DUES FROM EMPLOYEES, OFFICEHOLDERS, SHAREHOLDERS, OR MEMBERS.

(b) THE PROHIBITION CONTAINED IN PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL NOT APPLY TO A CORPORATION THAT:

(I) IS FORMED FOR THE PURPOSE OF PROMOTING POLITICAL IDEAS AND CANNOT ENGAGE IN BUSINESS ACTIVITIES; AND

(II) HAS NO SHAREHOLDERS OR OTHER PERSONS WITH A CLAIM ON ITS ASSETS OR INCOME; AND

(III) WAS NOT ESTABLISHED BY AND DOES NOT ACCEPT CONTRIBUTIONS FROM BUSINESS CORPORATIONS OR LABOR ORGANIZATIONS.

(5) No POLITICAL COMMITTEE SHALL ACCEPT AGGREGATE CONTRIBUTIONS OR PRO-RATA DUES FROM ANY PERSON IN EXCESS OF FIVE HUNDRED DOLLARS PER HOUSE OF REPRESENTATIVES ELECTION CYCLE.

(6) No CANDIDATE'S CANDIDATE COMMITTEE SHALL ACCEPT CONTRIBUTIONS FROM, OR MAKE CONTRIBUTIONS TO, ANOTHER CANDIDATE COMMITTEE, INCLUDING ANY CANDIDATE COMMITTEE, OR EQUIVALENT ENTITY, ESTABLISHED UNDER FEDERAL LAW.

(7) No PERSON SHALL ACT AS A CONDUIT FOR A CONTRIBUTION TO A CANDIDATE COMMITTEE.

(8) NOTWITHSTANDING ANY OTHER SECTION OF THIS ARTICLE TO THE CONTRARY, A CANDIDATE'S CANDIDATE COMMITTEE MAY RECEIVE A LOAN FROM A FINANCIAL INSTITUTION ORGANIZED UNDER STATE OR FEDERAL LAW IF THE LOAN BEARS THE USUAL AND CUSTOMARY INTEREST RATE, IS MADE ON A BASIS THAT ASSURES REPAYMENT, IS EVIDENCED BY A WRITTEN INSTRUMENT, AND IS SUBJECT TO A DUE DATE OR AMORTIZATION SCHEDULE. THE CONTRIBUTION LIMITS DESCRIBED IN THIS SECTION SHALL NOT APPLY TO A LOAN AS DESCRIBED IN THIS SUBSECTION (8).

(9) ALL CONTRIBUTIONS RECEIVED BY A CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR POLITICAL PARTY SHALL BE DEPOSITED IN A FINANCIAL INSTITUTION IN A SEPARATE ACCOUNT WHOSE TITLE SHALL INCLUDE THE NAME OF THE COMMITTEE OR POLITICAL PARTY. ALL RECORDS PERTAINING TO SUCH ACCOUNTS SHALL BE MAINTAINED BY THE COMMITTEE OR POLITICAL PARTY FOR ONE-HUNDRED EIGHTY DAYS FOLLOWING ANY GENERAL ELECTION IN WHICH THE COMMITTEE OR PARTY RECEIVED CONTRIBUTIONS UNLESS A COMPLAINT IS FILED, IN WHICH CASE THEY SHALL BE MAINTAINED UNTIL FINAL DISPOSITION OF THE COMPLAINT AND ANY CONSEQUENT LITIGATION. SUCH RECORDS SHALL BE SUBJECT TO INSPECTION AT ANY HEARING HELD PURSUANT TO THIS ARTICLE.

(10) NO CANDIDATE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, ISSUE COMMITTEE, OR POLITICAL PARTY SHALL ACCEPT A CONTRIBUTION, OR MAKE AN EXPENDITURE, IN CURRENCY OR COIN EXCEEDING ONE HUNDRED DOLLARS.

(11) NO PERSON SHALL MAKE A CONTRIBUTION TO A CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR POLITICAL PARTY WITH THE EXPECTATION THAT SOME OR ALL OF THE AMOUNTS OF SUCH CONTRIBUTION WILL BE REIMBURSED BY ANOTHER PERSON. NO PERSON SHALL BE REIMBURSED FOR A CONTRIBUTION MADE TO ANY CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR POLITICAL PARTY, NOR SHALL ANY PERSON MAKE SUCH REIMBURSEMENT EXCEPT AS PROVIDED IN SUBSECTION (8) OF THIS SECTION.

(12) NO CANDIDATE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR POLITICAL PARTY SHALL KNOWINGLY ACCEPT CONTRIBUTIONS FROM:

- (a) ANY NATURAL PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES;
- (b) A FOREIGN GOVERNMENT; OR
- (c) ANY FOREIGN CORPORATION THAT DOES NOT HAVE THE AUTHORITY TO TRANSACT BUSINESS IN THIS STATE PURSUANT TO ARTICLE 115 OF TITLE 7, C.R.S., OR ANY SUCCESSOR SECTION.

(13) EACH LIMIT ON CONTRIBUTIONS DESCRIBED IN SUBSECTIONS (1), (2), (3)(a), (3)(b) AND (5) OF THIS SECTION, AND SUBSECTION (14) OF SECTION 2, SHALL BE ADJUSTED BY AN AMOUNT BASED UPON THE PERCENTAGE CHANGE OVER A FOUR YEAR PERIOD IN THE UNITED STATES BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER- BOULDER-GREELEY, ALL ITEMS, ALL CONSUMERS, OR ITS SUCCESSOR INDEX, ROUNDED TO THE NEAREST LOWEST TWENTY-FIVE DOLLARS. THE FIRST ADJUSTMENT SHALL BE DONE IN THE FIRST QUARTER OF 2007 AND THEN EVERY FOUR YEARS THEREAFTER. THE SECRETARY OF STATE SHALL CALCULATE SUCH AN ADJUSTMENT IN EACH LIMIT AND SPECIFY THE LIMITS IN RULES PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., OR ANY SUCCESSOR SECTION.

Section 4. Voluntary campaign spending limits. (1) CANDIDATES MAY CERTIFY TO THE SECRETARY OF STATE THAT THE CANDIDATE'S CANDIDATE COMMITTEE SHALL NOT EXCEED THE FOLLOWING SPENDING LIMITS FOR THE APPLICABLE ELECTION CYCLE:

(a) TWO AND ONE-HALF MILLION DOLLARS COMBINED FOR A CANDIDATE FOR GOVERNOR AND GOVERNOR AND LIEUTENANT GOVERNOR AS JOINT CANDIDATES UNDER 1-1-104, C.R.S., OR ANY SUCCESSOR SECTION;

(b) FIVE HUNDRED THOUSAND DOLLARS FOR A CANDIDATE FOR SECRETARY OF STATE, ATTORNEY GENERAL, OR TREASURER;

(c) NINETY THOUSAND DOLLARS FOR A CANDIDATE FOR THE STATE SENATE;

(d) SIXTY-FIVE THOUSAND DOLLARS FOR A CANDIDATE FOR THE STATE HOUSE OF REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE UNIVERSITY OF COLORADO, OR DISTRICT ATTORNEY.

(2) CANDIDATES ACCEPTING THE CAMPAIGN SPENDING LIMITS SET FORTH ABOVE SHALL ALSO AGREE THAT THEIR PERSONAL CONTRIBUTIONS TO THEIR OWN CAMPAIGN SHALL BE COUNTED AS POLITICAL PARTY CONTRIBUTIONS AND SUBJECT TO THE AGGREGATE LIMIT ON SUCH CONTRIBUTIONS SET FORTH IN SECTION 3 OF THIS ARTICLE.

(3) EACH CANDIDATE WHO CHOOSES TO ACCEPT THE APPLICABLE VOLUNTARY SPENDING LIMIT SHALL FILE A STATEMENT TO THAT EFFECT WITH THE SECRETARY OF STATE AT THE TIME THAT THE CANDIDATE FILES A CANDIDATE AFFIDAVIT AS CURRENTLY SET FORTH IN SECTION 1-45-110(1), C.R.S., OR ANY SUCCESSOR SECTION. ACCEPTANCE OF THE APPLICABLE VOLUNTARY SPENDING LIMIT SHALL BE IRREVOCABLE EXCEPT AS SET FORTH IN SUBSECTION (4) OF THIS SECTION AND SHALL SUBJECT THE CANDIDATE TO THE PENALTIES SET FORTH IN SECTION 10 OF THIS ARTICLE FOR EXCEEDING THE LIMIT.

(4) IF A CANDIDATE ACCEPTS THE APPLICABLE SPENDING LIMIT AND ANOTHER CANDIDATE FOR THE SAME OFFICE REFUSES TO ACCEPT THE SPENDING LIMIT, THE ACCEPTING CANDIDATE SHALL HAVE TEN DAYS IN WHICH TO WITHDRAW ACCEPTANCE. THE ACCEPTING CANDIDATE SHALL HAVE THIS OPTION OF WITHDRAWING ACCEPTANCE AFTER EACH ADDITIONAL NON-ACCEPTING CANDIDATE FOR THE SAME OFFICE ENTERS THE RACE.

(5) THE APPLICABLE CONTRIBUTION LIMITS SET FORTH IN SECTION 3 OF THIS ARTICLE SHALL DOUBLE FOR ANY CANDIDATE WHO HAS ACCEPTED THE APPLICABLE VOLUNTARY SPENDING LIMIT IF:

(a) ANOTHER CANDIDATE IN THE RACE FOR THE SAME OFFICE HAS NOT ACCEPTED THE VOLUNTARY SPENDING LIMIT; AND

(b) THE NON-ACCEPTING CANDIDATE HAS RAISED MORE THAN TEN PERCENT OF THE APPLICABLE VOLUNTARY SPENDING LIMIT.

(6) ONLY THOSE CANDIDATES WHO HAVE AGREED TO ABIDE BY THE APPLICABLE VOLUNTARY SPENDING LIMIT MAY ADVERTISE THEIR COMPLIANCE. ALL OTHER CANDIDATES ARE PROHIBITED FROM ADVERTISING, OR IN ANY WAY IMPLYING, THEIR ACCEPTANCE OF VOLUNTARY SPENDING LIMITS.

(7) EACH SPENDING LIMIT DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL BE ADJUSTED BY AN AMOUNT BASED UPON THE PERCENTAGE CHANGE OVER A FOUR YEAR PERIOD IN THE UNITED STATES BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER-BOULDER-GREELEY, ALL ITEMS, ALL CONSUMERS, OR ITS SUCCESSOR INDEX, ROUNDED TO THE NEAREST LOWEST TWENTY-FIVE DOLLARS. THE FIRST ADJUSTMENT SHALL BE DONE IN THE FIRST QUARTER OF

2007 AND THEN EVERY FOUR YEARS THEREAFTER. THE SECRETARY OF STATE SHALL CALCULATE SUCH AN ADJUSTMENT IN EACH LIMIT AND SPECIFY THE LIMITS IN RULES PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., OR ANY SUCCESSOR SECTION.

Section 5. Independent expenditures. (1) ANY PERSON MAKING AN INDEPENDENT EXPENDITURE IN EXCESS OF ONE THOUSAND DOLLARS PER CALENDAR YEAR SHALL DELIVER NOTICE IN WRITING TO THE SECRETARY OF STATE OF SUCH INDEPENDENT EXPENDITURE, AS WELL AS THE AMOUNT OF SUCH EXPENDITURE, AND A DETAILED DESCRIPTION OF THE USE OF SUCH INDEPENDENT EXPENDITURE. THE NOTICE SHALL SPECIFICALLY STATE THE NAME OF THE CANDIDATE WHOM THE INDEPENDENT EXPENDITURE IS INTENDED TO SUPPORT OR OPPOSE. EACH INDEPENDENT EXPENDITURE IN EXCESS OF ONE-THOUSAND DOLLARS SHALL REQUIRE THE DELIVERY OF A NEW NOTICE. ANY PERSON MAKING AN INDEPENDENT EXPENDITURE WITHIN THIRTY DAYS OF A PRIMARY OR GENERAL ELECTION SHALL DELIVER SUCH NOTICE WITHIN FORTY-EIGHT HOURS AFTER OBLIGATING FUNDS FOR SUCH EXPENDITURE.

(2) ANY PERSON MAKING AN INDEPENDENT EXPENDITURE IN EXCESS OF ONE THOUSAND DOLLARS SHALL DISCLOSE, IN THE COMMUNICATION PRODUCED BY THE EXPENDITURE, THE NAME OF THE PERSON MAKING THE EXPENDITURE AND THE SPECIFIC STATEMENT THAT THE ADVERTISEMENT OF MATERIAL IS NOT AUTHORIZED BY ANY CANDIDATE. SUCH DISCLOSURE SHALL BE PROMINENTLY FEATURED IN THE COMMUNICATION.

(3) EXPENDITURES BY ANY PERSON ON BEHALF OF A CANDIDATE FOR PUBLIC OFFICE THAT ARE COORDINATED WITH OR CONTROLLED BY THE CANDIDATE OR THE CANDIDATE'S AGENT, OR POLITICAL PARTY SHALL BE CONSIDERED A CONTRIBUTION TO THE CANDIDATE'S CANDIDATE COMMITTEE, OR THE POLITICAL PARTY, RESPECTIVELY.

(4) THIS SECTION 5 APPLIES ONLY TO INDEPENDENT EXPENDITURES MADE FOR THE PURPOSE OF EXPRESSLY ADVOCATING THE DEFEAT OR ELECTION OF ANY CANDIDATE.

Section 6. Electioneering communications. (1) ANY PERSON WHO EXPENDS ONE THOUSAND DOLLARS OR MORE PER CALENDAR YEAR ON ELECTIONEERING COMMUNICATIONS SHALL SUBMIT REPORTS TO THE SECRETARY OF STATE IN ACCORDANCE WITH THE SCHEDULE CURRENTLY SET FORTH IN 1-45-108 (2), C.R.S., OR ANY SUCCESSOR SECTION. SUCH REPORTS SHALL INCLUDE SPENDING ON SUCH ELECTIONEERING COMMUNICATIONS, AND THE NAME, AND ADDRESS, OF ANY PERSON THAT CONTRIBUTES MORE THAN TWO HUNDRED AND FIFTY DOLLARS PER YEAR TO SUCH PERSON DESCRIBED IN THIS SECTION FOR AN ELECTIONEERING COMMUNICATION. IN THE CASE WHERE THE PERSON IS A NATURAL PERSON, SUCH REPORTS SHALL ALSO INCLUDE THE OCCUPATION AND EMPLOYER OF SUCH NATURAL PERSON. THE LAST SUCH REPORT SHALL BE FILED THIRTY DAYS AFTER THE APPLICABLE ELECTION.

(2) NOTWITHSTANDING ANY SECTION TO THE CONTRARY, IT SHALL BE UNLAWFUL FOR A CORPORATION OR LABOR ORGANIZATION TO PROVIDE FUNDING FOR AN ELECTIONEERING COMMUNICATION; EXCEPT THAT ANY POLITICAL COMMITTEE OR SMALL DONOR COMMITTEE ESTABLISHED BY SUCH CORPORATION OR LABOR ORGANIZATION MAY PROVIDE FUNDING FOR AN ELECTIONEERING COMMUNICATION.

Section 7. Disclosure. THE DISCLOSURE REQUIREMENTS RELEVANT TO CANDIDATE COMMITTEES, POLITICAL COMMITTEES, ISSUE COMMITTEES, AND POLITICAL PARTIES, THAT ARE CURRENTLY SET FORTH IN SECTION 1-45-108, C.R.S., OR ANY SUCCESSOR SECTION, SHALL BE EXTENDED TO INCLUDE SMALL DONOR COMMITTEES. THE DISCLOSURE REQUIREMENTS OF SECTION 1-45-108, C.R.S., OR ANY SUCCESSOR SECTION, SHALL BE EXTENDED TO REQUIRE DISCLOSURE OF THE OCCUPATION AND EMPLOYER OF EACH PERSON WHO HAS MADE A CONTRIBUTION OF ONE HUNDRED DOLLARS OR MORE TO A CANDIDATE COMMITTEE, POLITICAL COMMITTEE, ISSUE COMMITTEE, OR POLITICAL PARTY. FOR PURPOSES OF THIS SECTION AND 1-45-108, C.R.S., OR ANY SUCCESSOR SECTION, A POLITICAL PARTY SHALL BE TREATED AS SEPARATE ENTITIES AT THE STATE, COUNTY, DISTRICT, AND LOCAL LEVELS.

Section 8. Filing - where to file - timeliness. THE SECRETARY OF STATE SHALL PROMULGATE RULES RELATING TO FILING IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., OR ANY SUCCESSOR SECTION. THE RULES PROMULGATED PURSUANT TO THIS SECTION SHALL EXTEND SECTION 1- 45-109, C.R.S., OR ANY SUCCESSOR SECTION TO APPLY TO SMALL DONOR COMMITTEES.

Section 9. Duties of the secretary of state - enforcement. (1) THE SECRETARY OF STATE SHALL:

(a) PREPARE FORMS AND INSTRUCTIONS TO ASSIST CANDIDATES AND THE PUBLIC IN COMPLYING WITH THE REPORTING REQUIREMENTS OF THIS ARTICLE AND MAKE SUCH FORMS AND INSTRUCTIONS AVAILABLE TO THE PUBLIC, MUNICIPAL CLERKS, AND COUNTY CLERK AND RECORDERS FREE OF CHARGE;

(b) PROMULGATE SUCH RULES, IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., OR ANY SUCCESSOR SECTION, AS MAY BE NECESSARY TO ADMINISTER AND ENFORCE ANY PROVISION OF THIS ARTICLE;

(c) PREPARE FORMS FOR CANDIDATES TO DECLARE THEIR VOLUNTARY ACCEPTANCE OF THE CAMPAIGN SPENDING LIMITS SET FORTH IN SECTION 4 OF THIS ARTICLE. SUCH FORMS SHALL INCLUDE AN ACKNOWLEDGMENT THAT THE CANDIDATE VOLUNTARILY ACCEPTS THE APPLICABLE SPENDING LIMIT AND THAT THE CANDIDATE SWEARS TO ABIDE BY THOSE SPENDING LIMITS. THESE FORMS SHALL BE SIGNED BY THE CANDIDATE UNDER OATH, NOTARIZED, FILED WITH THE SECRETARY OF STATE, AND AVAILABLE TO THE PUBLIC UPON REQUEST;

(c) MAINTAIN A FILING AND INDEXING SYSTEM CONSISTENT WITH THE PURPOSES OF THIS ARTICLE;

(e) MAKE THE REPORTS AND STATEMENTS FILED WITH THE SECRETARY OF STATE'S OFFICE AVAILABLE IMMEDIATELY FOR PUBLIC INSPECTION AND COPYING. THE SECRETARY OF STATE MAY CHARGE A REASONABLE FEE FOR PROVIDING COPIES OF REPORTS. NO INFORMATION COPIED FROM SUCH REPORTS SHALL BE SOLD OR USED BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR ANY COMMERCIAL PURPOSE;

(f) REFER ANY COMPLAINTS FILED AGAINST ANY CANDIDATE FOR THE OFFICE OF SECRETARY OF STATE TO THE ATTORNEY GENERAL. ANY ADMINISTRATIVE LAW JUDGE EMPLOYED PURSUANT TO THIS SECTION SHALL BE APPOINTED PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., OR ANY

SUCCESSOR SECTION. ANY HEARING CONDUCTED BY AN ADMINISTRATIVE LAW JUDGE EMPLOYED PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-4-105, C.R.S., OR ANY SUCCESSOR SECTION.

(2) (a) ANY PERSON WHO BELIEVES THAT A VIOLATION OF SECTION 3, SECTION 4, SECTION 5, SECTION 6, SECTION 7, OR SECTION 9 (1) (e), OF THIS ARTICLE, OR OF SECTIONS 1-45-108, 1-45-114, 1-45-115, OR 1-45-117 C.R.S., OR ANY SUCCESSOR SECTIONS, HAS OCCURRED MAY FILE A WRITTEN COMPLAINT WITH THE SECRETARY OF STATE NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE DATE OF THE ALLEGED VIOLATION. THE SECRETARY OF STATE SHALL REFER THE COMPLAINT TO AN ADMINISTRATIVE LAW JUDGE WITHIN THREE DAYS OF THE FILING OF THE COMPLAINT. THE ADMINISTRATIVE LAW JUDGE SHALL HOLD A HEARING WITHIN FIFTEEN DAYS OF THE REFERRAL OF THE COMPLAINT, AND SHALL RENDER A DECISION WITHIN FIFTEEN DAYS OF THE HEARING. THE DEFENDANT SHALL BE GRANTED AN EXTENSION OF UP TO THIRTY DAYS UPON DEFENDANT'S MOTION, OR LONGER UPON A SHOWING OF GOOD CAUSE. IF THE ADMINISTRATIVE LAW JUDGE DETERMINES THAT SUCH VIOLATION HAS OCCURRED, SUCH DECISION SHALL INCLUDE ANY APPROPRIATE ORDER, SANCTION, OR RELIEF AUTHORIZED BY THIS ARTICLE. THE DECISION OF THE ADMINISTRATIVE LAW JUDGE SHALL BE FINAL AND SUBJECT TO REVIEW BY THE COURT OF APPEALS, PURSUANT TO SECTION 24-4-106 (11), C.R.S., OR ANY SUCCESSOR SECTION. THE SECRETARY OF STATE AND THE ADMINISTRATIVE LAW JUDGE ARE NOT NECESSARY PARTIES TO THE REVIEW. THE DECISION MAYBE ENFORCED BY THE SECRETARY OF STATE, OR, IF THE SECRETARY OF STATE DOES NOT FILE AN ENFORCEMENT ACTION WITHIN THIRTY DAYS OF THE DECISION, IN A PRIVATE CAUSE OF ACTION BY THE PERSON FILING THE COMPLAINT. ANY PRIVATE ACTION BROUGHT UNDER THIS SECTION SHALL BE BROUGHT WITHIN ONE YEAR OF THE DATE OF THE VIOLATION IN STATE DISTRICT COURT. THE PREVAILING PARTY IN A PRIVATE ENFORCEMENT ACTION SHALL BE ENTITLED TO REASONABLE ATTORNEYS FEES AND COSTS.

(b) THE ATTORNEY GENERAL SHALL INVESTIGATE COMPLAINTS MADE AGAINST ANY CANDIDATE FOR THE OFFICE OF SECRETARY OF STATE USING THE SAME PROCEDURES SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (2). COMPLAINANT SHALL HAVE THE SAME PRIVATE RIGHT OF ACTION AS UNDER PARAGRAPH (a) OF THIS SUBSECTION (2).

(c) A SUBPOENA ISSUED BY AN ADMINISTRATIVE LAW JUDGE REQUIRING THE PRODUCTION OF DOCUMENTS BY AN ISSUE COMMITTEE SHALL BE LIMITED TO DOCUMENTS PERTAINING TO CONTRIBUTIONS TO, OR EXPENDITURES FROM, THE COMMITTEE'S SEPARATE ACCOUNT ESTABLISHED PURSUANT TO SECTION 3(9) OF THIS ARTICLE TO SUPPORT OR OPPOSE A BALLOT ISSUE OR BALLOT QUESTION. A SUBPOENA SHALL NOT BE LIMITED IN THIS MANNER WHERE SUCH ISSUE COMMITTEE FAILS TO FORM A SEPARATE ACCOUNT THROUGH WHICH A BALLOT ISSUE OR BALLOT QUESTION IS SUPPORTED OR OPPOSED.

Section 10. Sanctions. (1) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE RELATING TO CONTRIBUTION OR VOLUNTARY SPENDING LIMITS SHALL BE SUBJECT TO A CIVIL PENALTY OF AT LEAST DOUBLE AND UP TO FIVE TIMES THE AMOUNT CONTRIBUTED, RECEIVED, OR SPENT IN VIOLATION OF THE APPLICABLE PROVISION OF THIS ARTICLE. CANDIDATES SHALL BE PERSONALLY LIABLE FOR PENALTIES IMPOSED UPON THE CANDIDATE'S COMMITTEE.

(2) (a) THE APPROPRIATE OFFICER SHALL IMPOSE A PENALTY OF FIFTY DOLLARS PER DAY FOR EACH DAY THAT A STATEMENT OR OTHER INFORMATION REQUIRED TO BE FILED PURSUANT TO SECTION

5, SECTION 6, OR SECTION 7 OF THIS ARTICLE, OR SECTIONS 1-45-108, 1-45-109 OR 1-45-110, C.R.S., OR ANY SUCCESSOR SECTIONS, IS NOT FILED BY THE CLOSE OF BUSINESS ON THE DAY DUE. UPON IMPOSITION OF A PENALTY PURSUANT TO THIS SUBSECTION (2), THE APPROPRIATE OFFICER SHALL SEND THE PERSON UPON WHOM THE PENALTY IS BEING IMPOSED PROPER NOTIFICATION BY CERTIFIED MAIL OF THE IMPOSITION OF THE PENALTY. IF AN ELECTRONIC MAIL ADDRESS IS ON FILE WITH THE SECRETARY OF STATE, THE SECRETARY OF STATE SHALL ALSO PROVIDE SUCH NOTIFICATION BY ELECTRONIC MAIL. REVENUES COLLECTED FROM FEES AND PENALTIES ASSESSED BY THE SECRETARY OF STATE OR REVENUES COLLECTED IN THE FORM OF PAYMENT OF THE SECRETARY OF STATE'S ATTORNEY FEES AND COSTS PURSUANT TO THIS ARTICLE SHALL BE DEPOSITED IN THE DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104 (3), C.R.S., OR ANY SUCCESSOR SECTION.

(b) (i) ANY PERSON REQUIRED TO FILE A REPORT WITH THE SECRETARY OF STATE AND UPON WHOM A PENALTY HAS BEEN IMPOSED PURSUANT TO THIS SUBSECTION (2) MAY APPEAL SUCH PENALTY BY FILING A WRITTEN APPEAL WITH THE SECRETARY OF STATE NO LATER THAN THIRTY DAYS AFTER THE DATE ON WHICH NOTIFICATION OF THE IMPOSITION OF THE PENALTY WAS MAILED TO SUCH PERSON'S LAST KNOWN ADDRESS IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (2). EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (2), THE SECRETARY SHALL REFER THE APPEAL TO AN ADMINISTRATIVE LAW JUDGE. ANY HEARING CONDUCTED BY AN ADMINISTRATIVE LAW JUDGE PURSUANT TO THIS SUBSECTION (2) SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-4-105, C.R.S., OR ANY SUCCESSOR SECTION. THE ADMINISTRATIVE LAW JUDGE SHALL SET ASIDE OR REDUCE THE PENALTY UPON A SHOWING OF GOOD CAUSE, AND THE PERSON FILING THE APPEAL SHALL BEAR THE BURDEN OF PROOF. THE DECISION OF THE ADMINISTRATIVE LAW JUDGE SHALL BE FINAL AND SUBJECT TO REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11), C.R.S., OR ANY SUCCESSOR SECTION.

(ii) IF THE ADMINISTRATIVE LAW JUDGE FINDS THAT THE FILING OF AN APPEAL BROUGHT PURSUANT TO SUBPARAGRAPH (i) OF THIS PARAGRAPH (b) WAS FRIVOLOUS, GROUNDLESS, OR VEXATIOUS, THE ADMINISTRATIVE LAW JUDGE SHALL ORDER THE PERSON FILING THE APPEAL TO PAY REASONABLE ATTORNEY FEES AND COSTS OF THE SECRETARY OF STATE IN CONNECTION WITH SUCH PROCEEDING.

(c) UPON RECEIPT BY THE SECRETARY OF STATE OF AN APPEAL PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2), THE SECRETARY SHALL SET ASIDE OR REDUCE THE PENALTY UPON A SHOWING OF GOOD CAUSE.

(d) ANY UNPAID DEBT OWING TO THE STATE RESULTING FROM A PENALTY IMPOSED PURSUANT TO THIS SUBSECTION (2) SHALL BE COLLECTED BY THE STATE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 24-30-202.4, C.R.S., OR ANY SUCCESSOR SECTION.

(3) FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE SHALL HAVE NO EFFECT ON THE VALIDITY OF ANY ELECTION.

Section 11. Conflicting provisions declared inapplicable. ANY PROVISIONS IN THE STATUTES OF THIS STATE IN CONFLICT OR INCONSISTENT WITH THIS ARTICLE ARE HEREBY DECLARED TO BE INAPPLICABLE TO THE MATTERS COVERED AND PROVIDED FOR IN THIS ARTICLE.

Section 12. Repeal of conflicting statutory provisions. SECTIONS 1-45-103, 1-45-105.3, 1-45-107, 1-45-111, AND 1-45-113 ARE REPEALED.

Section 13. APPLICABILITY AND EFFECTIVE DATE. THE PROVISIONS OF THIS ARTICLE SHALL TAKE EFFECT ON DECEMBER 6, 2002 AND BE APPLICABLE FOR ALL ELECTIONS THEREAFTER. LEGISLATION MAY BE ENACTED TO FACILITATE ITS OPERATIONS, BUT IN NO WAY LIMITING OR RESTRICTING THE PROVISIONS OF THIS ARTICLE OR THE POWERS HEREIN GRANTED.

Section 14. Severability. IF ANY PROVISION OF THIS ARTICLE OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THE ARTICLE WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ARTICLE ARE DECLARED TO BE SEVERABLE.

Colorado Revised Statutes

Title 1, Article 45

As amended by:

House Bill 03-1132, effective June 3, 2003

ARTICLE 45

Fair Campaign Practices Act

1-45-101.	Short title.	1-45-111.5.	Duties of the secretary of state -enforcement.
1-45-102.	Legislative declaration.	1-45-112.	Duties of municipal clerk and county clerk and recorder.
1-45-103.	Definitions - repeal	1-45-112.5.	Immunity from liability for fine or penalty.
1-45-103.7.	Contribution limits.	1-45-113.	Sanctions. (Repealed)
1-45-104.	Contribution limits. (Repealed)	1-45-114.	Expenditures - political advertising - rates and charges.
1-45-105.	Voluntary campaign spending limits. (Repealed)	1-45-115.	Encouraging withdrawal from campaign prohibited.
1-45-105.3.	Contribution limits. (Repealed)	1-45-116.	Home rule counties and municipalities.
1-45-105.5.	Contributions to members of general assembly and governor during consideration of legislation.	1-45-117.	State and political subdivisions -limitations on contributions.
1-45-106.	Unexpended campaign contributions.	1-45-118.	Severability.
1-45-107.	Independent expenditures. (Repealed)		
1-45-108.	Disclosure - repeal.		
1-45-109.	Filing - where to file - timeliness.		
1-45-110.	Candidate affidavit - disclosure statement.		
1-45-111.	Duties of the secretary of enforcement. (Repealed)		

1-45-101. Short title. This article shall be known and may be cited as the "Fair Campaign Practices Act".

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997.

1-45-102. Legislative declaration. The people of the state of Colorado hereby find and declare that large campaign contributions to political candidates allow wealthy contributors and special interest groups to exercise a disproportionate level of

influence over the political process; that large campaign contributions create the potential for corruption and the appearance of corruption; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; and that the interests of the public are best served by limiting campaign contributions, encouraging voluntary campaign spending limits, full and timely disclosure of campaign contributions, and strong enforcement of campaign laws.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997.

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

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

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

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

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

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

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

(b) "Contribution" includes, with regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value to such contribution, including, but not limited to, items of perishable or nonpermanent value, goods, supplies, services, or participation in a campaign-related event, an amount equal to the value in excess of such compensation or consideration as determined by the candidate committee.

(7) "Corporation" means a domestic corporation incorporated under and subject to the "Colorado Business Corporation Act", articles 101 to 117 of title 7, C.R.S.

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

(9) "Electioneering communication" shall have the same meaning as set forth in section 2 (7) of article XXVIII of the state constitution.

(10) "Expenditure" shall have the same meaning as set forth in section 2 (8) of article XXVIII of the state constitution.

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

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

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

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

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

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

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

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

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 98:** (1) added and (8) amended, p. 223, § 1, effective April 10; (1.5) amended and (14) added, p. 954, § 1, effective May 27. **L. 99:** (5) amended, p. 1390, § 12, effective June 4. **L. 2000:** (1.3), (4)(a)(V), and (4.5) added and (4)(a)(III), (10)(b), and (12) amended, pp. 122, 123, §§ 2, 3, effective March 15; (8) amended, p. 1724, § 1, effective June 1. **L. 2002:** (8)(a)(I) amended and (8)(a)(III) added, p. 198, § 1, effective April 3; (1.5) and (2) amended, p. 1576, § 1, effective July 1. Initiated 2002: Entire section repealed, effective upon proclamation of the Governor, December 20, 2002; however section 13 of the initiated measure repealing this section provides that the effective date of this section is December 6, 2002. **L. 2003:** Entire section RC&RE, p. 2156, § 1, effective June 3.

1-45-103.7. Contribution limits. Nothing in article XXVIII of the state constitution or this article shall be construed to prohibit a corporation or labor organization from making a contribution to a political committee.

Source: L. 2003: Entire section added, p. 2160, § 6, effective June 3.

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

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 98:** (13)(a)(II) amended, p. 632, § 2, effective May 6; (13)(c) amended, p. 950, § 1, effective May 27; (14) added, p. 955, § 2, effective May

27. **L. 99:** IP(2) amended, p. 1391, § 13, effective June 4. **L. 2000:** Entire section repealed, p. 129, § 12, effective March 15.

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

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 98:** (3) amended, p. 951, § 2, effective May 27. **L. 2000:** Entire section repealed, p. 129, § 12, effective March 15.

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

Source: L. 2000: Entire section added with relocations, p. 118, § 1, effective March 15. **L. 2002:** (4)(a.5) added, p. 1929, § 1, effective June 7. Initiated 2002: Entire section repealed, effective upon proclamation of the Governor, December 20, 2002; however section 13 of the initiated measure repealing this section provides that the effective date of this section is December 6, 2002.

1-45-105.5. Contributions to members of general assembly and governor during consideration of legislation. (1) (a) No professional lobbyist, volunteer lobbyist, or principal of a professional lobbyist or volunteer lobbyist shall make or promise to make a contribution to, or solicit or promise to solicit a contribution for:

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

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

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

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

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

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

(c) (I) Nothing contained in this subsection (1) shall be construed to prohibit lobbyists and their principals from raising money when the general assembly is in

regular session or when regular session legislation is pending before the governor, except as specifically prohibited in paragraph (a) of this subsection (1).

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

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

(IV) A gift of a meal described in subparagraph (III) of this paragraph (c) by a lobbyist or a principal of a lobbyist to an incumbent in or a candidate elected to any office described in paragraph (a) of this subsection (1) shall be reported as follows:

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

(B) The incumbent or candidate shall report the value of the meal in the public official disclosure statement filed pursuant to section 24-6-203, C.R.S.

Source: L. 2000: Entire section added with relocations, p. 118, § 1, effective March 15.

1-45-106. Unexpended campaign contributions. (1) (a) (I) Subject to the requirements of section 3 (3) (e) of article XXVIII of the state constitution, unexpended campaign contributions to a candidate committee may be:

(A) Contributed to a political party;

(B) Contributed to a candidate committee established by the same candidate for a different public office, subject to the limitations set forth in section 1-45-105.3 (4) (b) and (c), if the candidate committee making such a contribution is affirmatively closed by the candidate no later than ten days after the date such a contribution is made;

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

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

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

(III) A candidate committee for a former officeholder or a person not elected to office shall expend all of the unexpended campaign contributions retained by such candidate committee, for the purposes specified in this subsection (1), no later than nine 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.

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

(I) Voter registration;

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

(III) Postsecondary educational scholarships;

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

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

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

(3) Unexpended contributions to an issue committee may be donated to any charitable organization recognized by the Internal Revenue Service or returned to the contributor.

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

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

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 98:** (1) amended, p. 955, § 3, effective May 27. **L. 2000:** (1)(a) and (2) amended, p. 123, § 4, effective March 15. **L. 2003:** IP(1)(a)(I) amended and (5) added, p. 2157, § 2, effective June 3.

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

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **Initiated 2002:** Entire section repealed, effective upon

proclamation of the Governor, December 20, 2002; however section 13 of the initiated measure repealing this section provides that the effective date of this section is December 6, 2002.

1-45-108. Disclosure - repeal. (1) (a) (I) All candidate committees, political committees, issue committees, small donor committees, and political parties shall report to the appropriate officer their contributions received, including the name and address of each person who has contributed twenty dollars or more; expenditures made, and obligations entered into by the committee or party.

(II) In the case of contributions made to a candidate committee, political committee, issue committee, and political party, the disclosure required by this section shall also include the occupation and employer of each person who has made a contribution of one hundred dollars or more to such committee or party.

(III) Any person who expends one thousand dollars or more per calendar year on electioneering communications shall report to the secretary of state, in accordance with the disclosure required by this section, the amount expended on the communications and the name and address of any person that contributes more than two hundred fifty dollars per year to the person expending one thousand dollars or more on the communications. If the person making such contribution of two hundred fifty dollars or more is a natural person, the disclosure required by this section shall also include the person's occupation and employer.

(b) (Deleted by amendment, L. 2003, p. 2158, § 3, effective June 3, 2003.)

(c) A candidate committee in a special district election shall not be required to file reports under this section until the committee has received contributions or made expenditures exceeding twenty dollars in the aggregate.

(d) For purposes of this section, a political party shall be treated as a separate entity at the state, county, district, and local levels.

(2) (a) (I) Except as provided in subsections (2.3), (2.5), (2.7), and (6) of this section, such reports that are required to be filed with the secretary of state shall be filed:

(A) Quarterly in off-election years no later than the fifteenth calendar day following the end of the applicable quarter;

(B) On the first Monday in July and on each Monday every two weeks thereafter before the primary election if reports can be filed electronically through a website on the internet with the secretary of state by July 1, 2000; except that nothing in this subparagraph (B) shall require filing by such means;

(C) On the first day of each month beginning the sixth full month before the major election; except that no monthly report shall be required on the first day of the month in which the major election is held;

(D) On the first Monday in September and on each Monday every two weeks thereafter before the major election;

(E) Thirty days after the major election in election years; and
(F) Fourteen days before and thirty days after a special legislative election held in an off-election year.

(II) Such reports that are required to be filed with the county clerk and recorder or with the municipal clerk shall be filed on the twenty-first day and on the Friday before and thirty days after the primary election, where applicable, and the major election in election years and annually in off-election years on the first day of the month in which the anniversary of the major election occurs.

(III) For purposes of this section, "election year" means every even numbered year for political parties and political committees and each year in which the particular candidate committee's candidate, or issue committee's issue, appears on the ballot; and "major election" means the election that decides an issue committee's issue and the election that elects a person to the public office sought by the candidate committee's candidate.

(IV) If the reporting day falls on a weekend or legal holiday, the report shall be filed by the close of the next business day.

(b) The reports required by this section shall also include the balance of funds at the beginning of the reporting period, the total of contributions received, the total of expenditures made during the reporting period, and the name and address of the financial institution used by the committee or party.

(c) All reports filed with the secretary of state pursuant to this subsection (2) shall be for the reporting periods established pursuant to rules promulgated by the secretary of state in accordance with article 4 of title 24, C.R.S.

(d) A candidate committee for a former officeholder or a person not elected to office that has no change in the balance of funds maintained by such committee, receives no contributions, makes no expenditures, and enters into no obligations during a reporting period shall not be required to file a report under this section for such period.

(e) The reporting period for all reports required to be filed with the county clerk and recorder or with the municipal clerk shall close five calendar days prior to the effective date of filing.

(2.3) (a) A candidate committee, political committee, issue committee, small donor committee, political party, or any other person that utilizes the electronic filing system described in section 1-45-109 (6) to file reports with the secretary of state shall have two additional days after each due date prescribed in paragraph (a) of subsection (2) of this section in which to file such reports.

(b) This subsection (2.3) is repealed, effective January 1, 2007.

(2.5) In addition to any report required to be filed with the secretary of state under this section, all candidate committees, political committees, issue committees, and political parties shall file a report with the secretary of state of any contribution of one thousand dollars or more at any time within thirty days preceding the date of the

primary election or general election. This report shall be filed with the secretary of state no later than twenty-four hours after receipt of said contribution.

(2.7) Any candidate or candidate committee supporting any candidate, including an incumbent, in a recall election, shall file reports of contributions and expenditures with the appropriate officer fourteen and seven days before the recall election and thirty days after the recall election.

(3) All candidate committees, political committees, issue committees, small donor committees, and political parties shall register with the appropriate officer before accepting or making any contributions. Registration shall include a statement listing:

- (a) The organization's full name, spelling out any acronyms used therein;
- (b) A natural person authorized to act as a registered agent;
- (c) A street address and telephone number for the principle place of operations;
- (d) All affiliated candidates and committees;
- (e) The purpose or nature of interest of the committee or party;
- (f) Any intent of the candidate committee, political committee, issue committee, small donor committee, or political party to electronically file reports required by this article that may be filed electronically on a web site operated and maintained by the secretary of state pursuant to section 1-45-109.

(4) For purposes of subsection (3) of this section, a political committee in existence on January 1, 1997, shall register with the secretary of state on or before April 1, 1997, pursuant to the requirements of this act.

(5) The registration and reporting requirements of this section shall not apply to that part of the organizational structure of a political party which is responsible for only the day-to-day operations of such political party at the national level if copies of the reports required to be filed with the Federal Election Commission pursuant to the "Federal Election Commission Act of 1971", as amended, are filed with the secretary of state and include the information required by this section.

(6) Any issue committee whose purpose is the recall of any elected official shall file a committee registration with the appropriate officer within ten business days of receiving its first contribution. Reports of contributions and expenditures shall be filed with the appropriate officer within fifteen days of the filing of the committee registration and every thirty days thereafter until the date of the recall election has been established and then fourteen days and seven days before the recall election and thirty days following the recall election.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 98:** (1), (2)(a), and IP(3) amended, p. 223, § 2, effective April 10; (2)(c) added, p. 951, § 3, effective May 27. **L. 99:** (2)(a) amended and (2)(c)(V) and (2)(c)(VI) added, p. 1391, §§ 14, 15, effective June 4. **L. 2000:** (2)(a) and (2)(c) amended and (2)(d), (2.3), and (2.5) added, pp. 124, 125, §§ 5, 6, effective March 15; (1) amended, p. 1725, § 2, effective June 1; (2)(e) added, p. 791, § 2, effective August 2. **L. 2001:** (3)(f) added, p. 808, § 1, effective August 8; (2.3)

amended, p. 1111, § 2, effective September 1. **L. 2002:** IP(2)(a)(I) and (6) amended and (2.7) added, p. 198, § 2, effective April 3; (1)(c) added, p. 1640, § 33, effective June 7. **L. 2003:** (1)(a), (1)(b), (2.3)(a), (2.5), IP(3), and (3)(f) amended and (1)(d) added, p. 2158, § 3, effective June 3.

1-45-109. Filing - where to file - timeliness. (1) For the purpose of meeting the filing and reporting requirements of this article, candidates for state wide office, the general assembly, district attorney, district court judge, or any office representing more than one county, except candidates for school district director; the candidate committees for such candidates; political committees in support of or in opposition to such candidates; issue committees in support of or in opposition to an issue on the ballot in more than one county; small donor committees making contributions to such candidates; and persons expending one thousand dollars or more per calendar year on electioneering communications shall file with the secretary of state. Candidates in municipal elections, their candidate committees, any political committee in support of or in opposition to such candidate, an issue committee supporting or opposing a municipal ballot issue, and small donor committees making contributions to such candidates shall file with the municipal clerk. Candidates in special district elections, except candidates for director of the regional transportation district; the candidate committees of such candidates; political committees in support of or in opposition to such candidates; issue committees supporting or opposing a special district ballot issue; and small donor committees making contributions to such candidate shall file with the clerk and recorder of the county in which the district court having jurisdiction over the special district pursuant to section 32-1-303, C.R.S., is located. All other candidates, candidate committees, issue committees, political committees, and small donor committees shall file with the county clerk and recorder of the county of their residence. However, a report required to be filed with a county clerk and recorder shall be deemed properly filed if filed electronically pursuant to subsection (8) of this section.

(2) Reports required to be filed by this article are timely if received by the appropriate officer not later than the close of business on the due date. Reports may be filed by fax and are timely if received by the appropriate officer not later than the close of business on the due date only if an original of the report is received by the appropriate officer within seven days of the due date.

(3) In addition to any other reporting requirements of this article, every incumbent in public office and every candidate elected to public office is subject to the reporting requirements of section 24-6-203 C.R.S.

(4) (a) All reports required to be filed by this article are public records and shall be open to inspection by the public during regular business hours. A copy of the report shall be kept by the appropriate officer and a copy shall be made available immediately in a file for public inspection.

(b) Any report that is deemed to be incomplete by the appropriate officer shall be accepted on a conditional basis and the committee or party treasurer shall be notified by mail as to any deficiencies found. If an electronic mail address is on file with the secretary of state, the secretary of state may also provide such notification by electronic mail. The committee or party treasurer shall have seven business days from the date of mailing such notice to file an addendum that cures the deficiencies.

(5) (a) The secretary of state shall establish, operate, and maintain a web site on the internet, or modify, operate, and maintain an existing web site, so as to allow any person who wishes to review reports filed with the secretary of state's office pursuant to this article electronic read-only access to such reports free of charge.

(b) All reports required to be filed by this article that are electronically filed pursuant to subsection (6) of this section shall be made available on said web site within forty-eight hours after filing. In addition, the web site shall enable a user to produce summary reports based on search criteria that shall include, but not be limited to the reporting period, date, name of the person making a contribution or expenditure, candidate, and committee. The secretary of state may promulgate rules necessary for the implementation of this subsection (5). Such rules shall be promulgated in accordance with article 4 of title 24, C.R.S.

(6) (a) No later than September 1, 2000, or as near to such date as is practicable, the secretary of state shall establish, operate, and maintain a system that enables electronic filing of the reports required by this article by utilizing the internet. The rules for use of the electronic filing system shall be promulgated by the secretary of state in accordance with article 4 of title 24, C.R.S.

(b) In addition to any other method of filing, any person may use the electronic filing system described in paragraph (a) of this subsection (6) in order to meet the filing requirements of this article. Where a person uses such electronic filing system to meet the filing requirements of this article, the secretary of state shall acknowledge by electronic means the receipt of such filing.

(7) (a) No later than January 1, 2002, the secretary of state shall either modify the web site operated and maintained pursuant to subsection (5) of this section or establish, operate, and maintain an additional web site so as to allow any person who wishes to review reports filed with a county clerk and recorder pursuant to this article and electronically transmitted to the secretary of state or electronically filed in accordance with subsection (8) of this section electronic read-only access to such reports free of charge.

(b) Within forty-eight hours after receiving in electronic form from a candidate, candidate committee, issue committee, political committee, small donor committee, person expending one thousand dollars or more per calendar year on electioneering communications, or county clerk and recorder any report required to be filed with a county clerk and recorder pursuant to this article, the secretary of state shall make the report available on the web site described in paragraph (a) of this subsection (7). The web site shall enable a user to produce summary reports based on search criteria that

shall include, but not be limited to, the reporting period, date, name of the person making a contribution or expenditure, candidate, and committee. The secretary of state may promulgate rules necessary for the implementation of this subsection (7). The rules shall be promulgated in accordance with article 4 of title 24, C.R.S.

(8) (a) No later than January 1, 2002, or as near to such date as practicable, the secretary of state shall either modify the electronic filing system operated and maintained pursuant to subsection (6) of this section or establish, operate, and maintain an additional system to enable electronic filing, through utilization of the internet, of reports required to be filed with a county clerk and recorder pursuant to this article.

(b) (I) Before January 1, 2006, each county clerk and recorder who has the technology available to access the internet may use the electronic filing system described in paragraph (a) of this subsection (8) to transmit any report filed with the county clerk and recorder to the secretary of state.

(II) On and after January 1, 2006, each county clerk and recorder shall use the electronic filing system described in paragraph (a) of this subsection (8) to transmit any report filed with the county clerk and recorder to the secretary of state.

(III) A county clerk and recorder shall transmit any report to be transmitted to the secretary of state pursuant to subparagraph (I) or (II) of this paragraph (b) as quickly as practicable. The county clerk and recorder shall convert any report that is not electronically filed into electronic format before transmitting the report to the secretary of state. A county clerk and recorder that does not have the technology available to access the internet shall not transmit reports to the secretary of state pursuant to subparagraph (I) of this paragraph (b). The rules for the use of the electronic filing system shall be promulgated by the secretary of state in accordance with article 4 of title 24, C.R.S.

(c) (I) Before January 1, 2006, any person required to file reports with a county clerk and recorder pursuant to this article may meet the filing requirements by using the electronic filing system described in paragraph (a) of this subsection (8) if the county clerk and recorder has the technology available to access the internet. If the county clerk and recorder does not have the technology available to access the internet, reports shall not be filed electronically.

(II) On and after January 1, 2006, any person required to file reports with a county clerk and recorder pursuant to this article may meet the filing requirements by using the electronic filing system described in paragraph (a) of this subsection (8).

(9) Subsections (1), (7), and (8) of this section shall not be construed to require the secretary of the state to review reports electronically filed by persons required to file reports with a county clerk and recorder pursuant to this article or to impose any enforcement duties upon the secretary of state beyond the duties specified in section 1-45-111.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 2000:** (4), (5), and (6) amended, p. 125, § 7, effective March 15. **L. 2001:** (1) amended and (7), (8), and (9) added, p. 808, § 2, effective August 8; (6)(b) amended, p. 1111, § 3, effective September 1. **L. 2002:** (1) and (4)(a) amended, p. 1640, § 34, effective June 7. **L. 2003:** (1) and (7)(b) amended, p. 2159, § 4, effective June 3.

1-45-110. Candidate affidavit - disclosure statement. (1) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the appropriate officer within ten days, that the candidate is familiar with the provisions of this article; except that an individual who is a candidate in a special legislative election that filed a candidate affidavit for the preceding general election shall not be required to comply with the provisions of this section, and except that a candidate in a special district election shall file the candidate affidavit or, alternatively, a copy of the candidate's self-nomination and acceptance form or letter submitted in accordance with section 32-1-804.3, C.R.S., if such form or letter contains a statement that the candidate is familiar with the provisions of this article, no later than the date established for certification of the special district's ballot pursuant to section 1-5-203 (3) (a). A candidate in a municipal election may comply with this section by filing a candidate affidavit pursuant to section 31-10-302 (6), C.R.S., if such affidavit contains a statement that the candidate is familiar with the provisions of this article.

(2) (a) Except as provided in paragraph (b) of this subsection, each candidate for the general assembly, governor, lieutenant governor, attorney general, state treasurer, secretary of state, state board of education, regent of the University of Colorado, and district attorney shall file a statement disclosing the information required by section 24-6-202 (2) with the appropriate officer, on a form approved by the secretary of state, within ten days of filing the affidavit required by subsection (1) of this section.

(b) No candidate listed in paragraph (a) of this subsection shall be required to file another disclosure statement if the candidate had already filed such a statement less than ninety days prior to filing the affidavit required by subsection (1) of this section.

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

(4) Any disclosure statement required by subsection (2) of this section shall be amended no more than thirty days after any termination or acquisition of interests as to which disclosure is required.

(5) If a person is defeated as a candidate or withdraws from the candidacy, that person shall not be required to comply with the provisions of this section after the withdrawal or defeat.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 99:** (1) amended, p. 1392, § 16, effective June 4. **L. 2002:** (1) amended, p. 1641, § 35, effective June 7.

1-45-111. Duties of the secretary of state - enforcement. (Repealed)

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 2000:** (1)(a.5) added and (1)(b) and (2) amended, p. 126, § 8, effective March 15; (2)(d) added, p. 1725, § 3, effective June 1. **Initiated 2002:** Entire section repealed, effective upon proclamation of the Governor, December 20, 2002; however section 13 of the initiated measure repealing this section provides that the effective date of this section is December 6, 2002.

1-45-111.5. Duties of the secretary of state - enforcement. (1) The secretary of state shall promulgate such rules, in accordance with article 4 of title 24, C.R.S., as may be necessary to enforce and administer any provision of this article.

(2) The prevailing party in a private action brought to enforce the provisions of article XXVIII of the state constitution or of this article shall be entitled to the recovery of such party's reasonable attorney fees and costs.

Source: L. 2003: Entire section added, p. 2160, § 6, effective June 3.

1-45-112. Duties of municipal clerk and county clerk and recorder. (1) The municipal clerk and county clerk and recorder shall:

(a) Develop a filing and indexing system for their offices consistent with the purposes of this article;

(b) Keep a copy of any report or statement required to be filed by this article for a period of one year from the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for one year after the candidate leaves office;

(c) Make reports and statements filed under this article available to the public for inspection and copying no later than the end of the next business day after the date

of filing. No information copied from such reports and statements shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

(d) Upon request by the secretary of state, transmit records and statements filed under this article to the secretary of state;

(e) Notify any person under their jurisdiction who has failed to fully comply with the provisions of this article and notify any person if a complaint has been filed with the secretary of state alleging a violation of this article;

(f) Report apparent violations of law to appropriate law enforcement authorities.

(2) The secretary of state shall reimburse the municipal clerk and the county clerk and recorder of each county at the rate of two dollars per candidate per election to help defray the cost of implementing this article.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997.

1-45-112.5. Immunity from liability for fine or penalty. (1) Any individual volunteering his or her time on behalf of a candidate or candidate committee shall be immune from any liability for a fine or penalty imposed pursuant to section 10 (1) of article XXVIII of the state constitution in any proceeding that is based on an act or omission of such volunteer if:

(a) The volunteer was acting in good faith and within the scope of such volunteer's official functions and duties for the candidate or candidate committee; and

(b) The violation was not caused by willful and intentional misconduct by such volunteer.

(2) Subsection (1) of this section shall be administered in a manner that is consistent with section 1 of article XXVIII of the state constitution and with the legislative declaration set forth in section 1-45-102.

Source: L. 2003: Entire section added, p. 2160, § 6, effective June 3.

1-45-113. Sanctions. (Repealed)

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 98:** (6) added, p. 633, § 3, effective May 6; (6) added, p. 952, § 4, effective May 27. **L. 2000:** (1), (2), (3), and (4) amended, p. 127, § 9, effective March 15. **L. 2001:** (4) amended, p. 1110, § 1, effective September 1. **Initiated 2002:** Entire section repealed, effective upon proclamation of the Governor, December 20, 2002; however section 13 of the initiated measure repealing this section provides that the effective date of this section is December 6, 2002.

1-45-114. Expenditures - political advertising - rates and charges. (1) No candidate shall pay to any radio or television station, newspaper, periodical, or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space, materials, or services. Any such rate shall not be rebated, directly or indirectly.

(2) Any radio or television station, newspaper, or periodical that charges a candidate committee a lower rate for use of space, materials, or services than the rate such station, newspaper, periodical, or supplier charges another candidate committee for the same public office for comparable use of space, materials, or services shall report the difference in such rate as a contribution to the candidate committee that is charged such lower rate pursuant to section 1-45-108.

(3) Nothing in this article shall be construed to prevent an adjustment in rates related to frequency, volume, production costs, and agency fees if such adjustments are offered consistently to other advertisers.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 2000:** Entire section amended, p. 128, § 10, effective March 15. **L. 2003:** (2) amended, p. 2160, § 5, effective June 3.

1-45-115. Encouraging withdrawal from campaign prohibited. No person shall offer or give any candidate or candidate committee any money or any other thing of value for the purpose of encouraging the withdrawal of the candidate's candidacy, nor shall any candidate offer to withdraw a candidacy in return for money or any other thing of value.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997.

1-45-116. Home rule counties and municipalities. Any home rule county or municipality may adopt ordinances or charter provisions with respect to its local elections that are more stringent than any of the provisions contained in this act. Any home rule county or municipality which adopts such ordinances or charter provisions shall not be entitled to reimbursement pursuant to subsection 1-45-112 (2). The requirements of article XXVIII of the state constitution and of this article shall not apply to home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address the matters covered by article XXVIII and this article.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 2003:** Entire section amended, p. 2161, § 7, effective June 3.

1-45-117. State and political subdivisions - limitations on contributions. (1) (a) (I) No agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof shall make any contribution in campaigns involving the nomination, retention, or election of any person to any public office, nor shall any such entity expend any public moneys from any source, or make any contributions, to urge electors to vote in favor of or against any:

(A) State-wide ballot issue that has been submitted for the purpose of having a title designated and fixed pursuant to section 1-40-106 (1) or that has had a title designated and fixed pursuant to that section;

(B) Local ballot issue that has been submitted for the purpose of having a title fixed pursuant to section 31-11-111 or that has had a title fixed pursuant to that section;

(C) Referred measure, as defined in section 1-1-104 (34.5);

(D) Measure for the recall of any officer that has been certified by the appropriate election official for submission to the electors for their approval or rejection.

(II) However, a member or employee of any such agency, department, board, division, bureau, commission, or council may respond to questions about any such issue described in subparagraph (I) of this paragraph (a) if the member, employee, or public entity has not solicited the question. A member or employee of any such agency, department, board, division, bureau, commission, or council who has policy-making responsibilities may expend not more than fifty dollars of public moneys in the form of letters, telephone calls, or other activities incidental to expressing his or her opinion on any such issue described in subparagraph (I) of this paragraph (a).

(b) (I) Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state, or any political subdivision thereof from expending public moneys or making contributions to dispense a factual summary, which shall include arguments both for and against the proposal, on any issue of official concern before the electorate in the jurisdiction. Such summary shall not contain a conclusion or opinion in favor of or against any particular issue. As used herein, an issue of official concern shall be limited to issues that will appear on an election ballot in the jurisdiction.

(II) Nothing in this subsection (1) shall be construed to prevent an elected official from expressing a personal opinion on any issue.

(III) Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from:

(A) Passing a resolution or taking a position of advocacy on any issue described in subparagraph (I) of paragraph (a) of this subsection (1); or

(B) Reporting the passage of or distributing such resolution through established, customary means, other than paid advertising, by which information about other proceedings of such agency, department, board, division, bureau, or council of the state or any political subdivision thereof is regularly provided to the public.

(C) Nothing in this subsection (1) shall be construed as prohibiting a member or an employee of an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from expending personal funds, making contributions, or using personal time to urge electors to vote in favor of or against any issue described in subparagraph (I) of paragraph (a) of this subsection (1).

(2) The provisions of subsection (1) of this section shall not apply to:

(a) An official residence furnished or paid for by the state or a political subdivision;

(b) Security officers who are required to accompany a candidate or the candidate's family;

(c) Publicly owned motor vehicles provided for the use of the chief executive of the state or a political subdivision;

(d) Publicly owned aircraft provided for the use of the chief executive of the state or of a political subdivision or the executive's family for security purposes; except that, if such use is, in whole or in part, for campaign purposes, the expenses relating to the campaign shall be reported and reimbursed pursuant to subsection (3) of this section.

(3) If any candidate who is also an incumbent inadvertently or unavoidably makes any expenditure which involves campaign expenses and official expenses, such expenditures shall be deemed a campaign expense only, unless the candidate, not more than ten working days after the such expenditure, files with the appropriate officer such information as the secretary of state may by rule require in order to differentiate between campaign expenses and official expenses. Such information shall be set forth on a form provided by the appropriate officer. In the event that public moneys have been expended for campaign expenses and for official expenses, the candidate shall reimburse the state or political subdivision for the amount of money spent on campaign expenses.

(4) Any violation of this section shall be subject to the sanctions authorized in section 1-45-113 or any appropriate order or relief, including injunctive relief or a restraining order to enjoin the continuance of the violation.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 2002:** (4) added, p. 280, § 1, effective August 7.

1-45-118. Severability. If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997.

SECRETARY OF STATE

RULES CONCERNING CAMPAIGN AND POLITICAL FINANCE

[8 CCR 1505-6]

Rules

- 21. Definitions
- 22. Committee Registration
- 23. Responsibilities of Candidate, Issue, and Political Committees and Political Parties
- 24. Disclosure – Contributions and Expenditures
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21. Definitions

- 21.1 “Contribution in support of the candidacy” shall include all contributions given directly or indirectly for a specific public office, including a person who maintains a candidate committee after an election cycle, but who has not publicly announced an intention to seek election to public office in the next or any subsequent election cycle. [Article XXVIII, Section 2 (2)]
- 21.2 “Foreign Corporation”, as used in Article XXVIII, Section 3 (12) (c), means a corporation organized under the laws of another country. The term does not apply to a corporation organized under the laws of another state.
- 21.3 “Person”.
 - a. A “natural person” is a human being.
 - b. For the purpose of Article XXVIII, Section 7, “person” shall mean any natural person.
- 21.4 “Per year” means “per calendar year”.
- 21.5 “Public office” means any office voted for in this state at any election. “Public office” does not include the office of president or vice president of the United States, the office of senator or representative in the Congress of the United States, or any office in a political party.
- 21.6 “Publicly announced an intention to seek election to public office or retention of a judicial office” means that a person has made a statement signifying an interest in the office by means of a speech, advertisement, or other communication reported or appearing in public media or in any place accessible to the public. Such statement includes a stated intention to explore the possibility of seeking an office. The registration of a candidate committee shall also constitute a public announcement of an intention to seek election or retention. [Article XXVIII, Section 2 (2)]

21.7 A registered agent or a committee or party treasurer for the purposes of Title 1, Article 45, shall be an individual or candidate designated to receive mailings and to address concerns and/or questions regarding the candidate committee, the political committee, the small donor committee, the issue committee, or the political party. [1-45-108 (3) (b) and 1-45-109 (4) (b)]

21.8 "Signature", for purposes of any report filed electronically with the secretary of state, means the committee's identification number and password, and "signing" means the electronic transmission of the committee's identification number and the authorized password to the Secretary of State with the report being filed.

22. **Committee Registration**

22.1 When a committee registration form is received by the secretary of state's office, an identification number will be assigned and a letter of acknowledgement will be sent to the registered agent on file informing him/her of the identification number. [1-45-108 (3) through (6)]

22.2 A candidate may serve as the candidate committee's registered agent or appoint someone to be the registered agent. The candidate and registered agent shall sign the candidate committee registration form, and only the registered agent or the candidate may sign the contribution and expenditure report. [1-45-108 (3) (b)]

22.3 The purpose or nature of interest of the committee or party shall be included. A candidate committee shall identify the specific elective office sought upon registration.

22.4 An issue committee may support or oppose more than one issue without having to open numerous campaign accounts and file numerous committee registration forms if the following conditions are met: the specific issues are included on the committee registration form; no generic phraseology is used (i.e.: Support or oppose issues effecting the basic rights of cattle); and the registration form states whether the committee will be supporting or opposing said issue. [Article XXVIII, Section 2 (10) (a) (I)]

22.5 Political committees may only accept or make contributions or expenditures that support or oppose the nomination or election of one or more candidates. [Article XXVIII, Section 2 (12) (a)]

22.6 A political committee that is subject to reporting pursuant to both Section 1-45-108 and the "Federal Election Commission Act of 1971" shall register with the appropriate officer but shall not be required to file disclosure reports if copies of the reports required to be filed with the Federal Election Commission pursuant to the "Federal Election Commission Act of 1971", as amended, are filed with the appropriate officer or are electronically available in the office of the appropriate officer and if such reports include the information required by this section.

22.7 A corporation may establish both a political committee and a small donor committee. Each committee is subject to the individual contribution and expenditure limits for that committee. [Article XXVIII, Section 2 (14) (b)]

23. **Responsibilities of Candidate, Issue, and Political Committees and Political Parties**

- 23.1 Whenever any of the information disclosed on the committee registration form changes, the change must be reported within five days by filing an amended committee registration form with the secretary of state. When filing an amendment to the committee registration form, a new form should be completed that includes any updated information. The form must be signed by the registered agent, and, if for a candidate committee, the candidate must also sign the form. [1-45-108 (3)]
- 23.2 A candidate committee that changes elective office sought shall terminate the existing candidate committee and register a new candidate committee not later than five days after such change. If the new elective office is for a state candidate, then all contributions received shall be applicable to contribution limits and restrictions set forth in Article XXVIII, Section 3 for the new office.
- 23.3 A committee may terminate if the following conditions are met: the candidate or committee no longer intends to receive contributions or make expenditures; a zero balance is achieved by having no cash on hand and no outstanding debts or obligations; and the candidate or committee files a termination statement of contributions and expenditures. A termination statement may be filed at any time. [Article XXVIII, Section 2 (3), and C.R.S. 1-45-106]

24 **Disclosure – Contributions and Expenditures**

- 24.1 All committees must keep a record of all contributions. All contributions received of \$20 or more during a reporting period shall be listed individually on the contribution and expenditure report. All other receipts and contributions under \$20 may be reported in total as non-itemized contributions for the reporting period. [1-45-108 (1)]
- 24.2 Contributions – when counted.
- a. A contribution is considered made or received as of the date that it is accepted by the committee or party. In the case of a contribution by check, the date accepted is the date that the check is deposited into the committee's or party's account.
 - b. However, for purposes of Section 1-45-105.5, concerning contributions by lobbyists to certain state officers and candidates when legislation is under consideration, a contribution is considered made or promised when possession of the check is transferred to any person not under the control of the issuer.
- 24.3 All committees must keep a record of all expenditures. All expenditures made of \$20 or more during a reporting period shall be listed individually on the contribution and expenditure report. All other expenditures under \$20 during a reporting period may be reported in total as non-itemized expenditures. [1-45-108 (1)]
- 24.4 All loans received by a committee or party must be reported continuously until repaid. [Article XXVIII, Section 3 (1) and Section 3 (8)]
- 24.5 Contributions by candidate – voluntary spending limits.

- a. Contributions to a candidate's own committee by a candidate who does not accept voluntary spending limits shall not be subject to the contribution limits of Article XXVIII, Section 3.
 - b. Contributions to a candidate's own committee by a candidate who does accept voluntary spending limits shall be counted toward the limit on political party contributions set forth in Article XXVIII, Section 3 (3) (d), and Section 4 (2).
- 24.6 Pursuant to the decision of the United State Supreme Court in the case of Buckley v. American Constitutional Law Foundation, Inc., 520 U.S. 182, 119 S.Ct., 636 (1999), an issue committee that makes an expenditure of \$20 or more in payment to a petition circulator is not required to disclose the name of the paid circulator. Instead, it is sufficient to list "payment to petition circulator" and the date and amount of the payment. [1-40-121 (1)]
- 24.7 A candidate or the candidate's candidate committee may accept only the aggregate contribution limit for a primary election prior to the primary election. The aggregate contribution limit for the general election may not be accepted prior to the day following the primary election in which the candidate is nominated to the general election ballot. [Article XXVIII, Section 3 (1)]
- 24.8 Expenditures made by a candidate will be considered both a contribution to and expenditure by the candidate's candidate committee unless the expense is reimbursed. Any expenditure reimbursed to the candidate by the candidate's candidate committee must be reimbursed within the same reporting period in which the expenditure was made, and such expenditure shall then be considered only an expenditure made by the candidate's candidate committee.
- 24.9 Any contributions received in excess of contribution limits shall be remitted to the contributor within ten business days.

25 **Filing Dates and Reporting Periods**

- 25.1 Quarterly reporting periods close on the last day of the month. The report shall be filed on or before April 15th, July 15th, October 15th and January 15th - following each calendar quarter. If the filing deadline falls on a Saturday, Sunday, or legal holiday, the filing deadline is the next business day. [1-45-108 (2)(a)]
- 25.2 Monthly reporting periods close five calendar days prior to the last day of the month. The report shall be filed on or before the first calendar day of the following month. If the filing deadline falls on a Saturday, Sunday, or legal holiday, the filing deadline is the next business day. When the filing deadline for a monthly report approximates the filing deadline for a biweekly report, no separate monthly report shall be filed, and the biweekly report shall serve as the monthly report. [1-45-108 (2) (a) and (c)]
- 25.3 The reporting period for biweekly reports required by Section 1-45-108 (2) (a) (I) (B) and (D) closes on the Wednesday preceding the due date. If the filing deadline falls on a Saturday, Sunday, or legal holiday, the filing deadline is the next business day. [1-45-108 (2) (a)]

- 25.4 The post-election reporting period closes on the last day of the calendar month in which the election was held. The report shall be filed on or before the 30th day following the election. If the filing deadline falls on a Saturday, Sunday, or legal holiday, the filing deadline is the next business day. [1-45-108 (2) (a)]
- 25.5 Reports filed electronically.
- a. Reports filed electronically are due two days after the due date for reports filed manually, after taking into account any extension of the due date of a manually filed report because the filing deadline falls on a Saturday, Sunday, or legal holiday. If the filing deadline for a report filed electronically falls on a Saturday, Sunday, or legal holiday, the deadline is not extended to the next business day. Reports filed electronically before midnight shall be considered filed on that day.
 - b. If the electronic filing system is unavailable for filing for a total of more than one hour after 4:00 p.m. on the due date for electronically filed reports, the secretary of state may extend the due date for an additional day. [1-45-108 (2.3), 1-45-109 (6)]
- 25.6 The reporting period for any quarterly, monthly, or biweekly report begins on the first day following the last day of the reporting period for the previous report filed with the secretary of state. [1-45-108 (2) (c)]
- 25.7 Special district elections.
- a. For reports relating to special district elections that are required to be filed with the county clerk and recorder, reports shall be required only on the 21st day prior to, and on the Friday prior to, and on the 30th day after the date of the regular election.
 - b. Reports relating to special district elections that are required to be filed with the secretary of state shall be subject to quarterly, monthly, and biweekly reporting as provided in Section 1-45-108 (2) (a) (I) if the major elections for such special district occur on the date of the general election. If the major elections for such special district occur at any other time, then reports shall be required only on the 21st day prior to, on the Friday prior to, and on the 30th day after the date of the regular election.
- 25.8 The reporting period for any report that is required to be filed with the county clerk and recorder shall close five calendar days prior to the date that the report is due.
- 25.9 For purposes of Section 1-45-108 (2) (d), which exempts a candidate committee for a former officeholder or person not elected to office from reporting if there is no change in the balance of funds maintained by such committee and if certain other conditions are met, a change in the balance of funds resulting solely from the accrual of interest or dividends to the account and/or the automatic deduction of periodic service fees does not subject such candidate committee to the reporting requirements of Section 1-45-108, except that such candidate committee shall file an annual report for each calendar year not later than January 15th of the following year. [1-45-108 (2) (c) and (2) (d)]

- 25.10 If a required report is not filed by the close of business on the due date for electronic filing, then the daily penalty imposed pursuant to Article XXVIII, Section 10 (2) (a) shall begin on the day following the due date for reports filed manually.
- 25.11 County political party organizations shall file required reports pursuant to Section 1-45-108 (2) (a) (II) with the county clerk and recorder for their jurisdiction. State political party organizations shall file required reports pursuant to Section 1-45-108 with the secretary of state.

26 **Violations and Complaints**

- 26.1 If the secretary of state discovers a possible violation of Article XXVIII or Title 1, Article 45, and no complaint alleging such violation has been filed with the secretary of state pursuant to Article XXVIII, Section 9 (2) (a), then the secretary of state shall:
- a. Provide the person believed to have committed the violation with written notice of the facts or conduct that constitute the possible violation, and
 - b. Allow the seven business days to correct the violation or to submit written statements explaining the reasons that support a conclusion that a violation was not committed.
- 26.2 If, within the time allotted pursuant to Rule 26.1, the person fails to correct the violation or to offer a satisfactory explanation, then the secretary of state shall file a complaint pursuant to Article XXVIII, Section 9 (2) (a).
- 26.3 A written complaint filed with the secretary of state pursuant to Article XXVIII, Section 9 (2) (a) shall include the following: the name, address, and signature of the complainant; the name and address of each respondent alleged to have committed a violation; and the particulars of the violation. If the complaint is complete, the secretary of state shall promptly transmit the complaint to the Division of Administrative Hearings in the Department of Personnel and Administration for the consideration by an administrative law judge, which will notify the respondents of the filing of the complaint and which will issue all other appropriate notices to the parties. [Article XXVIII, Section 9 (2) (a)]

27 **Applicability of Constitutional and Statutory Provisions to Local Offices and Home Rule Elections**

- 27.1 The requirements of Article XXVIII of the State Constitution and of Article 45 of Title 1, Colorado Revised Statutes, shall not apply to home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address any of the matters covered by Article XXVIII or Article 45.
- 27.2 The provisions of Section 3 (4) of Article XXVIII of the State Constitution relating to contributions and expenditures of corporations and labor unions apply to elections to every state and local public office, except local public offices in home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address any of the matters covered by Article XXVIII or Article 45.

- 27.3 The provisions of Section 1-45-105.5, relating to a prohibition on lobbyist contributions to members of the General Assembly during legislative sessions, apply to members of the General Assembly who are candidates for any state or local office, including any office in home rule municipalities that have adopted charters, ordinances, or resolutions that address any of the matters covered by Article XXVIII or Article 45.
- 27.4 A political party, as defined in Section 2 (13) of Article XXVIII of the State Constitution, at the level of a home rule county or home rule municipality that has adopted a charter, ordinance, or resolution that addresses any of the matters covered by Article XXVIII or Article 45, may establish a separate account that is used solely for contributions made to the party, and expenditures made by the party, for the purpose of supporting the party's candidates for offices within the county or municipality. Contributions to and expenditures from such account shall not be included for purposes of any limitations or reporting contained in Article XXVIII or Article 45.

entity whether or not they are more stringent than constitutional or statutory rules. This is because local election matters are a power reserved in the Colorado Constitution to home rule entities.

Question 3: Does the prohibition in Section 3(4)(a) of Article XXVIII, making it “unlawful for a corporation or labor organization to make contributions to a candidate committee or political party, and to make expenditures expressly advocating the election or defeat of a candidate,” apply to candidates for election in home rule municipalities and counties?

Answer 3: The prohibition in Section 3(4)(a) of Article XXVIII does not apply to candidates for local election in home rule or statutory localities.

BACKGROUND

On November 5, 2002, the citizens of Colorado approved a ballot initiative titled “Amendment 27: Campaign Finance.” This initiative amends the Colorado Constitution by the addition of a new provision, hereinafter referred to as “Article XXVIII.” It also amends part of Colorado’s Fair Campaign Practices Act, § 1-45-101 *et seq.*, C.R.S. (2002) (“FCPA”), by placing limits on the amounts and types of contributions permitted during an election, among other changes.

The reader is cautioned that this opinion does not analyze the specific laws of a particular home rule county or municipality, and it is limited in this respect. A separate legal analysis is necessary to determine if a portion of a particular charter or ordinance conflicts with one or more specific provisions of Article XXVIII of the Colorado Constitution or the FPCA.

Finally, the broader context for this opinion is important. Article XXVIII contains relatively few rules that address local elections. The conclusion reached below – that these rules will apply only in local elections in statutory counties, cities and towns – will therefore have a relatively limited impact upon those local elections. For the most part, the campaign finance rules for all local elections that existed prior to the adoption of Article XXVIII will continue unchanged.

LEGAL ANALYSIS

The Secretary of State’s inquiry requires consideration and interpretation of several sections of Colorado’s constitution and statutes. These include Section 6 of Article XX of the constitution, Article XXVIII of the constitution, and a portion of the FPCA, § 1-45-116, C.R.S. (2002).

The legal analysis that follows begins with a discussion of Article XX, the constitutional grant of home rule authorities for cities and towns. It considers the powers granted to home rule cities and towns, and concludes that these home rule entities generally regulate their local elections free from outside rules, including those in Article XXVIII.

The analysis then describes the home rule authorities granted to counties in the constitution, authorities that are more limited by statutes enacted by the General Assembly. Nevertheless, the analysis concludes with regard to local elections that the breadth of home rule powers of counties is similar to the breadth of home rule powers of cities and towns. Article XXVIII does not expressly or implicitly repeal the constitution’s home rule provisions.

Finally, the discussion addresses the text of Article XXVIII to conclude that rules about contributions in local elections by corporations and labor organizations do not apply to local elections.

I. The Colorado Constitution Confers Upon Cities and Towns Home Rule Powers to Regulate Local Elections.

The legal provision at the heart of this opinion is section 6 of Article XX of the Colorado Constitution. This section describes the powers granted to Colorado’s home rule cities and towns. It declares:

The people of each city or town of this state, having a population of two thousand inhabitants . . . , are hereby vested with, and they shall always have, power to make, amend, add to or replace the charter of said city or town, which shall be its organic law and extend to all its local and municipal matters.

Such charter and the ordinances made pursuant thereto in such matters shall supersede within the territorial limits and other jurisdiction of said city or town any law of the state in conflict therewith.

[After the charter is approved,] the citizens thereof, shall have the powers set out in sections 1, 4 and 5 of this article, and *all other powers necessary, requisite or proper for the government and administration of its local and municipal matters, including power to legislate upon, provide, regulate, conduct and control:*

a. *The creation and terms of municipal officers, agencies and employment; the definition, regulation and alteration of the powers, duties, qualifications and terms or tenure of all municipal officers, agents and employees;*

* * *

d. *All matters pertaining to municipal elections in such city or town, and to electoral votes therein on measures submitted under the charter or ordinances thereof, including the calling or notice and the date of such election or vote, the registration of voters, nominations, nomination and election systems, judges and clerks of election, the form of ballots, balloting, challenging, canvassing, certifying the result, securing the purity of elections, guarding against abuses of the elective franchise, and tending to make such elections . . . non-partisan[.]*

* * *

COLO. CONST. art. XX, § 6 (emphasis added).

Article XX describes its purpose clearly. It is intended to grant important rights of self-government to home rule entities.

It is the intention of this article to grant and confirm to the people of all municipalities coming within its provisions the full right of self-government in both local and municipal matters and the enumeration herein of certain powers shall not be construed to deny such cities and towns, and

to the people thereof, any right or power essential or proper to the full exercise of such right.

COLO. CONST. art. XX, § 6. The scope of these powers is emphasized by the general grant to home rule entities of “all other powers necessary, requisite or proper for the government and administration of its local and municipal matters[.]” *Id.*

Home rule cities and towns remain responsible for compliance with state law where they have not otherwise provided a rule by charter or ordinance. The constitution provides:

The statutes of the state of Colorado, so far as applicable, shall continue to apply to such cities and towns, except insofar as superseded by the charters of such cities and towns or by ordinance passed pursuant to such charters.

Id. Finally, the constitution states how a city or town avails itself of the powers described here and in other sections of Article XX. The city or town creates a charter that outlines the structure and powers it wishes to adopt, and then has the charter certified by the Secretary of State. *Id.*

The history of Article XX. The history of Article XX confirms its substantial application in practice. The Colorado Supreme Court described that history in a case decided thirty years ago. The discussion that follows is drawn from that case, entitled *Hoper v. City and County of Denver*, 173 Colo. 390, 479 P.2d 967 (1971).

Article XX was added to the Colorado Constitution in 1902, in part to establish Denver as a consolidated municipal government with home rule powers. *Hoper*, 173 Colo. at 396, 479 P.2d at 970. During the following decade, considerable controversy arose over the construction of the amendment. *Id.*, citing *Denver v. Mountain States Telephone & Telegraph Co.*, 67 Colo. 225, 184 P. 604 (1919).

The controversy sprang from a narrow judicial determination of local or municipal matters within the control of a home rule city. *Id.* The Colorado Supreme Court announced the narrow interpretation of home rule powers in *Mauff v. People*, 52 Colo. 562, 123 P. 101 (1912). It held that the City and County of Denver had only limited powers under Article XX to control the conduct of municipal elections, and that the Colorado Constitution and general laws concerning the regulation, control and management of elections were fully applicable to Denver municipal elections. *Hoper*, 173 Colo. at 396, 479 P.2d at 970.

In response, the people initiated and adopted an amendment to Article XX, § 6 later that year, known as the “home rule amendment”. The Colorado Supreme Court described the rationale and intended effect of this amendment as follows:

It is a part of the history of the state that the people were disappointed, not to say more, at the restrictions put upon the powers of cities by this court's interpretations of article 20, and that the home rule amendment was the expression of that feeling.

Id., citing *Denver v. Mountain States Telephone & Telegraph Co*, *supra*, 184 P. 604.

The historical text of the home rule provision, still found in today’s constitution, plainly expresses its intent to allow home rule control of local election matters. It says, “[a]ll matters pertaining to municipal elections in such city or town, and to electoral votes therein on measures

submitted under the charter or ordinances thereof” are of local concern. COLO. CONST. art. XX, § 6.d.

The courts have recognized the significance of these provisions. In general, the powers listed in Article XX are considered to be matters of purely local and municipal concern. *Four-County Metropolitan Capitol Improvement Dist. v. Board of County Comm’ns*, 149 Colo. 284, 369 P.2d 67 (1962); *but see Fraternal Order of Police, Colorado Lodge No. 27 v. City and County of Denver*, 926 P.2d 582, 588-89 (Colo. 1996) (specific enumeration in the constitution is not dispositive, only a factor). Also, the term “municipal election” has been broadly construed. *May v. Town of Mountain Village*, 969 P.2d 790 (Colo. App. 1998) (approving home rule town’s extension of voting franchise to non-residents); *Hoper*, 173 Colo. at 396, 479 P.2d at 970.

Finally, the current practice in home rule towns and cities in Colorado confirms the common understanding that these entities regulate local elections. The charters and codes of home rule entities contain substantial provisions regulating that subject. *See e.g.*, § 15-31 *et seq.*, Revised Municipal Code of the City and County of Denver (1991).¹

Against this historical and practical backdrop, I recognize that Article XX vests home rule cities and towns with authority to regulate local elections. This authority includes rules regarding contribution limits, reporting requirements and the like.

II. Colorado’s Home Rule Counties Possess Powers to Regulate County Elections.

The powers of home rule counties differ significantly from the powers of home rule cities and towns. Home rule counties are subject to separate constitutional limitations, and they are significantly more limited by Colorado’s General Assembly, through the enactment of state statutes. Nevertheless, for the reasons that follow I conclude that home rule counties also are empowered to decide upon their own election rules, and that home rule county powers in this regard are similar in scope to those of home rule cities and towns.

Home rule county powers and limitations. Home rule counties are governed by Article XIV, Section 16 of the Colorado Constitution. That section provides home rule counties with rights of self-governance that are limited by state statute:

[T]he registered electors of each county of the state are hereby vested with the power to adopt a home rule charter establishing the organization and structure of county government consistent with this article and statutes enacted pursuant hereto.

COLO. CONST. art. XIV, § 16(1). This provision allows a county to adopt a charter that sets a different organization and structure for county government than the organization and structure set out in detail in the rest of Article XIV.

The General Assembly exercises substantial control over home rule counties. The constitution provides:

¹ Although home rule municipalities retain the power to specify their own election procedures, many municipalities adopt the state’s municipal election code by reference. *Compare* COLO. CONST. art XX, § 6(a) *with* § 31-10-101, C.R.S. (2002); *see also Englewood Police Benefit Ass’n v. City of Englewood*, 811 P.2d 464 (Colo. App. 1990).

A home rule county shall provide all mandatory county functions, services, and facilities and shall exercise all mandatory powers as may be required by statute.

COLO. CONST. art. XIV, § 16(3). Similarly, the General Assembly can provide by statute limits to the permissive functions, services, facilities and powers that can be exercised by home rule counties.

A home rule county shall be empowered to provide such permissive functions, services, and facilities and to exercise such permissive powers as may be authorized by statute applicable to all home rule counties, except as may be otherwise prohibited or limited by charter or this constitution.

COLO. CONST. art. XIV, § 16(4). The General Assembly has acted in these areas. *See* § 30-35-201, 202, C.R.S. (various powers of home rule counties).

Home rule counties and local elections. Despite the more limited powers of home rule counties generally, the structure of the constitution in Article XVI confirms home rule county control of local elections. That structure shows that home rule counties have the power to adopt charter rules to regulate the aspects of local elections that are also addressed in Article XXVIII. It therefore supports the conclusion that home rule counties, like home rule cities and towns, are not subject to Article XXVIII in local elections.

Article XIV of the constitution sets out detailed instructions concerning the organization and election of county officials. Specific guidelines for how county commissioners are elected and their terms in office are contained in Article XIV, § 6. Rules for how county clerks, coroners, treasurers, assessors, attorneys, and surveyors are elected, appointed and serve are set out in detail in Article XIV, § 8. The qualifications for sheriffs are discussed in Article XIV, § 9, and how vacancies are filled is described in Article XIV, § 10. The General Assembly provides for election or appointment of other county officers in Article XIV, § 12. The compensation and fees of county officers is detailed in Article XIV, § 15.

Significantly, however, home rule counties can substitute their own rules in every one of these areas. Article XIV, § 16(5) says:

The provisions of sections 6, 8, 9, 10, 12, and 15 of article XIV of this constitution shall apply to counties adopting a home rule charter only to such extent as may be provided in said charter.

COLO. CONST. art. XIV, § 16(5).¹

This constitutional structure supports the inference that home rule counties can generally choose in their charters the rules they desire for the election of local officers. I conclude on this basis that home rule counties are empowered to regulate county elections. They have, through their charters, the ability to address the same aspects of election campaigns addressed in Article XXVIII.²

¹ Enabling legislation thus further defines how county commissioners organize and set up a charter. *See* § 30-11-501 *et seq.*, C.R.S. (2002) .

² The Municipal Election Code recognizes that a home rule “city and county” can opt, like home rule cities and towns, to regulate elections. It provides: “This article shall not apply to cities, towns, or cities and counties having

III. The Campaign Finance Reforms in Article XXVIII Do Not Control Local Elections within the Home Rule Entities That Regulate Elections.

It is left to examine whether the few constitutional campaign finance reforms in Article XXVIII that affect local elections are intended by the People to displace the constitutional election powers of home rule cities, towns and counties just described. I conclude that Amendment XXVIII does not displace home rule election powers, for the reasons set forth below.

The new campaign finance provisions in Article XXVIII are set forth in two parts. The first, a detailed and lengthy set of provisions, announces constitutional rules governing the financing of elections. The second, a much smaller section, displaces a part of the existing statutory mechanism regulating campaign finance in Colorado, the Fair Campaign Practices Act, § 1-45-101 *et seq.*, C.R.S. (2002).

The constitutional text of Article XXVIII does not uniformly refer to state or to local elections. Rather, most portions address state elections alone, while others concern state, local and other elections, and still others are silent on this point. It is apparent that these choices are made carefully in the text of Article XXVIII. It follows directly from this fact that Article XXVIII does not intend to preempt all election rules within the state that concern the subject matter it addresses.

A few portions of Article XXVIII apply by their terms to local elections. A “candidate” is defined to include “any person who seeks nomination or election to any state or local public office that is to be voted on in this state[.]” *See* COLO. CONST. art. XXVIII, § 2(2). In addition, aggregate individual contribution rules apply to local elections:

No political party shall accept aggregate contributions from any person, other than a small donor committee as described in paragraph (b) of this subsection (3), that exceed three thousand dollars per year at the state, county, district and local level combined

COLO. CONST. art. XXVIII, § 3(3)(a). Finally, Article XXVIII makes a separate reference to disclosure requirements in local elections:

The disclosure requirements relevant to candidate committees, political committees, issue committees, and political parties, that are currently set forth in section 1-45-108, C.R.S., or any successor section, shall be extended to include small donor committees For purposes of this section and 1-45-108, C.R.S., . . . , a political party shall be treated as separate entities at the state, county, district, and local levels[.]

COLO. CONST. art. XXVIII, § 7.

home rule, but any such city, town, or city and county may adopt all or any part of this article by reference.” § 31-10-1539, C.R.S. (2002); *see e.g.*, *May*, 969 P.2d at 795 (in its charter, the Town adopted the Municipal Election Code, but noted that elections shall be governed by the Code “[e]xcept as may be otherwise provided in this Charter”); *In Re Ballot Title and Submission Clause, and Summary for 1997-1998 No. 95*, 960 P.2d 1204, 1209 (Colo. 1998) (recognizing that the power of home rule cities is not derived from the General Assembly, but is an independent constitutional power and rejecting initiative that would deprive home rule cities of this power).

These references to local elections raise an important home rule question. Are the limited rules in Article XXVIII that regulate local elections intended to govern only local elections in entities that do not exercise home rule powers, or are they intended to supplant the home rule powers over elections discussed in detail above? For the reasons that follow, I conclude that Article XVIII does not supplant the home rule powers of cities, towns and counties to regulate elections.

The silence of Article XXVIII on the home rule issue is convincing. The entire lengthy and detailed provision contains no statement that it governs home rule entities. Against an historical backdrop of home rule government in Colorado for more than seventy years, that omission is telling. *See City of Englewood v. City & County of Denver*, 123 Colo. 290, 301, 229 P.2d 667, 673 (1951) (citing “universal rule that repeals by implication are not favored”), *overruled on other grounds by Board of County Comm’rs of Arapahoe County v. Denver Bd. of Water Comm’rs*, 718 P.2d 235 (Colo. 1986); *accord Showpiece Homes Corp. v. Assurance Co. of Am.*, 38 P.3d 47, 53 (Colo. 2001).

When Article XXVIII does expressly address conflicting governmental rules for elections, it does not mention the role of home rule entities. It refers only to state statute, the principal mechanism used to control local entities that have not chosen home rule. Section 11 of Article XXVIII simply says, “[a]ny provisions in the statutes of this state in conflict or inconsistent with this article are hereby declared to be inapplicable” If Article XXVIII is to govern home rule authorities, charters and ordinances surely would be mentioned. *Compare* COLO. CONST. art. X, § 20 (amendment written to “supercede conflicting state constitutional, state statutory, charter, or other state or local government provisions”).

Moreover, though five other provisions of the Fair Campaign Practices Act are repealed by Article XXVIII, the portion of the FCPA recognizing the power of home rule counties and municipalities to regulate elections intentionally is left untouched by the constitutional amendment. The provision left intact, Section 116, says:

Any home rule county or municipality may adopt ordinances or charter provisions with respect to its local elections, which are more stringent than any of the provisions contained in this Act. . . .

§ 1-45-116, C.R.S. (2002); *see also* COLO. CONST. art. XXVIII, § 12 (affirming § 116 is not repealed); *Gosliner v. Denver Election Comm’n*, 191 Colo. 328, 552 P.2d 1010 (1976) (public meeting law could not divest a home rule city of its constitutionally granted plenary power to deal with municipal elections). This choice demonstrates an intention to leave the powers of home rule entities intact.

Additionally, the legislative history of the initiated campaign finance measure does not show an intent to supercede home rule powers in the contribution limits area. Neither the ballot information booklet mailed to the voters nor the proponents of Amendment 27 stated that the Amendment was intended to dismantle home rule entities’ limitations upon contributions to local candidates. *See Bedford v. Sinclair*, 112 Colo. 176, 182, 147 P.2d 486, 489 (1944) (recognizing that “the evident contemporary interpretation of those actively promoting the Amendment should be afforded considerable weight”); *see also Carrara Place, Ltd. v. Arapahoe County Bd. Of Equalization*, 761 P.2d 197, 203 (Colo. 1988).

Finally, Article XXVIII and the home rule provisions of the constitution can be read in harmony. This is accomplished if the limited local election rules in Article XXVIII are read to

apply only to cities, towns and counties that do not exercise home rule authorities. They have force in that regard, but the home rule provisions of Articles XX and XIV are left unimpaired, as well. Whenever possible, courts strive to reconcile constitutional or statutory provisions without conflict. *See e.g., In re Great Outdoors Colorado Trust Fund*, 913 P.2d 533, 538 (Colo. 1996).

For all these reasons, I conclude that Article XXVIII of the constitution does not supplant the home rule authorities of Articles XX and XIV of the constitution in the area of campaign finance. Rather, the campaign finance choices made in the charters and ordinances of home rule entities survive separately from the rules contained in Article XXVIII.

IV. Article XXVIII Does Not Impose Upon Home Rule or Other Local Entities Its Limitations on Contributions from Labor Organizations and Corporations

It follows that the constitutional amendment does not impose limits on contributions by corporations and labor organizations upon home rule or other local entities. The text of the amendment provides, in relevant part:

It shall be unlawful for a corporation or labor organization to make contributions to a candidate committee or a political party, and to make expenditures expressly advocating the election or defeat of a candidate; except that a corporation or labor organization may establish a political committee or a small donor committee which may accept contributions or dues from employees, officeholders, shareholders, or members.

COLO. CONST. art. XXVIII, § 3(4)(a). Nothing in the provision states whether its limitations apply to home rule entities.

The legislative history of the amendment says that it is intended to apply to elections for statewide officials. The “Blue Book” argument in support of the initiative specifically describes only statewide candidates as covered by the amendment:

Although corporations and labor unions cannot vote, spending by such entities influences the political process. Under this proposal, these organizations will have to raise money from employees, shareholders, and members who contribute to small donor and political committees rather than directly funding political activities. Corporations and labor unions are already banned from directly contributing to federal candidates; *this proposal simply extends the ban to state races.*

Legislative Council of the Colo. Gen. Assembly, An Analysis of 2002 Ballot Proposals, Research Pub. No. 502-10 at 6 (2002) (emphasis added); *see also Carrara Place, Ltd.*, 761 P.2d at 203 (“legislative council’s interpretation, while not binding, provides important insight into the electorate’s understanding of the amendment when it was passed”). There is no related discussion or mention of municipal elections, and the reference to state elections cannot be extended beyond its clear language. Likewise, the lack of reference to home rule charter or ordinances is instructive. *See supra* p. 5 and *Hoper*, 173 Colo. at 395, 479 P.2d at 969 (noting that in the “absence of a clear statement to the effect that municipalities are limited, such meaning cannot and should not be inferred”).

CONCLUSION

For the reasons described, Article XXVIII does not apply to home rule counties and municipalities which have charters or ordinances that already address the matters covered in Article XXVIII. Also, the prohibition in Section 3(4)(a) of Article XXVIII, limiting corporate or labor organization contributions, does not apply to candidates for local offices.

Issued this 13th day of January, 2003

KEN SALAZAR
Attorney General

ALAN J. GILBERT
Solicitor General

TERRY FOX
Assistant Attorney General

Colorado Secretary of State
Elections Division
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Below Space for Office Use Only

CANDIDATE AFFIDAVIT

[Art. XXVIII, Sec. 2(2) & C.R.S. 1-45-110(1)]

- State Candidates File with the Secretary of State
- County Candidates File with the County Clerk
- School District Candidates File with the County Clerk
- Municipal Candidates File with the Municipal Clerk

This affidavit shall certify that I, _____, a member of the
_____ political party/organization (if applicable), am a candidate
for election [Art. XXVIII, Sec. 2(2)] for the office of _____,
District # _____ (if applicable).

I further certify that I am familiar with the provisions of the Colorado Fair Campaign Practices Act (FCPA) as required in §1-45-110 of the Colorado Revised Statutes.

Signature of Candidate _____ Date _____

Address of Candidate (Street/City/St/Zip) _____

Telephone (A number where you may be contacted) _____

E-Mail Address _____

STATE OF COLORADO

COUNTY OF _____

Before me, _____, a notary/officer duly authorized to administer oaths, in and for said State, personally appeared _____, whose name is subscribed to the foregoing Candidate Affidavit, and who affirms, that said statements are true and that he/she acknowledges the execution of said instrument to be of their own free act and voluntary deed for the uses and purposes therein set forth.

Subscribed and affirmed to before me this _____ day of _____, 20_____.

(Seal)

(Notary/Official Signature)

(Commission Expires)

CANDIDATE AFFIDAVIT INSTRUCTIONS

Colorado Constitution Reference: Art. XXVIII, Sec. 2(2)

Colorado Revised Statute: C.R.S. 1-45-110(1)

Who uses this form? All Candidates for public office.

Purpose of form: This form is to be used by all candidates seeking an elected office.

Is this form required to be a candidate? YES

When do I file this form? Form must be filed with the appropriate election official within ten (10) days of becoming a candidate.

When do I become a candidate? You become a candidate when you publicly announce and thereafter receive a contribution or make an expenditure in support of your candidacy.

Please note Campaign and Political Finance Rule 21.6 states: "Publicly announced an intention to seek election to public office or retention of a judicial office" means that a person has made a statement signifying an interest in the office by means of a speech, advertisement, or other communication reported or appearing in public media or in any place accessible to the public. Such statement includes a stated intention to explore the possibility of seeking an office. The registration of a candidate committee shall also constitute a public announcement of an intention to seek election or retention."

COMPLETING THE FORM

1. Print or type your name (of candidate) on the first line.
2. Print or type the political affiliation of the candidate, only if seeking a partisan office (has a party identification on the ballot). Do not complete if you are municipal or special district candidate.
3. Print or type the office being sought.
4. Indicate the district number of the office being sought, if applicable.
5. Candidate must sign and date the form. **Signature must be notarized.**
6. Print or type the physical address of the candidate.
7. Print or type a telephone number where you may be contacted.
8. Print or type the E-Mail address if you wish to have your E-Mail address public record.
9. **Notary Public to complete the remainder of the form.**

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VOLUNTARY ACCEPTANCE OF CAMPAIGN SPENDING LIMITS

[Art. XXVII, Sec. 4(3) & Sec. 9(1)(c)]
(Must be filed with Candidate Affidavit)

I hereby certify that I have filed a Candidate Affidavit for the office of _____
(Dist./No.)
and voluntarily accept the applicable campaign spending limits for this office. I understand that
this acceptance, and the limits in **Art. XXVIII, Sec. 4(3)**, shall be irrevocable unless one of the
following conditions are met:

1. If another candidate for the same office refuses to accept the spending limit, **the accepting candidate shall have ten (10) days in which to withdraw acceptance.** The accepting candidate shall have this option of withdrawing acceptance after each additional non-accepting candidate for the same office enters the race; or
2. **The applicable contribution limits shall double** for any candidate who has accepted the applicable voluntary spending limit, **AND** the non-accepting candidate has raised more than ten percent of the applicable voluntary spending limit.

Name: _____
(Print/type)

Address: _____
(Include street, city, state and zip)

Office: _____ District No.: _____ Elec/Yr.: _____

Signature: _____

Date: _____

STATE OF COLORADO
COUNTY OF _____

Before me, _____, a notary duly authorized to administer oaths, in
and for said State, personally appeared _____, whose name is
subscribed to the foregoing **Acceptance of Voluntary Spending Limits**, and who affirms that said
statement is true and that he/she acknowledges the execution of said instrument to be of their own free act
and voluntary deed for the uses and purposes therein set forth.

Subscribed and affirmed to before me this _____ day of _____, 20____.

(Seal)

(Notary/Official Signature)

(Commission Expires)

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**STATEMENT OF WITHDRAWAL BY CANDIDATE OF THE VOLUNTARY
ACCEPTANCE OF CAMPAIGN SPENDING LIMITS**

[Art. XXVIII, Sec. 4(4) & Sec. 9(1)(c)]

(Must be filed within 10 days of a non-accepting candidate's filing of a candidate affidavit for the same office)

I, _____, certify that I previously accepted the voluntary campaign spending limits, and hereby submit this letter of withdrawal to your office as required by Article XXVIII, Section 4(4) of the Colorado Constitution. I also acknowledge that in accordance with Article XXVIII, Section 4(4) it is my responsibility as a candidate to file this withdrawal within 10 days of a candidate for the same office not accepting the spending limits.

Name: _____
(print/type)

Address: _____
(Include street, city, state, and zip)

Office: _____ **District No.:** _____ **Elec/Yr.:** _____

Signature: _____ **Date:** _____

STATE OF COLORADO
COUNTY OF _____

Before me, _____, a notary duly authorized to administer oaths, in and for said State, personally appeared _____, whose name is subscribed to the foregoing Statement of **Withdrawal By Candidate of the Voluntary Acceptance of Campaign Spending Limits**, and who affirms that said statement is true and that he/she acknowledges the execution of said instrument to be of their own free act and voluntary deed for the uses and purposes therein set forth.

Subscribed and sworn to before me this _____ day of _____, 20_____.

(Seal)

(Notary/Official Signature)

(Commission Expires)

Colorado Secretary of State
Elections Division
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Denver, CO 80202
Ph: (303) 894-2200 x 3
Fax: (303) 869-4861



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File this form with the appropriate election official.

PERSONAL FINANCIAL DISCLOSURE STATEMENT

For Annual Filing Requirements. File in accordance with the appropriate statutes

C.R.S. 1-45-110(2)(a); C.R.S. 24-6-202; C.R.S. 24-51-207(4); C.R.S. 24-35-207(6); C.R.S. 12-9-201(h)

Name: _____

Mailing Address (include city, state, and zip): _____

Business Phone: _____ Residence Phone: _____

Check ☒ the appropriate response(s)

I am filing as:

☐

OfficeHolder/Incumbent _____
(OFFICE/DISTRICT NUMBER)

☐

Candidate _____
(OFFICE/DISTRICT NUMBER)

☐

State Board/Agency/Commission Member _____
(OFFICE)

☐

Judge _____
(SUPREME COURT/COURT OF APPEALS/ or COUNTY or JUDICIAL DISTRICT)

☐

Other _____
(OFFICE)

List office and district number, (e.g., Governor, Senate District #27, Racing , Bingo Raffle, Lottery, PERA, Public Utilities)

INCOME: List the names of any source(s) of income, including capital gains, for yourself, your spouse or minor children residing with you.

Source of Income (Name of Employer)	Recipient of Income (Individual receiving income –Self, Spouse, Minor Children)

ASSETS:

List the name of each business, insurance policy, or trust where there is a financial interest in excess of \$5000 for you, your spouse or your minor children residing with you.

Name of Business, Insurance Company or Trust	Who is the person with this financial interest?

List the **LEGAL** description (as shown on the books of the county assessor) of all real property in Colorado (including an option to buy) in which you have a direct or indirect interest with a fair market value in excess of \$5000. Property that must be listed includes residential, investment property, condominium, rental property and any mineral, water, coal, and rights to sand and gravel. **STREET ADDRESSES DO NOT SATISFY THE REQUIREMENTS OF THE STATUTES.**

Legal Description of Property	Owner of Record

LIABILITIES:

List the name of each creditor for you, your spouse, or minor children living with you to whom is owed an amount in excess of \$1000 including the interest rate.

Name of Creditor	Interest Rate (%)	Person Liable for Debt

List all offices, directorships and fiduciary relationships held by you, your spouse, or minor children residing with you.

Name of Organization or Trust	Position Held	Person Holding the Position

List the name of any person, firm organization that retains a person to lobby on its behalf if you share directly or indirectly in the compensation received for lobbying activity.

Name of Person, Firm, Corporation or Organization Retaining Lobbyist

List any business with which you or your spouse are associated and which does business with or is regulated by the State of Colorado. (e.g., attorney, real estate, medical profession, etc.)

Name of Business	Nature of Business	Person Involved

Candidate/Incumbent Signature

Date _____

**INCUMBENTS
(FOR ANNUAL UP-DATE PURPOSES ONLY)**

As an alternative to items 1 through 7, you may file a copy of your federal income tax return, plus a certified statement of any investments not reflected in your income tax return. Please note that any information required on this form and not included in a federal income tax return must still be provided.

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File this form with the appropriate election official.

PERSONAL FINANCIAL DISCLOSURE STATEMENT – UPDATE

For Annual Filing Requirements. File in accordance with the appropriate statutes.

C.R.S. 1-45-110(2)(a); C.R.S. 24-6-202; C.R.S. 24-51-207(4); C.R.S. 24-35-207(6); C.R.S. 12-9-201(h)

Name: _____

Mailing Address (include city, state, and zip): _____

Business Phone: _____ Residence Phone: _____

Check ☒ the appropriate response(s)

I am filing as: ☐ Office Holder/Incumbent _____
(OFFICE/DISTRICT NUMBER)

☐ Candidate _____
(OFFICE/DISTRICT NUMBER)

☐ State Board/Agency/Commission Member _____
(OFFICE)

☐ Judge _____
(SUPREME COURT/COURT OF APPEALS/ or COUNTY OR JUDICIAL DISTRICT)

☐ Other _____
(OFFICE)

List office and district number, (e.g., Governor, Senate District #27, Racing , Bingo Raffle, Lottery, PERA, Public Utilities)

UPDATE INFORMATION:

☐ ANNUAL UPDATE – NO CHANGE ☐ INCOME CHANGE ☐ ASSET CHANGE

☐ LIABILITY CHANGE ☐ OTHER _____

IF CHANGES have occurred please explain below (attach additional sheets if needed):

Signature of Disclosing Individual: _____ Date: _____

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COMMITTEE REGISTRATION FORM

(C.R.S. 1-45-108)

Committee Name: _____

Purpose/Office Sought: _____

Check Only One Committee Type:

- | | | |
|--|--|--|
| <input type="checkbox"/> Candidate Committee | <input type="checkbox"/> Political Party | <input type="checkbox"/> Small Donor Committee |
| <input type="checkbox"/> Political Committee | <input type="checkbox"/> Issue Committee | |

Is this an amendment*? YES ☐ NO ☐

* Description of what is being amended. Pursuant to Rule 23.1 any changes (including Filing Type) must be reported, with the appropriate officer, within five (5) days by filing an amended committee registration form. _____

Contact Information:

Name of Person Acting As Registered Agent (Treasurer): _____

Address (Physical): _____

Address (Mailing): _____

Telephone No.: _____ E-Mail: _____

Affiliation (if applicable): _____

Check Only One Filing Type:

- ☐ Manual Filer
☐ Electronic Filer

Check Only One Jurisdiction:

- | | | |
|------------------------------------|---------------------------------------|---------------------------------|
| <input type="checkbox"/> Federal | <input type="checkbox"/> State | <input type="checkbox"/> County |
| <input type="checkbox"/> Municipal | <input type="checkbox"/> Multi-County | |
| <input type="checkbox"/> Other: | _____ | |

Authorization:

Registered Agent's (Treasurer's) Signature: _____ Date: _____

Print Candidate Name: _____

Candidate Address (include mailing): _____

Candidate Signature: _____ Date: _____

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WELCOME TO
CAMPAIGN FINANCE FILINGS
2003 Revised Reporting Forms

The Report of Contributions and Expenditures is a financial report required for all committees or parties that accept contributions or make expenditures to support or oppose a candidate or an initiative seeking access to the ballot and/or a referendum placed on the ballot by the general assembly. The report is comprised of 7 basic data entry pages along with several informational and instructional pages. The data entry forms consist of the Report of Contributions and Expenditures with the Detail Summary, Schedules A, B, C, D and the Statement of Non-Monetary Contributions. Completion of Schedules A, B, C, D and Statement of Non-Monetary Contribution forms should be done prior to completion of the Report of Contributions and Expenditures and Detail Summary pages. Listed below are brief descriptions of what each data entry page accomplishes to help you complete and finalize this report.

Report of Contributions and Expenditures (page 1)

A summary page of the committee or party name, address, financial institution, registered agent and the contribution/expenditure totals for a specific reporting period with the **Detailed Summary page** (page 2) that summarizes totals for all other data entry forms. Complete this 2-page form last.

Schedule A

This form is used to report monetary contributions received by the committee or party that exceed \$19.99. (Money received into the committee/party.)

Schedule B

This form is used to report expenditures paid out by the committee or party that exceed \$19.99. (Money expended/paid out by the committee/party.)

Schedule C

This form details loans received and repaid by the committee/party. (Money received by committee from a financial institution and/or repayment of a loan to a financial institution.)

Schedule D

This form allows the committee/party to account for either a contribution or expenditure that has been made and is being returned to the committee/party.

Statement of Non-Monetary Contributions

This form details contributions received that are tangible and can be assessed a fair market value. Expenditures on behalf of a candidate that are coordinated with or controlled by the candidate, candidate's agent or the political party shall be counted as a contribution to and expenditure by the candidate committee or the political party.

If filing the Report of Contributions and Expenditures manually, it MUST be received by the appropriate office on or before the manual due date. Postmark dates are not recognized. A faxed report MUST be followed up with the original within seven calendar days. If you wish to file electronically please log onto our web site at www.sos.state.co.us. Other items available on the Secretary of State website are: Electronic filing instructions, Campaign and Political Finance forms and filing calendars. Please note the excel spreadsheet version of the report is no longer available. The candidate and/or registered agent are responsible for the content and accuracy of the report. If you have any questions please contact one of our Campaign and Political Finance staff members.

Sherry Wofford	303-894-2200 ext. 6306
Kalani Clinkscale	303-894-2200 ext. 6302
Kristine Reynolds	303-894-2200 ext. 6309

Thank you

Instructions for
**REPORT OF CONTRIBUTIONS AND EXPENDITURES
DETAILED SUMMARY**

Reference Colorado Revised Statute:	C.R.S. 1-45-108
Who uses this form?	All Committees
Purpose of form:	This form is used to summarize the information from all other forms.
Is this form required?	Yes
When do I file this form?	This form must be received by the designated election official on or before the filing due date for the reporting period. Remember...postmark dates are not recognized.

COMPLETING THE FORM

This form uses information contained on other forms; all other applicable forms must be completed prior to filing this summary form.

STEP 1. Completely fill out the Report of Contributions and Expenditures page until you reach Line 1.

- Print or type the full name of the committee
- Print or type the address of your committee. Print or type the city, state and zip code of your committee.
- Print or type the name of the financial institution where the committee funds are deposited. [C.R.S. 1-45-108(1)(a)(IV)(b)]
- Print or type the address of the financial institution including city, state and zip code.
- Print or type the Secretary of State issued committee number. This is the committee ID number that was mailed to you shortly after registering with the Secretary of State. If you registered with an election official other than the Secretary of State, you do not file with the Secretary of State's office.
- Determine what type of report is being filed.
 - **Regularly Scheduled Filings** are normal reporting periods as required in C.R.S. 1-45-108 & C.R.S. 1-45-109 (These dates are available through the Campaign and Political Finance manual, your local election official, the calendars provided and the Secretary of State web site www.sos.state.co.us)
 - **Amended Filings** are reports that correct a previously filed report.
 - **Termination Reports** are filings that close a committee, indicating the committee is no longer in existence. You **must** report a zero balance on line #5. (Art. XXVIII, Sec. 2(3), C.R.S. 1-45-106, and the *Rules Concerning Campaign and Political Finance* 23.3)

- Check (☒) the appropriate box next to the type of report filed. If this report is an *amended filing*, print or type the date of the originally filed report being amended.
- Print or type the Reporting Period being covered. (The beginning and ending dates)
- Print or type the Declared Total Spending Limit if applicable. (Art. XXVIII, Sec. 4)
This is only for candidates that have accepted the Voluntary Spending limits.

STEP 2. Skip Lines 1-5 and the Authorization portion of the Report of Contributions and Expenditures page (page 1) and go to the Detailed Summary page (page 2).

STEP 3. On the Detail Summary page of the Report of Contributions and Expenditures form completely fill out the header information and lines 6 through 20.

- Line #6 – Enter the total amount from Schedule A.
- Line #7 – Enter the total amount of contributions received this reporting period that were \$19.99 or less.
- Line #8 – Enter the total amount of all loans received this reporting period. (Schedule C)
- Line #9 – Enter the total amount of all other receipts. (Example: Interest, Dividends)
- Line #10 – Enter the total amount of all expenditures returned or refunded to the committee. (Schedule D - money coming back to the committee).
- Line #11 – Enter the sum of Lines #6 **through** #10.
- Line #12 – Enter the total amount of all Non-Monetary Contributions from the Statement of Non- Monetary Contributions form.
- Line #13 – Enter the sum of Line #11 **and** #12.
- Line #14 – Enter the total amount from Schedule B.
- Line #15 – Enter the total amount of all Expenditures \$19.99 or less.
- Line #16 – Enter the total amount of all loan payments paid this reporting period. (Schedule C)
- Line #17 – Enter the total amount of contributions returned to the donor. Example: A contributor exceeded contribution limits and the amount exceeding that limit must be returned. (Schedule D - money going out of the committee).
- Line #18 – Enter the total amount of expenditures by a third party that are controlled by or coordinated with a candidate, candidate committee or political party. (Statement of Non-Monetary Contribution form)
- Line #19 – Enter the sum of Lines #14 **through** #17.
- Line #20 – Enter the sum of lines #18 **and** #19. [Art. XXVIII, Sec. 5(3)]










STEP 4. Return to the Report of Contributions and Expenditures form and complete Lines 1-5.

- Line #1 – If this is your first Report of Contributions and Expenditures as a committee enter zero (0). If you have previously filed enter the ending balance from line #5 of your most recently filed report.
- Line #2 – Enter the total amount from Line #11.
- Line #3 – Enter the sum of Lines #1 **and** #2.
- Line #4 – Enter the total amount from Line #19.
- Line #5 – Enter the difference of Line #3 **minus** Line #4.

STEP 5. Complete the Authorization portion of the Report of Contributions and Expenditures form by printing the name of the registered agent and then sign and date the report.

ELECTRONIC FILING INSTRUCTIONS

Our electronic filing system makes filing your Detailed Summary Report of Contributions and Expenditures easier and gives you two additional days to file your report with the Secretary of State (see filing calendar). Log onto www.sos.state.co.us.

-  Select the **Election Center** at the Secretary of State home page.
-  Select **Online Campaign Finance Filing and Inquiry** in the left-hand margin.
-  Select **Log-in**, and enter your assigned User ID, and Password (case-sensitive).
-  Select **Reporting**
-  Select **Work on a Report**, and click on the current reporting period (verify on calendar).
-  Select **Enter Sum Totals** to report non-itemized (\$19.99 or less) contributions expenditures, or loans.
-  Select **Enter Line Items** to report itemized (\$20.00 or more) contributions or expenditures.
-  Select **Save** after entering your contributions and expenditures. This saves the data so you may return to it later without it being viewed by the public.
-  Select **File My Report** ONLY IF YOU ARE READY TO FILE! YOUR REPORT IMMEDIATELY BECOMES PUBLIC ONCE IT IS FILED.
REMEMBER...REPORTS ARE NOT OFFICIALLY RECEIVED BY THIS OFFICE UNTIL YOU SELECT FILE MY REPORT!!!

Any questions please call 303-894-2200 and press 3 or call us directly: **Kristine Reynolds ext. 6309 or Kalani L. Clinkscale ext. 6302.**

Colorado Secretary of State
Elections Division
1560 Broadway, Ste. 200
Denver, CO 80202
Ph: (303) 894-2200 x 3
Fax: (303) 869-4861
www.sos.state.co.us



Below Space for Office Use Only

REPORT OF CONTRIBUTIONS AND EXPENDITURES

(C.R.S. 1-45-108)

Full Name of Committee/Person:	
	As Shown On Registration
Address of Committee/Person:	
City, State & Zip Code:	
Committee Type:	
Name and Address of Financial Institution	

SOS ID NUMBER (state committees **ONLY**):

Type of Report

☐ **Regularly Scheduled Filing.**

☐ **Amended Filing.** This amends previous report filed on (date)
Submit changes or new information **ONLY**

☐ **Termination Report.** (Termination Reports **MUST** Have a Monetary Balance of Zero in Line 5)

Reporting Period Covered: **Through**
date
date

Declared Total Spending (if applicable)
 [Art. XXVIII, Sec. 4(1)] \$

		Totals Detailed Summary Page
1	Funds on Hand at the Beginning of Reporting Period (monetary only)	\$
2	Total Monetary Contributions (line 11)	\$
3	Total of Monetary Contributions & Beginning Amount (line 1 + line 2)	\$
4	Total Monetary Expenditures (line 19)	\$
5	Funds on Hand at the End of Reporting Period (monetary) (line 3 – line 4)	\$

The appropriate officer shall impose a penalty of \$50 per day for each day that a report is filed late.
[Art. XXVIII Sec. 10(2)(a)]

Authorization (Must be completed by either the Registered Agent **OR** the Candidate)

Print Registered Agent's (Treasurer's) Name: _____

Registered Agent's (Treasurer's) Signature: _____ Date: _____

Print Candidate Name: _____

Candidates Signature: _____ Date: _____

DETAILED SUMMARY

Full Name of Committee/Person: _____

Current Reporting Period: **Through**

	Funds on hand at the beginning of reporting period (Monetary Only)	\$
6	Itemized Contributions \$20 or More [C.R.S. 1-45-108(1)(a)] (Please list on Schedule "A")	\$
7	Total of Non-Itemized Contributions (Contributions of \$19.99 and Less)	\$
8	Loans Received (Please list on Schedule "C")	\$
9	Total of Other Receipts (Interest, Dividends, etc.)	\$
10	Returned Expenditures (from recipient) (Please list on Schedule "D")	\$
11	Total Monetary Contributions (Total of lines 6 through 10)	\$
12	Total Non-Monetary Contributions (From Statement of Non-Monetary Contributions)	\$
13	Total Contributions (Line 11 + line 12)	\$
14	Itemized Expenditures \$20 or More [C.R.S. 1-45-108(1)(a)] (Please list on Schedule "B")	\$
15	Total of Non-Itemized Expenditures (Expenditures of \$19.99 or Less)	\$
16	Loan Repayments Made (Please list on Schedule "C")	\$
17	Returned Contributions (To donor) (Please list on Schedule "D")	\$
18	Total Coordinated Non-Monetary Expenditures (Candidate/Candidate Committee & Political Parties only)	\$
19	Total Monetary Expenditures (Total of lines 14 through 17)	\$
20	Total Spending (Line 18 + line 19)	\$

Schedule A – Itemized Contributions Statement (\$20 or more)

[C.R.S. 1-45-108(1)(a)]

Full Name of Committee/Person: _____**WARNING: Please read the instruction page for Schedule “A” before completing!****PLEASE PRINT/TYPE**

1. <u>Date Accepted</u>	4. Name (Last, First): _____
2. <u>Contribution Amt.</u> \$	5. Address: _____
3. <u>Aggregate Amt.</u> (*Election Cycle) \$	6. City/State/Zip: _____
	7. Employer (if applicable, <u>mandatory</u>): _____
	8. Occupation (if applicable, <u>mandatory</u>): _____

1. <u>Date Accepted</u>	4. Name (Last, First): _____
2. <u>Contribution Amt.</u> \$	5. Address: _____
3. <u>Aggregate Amt.</u> (*Election Cycle) \$	6. City/State/Zip: _____
	7. Employer (if applicable, <u>mandatory</u>): _____
	8. Occupation (if applicable, <u>mandatory</u>): _____

1. <u>Date Accepted</u>	4. Name (Last, First): _____
2. <u>Contribution Amt.</u> \$	5. Address: _____
3. <u>Aggregate Amt.</u> (*Election Cycle) \$	6. City/State/Zip: _____
	7. Employer (if applicable, <u>mandatory</u>): _____
	8. Occupation (if applicable, <u>mandatory</u>): _____

1. <u>Date Accepted</u>	4. Name (Last, First): _____
2. <u>Contribution Amt.</u> \$	5. Address: _____
3. <u>Aggregate Amt.</u> (*Election Cycle) \$	6. City/State/Zip: _____
	7. Employer (if applicable, <u>mandatory</u>): _____
	8. Occupation (if applicable, <u>mandatory</u>): _____

1. <u>Date Accepted</u>	4. Name (Last, First): _____
2. <u>Contribution Amt.</u> \$	5. Address: _____
3. <u>Aggregate Amt.</u> (*Election Cycle) \$	6. City/State/Zip: _____
	7. Occupation (if applicable, <u>mandatory</u>): _____
	8. Employer (if applicable, <u>mandatory</u>): _____

* Art. XXVIII, Sec. 2(6)

Schedule A Instructions

NOTE: In addition to the reporting requirements of C.R.S. 1-45-108, please note provisions for specific Committee type, as follows:

Candidate, Issue, Political Party and Political Committee (PC)

- Required to disclose occupation **and** employer for all \$100 or more contributions made by natural persons. (Art. XXVIII, Sec. 7)

Small Donor Committee

- Accepts contributions of no more than \$50 per year, **FROM NATURAL PERSONS ONLY**. [Art. XXVIII, Sec. 2(14)(a)]

Electioneering Communications Reporting

- Reporting required by persons spending \$1,000 or more on Electioneering Communications,
- Required to disclose occupation **and** employer for all \$250 or more contributions made by natural persons. (Art. XXVIII, Sec. 6)
- Corporate and Labor Organization funding are prohibited. (Art. XXVIII, Sec. 6)

Contribution Limits

(Art. XXVIII, Sec. 3)

Candidates:

- **\$500** Primary, \$500 General if nominated to general election ballot – Gov*, Gov/Lt. Gov**, Secretary of State, Attorney General and State Treasurer
- **\$200** Primary, \$200 General if nominated to general election ballot - All other State Candidates

Note: Candidates seeking access to the primary election ballot may accept contributions according to the primary election contribution limits; if a candidate is nominated to the general election ballot then that candidate may accept contributions according to the general election contribution limits.

Political Committee:

- **\$500.00** per House of Representatives Election Cycle

Political Party (From any person other than Small Donor):

- **\$ 3,000** per year no more than \$2,500 to state party.

Political Party (From Small Donor):

- **\$15,000** per year no more than \$12,500 to state party.

Prohibitions on next page. Please refer to Article XXVIII, Section 3 of the Colorado Constitution for complete contribution limits and prohibited contributions.

* Primary Election

** General Election

PROHIBITED CONTRIBUTIONS

[Art. XXVIII, Sec.3 & C.R.S. 1-45-105.5]

- No candidate's candidate committee shall accept contributions from, or make contributions to, another candidate committee.
- No person shall act as a conduit for a contribution to a candidate committee.
- It shall be unlawful for a corporation or labor organization to make contributions to a candidate committee or a political party, and to make expenditures expressly advocating the election or defeat of a candidate; except that a corporation or labor organization may establish a political committee or small donor committee which may accept contributions or dues from employees, officeholders, shareholders, or members.
- No candidate committee, political committee, small donor committee, or political party shall knowingly accept contributions from:
 - (a) Any natural person who is not a citizen of the United States;
 - (b) A foreign government; or
 - (c) any foreign corporation that does not have the authority to transact business in this state pursuant to article 115 of title 7, C.R.S., or any successor section.
- No candidate committee, political committee, small donor committee, issue committee, or political party shall accept a contribution, or make an expenditure, in currency or coin exceeding one hundred dollars.
- No person shall make a contribution to a candidate committee, issue committee, political committee, small donor committee, or political party with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution made to any candidate committee, issue committee, political committee, small donor committee, or political party, nor shall any person make such reimbursement except as provided in subsection (8) of this section.
[Art. XXVIII, Sec. 3(8)]
- Contributions from professional and volunteer lobbyists to any member of or candidate for the general assembly, or the governor or candidate for governor are prohibited during regular legislative session.

Schedule B – Itemized Expenditures Statement (\$20 or more)

[C.R.S. 1-45-108(1)(a)]

Full Name of Committee/Person: _____**PLEASE PRINT/TYPE**

1. <u>Date Expended</u>	4. Name: _____
2. <u>Amount</u>	5. Address: _____
\$	6. City/State/Zip: _____
3. Recipient is (optional): <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	7. Purpose of Expenditure: _____

1. <u>Date Expended</u>	4. Name: _____
2. <u>Amount</u>	5. Address: _____
\$	6. City/State/Zip: _____
3. Recipient is (optional): <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	7. Purpose of Expenditure: _____

1. <u>Date Expended</u>	4. Name: _____
2. <u>Amount</u>	5. Address: _____
\$	6. City/State/Zip: _____
3. Recipient is (optional): <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	7. Purpose of Expenditure: _____

1. <u>Date Expended</u>	4. Name: _____
2. <u>Amount</u>	5. Address: _____
\$	6. City/State/Zip: _____
3. Recipient is (optional): <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	7. Purpose of Expenditure: _____

1. <u>Date Expended</u>	4. Name: _____
2. <u>Amount</u>	5. Address: _____
\$	6. City/State/Zip: _____
3. Recipient is (optional): <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	7. Purpose of Expenditure: _____

Statement of Non-Monetary Contributions
[Art. XXVIII, Sec. 2(5)(a)(II)(III) & Sec. 5(3) & C.R.S. 1-45-108(1)]

Full Name of Committee/Person: _____

PLEASE PRINT/TYPE

1. <u>Date Provided</u>	4. Name (Last, First): _____
2. <u>Fair Market Value</u> \$	5. Address: _____
3. <u>Aggregate Amt.</u> \$	6. City/State/Zip: _____
	7. Description: _____
	8. <input type="checkbox"/> Check box if Coordinated with a Candidate/Candidate Committee or Political Party. *

1. <u>Date Provided</u>	4. Name (Last, First): _____
2. <u>Fair Market Value</u> \$	5. Address: _____
3. <u>Aggregate Amt.</u> \$	6. City/State/Zip: _____
	7. Description: _____
	8. <input type="checkbox"/> Check box if Coordinated with a Candidate/Candidate Committee or Political Party. *

1. <u>Date Provided</u>	4. Name (Last, First): _____
2. <u>Fair Market Value</u> \$	5. Address: _____
3. <u>Aggregate Amt.</u> \$	6. City/State/Zip: _____
	7. Description: _____
	8. <input type="checkbox"/> Check box if Coordinated with a Candidate/Candidate Committee or Political Party. *

1. <u>Date Provided</u>	4. Name (Last, First): _____
2. <u>Fair Market Value</u> \$	5. Address: _____
3. <u>Aggregate Amt.</u> \$	6. City/State/Zip: _____
	7. Description: _____
	8. <input type="checkbox"/> Check box if Coordinated with a Candidate/Candidate Committee or Political Party. *

1. <u>Date Provided</u>	4. Name (Last, First): _____
2. <u>Fair Market Value</u> \$	5. Address: _____
3. <u>Aggregate Amt.</u> \$	6. City/State/Zip: _____
	7. Description: _____
	8. <input type="checkbox"/> Check box if Coordinated with a Candidate/Candidate Committee or Political Party. *

* Note: If coordinated, then contribution must also be reported as a non-monetary expenditure on Detailed Summary. Art. XXVIII, Sec. 2(9) states: "...Expenditures that are controlled by or coordinated with a candidate or candidate's agent are deemed to be both contributions by the maker of the expenditures, and expenditures by the candidate committee."

Schedule D – Returned Contributions & Expenditures

Full Name of Committee/Person: _____

Returned Contributions

(Previously reported on Schedule A – Contributions accepted and then returned to donors)

PLEASE PRINT/TYPE

1. <u>Date Accepted</u>	4. Name (Last, First): _____
2. <u>Date Returned</u>	5. Address: _____
3. <u>Amount</u> \$	6. City/State/Zip: _____
	7. Purpose: _____

1. <u>Date Accepted</u>	4. Name (Last, First): _____
2. <u>Date Returned</u>	5. Address: _____
3. <u>Amount</u> \$	6. City/State/Zip: _____
	7. Purpose: _____

Returned Expenditures

(Previously reported on Schedule B – Expenditures returned or refunded to the committee)

PLEASE PRINT/TYPE

1. <u>Date Expended</u>	4. Name (Last, First): _____
2. <u>Date Returned</u>	5. Address: _____
3. <u>Amount</u> \$	6. City/State/Zip: _____
	7. Comment (Optional): _____

1. <u>Date Expended</u>	4. Name (Last, First): _____
2. <u>Date Returned</u>	5. Address: _____
3. <u>Amount</u> \$	6. City/State/Zip: _____
	7. Comment (Optional): _____

Schedule C - Loans

Full Name of Committee/Person: _____

LOANS - Loans Owed by the Committee

(Use a separate schedule for each loan. This form is for line item 8 and 16 of the Detailed Summary Report.)
[No information copied from such reports shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose. [Art. XXVIII, Sec. 9(e)] Notwithstanding any other section of this article to the contrary, a candidate's candidate committee may receive a loan from a financial institution organized under state or federal law if the loan bears the usual and customary interest rate, is made on a basis that assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule [Art. XXVIII, Sec. 3(8)]

LOAN SOURCE

Name (Last, First or Institution): _____

Address: _____

City/State/Zip: _____

Original Amount of Loan: \$ _____ Interest Rate: _____

Loan Amount Received This Reporting Period: \$ _____

Total of All Loans This Reporting

Period: \$ _____

(Place on line 8 of Detailed Summary Report)

Principal Amount Paid This Reporting Period: \$ _____

Interest Amount Paid This Reporting Period: \$ _____

Amount Repaid This Reporting Period: \$ _____

(Amount Repaid is sum of Principal & Interest entered on Detail Summary)

Total Repayments Made: \$ _____

(Sum of Schedule C pages, Place on line 16 of
Detailed Summary)

Outstanding Balance: \$ _____

TERMS OF LOAN:

_____ Date Loan Received

_____ Due Date for Final Payment

LIST ALL ENDORSERS OR GUARANTORS OF THIS LOAN

Full Name	Address, City, State, Zip	Amount Guaranteed

Colorado Secretary of State
1560 Broadway, Ste. 200
Denver, CO 80202
Ph: (303) 894-2200 x 3
Fax: (303) 869-4861
www.sos.state.co.us



Below Space for Office Use Only

NOTICE OF INDEPENDENT EXPENDITURE IN EXCESS OF ONE THOUSAND DOLLARS
(Article XXVIII, Sec. 5)

This report is due within 48 hours after obligating funds for such expenditure. Each independent expenditure shall require the delivery of a new notice.

Name of Person Responsible for Independent Expenditure (Please type or print legibly)

Full Address of Person Responsible for Independent Expenditure

Please print the name of the candidate the independent expenditure is intended to support or oppose.

Was independent expenditure used to: Support ☐ Oppose ☐

Name and Address of Vendor/Person Receiving Payment: _____

Detailed Description of the Independent Expenditure: _____

Date Funds Were Obligated: _____ Amount of Expenditure: \$ _____

I, _____, certify that I have examined this Notice of
Independent Expenditure, and to the best of my knowledge and belief it is true and correct.

Printed Name of Disclosing Individual

Date



STATEMENT OF PERSONAL EXPENDITURES BY A CANDIDATE

[C.R.S. 1-45-108(1) & C.R.S. 1-45-109]

(For use by a candidate who has not received any contributions, but has made expenditures of personal funds.)

Name of Candidate: _____

Address of Candidate: _____

City, State, and Zip Code: _____

Office: _____ District No.: _____ Elec./Yr.: _____

Reporting Period: Beginning Date _____ Ending Date _____

1. <u>Date Expended</u>	3. Name: _____
2. <u>Amount</u>	4. Address: _____
\$	5. City, State, Zip: _____
	6. Purpose of Expense: _____

1. <u>Date Expended</u>	3. Name: _____
2. <u>Amount</u>	4. Address: _____
\$	5. City, State, Zip: _____
	6. Purpose of Expense: _____

1. <u>Date Expended</u>	3. Name: _____
2. <u>Amount</u>	4. Address: _____
\$	5. City, State, Zip: _____
	6. Purpose of Expense: _____

I certify to the best of my knowledge this Statement of Expenditures is true and correct.

Candidate Signature: _____ Date: _____

Elections Division
Department of State
1560 Broadway, Ste. 200
Denver, CO 80202
Ph: (303) 894-2200 x 3
Fax: (303) 869-4861
www.sos.state.co.us



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NOTICE OF MAJOR CONTRIBUTOR

[C.R.S. 1-45-108(2.5)]

This report is mandatory for all committees and political parties for contributions of \$1000 or more (monetary or non-monetary) received within 30 days immediately preceding a primary or general election. This report shall be filed with the Secretary of State within 24 hours after receipt of the contribution.

Name of Committee Receiving Contribution (Please type or print legibly)

Full Address of Committee Receiving Contribution

Full Name and Address of Contributor:

Check Only One: ☐ Monetary ☐ Non-Monetary

Date Contribution Was Made: _____ **Amount of Contribution: \$** _____

Brief Description of Non-Monetary Donation:

Authorization (Must be completed by either the Registered Agent OR the Candidate)

Print Registered Agent's (Treasurer's) Name: _____

Registered Agent's (Treasurer's) Signature: _____ Date: _____

Print Candidate's Name: _____

Candidate's Signature: _____ Date: _____



**CANDIDATE STATEMENT OF NON-RECEIPT OF CONTRIBUTIONS
OR**

NON-EXPENDITURE OF FUNDS

[C.R.S. 1-45-108(1) & C.R.S. 1-45-109]

This form is for the use of candidates that do **not** have a campaign committee and have not received contributions nor made expenditures. No expenditures have been made on behalf of the candidate.

Name of Candidate: _____

Address of Candidate: _____

City, State, Zip: _____

Reporting Period: Beginning Date _____ Ending Date _____

CONTRIBUTIONS RECEIVED OR RECEIVABLE DURING THIS REPORTING PERIOD

\$ 0.00

EXPENDITURES MADE OR INCURRED DURING THIS REPORTING PERIOD

\$ 0.00

I, _____, affirm that no person received contributions on my behalf nor made any expenditures on my behalf. No contributions have been pledged to me nor on my behalf. I have not received any contributions nor have I made or incurred any expenditures on my behalf during this election reporting period.

Candidate Signature: _____ Date: _____



CANDIDATE COMMITTEE FUNDS TRANSFER FORM

[C.R.S. 1-45-106(1)(a)(I)(B)]

This form is used by candidate committees established by the same committee for a different public office intending to transfer existing funds from an existing committee as defined by Art. XXVIII, Sec. 2(3).

Full Name of Committee: _____

Address (Physical): _____

Mailing Address (if different from above): _____

Telephone Number: _____ FAX Number: _____

Purpose of Transfer: _____

TRANSFERS THE FOLLOWING: (Check appropriate box(es) and fill in amount; then total)

☐ Monetary Amount: \$ _____ ☐ Debt Balance: \$ _____
☐ Loan Balance: \$ _____ TOTAL AMOUNT: \$ _____

TO

Full Name of Committee: _____

Address (Physical): _____

Mailing Address (if different from above): _____

Telephone Number: _____ FAX Number: _____

Purpose of Receipt: _____

Signature of Candidate

Date

Signature of Registered Agent (Transferring Agent)

Date

Signature of Registered Agent (Receiving Agent)

Date

Colorado Secretary of State
Elections Division
1560 Broadway, Ste. 200
Denver, CO 80202
Ph: (303) 894-2200 x 3
Fax: (303) 869-4861
www.sos.state.co.us

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**ANNUAL DISCLOSURE BY PUBLIC OFFICEHOLDER
REPORT OF GIFTS, HONORARIA AND OTHER BENEFITS**

(C.R.S. 24-6-203)

(Due on or before the 15th of January of each year for the preceding calendar year.)

Name of Officeholder: _____

Mailing Address (include city, state, and zip): _____

Official Title: _____

Name of Person From Whom the Gift, Honoraria or Other Benefit Was Received

Amount or Value: \$ _____ Date Received: _____

Description: _____

Name of Person From Whom the Gift, Honoraria or Other Benefit Was Received

Amount or Value: \$ _____ Date Received: _____

Description: _____

Name of Person From Whom the Gift, Honoraria or Other Benefit Was Received

Amount or Value: \$ _____ Date Received: _____

Description: _____

Signature of Officeholder

Date