



City Council Candidate Election Guide

Municipal Election November 4, 2025

City Clerk's Office
2255 West Berry Avenue
Littleton, CO 80120



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Section 1

(Election Information & 2025 Election Calendar)



GENERAL ELECTION INFORMATION

Election Date – November 4, 2025

City Council Representation – The city is divided into four council districts and consists of seven members. One member is elected from each of the four districts and three members are elected from the city at-large, including a direct-elect mayor.

Election Administration – Elections shall generally be conducted as mail ballot elections provided, however, the city council may determine, from time to time, to conduct required city elections at polling places. Municipal elections are non-partisan, are held in odd-numbered years, and are coordinated with Arapahoe, Douglas, and Jefferson counties.

Vacant positions to be voted upon November 4, 2025 – Registered electors in the City of Littleton will elect four (4) council members in 2025 – one (1) from District I, one (1) from District III, and two (2) from the city at-large, one of which will be the direct-elect mayor. All are four-year terms.

Council Terms – Council terms will begin at 8:00 p.m.¹ on November 18, 2025, the second Tuesday following the election. Members of council will elect the mayor pro tem² at that meeting to serve a two-year term.

Salaries – The mayor receives \$1,350.00 per month; the mayor pro tem receives \$1,225.00 per month; and council members receive \$1,100.00 per month. Salaries will be amended, per Ordinance 14-2023³, effective January 1, 2026.

Council Meeting Schedule – City council meets regularly on the first and third Tuesday of every. Study sessions are held on the second and fourth Tuesday of the month on an as needed basis. All meetings start at 6:30 p.m. unless otherwise determined on an as-needed basis. In December of each year, council adopts an annual meeting calendar showing proactive meeting cancellations for known events that would prohibit conduct of a regular meeting or study session.

¹ City Charter, Article II, Section 22

² City Charter, Article II, Section 24 & 25

³ City Charter, Article III, Section 21, and Ordinance 14-2023

CANDIDATE INFORMATION

Qualifications – A candidate for city council must be a citizen of the United States, at least 21 years of age, and a qualified elector of the city for at least 12 consecutive months immediately preceding this election⁴. *Candidates elected by districts must be residents and qualified electors of their district.*

No elected city official may hold any other elective public office, nor shall they be a paid employee of the city or any other municipality.

Ballot – The names of the candidates nominated for public office shall be set up without party or other designation and shall be arranged by lot to be held by the city clerk. *The lot drawing will be held Tuesday, September 2, 2025, 3:30 p.m. in the office of the city clerk at 2255 W. Berry Avenue, Littleton, CO, 80120.*

Nomination Petitions - **Nomination petitions will be available at 8:00 a.m. on Tuesday, August 5, 2025, and not sooner.**

It is important that petition headings be filled out properly. Please make sure the registered elector prints and signs their name. The circulator of the petition must witness each registered elector's signature and sign the appropriate statement at the back of the petition. The candidate must sign the acceptance of nomination. Additional instructions for nomination petition circulators will be included with the petition packets available on August 5, 2025.

Circulation Requirements – Nomination petitions may ONLY be circulated beginning August 5, 2025⁵, through August 25, 2025⁶. Petitions must be filed with the city clerk by 5:00 p.m. on August 25, 2025.

There is no limitation on when a candidate for office may commence campaign activities. **BE AWARE that you become a candidate if you have publicly announced an intention to seek election and thereafter have received a contribution or made an expenditure in support of the candidacy (Colorado Constitution Article XXVIII Section 2). Close attention should be paid to the requirements for registering candidate committees and maintaining contributed funds (FCPA rules are the candidate's responsibility).**

⁴ City Charter, Article III, Section 23

⁵ C.R.S. 1-4-805, 91 days before the election

⁶ C.R.S. 1-4-805, 71 days before the election

Signature Requirements – The nomination petition must be signed by a minimum of 50 qualified registered electors residing anywhere within city boundaries for at-large candidates, or within the district for which the candidate seeks election⁷.

A registered elector may sign petitions for as many persons as there are offices to be filled by election, i.e., for this election, a registered elector living in District I or District III may sign three (3) nomination petitions: one (1) petition for a candidate in their district, one (1) petition for an at-large candidate, and one (1) petition for a mayoral candidate. Electors in Districts II and IV may sign two (2) petitions: one (1) for an at-large candidate, and one (1) for a mayoral candidate.

Form Requirements – ALL PETITIONS MUST BE SUPPLIED BY THE CITY CLERK’S OFFICE. DO NOT USE FILING DATES FROM THE COLORADO REVISED STATUTES (C.R.S). LITTLETON USES DIFFERENT FILING DATES PER THE MUNICIAPL CODE⁸.

POLITICAL/CAMPAIGN SIGNS

Political Signs – Littleton City Code 10-1-3.10(F) provides guidance for sign placement and removal. Political signs are considered temporary in nature.

POLITICAL SIGNS ARE NOT PERMITTED ON PARK LAND, MEDIANS, SIDEWALKS, STREET RIGHTS-OF-WAY, IN FRONT OF CITY BUILDINGS, OR ANY OTHER PUBLIC AREA OWNED OR CONTROLLED BY THE CITY OF LITTLETON. PUBLIC RIGHTS-OF-WAY INCLUDE THE AREA BETWEEN THE SIDEWALK AND THE STREET.

POLITICAL SIGNS PLACED IN THESE AREAS WILL BE PICKED UP BY CODE ENFORCEMENT STAFF; CANDIDATE OR COMMITTEE WILL BE NOTIFIED AND PICK-UP FOR RETURN OF SIGNS ARRANGED.

CAMPAIGN REPORTING

All campaign finance forms are filed with the city clerk. **Do Not** send anything to the Secretary of State.

⁷ City Charter, Article II, Section 15

⁸ Littleton City Code, 1-7-7

The city clerk shall impose a late filing fee of \$50.00 *per day* for anything received after 5:00 p.m. on the date of filing. This includes submissions made by email, in-person, or online.

Fair Campaign Practices Act (FCPA) – The FCPA sets forth filing requirements for candidates. All forms required by the FCPA for this election are to be filed with the **city clerk**. A candidate must file the following forms, as applicable:

Candidate Affidavit – This form must be filed within 10 days of becoming a candidate (**Publicly announced an intention to seek election and thereafter has received a contribution or made an expenditure in support of the candidacy**). *The affidavit is an attestation that the candidate has familiarized themselves with campaign finance laws and regulations; the onus is on the candidate to read the laws before submitting the affidavit.*

Committee Registration Form – This form must be filed before accepting **any** contributions or making any expenditures. All candidate committees are required to register with the city clerk before accepting contributions or making expenditures.

Report of Contributions and Expenditures – All candidates shall report to the city clerk their contributions received, expenditures made, and obligations entered into by the candidate. This report consists of a summary page and four supplemental schedules: A – itemized contributions; B – itemized expenditures; C – loans; D – returned expenditures & contributions. **Filing dates - September 23, October 14, October 27, and December 4, 2025.**

Changes to Campaign Contribution Limits – HB23-1245, passed in 2023 with an efficacy date of January 1, 2024, limits individual contributions to any candidate to not more than \$400 per donor, per election; The city previously had no contribution limits and has not adopted anything to negate the contribution limits set forth by CRS 1-45-103.7 which states “*The maximum amount of aggregate contributions any one person, including a political party, and excluding small donor committees, may make to a candidate committee for a municipal office, and that a candidate committee for such a candidate may accept from any one such person per election is four hundred dollars (\$400)*”.

Candidate Statement of No Contributions and No Expenses – This form is used by a candidate who has not received any contributions or made any expenditures.

Statement of Personal Expenditures by a Candidate – This form is used by a candidate who has not received any contributions but has made expenditures of personal funds.

Forms – A copy of each form will be included with the candidate petition packet available on August 5, 2025. **Sample** forms are included within this Election Guide.

ELECTION CALENDAR

COORDINATED ELECTION, NOV. 4, 2025

Aug. 5th	Nomination petitions for council candidates are available for pickup. Petitions may be circulated and signed. C.R.S. 1-4-805 (91 days before the election)
Jul. 15th	Last available meeting date for council to refer ballot measures to the ballot without convening a special meeting – 1st reading
Aug. 19th	Last available meeting date for council to refer ballot measures to the ballot without convening a special meeting – 2nd reading
Aug. 25th	Last day to file signed nomination petitions with the city clerk's office. C.R.S. 1-4-805 (71 days before the election)
Aug. 27th	Candidate photos at Monte Nuss 8:30 a.m. to noon (Candidates to schedule with Communications Dept.)
Aug. 27th	Candidate videos 10:00 a.m. to 3:30 p.m. (Candidates w/be scheduled by Communications Dept.)
Aug. 26th	IGA must be signed by both the city and the county C.R.S. 1-7-116(2) (70 days before the election)
Aug. 29th	Last day to cure insufficient nomination petitions C.R.S. 1-4-805 (before the 67 days before the election)
Aug. 29th	Last day to file an affidavit of intent to run as a write-in candidate for a nonpartisan coordinated election C.R.S. 1-4-1102(2) (64 days before the election; Sept. 1 is Labor Day so calendar backs-up to Friday)
Sept. 2nd	Lot draw to determine candidate positions on the 2025 ballot, Littleton City Clerk's Office (3:30 p.m.)
Sept. 5th	Last day to certify ballot content to Arapahoe, Jefferson and Douglas County Clerks C.R.S. 1-5-203(3)(a) (60 days before the election)
Sept. 19th	Last day to file pro/con comments pertaining to Littleton ballot issues (TABOR) with the city clerk's office to be included in the ballot issue notice Article X, Sect. 20(3)(b)(v), C.R.S. 1-7-901(4) (45 days before the election; 45 days is a Saturday so calendar backs-up to Friday)
Sept. 19th	Last day for a petition representative (initiated TABOR measures) to submit a summary of comments in favor of their local ballot issue (TABOR) C.R.S. 1-7-903(3) (44 days before the election; 44 days is a Sunday so calendar backs-up to Friday)

ELECTION CALENDAR

COORDINATED ELECTION, NOV. 4, 2025

Sept. 20th	Deadline to send mail ballots to military and overseas electors C.R.S. 1-8.3-110(1)(45 days before the election)
Sept. 22nd	Last day to deliver ballot issue (TABOR) notices (hard copy and disc) to the Arapahoe, Jefferson and Douglas County Clerks C.R.S. 1-7-904 (43 days before the election)
Sept. 23rd	Contributions and expenditures report due for reporting period ending Sept. 16, 2025. Littleton City Code 1-7-7 (42 days before the election)
Oct. 3rd	Last day to mail statewide ballot measure booklet and ballot issue (TABOR) notices Art. X, Sec. 20(3)(b); C.R.S. 1-1-106(5); Art. V, Sec 1(7.5)(b); C.R.S. 1-40-124.5 (30 days before the election)
Oct. 10th	First day mail ballots may be sent to voters C.R.S. 1-7.5-107(3)(a) (No sooner than 22 days and no later than 18 days before the election)
Oct. 13th	Last day to submit an application to register to vote through a voter registration drive C.R.S. 1-2-201(3)(b)(I) (22 days before the election)
Oct. 14th	Contributions and expenditures report due for reporting period ending Oct. 7, 2025. Littleton City Code 1-7-7 (21 days before the election)
Oct. 15th	Last day to publish notice of the coordinated election C.R.S. 1-1-104(34), C.R.S. 1-5-205(1) (20 days before the election)
Oct. 20th	Counting of mail ballots may begin C.R.S. 1-7.5-107.5 (15 days prior to the election)
Oct. 27th	Last day to submit an application to register to vote through the mail, a voter registration agency, a local driver's license facility or online C.R.S. 1-2-201(3)(b)(III) (8 days before the election)
Oct. 27th	Vote service & polling centers open C.R.S. 1-7.5-107(4.5)(c) (8 days before the election)
Oct 27th	Contributions and expenditures report due for reporting period ending Oct. 20, 2025, Littleton City Code 1-7-7 (8 days before the election)
Nov. 4th	ELECTION DAY

ELECTION CALENDAR

COORDINATED ELECTION, NOV. 4, 2025

Nov. 12th	Last day for ballots cast by military and overseas voters to be received by the county clerk in order to be counted C.R.S. 1-8.3-113(2) (8 days after the election)
Nov. 26th	Deadline to complete the election canvass C.R.S. 1-10-102(1) (22 days after the election)
Nov. 26th	Last day an interested party may request a recount at their own expense C.R.S. 1-10.5-106(2) (No sooner than 10 days nor later than 22 days after the election)
Dec. 4th	Post-election contributions and expenditures report due for reporting period ending November 27, 2025 Littleton City Code 1-7-7 (30 days after the election)
Dec. 9th	Last day to complete a requested recount C.R.S. 1-10.5-106(2) (35 days after the election)

ATTENTION

After the city clerk's office has verified your eligibility to be a candidate for Littleton City Council, please contact Cathy Weaver, Deputy Director of Communications and Marketing at 303-795-3727 at your earliest convenience to schedule your candidate portrait and your 2-minute candidate video.

Candidate Portraits - *August 27, 8:30 a.m. – 9:45 a.m. @ Monty Nuss Photography*

Candidates will be scheduled in 10-minute intervals. These photos will appear on the front page of the October issue of the *Littleton Report*. Candidates will receive a complimentary wallet size, color photo and access to a digital file for their personal use.

Candidate Video Statements – *August 27, 10 a.m. – 3:30 p.m. at the Littleton Center*

Each candidate will be videotaped for 2 minutes to talk about themselves and their candidacy. The interviews will be broadcast on Comcast Cable Channel 8, Facebook, and on the city website.

Deputy Director Weaver will provide you with additional information regarding these events when you schedule your time slots.

CITY OF LITTLETON, COLORADO

ORDINANCE NO. 14

Series, 2023

AN ORDINANCE OF THE CITY OF LITTLETON,
COLORADO, AMENDING TITLE 1, CHAPTER 9, SECTION
4 OF THE LITTLETON CITY CODE RELATING TO
COUNCIL MEMBER COMPENSATIONS

WHEREAS, Section 21 of the Littleton City Charter allows for the monthly salaries of council members to be increased by ordinance; and

WHEREAS, Section 21 of the Littleton City Charter prohibits the increase from taking effect during the current term of council members enacting such ordinance; and

WHEREAS, the current salaries of council members, as set forth in Title 1, Chapter 9, Section 4 (1-9-4) of the city code are \$1,350, \$1,225, and \$1100 for the Mayor, Mayor Pro Tem and Council Members respectively; and

WHEREAS, no increase in council members’ salaries has been approved since 2015;

WHEREAS, city council wishes to update salaries beginning for new council terms in 2026.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, THAT:

Section 1: Title 1, Chapter 9, Section 4 (1-9-4) Salaries of the Littleton City Code is amended to read as follows:

A.

Title	AMI Percentile	
Mayor	30%	
Mayor Pro Tem	25%	
Council Member	20%	

This change shall be effective beginning on January 1, 2026, and all ensuing months, until changed by ordinance. These rates shall be automatically adjusted based on January 1st of ensuing years according to the Area Median Income for one person based upon the percentages set forth above. If rates decrease from one year to the next, rates will remain

Ordinance No. 14

Series, 2023

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the same until AMI rates increase a following year. The then most recently officially published data provided by the U.S. Department of Housing and Urban Development for the Denver-Aurora-Lakewood MSA shall be utilized as the reference.

B. All council members shall be eligible to participate in the city's health insurance plans according to the City's guidelines after review and approval by Human Resources and the City Attorney's Office for open enrollment and provided that said council member pays for 100% of the premium costs.

Section 2: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The city council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

Section 3: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 15th day of August, 2023, passed on first reading by a vote of 5 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the 5th day of September, 2023, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of 6 FOR and 0 AGAINST on the 5th day of September, 2023 and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

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Series, 2023
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78 ATTEST:
79 DocuSigned by:
80 *Colleen L. Norton*
81 Colleen L. Norton
82 CITY CLERK
83
84 APPROVED AS TO FORM:
85 DocuSigned by:
86 *Reid Betzing*
87 Reid Betzing
88 CITY ATTORNEY

DocuSigned by:
Kyle Schlachter
Kyle Schlachter
MAYOR

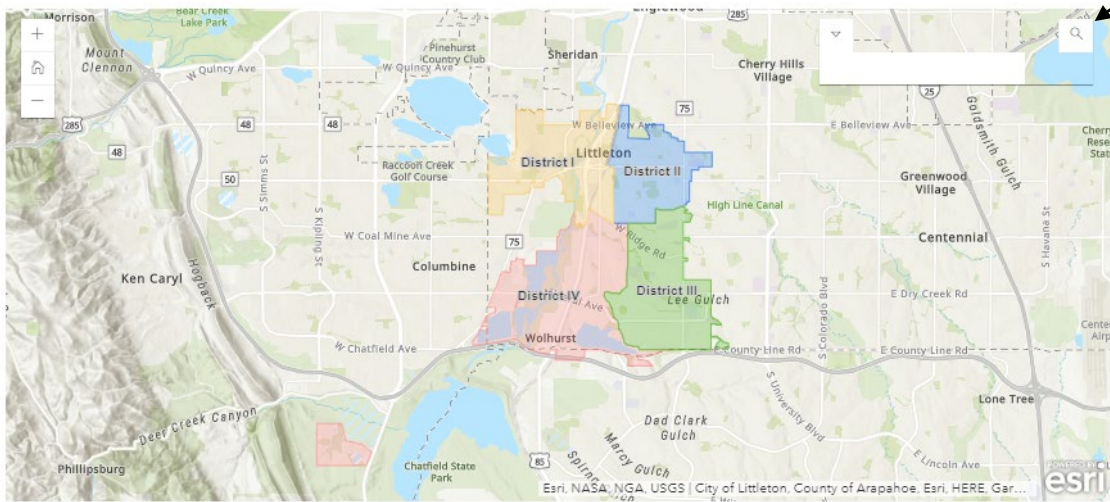


Section 2

(City Council District Maps)

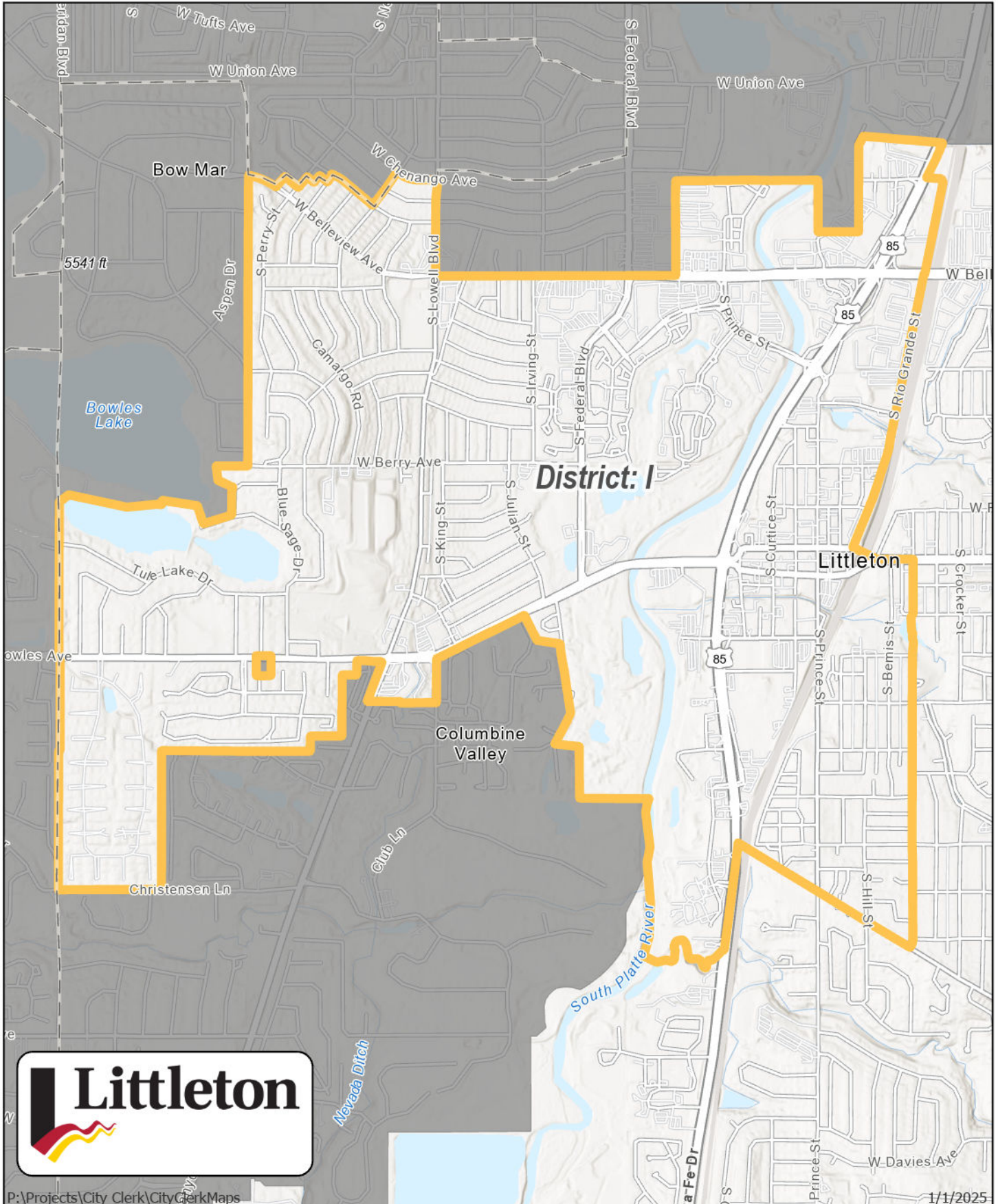


The Littleton City Council district map is available on the city's website here: [Council District Map](#). Littleton neighbors can use the address search feature to determine their district. Please contact the city clerk's office at (303) 795-3780 with any questions.



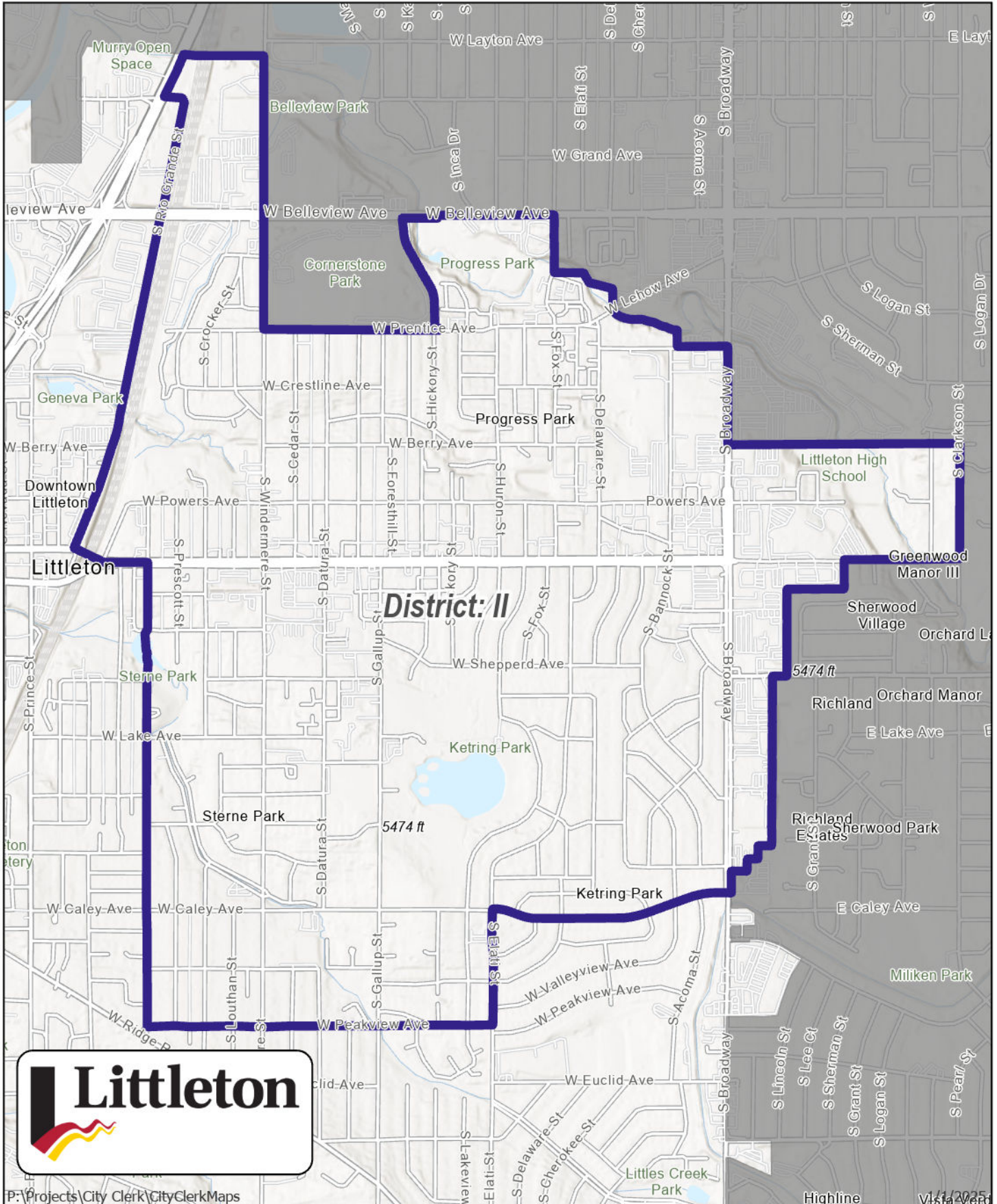
City of Littleton

Council District I



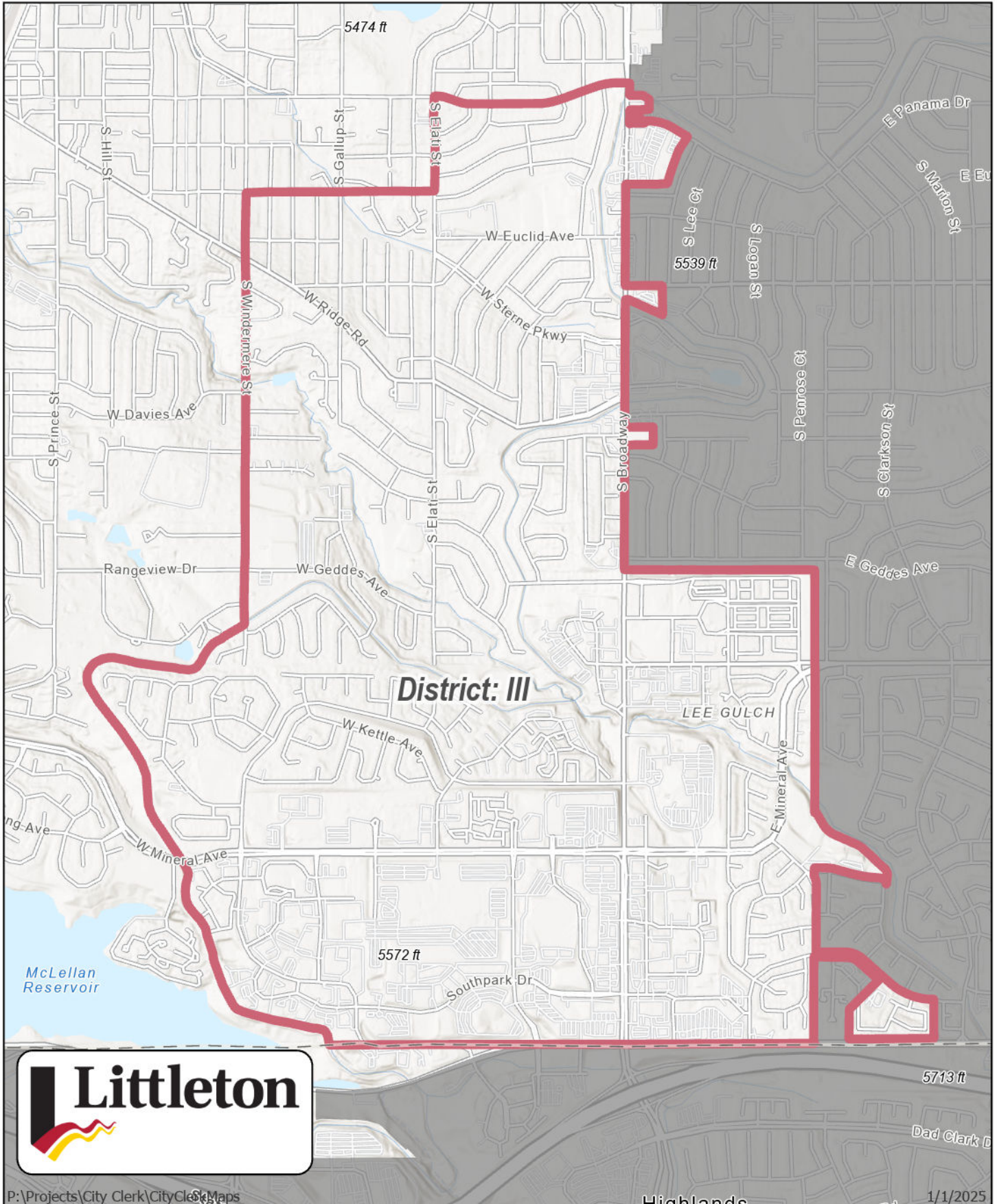
City of Littleton

Council District II



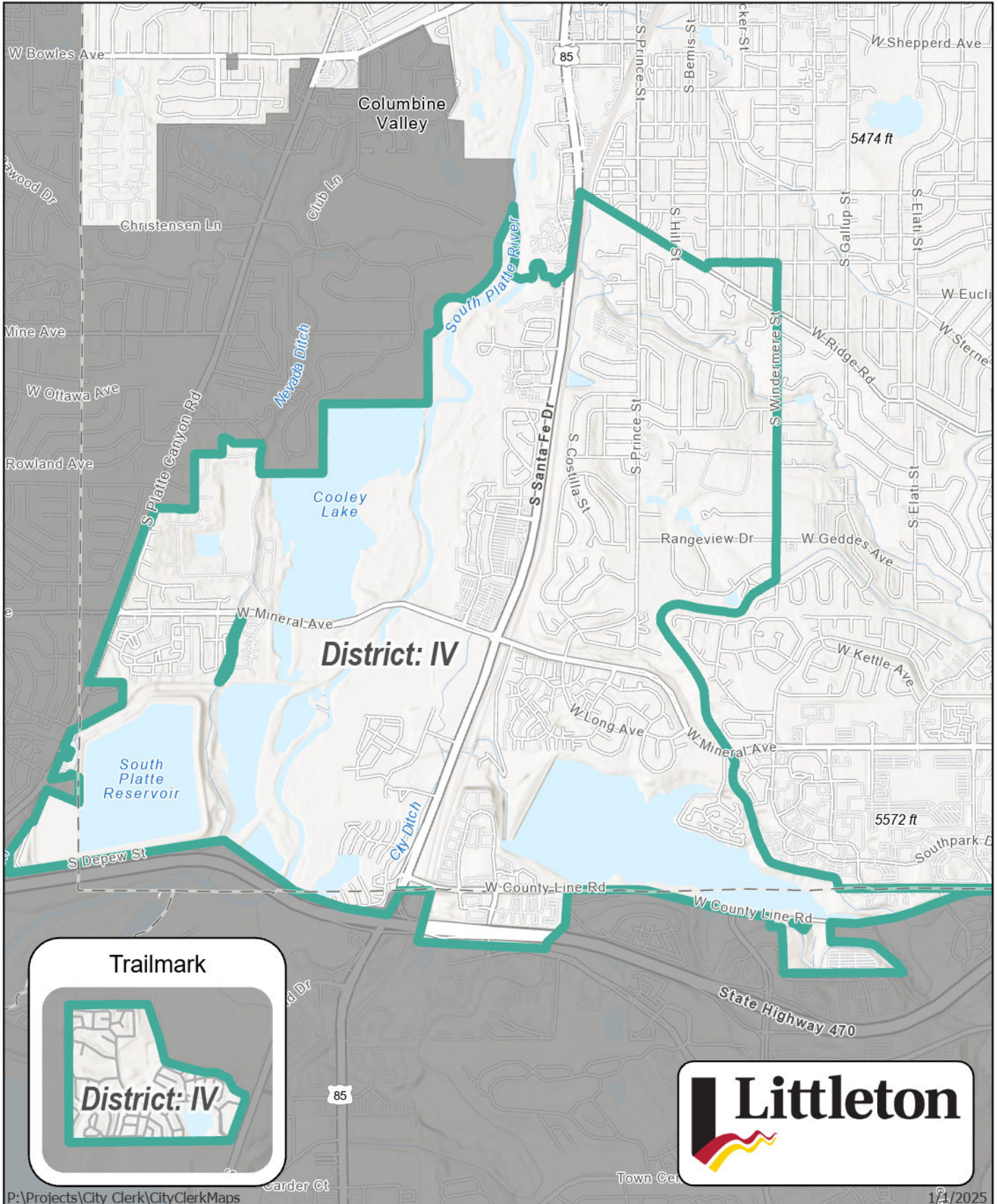
City of Littleton

Council District III



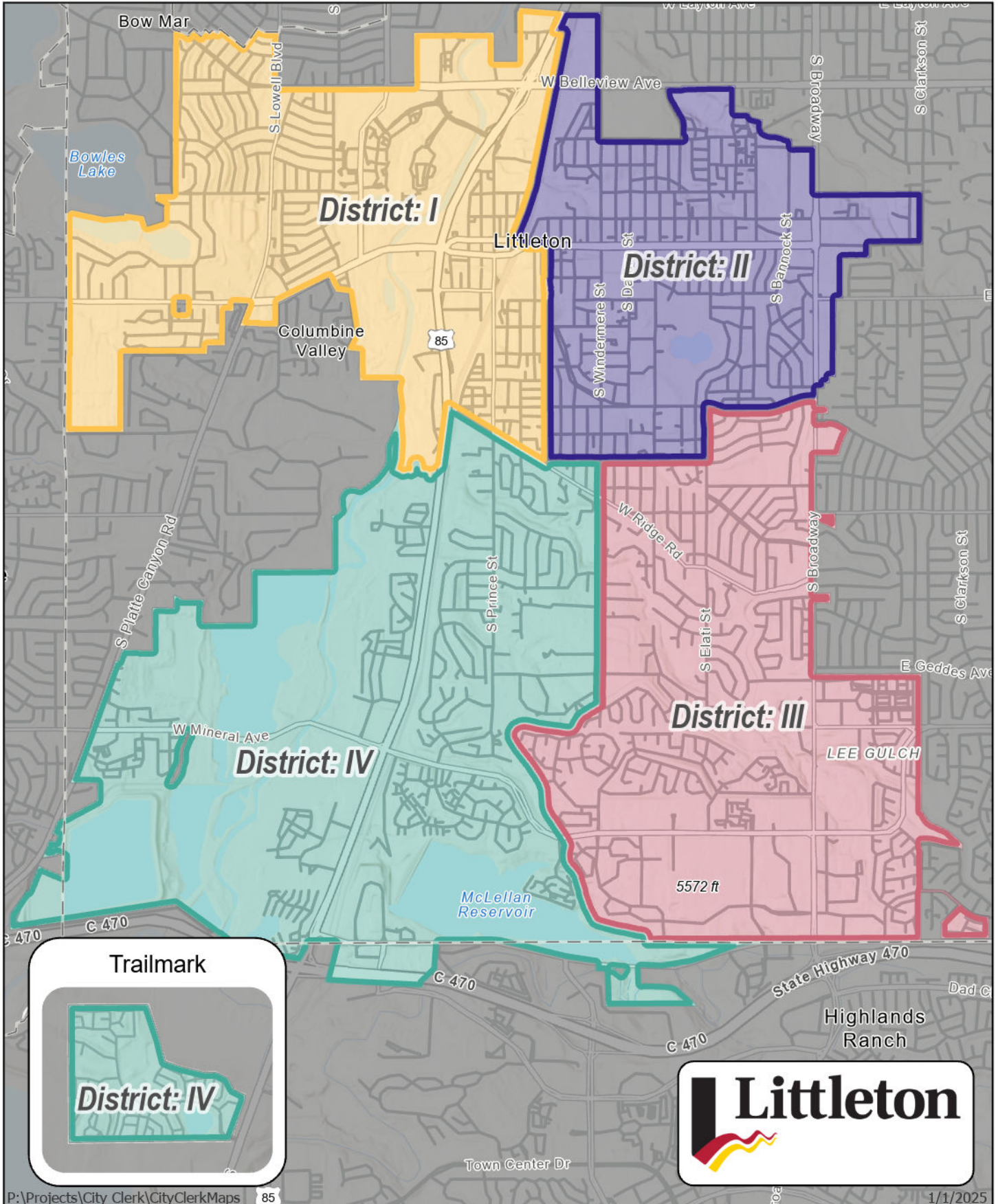
City of Littleton

Council District IV



City of Littleton

Council Districts



Section 3

(Campaign Finance Filing Calendar & Penalty Ordinance)



2025 FCPA FILING CALENDAR NOVEMBER 4, 2025 ELECTION

REPORT DUE

September 23, 2025
(42 days before election)

October 14, 2025
(21 days before election)

October 27, 2025
(8 days before election)

December 4, 2025
(30 days after election)

REPORTING PERIOD COVERED

**USE THE DATES BELOW WHEN
FILING FCPA REPORTING FORMS**

Committee's initial filing (date committee was established in 2025 through September 16, 2025 **OR** previously established committees (Carry-over committees for previous candidates)

September 17, 2025 through October 7, 2025

October 8, 2025 through October 20, 2025

October 21, 2025 through November 26, 2025

Annual Filers

December 4, 2025

Not elected in 2023 election cycle

November 2024 through November 26, 2025

Reports may be filed in person, by mail, faxed, or e-mailed and must be received ***no later than 5: p.m. on the due date.***

CITY OF LITTLETON, COLORADO

ORDINANCE NO. 7

Series of 2007

INTRODUCED BY COUNCILMEMBERS: Conklin and Ostermiller

**AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO, ADDING A
NEW SECTION 1-7-7 TO THE LITTLETON CITY CODE REGARDING
CAMPAIGN FINANCE.**

WHEREAS, the City Council desires to ensure that campaigns for City Council seats are fair and equitable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF LITTLETON, COLORADO, THAT:**

Section 1: The Littleton City Code is hereby amended by the addition of a new Section 1-7-7 to read as follows:

1-7-7 Reporting Requirements—Enforcement.

Reports setting forth the information required by C.R.S. §1-45-108, or successor section, shall be filed with the City Clerk 42, 21, and 8 days before and 30 days after the election. The City Clerk shall impose a civil penalty of fifty dollars (\$50.00) for each day that the required reports are not filed.

Section 2: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

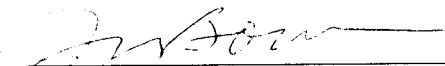
Section 3: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

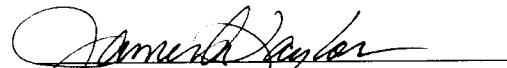
INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 20th day of February, 2007, passed on first reading by a vote of 7 FOR and 0 AGAINST; and ordered published in full in the Littleton Independent of February 22, 2007, 2007.

PUBLIC HEARING on the Ordinance to take place on the 3rd day of April, 2007, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 7:00 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of 6 FOR and 1 AGAINST on the 3rd day of April, 2007, and ordered published ~~by~~ ^{in full} ~~reference only~~ in the Littleton Independent on the 12th day of April, 2007.

ATTEST:


CITY CLERK


PRESIDENT OF CITY COUNCIL

APPROVED AS TO FORM:


CITY ATTORNEY

Section 4

(Sample Candidate Forms)



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

➤ Municipal Candidates file with the Municipal Clerk

This affidavit shall certify that I, _____, am a candidate
for the _____ election, [Art. XXVIII, Sec. 2(2)] for the office of _____,
(Year) (Office)
District # _____ (if applicable), County _____.
(District or "at large") (County)

I understand that campaign finance activities in Colorado are governed by Article XXVIII of the Colorado Constitution, Article 45, Title 1 of the Colorado Revised Statutes (C.R.S.) (also known as the Fair Campaign Practices Act (FCPA)), and the Littleton City Code

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: _____

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

Mailing address: _____

Business Phone: _____ Residence Phone: _____

Fax: _____ Web Address: _____

***E-Mail Address:** _____

The notary section below must be completed in full.

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 the candidate
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: Section 2(2), article XXVIII

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

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 for all candidates? YES

When should this form be filed? Form must be filed with the Littleton City Clerk's Office within ten (10) days of becoming a candidate.

When does an individual become a candidate? When the individual publicly announces an intent to seek public office and thereafter receives a contribution or makes an expenditure in support of the candidacy.

What is the definition of Public announcement? Campaign and Political Finance Rule 1.20 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 the name of candidate on the first line.
2. Print or type the year the office is up for election and the office being sought.
3. Indicate the district number or “at large” of the office being sought.
4. The candidate must sign and date the form. **Signature must be notarized.**
5. Print or type the physical address of the candidate.
6. Print or type the mailing address of the candidate if different from physical address.
7. Print or type the candidate's business or residential telephone number.
8. ***Print or type the candidate's E-Mail address. The city clerk's office will use this address to send notices and correspondences.**
9. **The remainder of the form must be completed by a Notary Public.**

Please note that this form and the information contained within are considered public information. All information is required.



NEW COMMITTEE REGISTRATION FORM

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

Please use this form if you are registering a new committee for Colorado campaign finance purposes.

Select Only One Committee Type:

- ☐ Candidate Committee ☐ Political Party ☐ Small Donor Committee
☐ Political Committee ☐ Issue Committee ☐ 527 Political Organization ☐ Federal PAC

Committee Name: _____

Name should be descriptive. Include office, organization name, etc. Note: CO does not have PACs, only political committees.

Committee Address (Physical): _____

Committee Address (Mailing): _____

Phone Number: _____ Alternate Phone Number: _____

Fax Number: _____ Web Address: _____

Check Only One Jurisdiction:

- ☐ Federal ☐ State ☐ County
☐ Municipal ☐ Multi-County ☐ Other: _____

Purpose/Office Sought (include office, district & election year, if applicable): _____**Financial Institution Information:**

Institution Name: _____

Institution Address: _____

Agent / Contact Information:

Name of Person Acting As Registered Agent: _____

Under Colorado law, only the registered agent (or the candidate in the case of candidate committees) may file the committee reports.

Phone Number: _____ Registered Agent E-Mail: _____

Alternate E-Mail 1: _____

AuthorizationRegistered Agent's Signature: _____ Date: _____
(if different from candidate)

Print Candidate Name: _____

Candidate Address (include mailing): _____

Candidate Signature: _____ Date: _____

**CITY OF LITTLETON, COLORADO NOMINATION PETITION
MUST CONTAIN 50 VALID SIGNATURES FOR NOMINATION
WARNING: IT IS AGAINST THE LAW:**

For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same candidate or to knowingly sign the petition when not a registered elector.

- Do not sign this petition unless you are an eligible elector of the City of Littleton. To be an eligible elector you must be registered to vote and eligible to vote in City of Littleton elections.
- Do not sign this petition unless you have read, or have had read to you, the proposed nomination petition in its entirety and understand its meaning. (C.R.S. 1-4-902)

NOMINATION PETITION of _____ for the office of _____.
(Candidates Name) (Council Member or Mayor)

To the Honorable Colleen L. Norton, City Clerk of the City of Littleton

We, the undersigned REGISTERED electors of the City of Littleton, Colorado, in District _____*, hereby petition that
(*At Large or specific District – I or III)

_____ who resides at _____ in the
(Candidates full name) (Candidates full address)

City of Littleton and State of Colorado, shall be a candidate for the office of _____ to
(Council Member/District #, Council Member/At-Large)
be voted for at the Coordinated Election to be held on the **4th day of November, 2025.**

We designate the following named person or persons as a committee to fill any vacancy which may occur in said nomination.

Name(s) of Vacancy Committee	Address	Phone #

1	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
2	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY

3	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
4	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
5	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
6	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
7	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY

8	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
9	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
10	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
11	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
12	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
13	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY

14	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
15	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
16	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
17	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
18	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY

19	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
20	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
21	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
22	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
23	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY

24	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
25	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
26	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
27	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
28	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
29	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY

30	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
31	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
32	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
33	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
34	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
35	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY

36	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
37	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
38	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
39	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
40	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
41	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY

42	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
43	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
44	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
45	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
46	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
47	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY

48	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
49	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
50	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
51	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
52	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
53	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY

54	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
55	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
56	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
57	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
58	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
59	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY

60	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
61	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
62	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY
63	Signature	Residence Address (Number & Street)	County	District
	Printed Name	City/Zip	Date of Signing	OFFICE USE ONLY

AFFIDAVIT OF CIRCULATOR

I, _____ hereby certify that I circulated this petition from _____
(Print Name of Circulator) (Date)
to _____ for the nomination of _____ for the office of _____
(Date) (Print Name of Candidate)

_____ ; that each signature of the person signing said petition and to which the signer added his or her address and that each signer has stated to me that he or she is a registered elector within the City of Littleton, to which this petition refers.

Date _____, 2025

Signature of Circulator

State of Colorado

County of _____

Subscribed and sworn to before me this _____ day of _____, 2025.

(SEAL)

Notary Public or Other Officer

ACCEPTANCE OF NOMINATION (Candidate must complete this section)

I, _____, hereby accept the nomination tendered me by the foregoing
petitioners for the office of _____.

(Candidate's signature)

**YOUR NAME WILL APPEAR ON THE BALLOT
THE WAY YOU PRINT IT HERE.
(NO DEGREE OR TITLE ALLOWED) → → → →**

(Print your name here)

Mailing Address _____

Physical Address _____

Date _____, 2025

State of Colorado

County of _____

Subscribed and sworn to before me this _____ day of _____, 2025.

(SEAL)

Notary Public

01-2025

Section 5

(Sample Campaign Finance (FCPA) Reports)



STATEMENT OF PERSONAL EXPENDITURES BY A CANDIDATE

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

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

Name of Candidate: _____

Address of Candidate: _____

City: _____ State: _____ Zip Code: _____

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

Reporting Period: Beginning Date _____ Ending Date _____

Total amount of Non-Itemized Expenditures (\$19.99 or less): \$ _____

Expenditures exceeding \$19.99 shall be itemized and listed below.

Date Expended	Amount	Name of Recipient			Address
	\$				
City		State	Zip	Comment / Purpose	

Date Expended	Amount	Name of Recipient			Address
	\$				
City		State	Zip	Comment / Purpose	

Date Expended	Amount	Name of Recipient			Address
	\$				
City		State	Zip	Comment / Purpose	

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

Candidate Signature: _____ Date: _____



REPORT OF CONTRIBUTIONS AND EXPENDITURES 2025 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 (seven) 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 the 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 page 2 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 candidate committee shall be counted as a contribution to and expenditure by the candidate committee.

Report of Contributions and Expenditures MUST be received by the city clerk's office on or before the reporting date. **Postmark dates are not recognized. A faxed or emailed report MUST be followed up with the original document within seven calendar days.** The city clerk's office is not responsible for failure of fax machines or emails.

The candidate and/or registered agent are responsible for the content and accuracy of the report.

All candidates requiring assistance or needing additional forms should contact City of Littleton City Clerk Colleen L. Norton at (303)795-3780.

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

Reference Colorado Revised Statute:	1-45-108, C.R.S.
Who uses this form?	All committees (candidate and issue)
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 city clerk on or before the filing due date for the reporting period. Postmarks are not accepted.

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 (include city, state, zip code).
- Print or type the name of the financial institution where the committee funds are deposited [1-45-108(1)(a)(IV)(b), C.R.S.].
- Print or type the address of the financial institution including city, state and zip code.
- Determine what type of report is being filed.
 - **Regularly Scheduled Filings** are normal reporting periods as required in Littleton Municipal Code (dates are available through the calendars provided).
 - **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) and 1-45-106, C.R.S.)
- 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 (beginning and ending dates).

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.



Space Below For Office Use Only

REPORT OF CONTRIBUTIONS AND EXPENDITURES

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

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:	
Email Address:	

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)
- ☐ Check this box if this Report Contains Electioneering Communications Information

Reporting Period Covered: Date **Through** 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 (city clerk) shall impose a penalty of \$50 per day for each day that a report is filed late.
(Littleton Municipal Code 1-7-7)

Authorization (Must be completed by either the Registered Agent **OR** the Candidate): *I hereby certify and declare, under penalty of perjury, that to the best of my knowledge or belief all contributions received during this reporting period, including any contributions received in the form of membership dues transferred by a membership organization, are from permissible sources.*

Print Registered Agent's Name: _____

Registered Agent'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 Instructions

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

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 [Art. XXVIII (Amendment 27)(Section 3. (3)(a)]

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)

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

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:
 - Any natural person who is not a citizen of the United States;
 - A foreign government; or
 - 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)]

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> * \$	6. City/State/Zip: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. 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> * \$	6. City/State/Zip: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. 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> * \$	6. City/State/Zip: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. 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> * \$	6. City/State/Zip: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. Occupation (if applicable, <u>mandatory</u>): _____

* For contribution limits within a committee's election cycle or contribution cycle, please refer to the following Colorado Constitutional cites: Candidate Committee Art. XXVIII, Sec. 2(6); Political Party Art. XXVIII, Sec. 3(3); Political Committee Art. XXVIII, Sec 3(5); Small Donor Committee Art. XXVIII, Sec. 2(14).

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

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

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

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

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

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

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

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

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

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): _____

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

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: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. Occupation (if applicable, <u>mandatory</u>): _____
	10. <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: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. Occupation (if applicable, <u>mandatory</u>): _____
	10. <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: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. Occupation (if applicable, <u>mandatory</u>): _____
	10. <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."



STATEMENT OF PERSONAL EXPENDITURES BY A CANDIDATE

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

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

Name of Candidate: _____

Address of Candidate: _____

City: _____ State: _____ Zip Code: _____

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

Reporting Period: Beginning Date _____ Ending Date _____

Total amount of Non-Itemized Expenditures (\$19.99 or less): \$ _____

Expenditures exceeding \$19.99 shall be itemized and listed below.

Date Expended	Amount	Name of Recipient		Address
	\$			
City		State	Zip	Comment / Purpose

Date Expended	Amount	Name of Recipient		Address
	\$			
City		State	Zip	Comment / Purpose

Date Expended	Amount	Name of Recipient		Address
	\$			
City		State	Zip	Comment / Purpose

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

Candidate Signature: _____ Date: _____

Use of Unexpended Campaign Contributions

Unexpended campaign contributions are the balance of funds a committee has on hand at the end of an election cycle. Some committees may terminate their account while others may carryover/rollover their funds to the next year and/or election cycle.

The information below is intended as guidance to committees on how to disburse of unexpended campaign contributions at the end of an election cycle.

(Article XXVIII, Section 2(15) of the Colorado Constitution; 1-45-106, C.R.S. & CPF Rules 2.2.4; 2.2.5; 10.1; and 12)

Do

- File a termination report at any time using the next regularly scheduled report.
- Check the appropriate box/button when asked if the report is a termination report.
- Ensure your campaign account has or will have a zero (\$0) funds-on-hand balance when the termination report is filed.

Don't

- Have any outstanding debts or obligations (including loans or late filing penalties). *A committee may not terminate unless they have a zero (\$0) balance on their termination report.*
- Attempt to terminate by filing an amended report – a termination report may only be filed using a regularly scheduled report.
- Assume a report filed with a zero (\$0) balance terminates the committee. *A committee must be clear on their form that they are filing a termination report.*

Maintenance of Records

- ☐ A committee must maintain its records for 180 days after the election unless a complaint is filed, in which case the records must be maintained until final disposition.
- ☐ Covered Organization Affirmations must be kept for 1 year.
- ☐ LLC Affirmations must be kept for 1 year after the election.

Candidate Committees

Permissible Uses for Unexpended Funds (See CRS § 1-45-103.7(6.5) & CRS § 1-45-106):

- ☐ Reimburse the candidate for reasonable and necessary expenses for the care of children or other dependents directly connected with the candidate's campaign activities during the election cycle.
- ☐ Donate remaining funds to a charitable organization recognized by the IRS.
- ☐ Return contributions to contributors.

Any of these choices must be declared on the termination report.

Additionally, candidates elected to or re-elected to office may also choose to use unexpended funds for:

- ☐ Voter Registration
- ☐ Political issue education, which includes obtaining information from or providing information to the electorate
- ☐ Postsecondary educational scholarships
- ☐ Defraying reasonable and necessary expenses related to mailings or similar constituent communications
- ☐ Expenses directly related to official duties for elected office

*Note: Unexpended funds may also be “rolled over” to a candidate committee established by the same candidate for a different public office.

Unexpended funds may not be used for:

- ☐ Personal expenses/purposes not reasonably related to supporting the election of the candidate.
- ☐ Contributions to other candidate committees at any level (local, county, state, or federal).

Issue Committees/Small-Scale Issue Committees

Issue committees wishing to disburse unexpended funds may donate the funds to a charitable organization recognized by the I.R.S. or return any remaining funds to contributors.

Political Parties, Political Committees, Small Donor Committees, Independent Expenditure Committees, and 527 Political Organizations

Campaign finance laws do not specifically address the issue of unexpended campaign contributions/funds related to the above-mentioned committee types. The Secretary of State's Office recommends that these committees keep in mind the purpose of their committee and follow the statutory framework outlined for issue committees under CRS § 1-45-106 and either donate unexpended campaign contributions/funds to an I.R.S. recognized charity or return the funds to contributors.

Section 6

(Littleton City Charter)

LITTLETON, CO – CHARTER

Contents:

ADOPTING ORDINANCE CITY CHARTER

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ADOPTING ORDINANCE

FOR ORDINANCE NO. 20

Series of 1976

AN ORDINANCE ADOPTING THE CITY CODE OF
THE CITY OF LITTLETON, COLORADO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, THAT:

Section 1. From and after the date of passage of this Ordinance, the City Code of the City of Littleton, Colorado, prepared by Sterling Codifiers, Inc., under the direction of the City Council of the City, containing all ordinances of a general nature in effect at the time of such codification; specifically, containing all provisions of the 1971 Municipal Code of the City of Littleton and all amendatory ordinances thereto, together with all ordinances heretofore passed and including Ordinance No. 20, Series of 1976, shall be received in all courts and administrative tribunals of this State without further proof as prima facie evidence of being the Official Code and Law of the City, and the "City Code of the City of Littleton" is hereby adopted and shall be treated and considered as a new and original comprehensive law which shall supersede all other general and permanent ordinances passed by the City unless excepted from repeal as provided herein, and the provisions contained in this City Code shall be controlling in all matters contained therein.

Section 2. All ordinances of a general nature included in the City Code of the City of Littleton shall be considered as a continuation of said ordinance provisions and the fact that some provisions have been deliberately eliminated by the City Council shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said Code.

All ordinances of a special nature, such as tax levy ordinances, bond ordinances, franchises, vacating ordinances and annexation ordinances shall continue in full force and effect unless specifically repealed or amended by a provision of the City Code of the City of Littleton. Such ordinances are not intended to be included in this Code.

Section 3. There is also hereby adopted, as a method of perpetual codification, the loose-leaf type of binding together with the continuous supplement service provided by Sterling Codifiers, Inc., whereby each newly adopted ordinance of a general and permanent nature amending, altering, adding to or deleting provisions of the Code of the City of Littleton shall be identified by the proper catchline and shall be inserted in the proper place in each of the official copies. Each such new provision shall become effective upon the passage of the ordinance. Copies of such ordinances shall be maintained in the office of the City Clerk. Proper replacement pages for the official copies, certified as to correctness of the official copy of the City Code of the City of Littleton shall be on file in the City Clerk's office and available for inspection at any and all times that said office is regularly open.

Section 4. Any person who shall violate any provisions of the Code hereby adopted or any other ordinances of the City hereafter enacted, or of such rules or regulations promulgated by the provisions of this Code, shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment in jail not exceeding ninety (90) days, or by both such fine and imprisonment.

Every day of continuation of any violation of this Code, or any other ordinance of the City hereafter enacted or any rule or regulation promulgated under the provisions of this Code, shall constitute a separate offense.

Section 5. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed, provided that said repeal shall not repeal the repealing clauses of any ordinances or parts of ordinances repealed, nor revive any ordinance or resolution repealed thereby.

Introduced as a Bill at a regular meeting of the City Council of the City of Littleton on the 18th day of May, 1976, passed by a vote of 5 FOR and 0 AGAINST; and ordered published in the Littleton Independent on the 20th of May, 1976.

Public hearing on the Ordinance to take place on the 1st day of June, 1976, in the City Hall Annex at 2570 W. Main St.

Passed on final reading, following public hearing, by a vote of 7 FOR and 0 AGAINST, on the 1st day of June, 1976.

CITY CHARTER

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PREFATORY SYNOPSIS

The Charter Convention elected on 21 April 1953, presents to the voters of the City of Littleton, Colorado, this Charter for their approval.

Two objectives of the members of the Charter Convention have been:

First - That the Charter must reserve to the people of the City absolute right and power of a self-government under the home rule provisions of the Constitution of the State of Colorado;

Second - That the Charter must ensure the orderly and economical management of the City government guided and controlled by the people through their elected representatives.

To accomplish these objectives, the Charter provides for the council-manager form of City government.

The policy-making, legislative, and budget making powers are vested in a Council composed of seven qualified electors, elected by popular vote, four from districts and three from the City at large. Provisions are made for the recall of elected officers, for control of legislation by the people through initiative and referendum, and for the amendment of the Charter by popular vote.

The rights of the people with respect to franchises are carefully safeguarded.

Power to create and control necessary boards and commissions is vested in the Council.

The administrative officers of the City will be a City Manager, appointed by the Council on the basis of his administrative abilities. Provision is made in the Charter for the removal of the City Manager at the pleasure of the Council. The City Manager will prepare a budget, but final approval and adoption of such budget and all appropriations of City funds will remain in the hands of the Council. The acts of the City Manager will be subject to review by the Council.

In order to preserve the independence of the judicial arm of government, provision is made that the municipal judge will be appointed by the Council for a term of two years, subject to removal at any time by unanimous vote of the entire Council.

The first election under the Charter will be held on 3 November 1959. Provision is made for orderly change from the present form of government to that of a home rule City.

The members of the Charter Convention believe that this Charter will provide the basic law upon which the citizens of Littleton may build a sound and progressive City government.

PREAMBLE

We the people of the City of Littleton, Colorado, under the authority of the Constitution of the State of Colorado, do ordain, establish and adopt this Charter for our municipal government.

ARTICLE I. GENERAL PROVISIONS

Contents:

- Sec. 1. Name; Boundaries.**
- Sec. 2. Form Of Government.**
- Sec. 3. Powers.**
- Sec. 4. Construction Of Words.**
- Sec. 5. Present Ordinances.**
- Sec. 6. Detachment From City.**
- Sec. 7. Definitions.**
- Sec. 8. Amending The Charter.**
- Sec. 9. Constitutionality.**

Sec. 1. Name; Boundaries.

The municipal corporation heretofore existing as a City of the second class in Arapahoe County, State of Colorado, and known as the City of Littleton, shall remain and continue as a body politic and corporate under this Charter, with the same name, seal, and boundaries until changed in a manner authorized by law.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 2. Form Of Government.

The municipal government provided by this Charter shall be the "council-manager" form of government, and shall not be changed except by Charter convention. Pursuant to the provisions of this Charter, and subject only to limitations imposed by the State Constitution, all powers of the City shall be vested in an elective council.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 3. Powers.

The City shall have all powers, functions, rights and privileges in the operation of a municipality, except those powers, functions, rights and privileges expressly forbidden to home rule municipal corporations and cities by the Constitution of the State of Colorado.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 4. Construction Of Words.

Whenever such construction is applicable, words used in this Charter importing singular or plural number may be construed so that one number includes both; words importing masculine gender may be construed to apply to feminine gender as well; and the word person may extend to include persons, firms and corporations; provided that these rules of construction shall not apply to any part of this Charter containing express provisions excluding such construction or where subject matter or content is contrary thereto.

(July 28, 1959)

Sec. 5. Present Ordinances.

All ordinances of the City in force at the time this Charter becomes effective shall continue in force except insofar as they conflict with the provisions of this Charter, or until they shall be amended or repealed by ordinances enacted under authority of this Charter.

(July 28, 1959)

Sec. 6. Detachment From City.

Any newly annexed area or portion thereof may be detached by ordinance within ninety days after annexation by five affirmative votes of the Council. Thereafter, no tract or parcel of land within the boundary of the City shall be detached from the City by any owners, except upon majority vote of the registered electors voting. The question of detachment from the City shall be submitted to said vote upon deposit by said owners with the Finance Director of the expense of said municipal election as determined by the Finance Director.

(Amended, Election of 11-5-1991; Amended, Election of 11-3-2015)

Sec. 7. Definitions.

Agency. Any organizational unit of the City.

Allotment. A portion of an appropriation made available for expenditure during a specified period.

Appropriation. The authorized amount of funds set aside for expenditure during a specified time for a specific purpose.

Candidate. A person seeking nomination or election to a City office.

City. The City of Littleton, Colorado, a municipal corporation.

Council. The Council of the City.

Elector or Qualified Elector. Any person who is entitled to register to vote at a particular time.

Emergency. An existing condition actually arising from unforeseen contingencies which immediately endangers public property, health, peace or safety.

Emergency Ordinance. An ordinance, the immediate passage of which shall be necessary for the preservation or protection of public property, health, peace or safety.

Employee. Any compensated person in municipal service who is not an officer.

Franchise. A special privilege granted by the City permitting the continuing use of public property, such as City streets, and usually involving the elements of monopoly and regulation.

Majority Vote. The greatest number of votes received by any candidate or issue.

Officer. An elected member of the City government.

Overlapping Terms. Terms of office are such that only a portion of the members will be appointed or elected at any one time, sometimes referred to as "staggered terms".

Registered Elector. Any person who is registered to vote as required or prescribed by the statutes of the State of Colorado relating to municipal elections.

Statutes. Applicable laws of the State of Colorado as they now exist and as they may be amended, changed, repealed or otherwise modified by legal procedure.

(Amended, Election of 11-5-1991; Amended, Election of 11-3-2015)

Sec. 8. Amending The Charter.

Amendments to this Charter may be framed and submitted to the registered electors through petitioning the Council, or framed and submitted to the registered electors by Council on its own initiative, in accordance with the provisions of Article XX of the Constitution of the State of Colorado. Nothing herein contained shall be construed to prevent the submission to the people of more than one Charter amendment at any one election.

(Amended, Election of 11-5-1991)

Sec. 9. Constitutionality.

In the event any word, phrase, sentence, paragraph, section or article of this Charter shall at any time be found to be unconstitutional, such finding shall not affect the remainder thereof, and the remainder of this Charter shall remain in full force and effect.

(July 28, 1959)

ARTICLE II. ELECTIONS

Contents:

Sec. 10. Generally.

Sec. 11. Election Commission.

Sec. 12. Municipal Elections.

Sec. 13. Registration.

Sec. 14. Absentee Registration.

Sec. 15. Nominations For Elective Municipal Office.

Sec. 16. Voting.

Sec. 17. Absentee Voting.

Sec. 18. Electioneering Near Polls.

Sec. 10. Generally.

The Council shall provide by ordinance for the manner of holding City elections and such additional regulations in respect to elections not inconsistent with the provisions of this Charter or of the State Constitution, as may be necessary to accomplish the intent of this article. The Council by reference may adopt, with any modification, the Colorado municipal election law.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 11. Election Commission.

There is hereby created an Election Commission consisting of the City Clerk who shall be the nonvoting chair, and five qualified electors of the City. Said electors, during their tenure in office, shall not be City officials or employees or candidates for elective office in City, County, State or Federal elections. Commission Member appointments shall be for staggered four year terms.

The Election Commission shall establish additional precincts only after the Council has held a public hearing on the additional precincts requested, following which the Council can approve or disapprove the additional precincts.

The Election Commission shall appoint the election judges and clerks for each precinct and have charge of all other activities and duties required of it by law or this Charter.

In case of a tie vote the Election Commission shall determine by lot the person or persons who shall be elected. Where municipal election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

(Amended, Election of 11-3-2015)

Sec. 12. Municipal Elections.

A general municipal election shall be held on the first Tuesday in November in odd numbered years. Special municipal elections shall be held in accordance with the provisions of this Charter. City elections shall generally be conducted as mail ballot elections provided, however, the Council may determine, from time to time, to conduct required City elections at polling places. When polling place elections are conducted, polling places shall be open from seven A.M. to seven P.M. election days.

(Amended, Election of 11-2-2004; Amended, Election of 11-3-2015)

Sec. 13. Registration.

Eligibility to vote and registration shall be as required or prescribed by the statutes of the State of Colorado relating to municipal elections. Qualified electors may register at the Office of the County Clerk and Recorder or at the Office of the City Clerk at such times and on such dates as may be provided by statute. The registration books or lists of the County Clerk and Recorder shall be the registration books or lists of the City. Qualified electors who are unable to register as provided above may register as provided by statute for absentee registration if eligible to do so.

(Amended 1969; Amended, Election of 11-3-2015)

Sec. 14. Absentee Registration.

Any qualified elector who is unable to register under the provisions of this Charter because of serious illness, physical disability, or service in the armed forces, or as otherwise provided by Colorado municipal election laws, may file with the City Clerk a verified application for such registration up to and including the twentieth day before any municipal election. Forms for the purpose of making such application shall be furnished by the City Clerk upon the request of any qualified elector.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 15. Nominations For Elective Municipal Office.

Any person who is qualified for the office to be filled may be nominated for an elective office by petition. A petition for this purpose shall be signed by not less than fifty registered electors residing within the municipality, or the district, from which the officer is to be elected. A registered elector may sign petitions for as many persons as there are offices to be filled by election, in accordance with Colorado municipal election laws.

Petition forms supplied by the City Clerk shall be circulated, signed and filed in accordance with Colorado municipal election laws.

No nominating petition shall be filed unless accompanied by a verified acceptance.

(Amended 1987; Amended, Election of 11-3-2015)

Sec. 16. Voting.

The method of voting on all proposals and election of candidates shall be as the Election Commission directs. The names of the candidates nominated for public office shall be set up without party or other designation and shall be arranged by lot to be held by the City Clerk.

(Amended, Election of 11-4-1997; Amended, Election of 11-3-2015)

Sec. 17. Absentee Voting.

Provisions for absentee voting shall be in accordance with the Statutes of the State of Colorado relating to Municipal elections, and in accordance therewith an absentee voter must file with the City Clerk an application which may be in the form of a letter for an absentee voter's ballot which ballot shall be cast in the manner prescribed in State Election Laws.

(Amended 1969; Amended, Election of 11-3-2015)

Sec. 18. Electioneering Near Polls.

No person shall do any electioneering within one hundred feet of any polling place on Election Day.

(July 28, 1959)

ARTICLE III. LEGISLATIVE BODY**Contents:**

- Sec. 19. The Council.**
- Sec. 20. Districts.**
- Sec. 21. Salaries.**
- Sec. 22. Terms.**
- Sec. 23. Qualifications Of Council Members.**
- Sec. 24. Presiding Officer.**
- Sec. 25. Mayor Pro Tem.**
- Sec. 26. Oath Of Office.**
- Sec. 27. Council Meetings; Open And Executive Sessions.**
- Sec. 28. Vacancies.**
- Sec. 29. Council Membership Rules.**
- Sec. 30. Powers.**
- Sec. 31. Clerk Of The Council.**
- Sec. 32. Council Not To Interfere With Administrative Service.**
- Sec. 33. Annual Independent Audit.**

Sec. 19. The Council.

The legislative affairs of the City shall be vested in a Council consisting of seven Council Members, one to be elected from each of the four districts, two to be elected at large and the Mayor to be elected at large.

(July 28, 1959; Amended, Election of 11-3-2015; Amended, Election of 11-3-2020)

Sec. 20. Districts.

The four Council districts shall be contiguous, compact, as nearly rectangular as practicable and have approximately the same population. Every ten years following publication of the Federal decennial census, divisions, changes and consolidations shall be made by the Election Commission to carry out the intent of this article. Such redistricting shall be completed at least three months before the general Municipal election at which it is to become effective.

(Amended, Election of 11-5-2013; Amended, Election of 11-3-2015)

Sec. 21. Salaries.

The monthly salaries of the Council Members shall be set by ordinance, but shall not be increased during the current term of Council Members enacting such ordinance.

(Amended, Election of 11-3-2015)

Sec. 22. Terms.

Terms of Council Members shall begin at eight P.M. on the second Tuesday following the election.

General Municipal elections shall be held every two years with the Mayor and Council Members being elected for four-year terms, so that at each general Municipal election the voters shall elect a minimum of three members to serve on the Council. In elections when the Mayor is elected, a total of four council members shall be elected.

Notwithstanding anything contained herein to the contrary, no Council Member including time served as Mayor shall be entitled to serve consecutive terms of office exceeding twelve years in duration unless said twelve year period expires during a term which said Mayor or Council Member is serving, in which case said Mayor or Council Member shall be entitled to serve out the remainder of his or her term.

(Amended, Election of 11-3-2015; Amended, Election of 11-3-2020)

Sec. 23. Qualifications Of Council Members.

A. No person shall be eligible for the office of Council member unless at the time of his or her election he or she is a citizen of the United States, at least twenty-one years of age, and shall have been for one year immediately preceding such election a qualified elector of the City. Council members elected by districts shall also be residents and qualified electors of their districts. No elected City official shall hold any other elective public office nor shall he or she be a paid employee of the City or any other municipality.

Sec. 24. Presiding Officer.

The voters shall elect the Mayor who will be the presiding officer and entitled to vote. He or she shall have no veto power. He or she shall be recognized as the head of the City government for all ceremonial purposes and shall execute and authenticate legal instruments requiring his or her signature as such official.

If a seated council member with remaining years on their term wishes to run for the position of Mayor, that council member shall be required to provide written notice to the City Clerk by July 1st of that general municipal election year of his or her intent to step down from their current council seat and run for Mayor. That council member shall continue to serve in their elected capacity until their seat is filled at the next general municipal election.

(July 28, 1959; Amended, Election of 11-3-2015; Amended, Election of 11-3-2020)

Sec. 25. Mayor Pro Tem.

After each general Municipal election, the Council shall elect a Mayor Pro Tem who shall act as Mayor during the absence of the Mayor.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 26. Oath Of Office.

Before entering upon the duties of his or her office, every officer and City employee shall take, subscribe before and file with the City Clerk an oath or affirmation that he or she will support the Constitution of the United States, the Constitution of the State of Colorado, this Charter and ordinances of the City, and will faithfully perform the duties of the office.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 27. Council Meetings; Open And Executive Sessions.

The Council shall meet regularly at the City Hall or at such other place as Council may direct at least once each month. The meeting shall be set at a day and hour to be fixed from time to time by the rules and procedures of each Council. The Council shall determine the rules of procedure governing meetings. All meetings for the transaction of business shall be open to the public.

Special meetings of the Council may be called in the manner and at the time provided for by the rules of procedure of the Council, provided that local public media are notified of the meeting at the same time that the Council members are notified.

Four members of the Council shall constitute a quorum.

All meetings of the Council or subcommittees of the Council, meetings of all boards, commissions and other advisory bodies of the City and the subcommittees thereof shall comply with the requirements of C.R.S. 24-6-402 (2012) otherwise known as the Open Meeting Law. An executive session may be called in accordance with C.R.S. 24-6-402 for the following reasons and no other. An executive session under this section may only be held by a majority vote of a quorum present plus one vote.

1. To discuss matters required to be kept confidential by Federal and State laws or rules or regulations, including but not limited to specialized details of security arrangements or investigations, including defenses against terrorism or criminal acts, both foreign or domestic; and
2. To confer with an attorney regarding a legal action already filed in a court of law. The case name and number shall be cited for the public record. Any final settlement or final agreement shall be decided by a majority vote in a regular meeting of the Council.
3. The purchase, acquisition, lease, transfer or sale of any real or personal property. No executive session may be held for the purpose of concealing the fact that a member of the Council has a personal interest in such purchase, acquisition, lease, transfer or sale. All formal action on the agreements for such purchase, acquisition, lease, transfer or sale of any real or personal property must occur in an open session of the City Council.
4. Conference with the attorney(s) for the Council for the purpose of receiving legal advice on specific legal questions. The general substance of the legal question shall be part of the agenda for executive session. Mere presence or participation of the attorney(s) for the Council is not sufficient for an executive session under this subsection. No persons, other than members of the Council, the attorneys for the City, the City Manager and only any other person required in the judgment of the attorneys for the Council to provide factual information necessary for the formulation of the legal question may be present in the executive session. No formal action of the Council may be taken during an executive session held under this subsection. All formal action arising out of or resulting from an executive session held under this subsection must occur in an open session of the City Council.
5. Personnel matters are defined as the recruitment, evaluation, discipline, termination and employment of an employee that is appointed by the Council. The employee who is the subject of the executive session shall be given, in writing, no less than forty-eight hours' notice of the executive session. The employee may

request, upon no less than twenty-four hours' notice, that the matter be held in an opening meeting session. All formal action arising out of or resulting from an executive session held under this subsection must occur in an open session of the City Council.

The entire executive session shall be taped or digitally recorded in its entirety. The recording shall be maintained in the City Clerk's Office until those serving on the Council at the time of the recorded executive session are no longer serving on Council.

(Ord. 25, Series of 2018)

Sec. 28. Vacancies.

An elected officer shall continue to hold his or her office until his or her successor is duly qualified as provided in [Sec. 23](#). An elective office shall become vacant whenever any officer becomes incapacitated, or if a Council member shall remove from or become a nonresident of the City or of the district in which he or she was elected, during the term of his or her office. In case of a vacancy, the remaining Council members shall choose, by majority vote and within thirty days after such vacancy occurs, a duly qualified person as provided in [Sec. 23](#) to fill such vacancy. He or she shall serve until his or her successor, elected for the remainder of the term at the next ensuing general Municipal election, has been duly qualified. If three or more vacancies exist in the Council simultaneously, such vacancies shall be filled for the respective unexpired terms at a special election.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 29. Council Membership Rules.

Except as otherwise provided in this Charter, the Council shall be the judge of the election and qualifications of its own members, subject to judicial review.

Sec. 30. Powers.

The Council shall have all Municipal legislative powers as conferred by general law, except as provided by this Charter and except those which may be exercised by the people through direct legislation. The Council shall have the power and authority, within constitutional limitations, to delegate by ordinance to boards and commissions such functions, powers or authority herein conferred upon the City as the Council shall deem proper and advisable within its discretion.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 31. Clerk Of The Council.

The City Manager shall appoint, with the approval of the Council, a City Clerk who shall act as Clerk of the Council. The City Clerk shall keep a journal of council proceedings which shall be open to the public at all times, record all ordinances and resolutions in full authenticated by his or her signature and the seal of the City, and shall perform such other duties as required by this Charter or by the City Manager.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 32. Council Not To Interfere With Administrative Service.

Except for purposes of inquiry, the Council and its members shall deal with the administrative service of the City solely through the City Manager, and neither the Council nor any member shall give orders to any subordinates of the City Manager either publicly or privately.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 33. Annual Independent Audit.

An independent audit shall be made annually of all City accounts and more frequent audits may be made if deemed necessary by the Council. Such audits shall be made by public, registered or certified public accountants selected by the Council, provided the same accountants shall not serve more than five consecutive years.

(Sec. 33; amd. Ord. 25, Series of 1979; Amended, Election of 11-3-2015)

ARTICLE IV. RECALL

Contents:

Sec. 34. Procedures.

Sec. 35. Implementation.

Sec. 34. Procedures.

Any elected officer may be removed from office by the registered electors of the City after he or she has held office for one year. The procedure shall be as follows: One or more registered electors shall file with the City Clerk an affidavit of not more than three hundred words stating the reasons for the recall of the officer sought to be removed. The City Clerk shall, within forty-eight hours after the filing of said affidavit, mail a copy by registered mail to the officer sought to be recalled, who may file with the City Clerk a sworn statement in defense of the charges made against him or her. After the affidavit has been filed, a petition may be circulated and when signed by at least twenty-five percent of the registered voters in the last general municipal election in the area which he or she represents, it is to be filed with the City Clerk, who shall set a date for a recall election to be held within ninety days unless a general or special election will be held within one hundred and twenty days following the filing of the petition. The elected officer to be recalled may either resign or file with the City Clerk a notice of his or her intention to be a candidate in the recall election. Other candidates for the office held by the elected officer to be recalled will make their intentions known in the manner prescribed in this Charter. The candidate receiving the highest number of votes in the election shall be declared holder of the office in question. If the successful candidate is the elected officer whose recall is requested, he or she shall continue in office until the expiration of his or her term. If the successful candidate is someone other than the recalled officer, he or she shall fill out the unexpired term of the recalled officer.

(Amended, Election of 11-5-1991; Amended, Election of 11-3-2015)

Sec. 35. Implementation.

The Election Commission shall make such additional rules and regulations as are necessary to implement the procedures in [ARTICLE IV](#).

(July 28, 1959; Amended, Election of 11-3-2015)

ARTICLE V. ORDINANCES

Contents:

Sec. 36. Ordinances, Resolutions And Motions.

Sec. 37. Voting.

Sec. 38. When Required.

Sec. 39. Form.

Sec. 40. Procedure For Passage Of Ordinances.

Sec. 41. Emergency Ordinances.

Sec. 42. Disposition.**Sec. 43. Codification.****Sec. 44. Codes Published.****Sec. 36. Ordinances, Resolutions And Motions.**

The Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of ordinances; all other procedures may be in the form of resolutions or motions. All ordinances and resolutions shall be confined to one subject, except in the case of repealing ordinances. Ordinances making appropriations shall be confined to the subject of appropriations.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 37. Voting.

The ayes and nays shall be taken upon the passage of all ordinances, resolutions and motions, and entered upon the journal of the Council proceedings. Every ordinance shall require the affirmative vote of the majority of the members present on first reading and a majority of the membership of the entire Council for final passage. Resolutions and motions shall require the affirmative vote of a majority of the quorum present. Every member, when present, must vote on ordinances, resolutions and motions, except he or she shall not vote on matters involving the consideration of his or her own official conduct or when his or her personal or financial interest is involved.

Per C.R.S. 31-23-305 (2012) and C.R.S. 31-23-209 (2012) any zoning change shall not become effective except by the favorable vote of two-thirds of all the members of the Council if:

1. A protest is filed with the municipal clerk at least twenty four hours prior to the Council's vote on the change and is signed by the owners of twenty percent or more of the area of land which is subject to the proposed change or twenty percent or more of the area of land extending a radius of one hundred feet from the land which is subject to the proposed change, disregarding intervening public streets and alleys; or
2. The planning board has not recommended a favorable vote for the zoning change.

(Amended, Election of 11-5-2013; Amended, Election of 11-3-2015)

Sec. 38. When Required.

In addition to such acts of the Council as are required by general statute or by other provisions of this Charter to be by ordinance, every act making an appropriation, authorizing borrowing money, levying tax, establishing any rule or regulation for the violations of which a penalty is imposed or placing any burden upon or limiting the use of private property, shall be by ordinance.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 39. Form.

Every ordinance shall be introduced in typewritten or printed form. The enacting clause of the ordinances shall be, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LITTLETON, COLORADO. Except as otherwise provided in this Charter, all ordinances shall take effect not less than seven days after publication following final passage.

(Amended 1969; Amended, Election of 11-3-2015)

Sec. 40. Procedure For Passage Of Ordinances.

The following procedure for enactment of ordinances shall be followed:

- a. The ordinance shall be introduced at any regular or special meeting of the Council by any member thereof.
- b. Except for an ordinance making a general codification of ordinances, or adopting a standard code, the ordinance shall be read in full, or in cases where copies of the ordinance are available to the Council, and to those in attendance at said Council meeting, said ordinance may be read by title only. In those cases where an ordinance is adopting a standard code or recodifying existing ordinances, copies of said code shall be available for inspection at the Office of the City Clerk.
- c. After the introduction of the ordinance, the same shall be approved or rejected by a vote of the Council.
- d. If the ordinance is approved on first introduction, it shall be published in full unless otherwise provided herein. The Council shall set a date, hour and place at which Council shall hold a public hearing on the ordinance and notice of said day, hour and place shall be included in the first publication.
- e. The ordinance shall be introduced at Council the second time, at a meeting not earlier than seven days after first publication for final approval, rejection or other action as may be taken by vote of the Council. This meeting may be the same meeting at which the public hearing on the ordinance is held. The ordinance may be amended before final approval by vote of the Council.
- f. Except as otherwise provided in this Charter, an ordinance, if amended in substance, shall be published in full after final passage, but if not amended in substance, it shall be published either by title or in full as the Council may determine.
- g. Whenever an ordinance shall be published by reference or by title, the publication shall contain a summary of the subject matter of said ordinance, and shall contain a notice to the public that copies of the proposed ordinance are available at the Office of the City Clerk.

(Amended, Election of 11-4-1975)

Sec. 41. Emergency Ordinances.

Emergency ordinances for the preservation of public property, health, peace or safety shall be approved only by a majority vote of a quorum present plus one vote. The facts showing such urgency and need shall be specifically stated in the measure itself. No ordinance making a grant of any special privilege, levying taxes, incurring indebtedness, authorizing borrowing money, or fixing rates charged by any City owned utility shall ever be passed as an emergency measure. An emergency ordinance shall take effect upon passage and shall be published within seven days thereof. An emergency ordinance shall be in effect for no more than ninety days after passage, and shall not again be passed as an emergency ordinance.

(Sec. 41; amd. Ord. 26, Series of 1983; Amended, Election of 11-3-2015)

Sec. 42. Disposition.

A true copy of every ordinance, as adopted by the Council, shall be numbered and recorded, and adopting and publication shall be authenticated by the signature of the Mayor and the City Clerk and by affixing the seal of the City, and by the certificate of publication. A true copy of every ordinance as adopted by the vote of the registered electors of the City shall be separately numbered and recorded commencing with "Peoples' Ordinance No. 1".

(Amended, Election of 11-5-1991; Amended, Election of 11-3-2015)

Sec. 43. Codification.

The Council shall cause the permanent ordinances to be codified within one year after the effective date of this Charter, and may thereafter recodify them as deemed necessary or desirable. The codification shall be amended or supplemented as permanent ordinances are passed by adding or deleting those ordinances adopted or repealed by the Council and designated as affecting the municipal code.

(July 28, 1959)

Sec. 44. Codes Published.

Standard codes promulgated by the Federal government, the State of Colorado, or by any agency of either of them, or by recognized trade or professional organizations, or amendments or revisions thereof, may be adopted by reference following a public hearing, provided the publication of the bill or ordinance adopting any said code shall advise that copies thereof are available for inspection at the Office of the City Clerk, and provided that any penalty clause in said codes may be adopted only if set forth in full and published in the adopting ordinance. Primary codes thus adopted may in turn adopt secondary codes.

(July 28, 1959)

ARTICLE VI. INITIATIVE AND REFERENDUM

Contents:

Sec. 45. Initiative.

Sec. 46. Submissions.

Sec. 47. Referendum.

Sec. 48. Amendments.

Sec. 45. Initiative.

Any proposed ordinance may be submitted to the Council by a petition signed by registered electors of the City equal in number to the percentage hereinafter required.

(Amended, Election of 11-5-1991)

Sec. 46. Submissions.

If the petition accompanying the proposed ordinance is signed by at least fifteen percent of the number of registered electors registered to vote in the last general municipal election, and requests that such proposed ordinance be submitted to the vote of the people, the Council shall either pass said ordinance (subject to the referendum) without alteration of meaning or intent within thirty days after the petition is filed or call a special municipal election, unless a general or special municipal election is to occur within one hundred and twenty days thereafter. At such special or general municipal election the Council shall submit said proposed ordinance without alteration of meaning or intent to a vote of the registered electors of the City.

If the petition is signed by at least five percent of the number of registered electors registered to vote in the last general municipal election, and is filed with the City Clerk at least ninety days before any general municipal election, the Council shall pass said proposed ordinance without alteration of meaning or intent within thirty days, or shall submit same to a vote of the registered electors at the next general municipal election. An initiated ordinance shall be published in the same manner as other proposed ordinances. The ballot upon which such proposed ordinance is submitted shall state briefly its nature and shall contain the words "For the Ordinance" and "Against the Ordinance". If a majority of the registered electors voting thereon shall vote in favor thereof the same shall immediately, without further publication, become an ordinance of the City.

Any number of proposed ordinances may be submitted at the same election. Not more than one special election under this article shall be held in any twelve months.

(Amended, Election of 11-5-1991; Election of 11-4-1997)

Sec. 47. Referendum.

The referendum shall apply to all ordinances passed by the Council, except ordinances making the tax levy, the annual appropriation ordinance or the ordering of improvements initiated by petition and to be paid for by special assessments. If within thirty days after publication following the final passage of an ordinance to which the referendum is applicable, a petition, signed by registered electors equal in number to at least ten percent of the number registered to vote in the last general municipal election is presented to the Council, protesting any ordinance going into effect, it shall thereupon be suspended, and the Council shall reconsider such ordinance. If the ordinance is not entirely repealed, the Council shall submit it to a vote of the registered electors of the City, as provided in the initiative, at the next general municipal election or at a special election called therefor. Such ordinance shall then go into effect without further publication if a majority of the registered electors voting thereon vote in favor of it. The Council, on its own motion, shall have the power to submit any proposed ordinance to a vote of the people at a general or special election as provided in this Charter. If provisions of two or more proposed ordinances adopted or approved at the same election conflict, the ordinance receiving the highest affirmative vote shall become effective.

(Amended, Election of 11-5-1991)

Sec. 48. Amendments.

An ordinance, adopted or rejected by electoral vote under either the initiative or referendum, cannot be revised, repealed or amended except by electoral vote; but the Council shall have power to submit a proposal to revise, repeal or amend such ordinances without a petition therefor, provided that any question so submitted at a special election shall not again be submitted at a special election within two years thereafter.

(July 28, 1959)

ARTICLE VII. CITY MANAGER

Contents:

Sec. 49. Appointment; Qualifications.

Sec. 50. Absence.

Sec. 51. Removal; Severance Pay.

Sec. 52. Powers And Duties.

Sec. 49. Appointment; Qualifications.

The Council shall employ a City Manager who shall be the administrative head of the municipal government under the direction and supervision of the Council and shall hold office during its pleasure. He or she shall be appointed without regard to any consideration other than his or her fitness and competency. No member of the Council shall be appointed City Manager or acting City Manager during the term for which elected.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 50. Absence.

The City Manager shall designate immediately on his or her appointment, a qualified City employee to perform his or her duties during his or her temporary absence or disability. Such designation shall be made by letter and filed with the City Clerk.

If he or she fails to make such designation, the Council may by resolution appoint a qualified City employee to perform the duties of Manager until he or she shall return. In the event that the position of City Manager becomes vacant, the Council may appoint an acting City Manager for not more than one year.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 51. Removal; Severance Pay.

The Council shall appoint the City Manager for an indefinite term, and shall have power to remove him or her by majority vote of its members. Upon his or her removal, the City Manager shall be paid the balance of his or her salary for the current month and his or her salary for the next calendar month.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 52. Powers And Duties.

The City Manager shall be the head of the administrative branch of the City government. He or she shall be responsible to the Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, he or she shall have power and shall be required to:

- A. Appoint and, when necessary for the good of the service, remove all officers and employees of the City except as otherwise provided by this Charter and except as he or she may authorize the head of a department or office to appoint and remove subordinates in such department or office;
- B. Prepare the budget annually, submit it to the Council, and be responsible for its administration after adoption;
- C. Prepare and submit to the Council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year;
- D. Keep the Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him or her desirable;
- E. Be responsible for enforcement of the laws and ordinances of the City;
- F. Inform the public concerning plans and activities of the City administration;
- G. Establish a system of accounting and auditing for the City to conform with the uniform system of municipal accounting and auditing; show that legal provisions have been complied with and reflect the financial condition and financial operation of the City; establish cost accounting systems whenever practicable;
- H. Perform such other duties as may be prescribed by this Charter, or required of him or her by the Council not inconsistent with this Charter;
- I. Establish, implement and administer: personnel policies and procedures; administrative regulations; pay and position classification plans and procedures; and departmental goals and policies.

(Section 52; amd. Ord. 26, Series 1983; Amended, Election of 11-3-2015)

ARTICLE VIII. BOARDS AND COMMISSIONS

Contents:

Sec. 53. General Provisions.

Sec. 53. General Provisions.

Unless otherwise required by law or this Charter, all boards and commissions shall be appointed by the Council and have such powers and perform such duties as are required by this Charter or by ordinance. Initial appointments by the Council shall specify the term of office of each individual in order to achieve overlapping tenure. All members shall be subject to removal by the appointing authority. The Council shall make appointments to fill vacancies for unexpired terms. Except as otherwise provided in this Charter, each board and commission shall choose its own chairman and vice-chairman from citizens-at-large members and operate in accordance with the rules of procedure set forth by the appointing authority.

All regular meetings shall be open to the public. Copies of all records and minutes of all meetings shall be kept and placed in the Office of the City Clerk for public inspection.

Reports shall be made to the Council as the Council shall require.

(July 28, 1959)

ARTICLE IX. LEGAL DEPARTMENT

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Sec. 67. Cooperative Contracts.

Sec. 68. Bequests, Gifts And Donations.

PART I. CITY ATTORNEY

Sec. 54. Appointment; Evaluation.

A. The Council shall appoint a City Attorney who shall be the legal representative of the City and who shall advise the Council and City officials in matters relating to their official powers and duties. The City Attorney shall be an attorney at law admitted to practice in Colorado and have a minimum of two years of legal experience. The Council may provide the City Attorney with such assistants as the Council may deem necessary. All attorneys who reside or maintain offices in the City shall be given first consideration for appointment.

The Council shall establish compensation for the City Attorney, his or her assistants and special counsel. The City Attorney shall serve at the pleasure of the Council.

Sec. 55. Duties.

The City Attorney shall:

- A. Represent the City in all legal proceedings; and
- B. Supervise the drafting of all ordinances and other legal documents.

C. Settle claims against the City and may make appropriations therefor.

D. When directed by the Council, the City Attorney shall institute or defend any suit, action or proceeding on behalf of the City or any of its agencies.

He or she shall attend all Council meetings and shall perform all services required by the Council, this Charter or the ordinances of the City. The Council may authorize the City Attorney to settle claims against the City and may make appropriations therefor.

Sec. 56. Suits.

When directed by the Council, the City Attorney shall institute or defend any suit, action or proceeding on behalf of the City of any of its agencies.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 57. Special Counsel.

The Council may also employ other counsel whose compensation shall be fixed by the Council at the time of employment.

PART II. MUNICIPAL COURT

Sec. 58. Establishment; Appointment, Qualifications, Term, Etc., Of Judge.

A. There shall be a Municipal Court vested with exclusive original jurisdiction of all violations of the Charter and the ordinances of the City. The judge of the court shall be a person admitted to practice law in Colorado. The Judge shall be appointed by the Council for a term of two years from the date of appointment, and may be removed at any time by unanimous vote of the entire Council. The Judge shall receive such compensation as shall be fixed by the Council. Such compensation shall in no manner be contingent upon the amount of fees charged or collected. If, in the discretion of the Council, more than one judge is necessary, one or more additional judges may be appointed.

PART III. MISCELLANEOUS LEGAL PROVISIONS

Sec. 59. Contracts And Conveyances.

Except as otherwise provided by this Charter, all contracts in writing binding the City and all conveyances of an interest in land by the City shall be signed by the Mayor and attested by the City Clerk under the seal of the City.

(Sec. 59; amd. Ord. 26, Series of 1983; Amended, Election of 11-3-2015)

Sec. 60. Restriction On Sales Of Land And Water Rights.

Lands granted to, purchased, acquired by the City for use, or used by the City, for park or open space purposes, shall not be sold or conveyed without a majority vote of the people, except they may be sold or conveyed for other public use by ordinance adopted in regular procedure. No water rights granted to, purchased or acquired by the City shall be sold or conveyed without a majority vote of the people. Nothing in this provision, however, shall prevent the City from exchanging water rights without a vote of the people.

Other real property of the City shall be sold only by ordinance adopted in regular procedure, not using the emergency provision.

(Amended, Election of 11-3-2015)

Sec. 61. Recovery Of Compensation.

(Amended, Election of 11-5-1991)

Sec. 62. Bonding.

Before permitting an employee or an officer handling City funds to enter upon the duties of his or her office, the Council shall obtain a fidelity bond from a bonding company authorized to do business in the state of Colorado, in sufficient amount to be fixed by the Council.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 63. Previous Contracts.

Nothing in this Charter shall abridge the rights, duties or obligations heretofore obtained or incurred by contract or ordinance and legally entered into or passed by the City.

(Amended, Election of 11-5-1991; Amended, Election of 11-3-2015)

Sec. 64. Right Of Eminent Domain.

The City shall have the right of eminent domain as provided by the statutes of the State of Colorado; provided, however, the Council cannot authorize the use of eminent domain and condemnation in an urban renewal plan except at the request of a property owner.

(Amended, Election of 3-3-2015; Amended, Election of 11-3-2015)

Sec. 64.5 Urban Renewal.

Any Council action approving or modifying an urban renewal plan pursuant to part 1 of the Colorado urban renewal law must be ratified by the registered electors of the City of Littleton if the approval or modification of the urban renewal plan proposes the use of or change to eminent domain, condemnation, tax increment financing, revenue sharing, or cost sharing.

(Amended, Election of 3-3-2015; Amended, Election of 11-3-2015)

Sec. 65. Right To Combine, Consolidate Or Merge.

The Council may combine, consolidate, or merge the City with any other contiguous municipality upon such terms and conditions as it shall deem necessary and expedient, subject to ratification by the registered electors at a special election called for that purpose.

(Amended, Election of 11-5-1991; Amended, Election of 11-3-2015)

Sec. 66. Authority To Levy Taxes.

The Council may levy such taxes and excises as may be necessary to obtain revenue for the operation of the City, subject to the right of referendum as in this Charter provided.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 67. Cooperative Contracts.

The Council, by resolution, may enter into contracts with other governmental bodies to furnish or receive governmental services, to make or pay charges for such services, and to enter into cooperative or other joint activities with other governmental bodies.

(Amended, Election of 11-5-1991; Amended, Election of 11-3-2015)

Sec. 68. Bequests, Gifts And Donations.

The Council, on behalf of the City, may receive bequests, gifts and donations of all kinds of property with power to manage, sell, lease or otherwise dispose of the same.

(July 28, 1959; Amended, Election of 11-3-2015)

ARTICLE X. FINANCE ADMINISTRATION**Contents:****PART I. BUDGET**

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PART I. BUDGET

Sec. 69. Fiscal Year.

The fiscal year of the City government shall begin January first and end December thirty-first each year.
(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 70. Submission Of The Budget.

Not later than September fifteenth of each year, the City Manager shall submit to the Council:

- A. An annual or current expense budget of all City funds, hereafter referred to as the "budget", which shall be a complete financial plan for the ensuing fiscal year, consisting of the budget proper and the budget message.
- B. A capital budget.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 71. Scope Of Annual Budget.

The budget shall contain:

- A. An estimate of anticipated revenue from all sources other than the tax levy of the ensuing fiscal year.
- B. An estimate of the cash surplus in each fund at the end of the current fiscal year or of the deficits in each fund to be made up by appropriation.
- C. The estimated expenditures necessary for the operation of the several departments, offices and agencies of the City.
- D. Debt service requirements for the ensuing fiscal year.
- E. An estimate of the sum required to be raised by the tax levy for the ensuing fiscal year, and the rate of levy necessary to produce such sum, based on a percentage of collection not exceeding the lowest percentage of current levy collection experienced during the three preceding complete fiscal years.
- F. A balance between the total estimated expenditures and total anticipated revenue from all sources, taking into account the estimated cash surpluses or deficits in the various funds at the end of the current fiscal year. All estimates shall be in detail, showing revenues by sources and expenditures by organizational units, activities, character or object. The budget shall be arranged to show comparative figures for receipts and expenditures for at least two prior years and for the current year, and the City Manager's recommendations for the ensuing year.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 72. Budget Message.

The budget message shall contain the recommendations of the City Manager concerning the fiscal policy of the City, a description of the important features of the budget plan, an explanation of all major increases or decreases in budget recommendations as compared with prior years, and a summary of the proposed budget showing comparisons similar to those required in the budget proper, itemized by principal sources of revenue and the main items of expenditure.

In a separate report attached thereto, the City Manager shall present a program of proposed capital projects with estimates of cost and sources of revenue.

(July 28, 1959)

Sec. 73. Public Record.

The proposed budget of the City Manager and the budget message shall be a public record in the Office of the City Clerk and shall be open to public inspection. Sufficient copies shall be made available by the City Manager for the use of the Council and the public simultaneously.

(July 28, 1959)

Sec. 74. Public Hearing.

Before its final adoption, a public hearing on the proposed budget shall be held at such time and place as the Council shall direct. Notice of such hearing shall be at least three column inches in size and published at least one week in advance of the hearing.

(July 28, 1959)

Sec. 75. Changes By Council.

After such public hearing, the Council may insert new items of expenditure or may increase, decrease or strike out items of expenditure, except that no item of appropriation for debt service shall be reduced. If the Council shall decrease the total proposed expenditures, such decrease shall be reflected in full in the tax levy. If the Council shall increase the total proposed expenditures, such increase shall be reflected in the tax levy or by appropriate provision in other revenues.

If the Council increases the total proposed expenditures by more than five percent, another public hearing shall be held as provided in this Charter.

(July 28, 1959)

Sec. 76. Certification Of Tax Levy.

Not later than October sixteenth, or such date as may be required by State law, the Council shall introduce a tax levy ordinance. Such ordinance shall establish a tax levy, in mills, upon each dollar of the assessed valuation of taxable property within the corporate limits of the City, and shall certify same as required by law.

If the Council fails in any year to make such tax levy as above provided, the rate last fixed shall be the rate for the ensuing fiscal year, and such rate shall be certified by the City Manager.

(Amended 1969)

Sec. 77. Adoption Of Budget And Appropriation Ordinance.

Not less than thirty days prior to the first day of the next fiscal year, the Council shall adopt the budget and a bill for the appropriation ordinance, which ordinance shall become effective five days after final publication.

(July 28, 1959)

Sec. 78. Transfers Of Appropriations.

The City Manager with consent of Council may at any time transfer any unencumbered appropriation balance or portion thereof from one classification of expenditure to another within the same department, office or agency. At the request of the City Manager, the Council may by resolution, passed by five affirmative votes of Council, transfer any unencumbered appropriation balance or portion thereof from one department, office or agency to another. However, this section shall not be interpreted to permit the transfer of water or sewer or other utility funds to other departments or to the general fund, except that the funds generated by the sale of surplus real property of the City's old sewer plant (including personal property associated herewith) on West Belleview Avenue, which is hereby authorized, shall be transferred to the capital improvement fund.

(Sec. 78; amd. Ord. 26, Series of 1983)

Sec. 79. Additional Appropriations.

Appropriations in addition to those contained in the budget may be made to apply to the meeting of a public emergency caused by an act of God or public enemy, or some catastrophe, to satisfy an immediate public need when failure to do so would create a serious and substantial financial or other burden for the City, or to appropriate unanticipated revenues received by the City. If sufficient money is not available to meet the authorized excess expenditure, the Council may make a temporary loan through the issuance of registered warrants to provide for such excess expenditures. The total amount of such temporary loans shall not exceed the amount which can be raised by a two mill levy on the assessed valuation of the taxable property within the City.

(Sec. 79; amd. Ord. 26, Series of 1983)

Sec. 80. Appropriations To Lapse.

Any annual appropriation or any portion thereof remaining unexpended and unencumbered at the close of the budget year shall lapse and revert to the general fund, or to a special fund, as the Council may direct, except that transfer of water, sewer or utility funds shall not be authorized except by approval of four-fifths of the Council present.

(July 28, 1959)

Sec. 81. Public Works Fund; Tax Levy For And Appropriations From Fund.

For the purpose of providing and accumulating funds for the construction of public buildings or additions thereto, or the acquisition of land for public purposes, or for permanent improvement of park, library or recreational facilities, the Council is authorized to create by ordinance a public works fund, setting forth in such ordinance the description and the location of the building or addition thereto, land or improvement, the estimated cost of the same, the annual tax levy required, and the number of years such a levy should be made, and fixing the time for a public hearing.

If the amount needed does not require a tax levy for all such purposes in excess of two mills, the Council is authorized, after a public hearing, to make such a levy without putting the proposition to a vote of the registered electors. If a special levy in excess of two mills for all such purposes for any fiscal year is required, the Council may by ordinance submit to the registered electors the question of making such a special levy. The special election may be held on the same day as any other special or general election.

In submitting the question to the voters, a ballot shall be printed giving the description and location of the proposed public building or addition thereto, lands or improvement, the estimated maximum amount to be expended for such a single purpose, and the maximum mill levy required for each specified year.

The money derived from the special levy authorized shall be credited by the Finance Director to a special fund to be known as the public works fund. Such fund shall be used only for the public works authorized; however, the Council may by ordinance change the purpose for which the fund may be expended, after holding a public hearing; provided however, that if the fund originally was established by a vote of the registered electors, the recommended change must be submitted to a vote of the registered electors at a special or general election before such change can be made.

Appropriations from the public works fund shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned. Any project shall be deemed to have been abandoned if five fiscal years elapse without any expenditure from the appropriation therefor. Any unappropriated balance in the public works fund shall be transferred by the Council for the payment of outstanding bonded indebtedness of the City. If no outstanding bonds exist, any unappropriated balance in the public works fund shall be transferred by the Council to the general fund.

(Amended, Election of 11-5-1991; Amended, Election of 11-3-2015)

PART II. FINANCE DIRECTOR

Sec. 82. Appointment And Qualifications.

The Finance Director shall be appointed by the City Manager with approval of the Council. He or she shall have knowledge of municipal accounting and taxation, and shall have had experience in budgeting and financial control.

The Finance Director and the City Clerk may be the same person.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 83. Powers And Duties.

The Finance Director, under jurisdiction of the City Manager, shall have charge of administration of the financial affairs of the City and to that end he or she shall have authority and shall be required to:

- A. Compile the expense estimates and capital estimates for the annual budgets;
- B. Disburse funds in a manner which will assure that budget appropriations are not exceeded and that payments are not illegally made;
- C. Examine and approve as correct all purchase contracts, orders and other documents by which the City incurs financial obligations, except petty cash transactions and field orders of limited amount, having previously ascertained that monies have been appropriated and allotted and will be available when the obligations become due and payable; and he or she shall audit, before payment, all bills, invoices, payrolls and other evidences of claim, demands or charges against the City;
- D. Maintain a general accounting system for the City and each of its offices, departments and agencies;
- E. Receive from the County Treasurer all funds due the City from taxes, special assessments and other items which are collected for the City by the County Treasurer. Collect such other taxes, special assessments, license fees, and other revenues of the City or for whose collection the City is responsible and receive all money receivable by the City from the State or Federal government, or from any court, or from any office, department or agency of the City, or any other agency, office or source which is not now in existence but which may, in the future, be created or provided for;
- F. Arrange for the preparation of tax maps and give such notice of taxes and special assessments as may be required;
- G. Have custody of all public funds belonging to or under the control of the City, or any office, department or agency of the City government, and deposit or invest all funds coming into his or her hands as shall be designated by resolution of the Council, subject to the requirements of law as to surety and payment of

interest on deposits or investments. All interest shall be the property of the City and shall be accounted for and credited to the proper account;

H. Have custody of all investments and invested funds of the City, or in possession of the City in a fiduciary capacity, and have the safekeeping of all bonds, notes and other evidences of indebtedness due the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange;

I. Compile periodic expense estimates as required by the City Manager;

J. Submit to the Council, through the City Manager, a monthly report of all accounts or funds including trust and custodial funds, such report to show receipts and disbursements and remaining budget allotments sufficiently itemized in detail to show the exact financial condition of the City and make such report available for public inspection, and shall publish monthly all disbursements of five hundred dollars or over in a legal newspaper, listing the person, amount and purpose of each item;

The Finance Director shall prepare a list of all employees and their respective annual gross salaries at the beginning of each year, which list shall be published in a legal newspaper and available for public inspection as listed in the following paragraph no later than January 15 of each year.

In addition, the Finance Director shall submit to the Council, through the City Manager, a monthly report of all accounts or funds including trust and custodial funds, such report to show receipt and disbursements and remaining budget allotments sufficiently itemized in detail to show the exact condition of the City and make such report available for public inspection in the public library of the City, in the Office of the City Clerk, and in the Offices of the Finance Director of the City of Littleton;

K. Prepare and make available for public inspection, by the end of the first quarter of each year, a complete annual financial statement and report of the City;

L. Advise the Council, through the City Manager, of any financial irregularities in any department;

M. Supervise all accounts, inventories and reconciliation of inventories.

(Section 83; amd. Ord. 25, Series of 1979; Amended, Election of 11-3-2015)

Sec. 84. Separate Utilities Account.

The accounts of each utility owned and operated by the City shall be kept separate and distinct from all other accounts of the City and in such manner as to show the true and complete financial result of such City ownership and operation including all assets, liabilities, revenues and expenses in accordance with a uniform classification of accounts and shall contain proportionate charges for all services performed by other departments for such utility, as well as proportionate credits for all services rendered.

(July 28, 1959)

Sec. 85. Responsibility For Funds.

All City funds, except petty cash, received by City employees shall be delivered to the Finance Director.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 86. General Fund; Receipts And Expenditures.

There is hereby established a general fund which shall comprise all revenues of the City not specifically belonging to any other fund. All general functions of the City shall be financed by appropriations from the general fund.

(July 28, 1959)

Sec. 87. Special Funds.

Additional funds, which shall be known as special funds, may be created by ordinances that shall specify sources of receipts and purposes for which expenditures from the special fund shall be made. Special funds created by ordinance may be abolished by ordinance, subject to existing trusts, and the remaining assets may be transferred to other funds. The ordinances creating special funds may provide for annual, periodic or continuing appropriations from such funds.

The ordinances providing for the issuance of revenue bonds may provide that they be issued in such form that principal and interest thereon may be payable out of special funds. Special funds derived from sources other than the proceeds of taxes may be used for making any public improvement. Fiscal and budgetary rules may exempt special funds from allotment procedure. All special funds shall be audited annually in accordance with the provisions of [Sec. 33](#).

(July 28, 1959)

Sec. 88. Land And Improvements Record.

The Finance Director shall institute and maintain a record, indexed by legal description, of all land and improvements in which the City has a record interest. Such record shall indicate the conveyance or other instrument by which the City acquired its interest and shall be referenced to the records in the Office of the County Recorder.

(July 28, 1959; Amended, Election of 11-3-2015)

PART III. BONDED INDEBTEDNESS

Sec. 89. General Obligation Bonds.

Indebtedness and obligations of the City shall be incurred and limited as provided in Article XI of the Constitution of the State of Colorado applicable to towns and cities except as otherwise provided in this Charter. The Council shall have power to issue general obligation bonds of the City for any public capital purpose upon majority vote of the registered electors of the City voting at any special or general election. However, water and/or sewer-extension and water and/or sewer improvement bonds may be issued without an election if the total of existing and proposed such bonds shall not exceed five percent of the assessed valuation of the taxable property within the City as shown by the last preceding assessment for tax purposes. The total outstanding general obligation indebtedness of the City, other than for water and/or sewer bonds, shall not at any time exceed three and seven-tenths percent of the assessed valuation of the taxable property within the City as shown by the last preceding assessment for tax purposes. Bonds of the City, other than water and/or sewer bonds, shall be payable in installments commencing not later than two years after the date of said bonds. Water and/or sewer bonds shall mature and be payable as provided by the ordinance authorizing the issuance of said bonds.

(Amended, Election of 7-8-1986; Election of 11-5-1991)

Sec. 90. Revenue Bonds.

The City may issue revenue bonds as now or hereafter provided by the statutes of the State of Colorado for municipalities of every class.

(July 28, 1959)

Sec. 91. Refunding Bonds.

The Council may authorize by ordinance, without an election, issuance of refunding bonds for the purpose of paying outstanding bonds of the City.

(July 28, 1959)

Sec. 92. Special Or Local Improvement District Bonds - Issuance.

The City shall have power to construct or install special or local improvements of every character within designated districts in the City by:

- A. Order of the Council; or
- B. On a petition by the owners of more than fifty percent of the area of such territory who shall also comprise a majority of the landowners residing in the territory; subject, in either event, to protest by the owners of the frontage or area to be assessed.

Right to protest and notice of public hearing shall be given as provided by the Council by ordinance. All protests shall be considered, but the Council shall have final decision. Such improvements shall confer special benefits to the real property within said district and general benefits to the City at large. The Council shall by ordinance prescribe the method of making such improvements, of assessing the cost thereof, and of issuing and paying bonds for costs of constructing or installing such improvements.

(July 28, 1959)

Sec. 93. Same - Special Surplus And Deficiency Fund.

When all outstanding bonds have been paid in a public improvement district and any money remains to the credit of said district, it shall be transferred to a special surplus and deficiency fund. Whenever there is a deficiency in any improvement district to meet payment of outstanding bonds and interest due thereon, it shall be paid out of said fund. Whenever:

- A. A public improvement district has paid and canceled four-fifths of its outstanding bonds; and
- B. For any reason the remaining assessments are not paid in time to take up the final bonds of the district and interest due thereon; and
- C. There is not sufficient money in said special surplus and deficiency fund; then the City shall pay said bonds when due and interest due thereon and reimburse itself by collecting the unpaid assessments due said district.

The provisions of this section shall not apply to any special improvement district created after January 1, 1999, unless the ordinance authorizing the issuance of the bonds provides that this section shall apply.

(Amended, Election of 11-3-1998)

Sec. 94. Bond Sales Limitations.

Unless Council determines by resolution that it can negotiate the sale of bonds consistent with the best interests of the City, the bonds shall be sold only after they have been advertised in a newspaper of general circulation in the State of Colorado or notices have been sent to at least five Colorado underwriters and at least five out of state municipal bond underwriters. The bonds shall be sold, after competitive bidding, to the highest and best bidder for cash, and to the best advantage of the City. Bonds may contain provisions for calling same at designated periods prior to the final due date.

(Sec. 94; amd. Ord. 26, Series of 1983; Amended, Election of 11-3-2015)

PART IV. PURCHASES AND SALES

Sec. 95. Purchases.

The City Manager shall be responsible for contracting for and purchasing all supplies, materials, equipment and service required by any department, office or agency of the City. The purchasing officer shall be the City Manager or such person as he or she may designate. It shall be cause for dismissal for any City employee to accept gratuities or gifts from a person or firm doing business with the City under this section.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 96. Powers And Duties.

It shall be the responsibility of the purchasing officer to purchase, receive, distribute and store supplies, materials and equipment required or used by departments and agencies of the City, including businesses and enterprises operated by the City. The purchasing officer shall have power and be required to establish and enforce specifications for supplies, materials and equipment; receive and inspect deliveries for quantity, quality and condition; and refuse delivery if the same fail to conform to specifications.

(July 28, 1959)

Sec. 97. Competitive Bidding.

Before the purchasing officer makes any purchase of supplies, materials or equipment in excess of one thousand five hundred dollars, or in an amount as may be adjusted by Council by ordinance every even-numbered year, he or she shall give ample opportunity for sealed competitive bidding, with such general exceptions as the Council may prescribe by ordinance, the Council shall not exempt any individual contract, purchase or sale from the requirement of competitive bidding.

No officer, appointee or employee of the City shall be financially interested, directly or indirectly, in the sale of any land, materials, supplies or services to the City, except in case of purchases submitted to competitive bidding or not exceeding an aggregate of two hundred fifty dollars in any one year. The lowest and best bid shall be accepted or all bids will be rejected. If the lowest bid is not accepted as being the best, such rejection must be approved by the Council. Provisions in this section shall not apply to professional or technical services, or services of regulated public utilities or other governmental agencies. All invitations to bid shall require bidders to meet the requirements of state statutes regarding preference of State products.

(Sec. 97; amd. Ord. 26, Series of 1983; Amended, Election of 11-3-2015)

Sec. 98. Local Purchases.

Whenever a product not subject to competitive bidding is available within the City and the price, specification, quantity, and quality are comparable with an outside supplier's product, the purchase shall be made from local sources.

(July 28, 1959)

Sec. 99. Property Identification.

Unless otherwise provided by ordinance, the purchasing officer shall require all nonexpendable City property to be marked with identification or number to prevent misuse thereof, and shall cause all automobiles, trucks and movable road and street machinery to be marked by conspicuous means with the term "City of Littleton". It shall be unlawful for any unauthorized person to have City property in his or her possession at any time; the use of City property for unauthorized private purposes is hereby prohibited.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 100. Capital Improvements.

Bids in excess of five thousand dollars except work performed directly by the City using City employees, shall be contracted for as follows:

- A. On the basis of specifications properly submitted and approved, the purchasing officer shall advertise for and receive sealed bids for the public work or improvement and on closing of bidding shall open bids, tabulate same, and present the results with recommendations to the City Manager.
- B. The Council shall have final approval of the lowest and best bid or all bids must be rejected. If no satisfactory bids are received, or for other reasons deemed expedient to the Council, contracts for public works or improvements may be negotiated, provided that contracts for which no competitive bids have been requested shall be invalid unless accepted by an ordinance that shall declare the reason for exception to the competitive bidding requirement.

(Sec. 100; amd. Ord. 25, Series of 1979)

Sec. 101. Sales.

The purchasing officer shall advertise for bids to dispose of any surplus, junk or articles of value no longer of use to the City. If the bids are disadvantageous to the City, the purchasing officer may reject any or all bids. If no bids are received for said articles, he or she may dispose of them to the best advantage of the City.

(July 28, 1959; Amended, Election of 11-3-2015)

Sec. 102. Emergency Procurements.

In case of emergency affecting the public property, health, peace or safety, the Council may waive all provisions for competitive bidding and direct the purchasing officer to procure necessary supplies or services in the open market at not more than commercial prices.

(July 28, 1959)

Sec. 103. Contracts For Service.

No contract for service shall be made by the City for a period longer than two years, unless authorized by an ordinance that shall not be an emergency ordinance.

(July 28, 1959)

ARTICLE XI. FIRE, POLICE, AND HEALTH SERVICES

Contents:

Sec. 104. Provision For Services.

Sec. 104. Provision For Services.

The Council shall provide by ordinance fire, police and health services for the preservation of the rights of persons and for the preservation of public and private property, health, peace and safety. These functions shall include the enforcement of the laws of the State and the ordinances of the City, the prevention of crime and the apprehension of criminals.

In a separate ordinance, the Council shall, for so long as it deems necessary, provide for the formation and operation of a volunteer fire department. Such ordinance shall clearly define the authorities, duties and responsibilities of the department; provided however, that such ordinance shall not in any manner restrict the authority of the City Manager over any paid employees or property of the City.

(July 28, 1959)

ARTICLE XII. PARKS AND RECREATION

Contents:

Sec. 105. Services Provided.

Sec. 105. Services Provided.

The Council may provide by ordinance for the planning, establishment and supervision of a community recreation program and for equipping and maintaining City owned or controlled parks, recreational areas and facilities, in and outside the City, which functions shall be under the direction of the City Manager. The City may cooperate with other public authorities, organizations or individuals in or outside the City to implement the operations of this program.

(July 28, 1959)

ARTICLE XIII. CITY OWNED UTILITIES

Contents:

Sec. 106. Authority And Powers.

Sec. 107. Administration.

Sec. 108. Rates.

Sec. 109. Sale Of Water Or Water Services.

Sec. 110. Sale Of Sewer Services.

Sec. 106. Authority And Powers.

The City shall have and exercise with regard to City owned utilities, including water and water rights and the acquisition thereof and bonded indebtedness in connection therewith, all of the authority and powers provided by the statutes of the State of Colorado, including those hereinafter established by act of the legislature. In addition, the City shall have the power to exchange water rights owned by it for other water rights owned by other persons, associations, corporations, municipalities, or quasi-municipal bodies. No water rights or physical assets of the waterworks and distribution system or sewer plant and collection system shall be sold or otherwise disposed of without a vote of the registered electors of the City.

The provisions of this section shall not apply to the sale or exchange of any equipment which may be worn out or useless, or which could with advantage to the service be replaced by new or improved machinery or equipment.

The Council shall have the power to approve and authorize by resolution the entry into a contract or contracts with the Denver board of water commissioners under the terms of which water customers of Littleton shall receive water service from the Denver board of water commissioners, and Littleton shall sell, transfer, assign and convey to the Denver board of water commissioners its water rights, real estate, personal property, rights under contracts and other physical assets of the water utility.

(Amended 1969; Election of 11-5-1991; Amended, Election of 11-3-2015)

Sec. 107. Administration.

Except as otherwise provided by ordinance, the City Manager shall have administrative charge over the collection and distribution facilities of the water and sewer systems and all physical properties in connection therewith. Such duties shall consist of:

Operating the municipal waterworks, sewer systems and other City owned utilities;

Meter reading, billing and collecting of charges for water, sewer and other services;

Keeping all records in connection with all such physical facilities;

Designing and supervising construction, maintenance, repair and replacement of all such physical facilities; and

Enforcing all rules and regulations in connection with such services.

(July 28, 1959)

Sec. 108. Rates.

The Council shall have the power and duty by ordinance to establish rates for connection fees and services provided by City owned utilities in and outside the City.

(July 28, 1959)

Sec. 109. Sale Of Water Or Water Services.

The Council shall have the power to enter into temporary contracts for sale of water or water services in and outside the City whenever it determines that the available water supply exceeds that necessary for the present needs of the inhabitants of the City. Said contracts for water and water services shall be for periods not exceeding one year and subject to the present and future needs and requirements of the City and its inhabitants.

(July 28, 1959)

Sec. 110. Sale Of Sewer Services.

The Council shall have the power to enter into temporary contracts for sale of sewer services in and outside the City. Contracts for sewer services shall be subject to periodic renegotiation upon terms and conditions that assure the capacity of the sewage treatment plant for the use of the inhabitants of the City.

(July 28, 1959)

ARTICLE XIV. FRANCHISES AND PUBLIC UTILITIES

Contents:

Sec. 111. Generally.

Sec. 112. Present Franchises.

Sec. 113. Franchises Granted By Ordinance.

Sec. 114. Book Of Record.

Sec. 115. Term; Compensation; Restrictions.

Sec. 116. Railroad Tracks And Crossings.

Sec. 117. Revocable Licenses.

Sec. 118. Revocable Permits.

Sec. 119. Extension Of Territory.

Sec. 120. Condemnation Or Purchase.

Sec. 121. Assignment.

Sec. 111. Generally.

The term "public utility" or "public utility corporation" in this Charter shall mean any person, firm or corporation operating gas or electric light systems, telephone, telegraph or other communication systems, pay television systems, water, sewer or heating systems or transportation systems, serving or supplying the public.

The term shall not include:

Any person, firm or corporation owning or operating side tracks or switches for the accommodation of manufacturing plants and business houses;

Private telephone lines; and

Municipally owned utilities.

(July 28, 1959)

Sec. 112. Present Franchises.

All franchise ordinances of the City in effect at the time this Charter is adopted shall remain in full force and effect according to the terms of said franchise ordinances until the expiration dates provided therein.

(July 28, 1959)

Sec. 113. Franchises Granted By Ordinance.

No franchise shall be granted except by ordinance. No exclusive franchise shall ever be granted.

(Amended 1987)

Sec. 114. Book Of Record.

The Council shall cause to be kept in the Office of the City Clerk an indexed franchise record containing copies of all public utility franchises heretofore or hereafter granted. The index shall give the name of the grantee and any assignees. The record shall be a complete history, which shall be open to the public, of all such franchises and shall include a comprehensive and convenient reference to all legal actions affecting the same, and copies of all annual and inspection reports and such other matters of information and public interest as the Council may require.

(July 28, 1959)

Sec. 115. Term; Compensation; Restrictions.

No franchise shall be granted for a period longer than twenty-five years. No franchise shall be granted without reserving to the City such fair fee arising from the use thereof as shall be fixed in the grant of said franchise. This compensation shall not exempt the grantee or his or her assignees from any lawful assessment upon his or her property or from any other tax not related to the franchise privilege or pertaining to the physical operation thereof, but shall exempt the grantee or his or her assignees from any occupancy tax, license tax, or similar tax on the privilege of doing business or in connection with the physical operation thereof as shall be fixed in the grant of any franchise.

The franchise fee established by ordinance shall be paid as provided and be subject to mutual periodic renegotiation. Failure to pay such fee shall result in forfeiture of franchise at the option of the Council.

(Amended, Election of 11-3-2015)

Sec. 116. Railroad Tracks And Crossings.

Subject to arbitration, the Council may require, by ordinance and by fair apportionment of the cost, any railroad or other transportation system to raise or lower any of its right of way or tracks running over, under, along or across any public thoroughfare, and to construct and maintain all street crossings, bridges, viaducts or other conveniences in good condition with proper approaches and safety devices.

(July 28, 1959)

Sec. 117. Revocable Licenses.

A. The Council by ordinance may grant a license, revocable for cause, to lay side tracks and switches along or across any public thoroughfare when the application therefor is accompanied by the assent in writing of the owners of two-thirds of the frontage on each side of the public thoroughfare or part thereof.

B. The Council may grant permits for the temporary use or occupation of any street, alley or public place. Such permits are revocable by the Council whether the right is expressly reserved in the permit or not.

Sec. 118. Revocable Permits.

The Council may grant permits for the temporary use or occupation of any street, alley or public place. Such permits are revocable by the Council whether the right is expressly reserved in the permit or not.

Sec. 119. Extension Of Territory.

The Council may by ordinance extend the area or include streets, alleys, public places and property, not embraced in such franchise, when public convenience and necessity require, subject to all of the terms and conditions of such original franchise and coextensive with the terms thereof, without a vote of the registered electors.

(Amended, Election of 11-5-1991)

Sec. 120. Condemnation Or Purchase.

The right of the City to construct, purchase or condemn any public utility, work or way as provided by the Constitution of the State of Colorado and applicable State Statutes, is expressly reserved.

(July 28, 1959)

Sec. 121. Assignment.

Assignment or leasing of a franchise shall be considered a forfeiture unless application therefor is made to the City and consent given by the Council by ordinance with such change of conditions or terms as it deems necessary. The Council reserves the right to deny any assignment or leasing of franchise.

(July 28, 1959)

ARTICLE XV. COMMITTEES

Contents:

Sec. 124. Charter Review Committee.

Sec. 124. Charter Review Committee.

The Council shall periodically appoint a Charter Review Committee for the purpose of performing a comprehensive review of the Charter, making recommendations to the Council for amendments, deletions or other changes to the Charter and submitting such recommendations in writing to the Council. The committee shall consist of at least fourteen registered electors of the City, or such greater number as the Council deems appropriate.

(Election of 11-3-2015)

ARTICLE XVI. TRANSITIONAL PROVISIONS

(Amended, Election of 11-5-1991)

CERTIFICATE OF ADOPTION

We, the undersigned, present members of the Littleton Charter Convention, duly elected by the people of Littleton, Colorado, at a special election held on April 21, 1959, under authorization of Article XX, the Constitution of the State of Colorado, to frame a Home Rule Charter for the City of Littleton, do hereby certify that the foregoing is the proposed Charter as finally approved and adopted by the members of the Convention on the 22nd day of June 1959, for submission to the people of Littleton at a special election to be held July 28, 1959.

Done in triplicate at Littleton, Colorado, this 22nd day of June, 1959.

Dallas L. Cook, President

Norman H. Granes, Vice President

Elna Nickels, Executive Secretary

Harry W. Bowles Enos D. Elkins

A.B. Chapman Rudolph C. Hornsten

Everett L. Dawson Howard W. Kinkel

Harold V. DeCoster William Kostka

Kenneth O. Laird Harvey A. Tatum, Jr.

Maybeth D. Lane Jack O. Thomas

Rudolph Lemcke Ulva C. Thomas

Fred H. Olmstead Kenneth H. Vaughan

S.M. Polkinghorn Houstoun Waring

Charter Ordinance History Table

The table below notes the history of adopted amendments to the City Charter from November 2020 to current.

Charter Ordinance	Section	Adoption Date	Sections in this Code
33, Series of 2020	4	09/01/2020	Sec. 19
33, Series of 2020	3	09/01/2020	Sec. 22
33, Series of 2020	2	09/01/2020	Sec. 24

Section 7

(Fair Campaign Practices Act (FCPA) C.R.S. Title 1, Article 45)

Colorado Revised Statutes 2024

TITLE 1 ELECTIONS

Editor's note: Articles 1 to 13 were numbered as articles 1, 3, 4, 9 to 19, and 21 of chapter 49, C.R.S. 1963. The substantive provisions of these articles were repealed and reenacted in 1980, resulting in the addition, relocation, and elimination of sections as well as subject matter. For amendments to these articles prior to 1980, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume. Former C.R.S. numbers prior to 1980 are shown in editor's notes following those sections that were relocated. For a detailed comparison of these articles for 1980, see the comparative tables located in the back of the index.

Cross references: For school elections, see articles 30, 31, and 42 of title 22; for elections for removal of county seats, see article 8 of title 30; for municipal elections, see article 10 of title 31; for special district elections, see part 8 of article 1 of title 32; for exemption of certain statutory proceedings from the rules of civil procedure, see C.R.C.P. 81; for recall from office, see article XXI of the state constitution; for recall of state and county officers, see part 1 of article 12 of this title; for recall of municipal officers, see part 5 of article 4 of title 31; for recall of directors of special districts, see §§ 32-1-906, 32-1-907; for provisions relating to initiative and referendum, see article 40 of this title; for campaign finance, see article 45 of this title.

ELECTION CAMPAIGN REGULATIONS

ARTICLE 45

Fair Campaign Practices Act

Editor's note: (1) This article was added in 1974. This article was repealed and reenacted by initiative in 1996, resulting in the addition, relocation, and elimination of sections as well as subject matter. The vote count on the measure at the general election held November 5, 1996, was as follows:

FOR: 928,148

AGAINST: 482,551

(2) For amendments to this article prior to 1996, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated.

Cross references: For public official disclosure law, see part 2 of article 6 of title 24.

Law reviews: For article, "Fair Campaign Practices Act: Killing Trees for Good Government", see 26 Colo. Law. 101 (Sept. 1997). For article, "Public Moneys and Ballot Issues Under the Fair Campaign Practices Act", see 34 Colo. Law. 81 (Sept. 2005). For article, "Campaign Finance Law in Colorado", see 46 Colo. Law. 35 (June 2017).

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.

Editor's note: This section is similar to former § 1-45-101 as it existed prior to 1996.

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, establishing 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. **Initiated 2012, (Amendment 65):** Entire section amended, L. 2013, p. 3301, effective upon proclamation of the Governor, January 1, 2013.

Editor's note: (1) This section is similar to former § 1-45-102 as it existed prior to 1996.

(2) This section was amended by initiative in 2012. The vote count on the measure at the general election held November 6, 2012, was as follows: FOR:

1,276,432

AGAINST: 988,542

1-45-103. Definitions. As used in this article 45, 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.

(1.3) "Ballot issue" shall have the same meaning as set forth in section 1-1-104 (2.3); except that, for purposes of section 1-45-117, "ballot issue" shall mean both a ballot issue as defined in this subsection (1.3) and a ballot question.

(1.5) "Ballot question" shall have the same meaning as set forth in section 1-1-104 (2.7).

(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.

(c) "Contribution" also includes:

(I) Any payment, loan, pledge, gift, advance of money, or guarantee of a loan made to any political organization;

(II) Any payment made to a third party on behalf of and with the knowledge of the political organization; or

(III) The fair market value of any gift or loan of property made to any political organization.

(d) "Contribution" does not include the payment of legal fees to advise a candidate on compliance with campaign laws or regulations or to represent a candidate or candidate committee in any action in which the candidate or committee has been named as a defendant. Such legal services are not undertaken "for the benefit of any candidate committee" or "for the purpose of promoting the candidate's nomination, retention, recall, or election" as those phrases are used in section 2 (5)(a)(II) and (5)(a)(IV) of article XXVIII of the state constitution.

(e) "Contribution" does not include an intervention by the secretary of state, as authorized by section 1-45-111.5 (1.5)(g), in any action brought to enforce the provisions of article XXVIII of the state constitution or this article 45.

(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., a domestic

nonprofit corporation incorporated under and subject to the "Colorado Revised Nonprofit Corporation Act", articles 121 to 137 of title 7, C.R.S., or any corporation incorporated under and subject to the laws of another state. For purposes of this article, "domestic corporation" shall mean a for-profit or nonprofit corporation incorporated under and subject to the laws of this state, and "nondomestic corporation" shall mean a corporation incorporated under and subject to the laws of another state or foreign country. For purposes of this article, "corporation" includes the parent of a subsidiary corporation or any subsidiaries of the parent, as applicable.

(7.2) "Direct ballot issue or ballot question expenditure" means direct spending in support of or opposition to any single ballot issue or ballot question by a person who does not otherwise meet the requirements of an issue committee. Contributions to an issue committee are not direct ballot issue or ballot question expenditures.

(7.3) (a) "Donation" means:

(I) The payment, loan, pledge, gift, or advance of money, or the guarantee of a loan, made to any person for the purpose of making an independent expenditure;

(II) Any payment made to a third party that relates to, and is made for the benefit of, any person that makes an independent expenditure;

(III) The fair market value of any gift or loan of property that is given to any person for the purpose of making an independent expenditure; or

(IV) Anything of value given, directly or indirectly, to any person for the purpose of making an independent expenditure.

(b) "Donation" shall not include a transfer by a membership organization of a portion of a member's dues for an independent expenditure sponsored by such membership organization.

(7.5) "Earmark" means a designation, instruction, or encumbrance that directs the transmission and use by the recipient of all or part of a donation to a third party for the purpose of making:

(a) Independent expenditures greater than one thousand dollars to support or oppose a specified candidate;

(b) Electioneering communications greater than one thousand dollars; or

(c) Contributions or expenditures greater than one thousand dollars to support or oppose a specified ballot issue or ballot question.

(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" has the same meaning as set forth in section 2 (7) of article XXVIII of the state constitution. For purposes of the disclosure required by section 1-45-108, "electioneering communication" also includes any communication that satisfies all other requirements set forth in said section 2 (7) of article XXVIII but that is broadcast, printed, mailed, delivered, or distributed between the primary election and the general election.

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

(b) "Expenditure" does not include legal services paid to defend a candidate or candidate committee against any action brought to enforce the provisions of article XXVIII of the state constitution or this article 45.

(10.5) "Foreign corporation" means:

(a) A parent corporation or the subsidiary of a parent corporation formed under the laws of a foreign country that is functionally equivalent to a domestic corporation;

(b) A parent corporation or the subsidiary of a parent corporation in which one or more foreign persons hold a combined ownership interest that exceeds fifty percent;

(c) A parent corporation or the subsidiary of a parent corporation in which one or more foreign persons hold a majority of the positions on the corporation's board of directors; or

(d) A parent corporation or the subsidiary of a parent corporation whose United States-based operations, or whose decision-making with respect to political activities, falls under the direction or control of a foreign entity, including the government of a foreign country.

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

(11.5) "Independent expenditure committee" means one or more persons that make an independent expenditure in support of or in opposition to a candidate in an aggregate amount in excess of one thousand dollars or that collect in excess of one thousand dollars from one or more persons for the purpose of making an independent expenditure.

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

(b) For purposes of section 2 (10)(a)(I) of article XXVIII of the state constitution, "major purpose" means support of or opposition to a ballot issue or ballot question that is reflected by:

(I) An organization's specifically identified objectives in its organizational documents at the time it is established or as such documents are later amended; or

(II) An organization's demonstrated pattern of conduct based upon it:

(A) and (B) (Deleted by amendment, L. 2022.)

(C) During the combined period of the current calendar year and the preceding two calendar years, making either contributions to one or more statewide Colorado issue committees or direct ballot issue or ballot question expenditures, in either support of or opposition to one or more statewide Colorado ballot issues or ballot questions, that exceeded thirty percent of the total dollar amount of all funds spent by the organization for any purpose and in any location during the entire preceding and current calendar years;

(D) During the combined period of the current calendar year and the preceding two calendar years, making either contributions to a single statewide Colorado issue committee or direct ballot issue or ballot question expenditures, in either support of or opposition to a single statewide Colorado ballot issue or ballot question, that exceeded twenty percent of the total dollar amount of all funds spent by the organization for any purpose and in any location; or

(E) Acting as an issue committee's funding intermediary by making contributions to an issue committee from funds earmarked for the issue committee.

(c) The provisions of paragraph (b) of this subsection (12) are intended to clarify, based on the decision of the Colorado court of appeals in *Independence Institute v. Coffman*, 209 P.3d 1130 (Colo. App. 2008), cert. denied, 558 U.S. 1024, 130 S. Ct. 165, 175 L. Ed. 479 (2009), section 2 (10)(a)(I) of article XXVIII of the state constitution and not to make a substantive change to said section 2 (10)(a)(I).

(12.5) "Media outlet" means a publication or broadcast medium that transmits news, feature stories, entertainment, or other information to the public through various distribution channels, including, without limitation, newspapers; magazines; radio; and broadcast, cable, or satellite television.

(12.7) "Obligating" means, in connection with a named candidate, agreeing to spend in excess of one thousand dollars for an independent expenditure or to give, pledge, loan, or purchase one or more goods, services, or other things of value that have a fair market value in excess of one thousand dollars as an independent expenditure. "Obligating" shall not

require that the total amount in excess of one thousand dollars be finally determined at the time of the agreement to spend moneys for an independent expenditure or to give, pledge, loan, or purchase anything of value.

(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.

(14.5) "Political organization" means a political organization defined in section 527 (e)(1) of the federal "Internal Revenue Code of 1986", as amended, that is engaged in influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any state or local public office in the state and that is exempt, or intends to seek any exemption, from taxation pursuant to section 527 of the internal revenue code. "Political organization" shall not be construed to have the same meaning as "political organization" as defined in section 1-1-104 (24) for purposes of the "Uniform Election Code of 1992", articles 1 to 13 of this title.

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

(15.3) "Regular biennial school election" means the election that is described in section 22-31-104 (1), C.R.S.

(15.5) "Regular biennial school electioneering communication" has the same meaning as "electioneering communication" as defined in section 2 (7) of article XXVIII of the state constitution; except that, for purpose of the definition of regular biennial school electioneering communication only, "candidate" as referenced in section 2 (7)(a)(I) of said article means a candidate in a regular biennial school election and the requirements specified in section 2 (7)(a)(II) mean a communication that is broadcast, printed, mailed, delivered, or distributed within sixty days before a regular biennial school election. Except as otherwise specified in this subsection (15.5), the definition of "regular biennial school electioneering communication" is the same as that of "electioneering communication".

(15.7) "School district director" means a person serving as a director on the board of education of any school district within the state, including a school district composed of a city and county.

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

(16.3) (a) "Small-scale issue committee" means an issue committee that has accepted or made contributions or expenditures in an amount that does not exceed five thousand dollars during an applicable election cycle for the major purpose of supporting or opposing any ballot issue or ballot question.

(b) The following are treated as a single small-scale issue committee:

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

(II) All small-scale issue committees that support or oppose a common ballot measure if the committees are established, financed, maintained, or controlled by a single labor organization or the affiliated local units it directs; or

(III) All small-scale issue committees that support or oppose a common ballot measure if the committees are established, financed, maintained, or controlled by substantially the same person, group of persons, or other organizations.

(16.4) "Special school election" means any school election provided for by law and held at a time other than the regular biennial school election.

(16.5) "Spending" means funds expended influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any state or local public office in the state and includes, without limitation, any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything else of value by any political organization, a contract, promise, or agreement to expend funds made or entered into by any political organization, or any electioneering communication by any political organization.

(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 (see editor's note, (2)). **L. 2003:** Entire section RC&RE, p. 2156, § 1, effective June 3. **L. 2007:** (7) amended, p. 1766, § 1, effective June 1; (6)(c), (14.5), and (16.5) added, pp. 1225, 1224, §§ 2, 1, effective July 1. **L. 2009:** (1.3) and (1.5) added, (HB 09-1153), ch. 174, p. 774, § 1, effective September 1. **L. 2010:** (7) amended and (7.3), (7.5), (10.5), (11.5), (12.5), and (12.7) added, (SB 10-203), ch. 269, p. 1229, § 2, effective May 25; (12) amended, (HB 10-1370), ch. 270, p. 1241, § 4, effective January 1, 2011. **L. 2011:** (12)(c) amended, (HB 11-1303), ch. 264, p. 1148, § 2, effective August 10. **L. 2016:** (16.3) added, (SB 16-186), ch. 269, p. 1113, § 1, effective June 10; (15.3) and (15.5) added, (HB 16-1282), ch. 267, p. 1105, § 1, effective August 10. **L. 2018:** (6)(d) and (6)(e) added and (10) amended, (HB 18-1047), ch. 155, p. 1091, § 1, effective April 23. **L. 2019:** IP and (7.5) amended and (16.3) R&RE, (HB 19-1318), ch. 328, p. 3040, § 1, effective August 2; IP and (9) amended, (SB 19-068), ch. 69, p. 250, § 1, effective August 2. **L. 2022:** (7.2) added and (7.5) and (12)(b)(II) amended (SB 22-237), ch. 400, p. 2851, § 1, effective June 7; (15.7) and (16.4) added, (HB 22-1060), ch. 99, p. 472, § 1, effective July 1. **L. 2023:** (11.5) amended, (SB 23-276), ch. 399, p. 2394, § 46, effective June 6.

Editor's note: (1) This section is similar to former § 1-45-103 as it existed prior to 1996.

(2) (a) Subsection (4) of section 1 of article V of the state constitution provides that initiated and referred measures shall take effect from and after the official declaration of the vote thereon by the proclamation of the Governor. The measure enacting article XXVIII of the state constitution takes effect upon proclamation of the vote by the Governor. The Governor's proclamation was issued on December 20, 2002. However section 13 of the measure enacting article XXVIII of the state constitution provides that the effective date of article XXVIII is December 6, 2002.

(b) Prior to the recreation and reenactment of this section in 2003, this section was repealed by an initiated measure that was adopted by the people in the general election held November 5, 2002. Section 12 of article XXVIII provides for the repeal of this section. For the text of the initiative and the vote count, see Session Laws of Colorado 2003, p. 3609.

(3) Prior to the reenactment of subsection (16.3) on August 2, 2019, subsection (16.3)(c) provided for the repeal of subsection (16.3), effective June 30, 2019. (See. L. 2016, p. 1113.)

Cross references: (1) For the legislative declaration in the 2010 act amending subsection (7) and adding subsections (7.3), (7.5), (10.5), (11.5), (12.5), and (12.7), see section 1 of chapter 269, Session Laws of Colorado 2010.

(2) For the legislative declaration in the 2010 act amending subsection (12), see section 1 of chapter 270, Session Laws of Colorado 2010.

(3) For the legislative declaration in the 2011 act amending subsection (12)(c), see section 1 of chapter 264, Session Laws of Colorado 2011.

1-45-103.7. Contribution limits - county offices - school district director - treatment of independent expenditure committees - contributions from limited liability companies - voter instructions on spending limits - definitions. (1) 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.

(1.5) (a) (I) The maximum amount of aggregate contributions that any one person other than a small donor committee or a political party may make to a candidate committee of a candidate for a county office, and that a candidate committee for such candidate may accept from any such person, is one thousand two hundred fifty dollars for the primary election and one thousand two hundred fifty dollars for the general election.

(II) The maximum amount of aggregate contributions that any one small donor committee may make to a candidate committee of a candidate for a county office, and that a candidate committee for such candidate may accept from any one small donor committee, is twelve thousand five hundred dollars for the primary election and twelve thousand five hundred dollars for the general election.

(III) The maximum amount of aggregate contributions that a political party may make to a candidate committee of a candidate for a county office, and that a candidate committee for such candidate may accept from any political party, is twenty-two thousand one hundred twenty-five dollars for the applicable election cycle.

(b) Candidates may accept contributions subject to the aggregate limits specified in subsection (1.5)(a)(I) or (1.5)(a)(II) of this section in accordance with subsection (3) of this section.

(c) Any monetary amount specified in subsection (1.5)(a) of this section must be adjusted in accordance with the adjustments made to other contribution limits as specified in section 3 (13) of article XXVIII of the state constitution.

(d) The requirements of sections 1-45-108 and 1-45-109, as applicable, apply to any contribution made or received that is subject to subsection (1.5)(a) of this section.

(e) For purposes of this subsection (1.5), "county office" means a county commissioner, county clerk and recorder, sheriff, coroner, treasurer, assessor, or surveyor.

(f) A candidate committee for a county office shall not knowingly accept contributions from an issue committee or a small-scale issue committee, and a candidate committee shall not make contributions to an issue committee or small-scale issue committee.

(1.7) (a) The maximum amount of aggregate contributions that a person, excluding a small donor committee, may make to a candidate committee of a candidate for school district director, and that a candidate committee for such candidate may accept from any one person excluding a small donor committee for a regular biennial school election or special school election, as applicable, is two thousand five hundred dollars.

(b) The maximum amount of aggregate contributions that a small donor committee may make to a candidate committee of a candidate for school district director, and that a candidate committee for such candidate may accept from any one small donor for a regular biennial or special school election, as applicable, is twenty-five thousand dollars.

(c) Any monetary amount specified in subsection (1.7)(a) or (1.7)(b) of this section must be adjusted in accordance with the adjustments made to other contribution limits as specified in section 3 (13) of article XXVIII of the state constitution.

(d) The requirements of sections 1-45-108 and 1-45-109, as appropriate, apply to any contribution made or received for any four-year election cycle that is subject to subsection (1.7)(a) or (1.7)(b) of this section.

(1.9) (a) (I) The maximum amount of aggregate contributions that any one person, including a political party, and excluding a small donor committee, may make to a candidate committee of a candidate for a municipal office, and that a candidate committee for such a candidate may accept from any one such person per election is four hundred dollars.

(II) The maximum amount of aggregate contributions that any one small donor committee may make to a candidate committee of a candidate for a municipal office and that a candidate committee for such a candidate may accept from any one small donor committee per election is four thousand dollars.

(III) The requirements of sections 1-45-108 and 1-45-109, as appropriate, apply to any contribution made or received for any election that is subject to subsection (1.9)(a)(I) or (1.9)(a)(II) of this section.

(b) As used in this subsection (1.9), "municipal office" means the mayor, the board of trustees, a member of city council, and any other elected municipal officer.

(2) A political committee may receive and accept moneys contributed to such committee by a corporation or labor organization pursuant to subsection (1) of this section for disbursement to a candidate committee or political party without depositing such moneys in an account separate from the account required to be established for the receipt and acceptance of all contributions by all committees or political parties in accordance with section 3 (9) of article XXVIII of the state constitution.

(2.5) (a) An independent expenditure committee differs from a political committee in that an independent expenditure committee does not coordinate its activities with a candidate or political party.

(b) An independent expenditure committee shall not be treated as a political committee and, therefore, is not subject to the requirements of section 3 (5) of article XXVIII of the state constitution.

(3) A candidate committee established in the name of a candidate affiliated with either a major political party or a minor political party who is running in a primary election may accept:

(a) The aggregate contribution limit specified in section 3 (1) of article XXVIII of the state constitution for a primary election at any time after the date of the primary election in which the candidate in whose name the candidate committee is accepting contributions is on the primary election ballot; or

(b) The aggregate contribution limit specified in section 3 (1) of article XXVIII of the state constitution for a general election at any time prior to the date of the primary election in which the candidate in whose name the candidate committee is accepting contributions is on the primary election ballot.

(3.5) A candidate committee shall not knowingly accept contributions from an issue committee or a small-scale issue committee, and a candidate committee shall not make contributions to an issue committee or small-scale issue committee.

(4) A candidate committee established in the name of a candidate affiliated with either a major political party or a minor political party running in a primary election may expend contributions received and accepted for a general election prior to the date of the

primary election in which the candidate in whose name the candidate committee is accepting contributions is on the primary election ballot. A candidate committee established in the name of a candidate affiliated with a major political party or a minor political party running in a primary election who wins the primary election may expend contributions received and accepted for a primary election in the general election.

(4.5) (a) A candidate committee established in the name of a candidate who is a write-in candidate, an unaffiliated candidate, or the candidate of a minor political party who is not running in a primary election may accept from any one person the aggregate contribution limit specified in either section 3 (1) of article XXVIII of the state constitution or subsection (1.5)(a) of this section applicable to the office he or she is seeking at any point during the election cycle in which the candidate in whose name the candidate committee is accepting contributions is on the general election ballot.

(b) A candidate committee established in the name of a candidate who is a write-in candidate, an unaffiliated candidate, or the candidate of a minor political party who is not running in a primary election may expend contributions received and accepted in accordance with paragraph (a) of this subsection (4.5) at any point during the election cycle in which the candidate in whose name the candidate committee is accepting contributions is on the general election ballot.

(5) (a) No limited liability company shall make any contribution to a candidate committee or political party if one or more of the individual members of the limited liability company is:

(I) A corporation;

(II) A labor organization;

(III) A natural person who is not a citizen of the United States;

(IV) A foreign government;

(V) A professional lobbyist, volunteer lobbyist, or the principal of a professional or volunteer lobbyist, and the contribution is prohibited under section 1-45-105.5 (1); or

(VI) Otherwise prohibited by law from making the contribution.

(b) No limited liability company shall make any contribution to a political committee if one or more of the individual members of the limited liability company is:

(I) An entity formed under and subject to the laws of a foreign country;

(II) A natural person who is not a citizen of the United States; or

(III) A foreign government.

(c) Notwithstanding any other provision of this subsection (5), no limited liability company shall make any contribution to a candidate committee or political party if either the limited liability company has elected to be treated as a corporation by the internal revenue service pursuant to 26 CFR 301.7701-3 or any successor provision or the shares of the limited liability company are publicly traded. A contribution by a limited liability company with a single natural person member that does not elect to be treated as a corporation by the internal revenue service pursuant to 26 CFR 301.7701-3 shall be attributed only to the single natural person member.

(d) (I) Any limited liability company that is authorized to make a contribution shall, in writing, affirm to the candidate committee, political committee, or political party to which it has made a contribution, as applicable, that it is authorized to make a contribution, which affirmation shall also state the names and addresses of all of the individual members of the limited liability company. No candidate committee, political committee, or political party shall accept a contribution from a limited liability company unless the written affirmation satisfying the requirements of this paragraph (d) is provided before the contribution is deposited by the candidate committee, political committee, or political party. The candidate committee, political committee, or political party receiving the contribution shall retain the written affirmation for not less than one year following the date of the end of the election cycle during which the contribution is received.

(II) Any contribution by a limited liability company, and the aggregate amount of contributions from multiple limited liability companies attributed to a single member of any such company under this subparagraph (II), shall be subject to the limits governing such contributions under section 3 of article XXVIII of the state constitution. A limited liability company that makes any contribution to a candidate committee, political committee, or political party shall, at the time it makes the contribution, provide information to the recipient committee or political party as to the amount of the total contribution attributed to each member of the limited liability company. The attribution shall reflect the capital each member of the limited liability company has invested in the company relative to the total amount of capital invested in the company as of the date the company makes the campaign contribution, and for a single member limited liability company, the contribution shall be attributed to that single member. The limited liability company shall then deduct the amount of the contribution attributed to each of its members from the aggregate contribution limit applicable to multiple limited liability companies under this subparagraph

(II) for purposes of ensuring that the aggregate amount of contributions from multiple limited liability companies attributed to a single member does not exceed the contribution limits in section 3 of article XXVIII of the state constitution. Nothing in this subparagraph

(II) shall be construed to restrict a natural person from making a contribution in his or her own name to any committee or political party to the extent authorized by law.

(5.3) An issue committee or small-scale issue committee shall not knowingly:

(a) Accept contributions from:

(I) Any natural person who is not a citizen of the United States;

(II) A foreign government;

(III) Any foreign corporation that does not have the authority to transact business in this state pursuant to article 115 of title 7 or any successor section; or

(IV) A candidate committee;

(b) Make contributions to a candidate or candidate committee.

(5.5) A natural person who is not a citizen of the United States, a foreign government, or a foreign corporation shall not establish, register, or maintain a political committee, small donor committee, political party, issue committee, or small-scale issue committee, or make an electioneering communication or regular biennial school electioneering communication.

(5.7) A natural person who is not a citizen of the United States, a foreign government, or a foreign corporation shall not make any direct ballot issue or ballot question expenditure in connection with an election on a ballot issue or ballot question in the state.

(6) No nondomestic corporation may make any contribution under article XXVIII of the state constitution or this article that a domestic corporation is prohibited from making under article XXVIII of the state constitution or this article.

(6.5) Notwithstanding any other provision of law, a candidate committee established in the name of a candidate may expend contributions received and accepted by the committee during any particular election cycle to reimburse the candidate for reasonable and necessary expenses for the care of children or other dependents the candidate incurs directly in connection with the candidate's campaign activities during the election cycle. The candidate committee shall disclose the expenditures in the same manner as any other expenditures the committee is required to disclose under section 1-45-108 (1)(a)(I).

(7) (a) Any person who believes that a violation of subsection (1.5), (1.7), (5), or (6) of this section has occurred may file a written complaint with the secretary of state in accordance with section 1-45-111.7 (2).

(b) Any person who has violated subsection (1.5), (1.7), (5)(a), (5)(b), (5)(c), or (6) of this section is subject to a civil penalty of at least double and up to five times the amount contributed or received in violation of the applicable provision.

(c) Any person who has violated any of the provisions of subsection (5)(d)(I) of this section is subject to a civil penalty of fifty dollars per day for each day that the written affirmation regarding the membership of a limited liability company has not been filed with or retained by the candidate committee, political committee, or political party to which a contribution has been made.

(8) As used in this section, "limited liability company" has the same meaning as "domestic limited liability company" as defined in section 7-90-102 (15) or "foreign limited liability company" as defined in section 7-90-102 (24).

(9) (a) The voters instruct the Colorado congressional delegation to propose and support, and the Colorado state legislature to ratify, an amendment to the United States Constitution that allows Congress and the states to limit campaign contributions and spending, to ensure that all citizens, regardless of wealth, can express their views to one another and their government on a level playing field.

(b) The provisions of this subsection shall take effect on January 1, 2013, and be applicable thereafter.

(10) For purposes of this section, the terms "unaffiliated", "major political party", and "minor political party" have the same meanings as specified in the "Uniform Election Code of 1992", articles 1 to 13 of this title.

(11) (a) If, within the six months before becoming a candidate for public office, a person actively solicits funds for an independent expenditure committee with the intent of benefiting his or her future candidacy, any expenditure made by that independent expenditure committee in that candidate's race is presumed to be controlled by or coordinated with that candidate and deemed to constitute both a contribution by the maker of the expenditures, and an expenditure by the candidate committee.

(b) If any complaint filed under section 1-45-111.7 for a violation of this subsection (11) fails to state sufficient facts to support the allegations of the complaint, upon a final agency action, the respondent to such a complaint may apply to the state district court for an award of the person's attorneys fees and costs in connection with defending against the complaint if the district court determines that the complaint was frivolous, vexatious, or for the purpose of harassment.

(12) (a) (I) A candidate committee account that was established for a candidate who was not elected must be terminated within one year following the election for which the

candidate committee account was established unless there is an outstanding campaign finance complaint against the candidate committee that established the candidate committee account.

(II) A candidate committee account that was established for a candidate who was elected must be terminated within one year following the date that the candidate who was elected leaves office unless there is an outstanding campaign finance complaint against the candidate committee that established the candidate committee account.

(b) The total amount of unexpended campaign contributions that are transferred to a new candidate committee for a different office sought by the same candidate shall not exceed the political party contribution limit for the initial candidate committee that received the contributions.

Source: L. 2003: Entire section added, p. 2160, § 6, effective June 3. **L. 2004:** Entire section amended, p. 863, § 1, effective May 21. **L. 2007:** (5), (6), (7), and (8) added, p. 1766, § 2, effective June 1. **L. 2008:** (5)(d)(II) amended, p. 440, § 1, effective April 14. **L. 2010:** (2.5) added and (6) and (8) amended, (SB 10-203), ch. 269, p. 1230, § 3, effective May 25. **Initiated 2012, (Amendment 65):** (9) added, L. 2013, p. 3301, effective upon proclamation of the Governor, January 1, 2013. **L. 2014:** IP(3) and (4) amended and (4.5) and (10) added, (HB 14-1335), ch. 145, p. 494, § 2, effective May 2. **L. 2018:** (2.5) and (8) amended, (HB 18-1047), ch. 155, p. 1092, § 2, effective April 23. **L. 2019:** (7)(a) amended, (SB 19-232), ch. 330, p. 3065, § 2, effective July 1; (1.5) added and (4.5)(a) and (7)(b) amended, (HB 19-1007), ch. 97, p. 356, § 1, effective August 2; (5.3), (5.5), and (11) added, (HB 19-1318), ch. 328, p. 3041, § 2, effective August 2; (6.5) added, (SB 19-229), ch. 354, p. 3260, § 1, effective September 1. **L. 2022:** (1.7) added and (7) amended, (HB 22-22-1060), ch. 99, p. 472, § 2, effective July 1. **L. 2023:** (1.5)(f), (3.5), and (12) added and (5.3) amended, (SB 23-276), ch. 399, p. 2394, § 47, effective June 6; (1.9) added, (HB 23-1245), ch. 417, p. 2466, § 1, effective January 1, 2024. **L. 2024:** (5.7) added, (SB 24-210), ch. 468, p. 3262, § 49, effective June 6.

Editor's note: Subsection (9) was added by initiative in 2012. The vote count on the measure at the general election held November 6, 2012, was as follows:

FOR: 1,276,432

AGAINST: 988,542

Cross references: (1) For the legislative declaration in the 2010 act adding subsection (2.5) and amending subsections (6) and (8), see section 1 of chapter 269, Session Laws of Colorado 2010.

(2) For the legislative declaration in HB 14-1335, see section 1 of chapter 145, Session Laws of Colorado 2014.

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.

Editor's note: This section was similar to former § 1-45-111 as it existed prior to 1996.

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.

Editor's note: This section was similar to former § 1-45-112 as it existed prior to 1996.

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 (see editor's note, (2)).

Editor's note: (1) The provisions of this section were similar to several former provisions of § 1-45-104 as they existed prior to 2000.

(2) (a) Subsection (4) of section 1 of article V of the state constitution provides that initiated and referred measures shall take effect from and after the official declaration of the vote thereon by the proclamation of the Governor. The measure enacting article XXVIII of the state constitution takes effect upon proclamation of the vote by the Governor. The Governor's proclamation was issued on December 20, 2002. However, section 13 of the measure enacting article XXVIII of the state constitution provides that the effective date of article XXVIII is December 6, 2002.

(b) This section was repealed by an initiated measure that was adopted by the people in the general election held November 5, 2002. Section 12 of article XXVIII provides for the repeal of this section. For the text of the initiative and the vote count, see Session Laws of Colorado 2003, p. 3609.

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 a candidate elected to any office described in paragraph (a) of this subsection (1) but who has not yet been sworn into such office 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 elected candidate who has not yet been sworn into office 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. **L. 2012:** IP(1)(c)(IV) and (1)(c)(IV)(B) amended, (HB 12-1070), ch. 167, p. 586, § 5, effective August 8.

Editor's note: This section is similar to former § 1-45-104 (13) as it existed prior to 2000.

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 3 of article XXVIII of the state constitution, 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) Except as authorized by section 1-45-103.7 (6.5) and subsection (1)(b)(VI) of this section, 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 one year 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 subsection (1)(a) of this section, 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;

(VI) For purposes specified in section 1-45-103.7 (6.5), in connection with the person's official duties as an elected official.

(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. **L. 2010:** (1)(a)(I)(B) amended, (SB 10-041), ch. 151, p. 522, § 1, effective July 1. **L. 2019:** (1)(a)(II) amended, (SB 19-229), ch. 354, p. 3260, § 2, effective September 1. **L. 2023:** (1)(a)(II), (1)(a)(III), and IP(1)(b) amended and (1)(b)(VI) added, (SB 23-276), ch. 399, p. 2395, § 48, effective June 6.

Editor's note: This section is similar to § 1-45-109 as it existed prior to 1996.

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 (see editor's note, (2)).

Editor's note: (1) This section was similar to former § 1-45-110.5 as it existed prior to 1996.

(2) (a) Subsection (4) of section 1 of article V of the state constitution provides that initiated and referred measures shall take effect from and after the official declaration of the vote thereon by the proclamation of the Governor. The measure enacting article XXVIII of the state constitution takes effect upon proclamation of the vote by the Governor. The Governor's proclamation was issued on December 20, 2002. However, section 13 of the measure enacting article XXVIII of the state constitution provides that the effective date of article XXVIII is December 6, 2002.

(b) This section was repealed by an initiated measure that was adopted by the people in the general election held November 5, 2002. Section 12 of article XXVIII provides for the repeal of this section. For the text of the initiative and the vote count, see Session Laws of Colorado 2003, p. 3609.

1-45-107.5. Independent expenditures - restrictions on foreign corporations - registration - disclosure - disclaimer requirements - definitions. (1) Notwithstanding any other provision of law, no natural person who is not a citizen of the United States, foreign government, or foreign corporation may expend money on an independent expenditure in connection with an election of a candidate in the state, and no independent expenditure committee may knowingly accept a donation from any natural person who is not a citizen of the United States, any foreign government, or any foreign corporation.

(2) In accordance with the decision of the supreme court of Colorado in the case of *In re Interrogatories Propounded by Governor Bill Ritter, Jr., Concerning the Effect of Citizens United v. Federal Election Comm'n*, 558 U.S. __ (2010), on *Certain Provisions of Article XXVIII of the Constitution of the State of Colorado*, 227 P.3d 892 (Colo. 2010), notwithstanding sections 3 (4)(a) and 6 (2) of article XXVIII of the state constitution, corporations and labor organizations shall not be prohibited from making independent expenditures. All such expenditures shall be disclosed in accordance with the requirements of this article and article XXVIII of the state constitution. For purposes of this article and article XXVIII of

the state constitution, any use of the word "person" shall be construed to include, without limitation, any corporation or labor organization.

(3) (a) Any person that accepts a donation that is given for the purpose of making an independent expenditure in excess of one thousand dollars or that makes an independent expenditure in excess of one thousand dollars shall register with the appropriate officer within two business days of the date on which an aggregate amount of donations accepted or expenditures made reaches or exceeds one thousand dollars.

(b) The registration required by paragraph (a) of this subsection (3) shall include a statement listing:

(I) The person's full name, spelling out any acronyms used therein;

(II) A natural person authorized to act as a registered agent;

(III) A street address and telephone number for the principal place of operations;
and

(IV) The aggregate ownership interest in the person held by foreign persons calculated as of the time the person registers with the appropriate officer under paragraph (a) of this subsection (3).

(c) If the person identified in subparagraph (I) of paragraph (b) of this subsection (3) is a corporation, a subsidiary may register on behalf of its parent corporation or for other subsidiaries of the parent corporation, and the parent corporation may register on behalf of all of its subsidiaries. In each such case, the registered agent of the person registering shall serve as the registered agent for all such affiliated corporations. Registration of a subsidiary shall include the name of its parent corporation as well as any names under which the subsidiary does business.

(d) If the person identified in subparagraph (I) of paragraph (b) of this subsection (3) is a labor organization, a local labor organization may register on behalf of any affiliated local, national, or international labor organization that will be making independent expenditures, and a national or international labor organization may register on behalf of any affiliated local labor organization that will be making independent expenditures. In each such case, the registered agent of the labor organization that is registering shall serve as the registered agent for each affiliated local, national, or international labor organization.

(4) (a) In addition to any other applicable disclosure requirements specified in this article or in article XXVIII of the state constitution, any person making an independent expenditure in an aggregate amount in excess of one thousand dollars in any one calendar year shall report the following to the appropriate officer:

(I) The person's full name, or, if the person is a subsidiary of a parent corporation, the full name of the parent corporation, spelling out any acronyms used therein;

(II) All names under which the person does business in the state if such names are different from the name identified pursuant to subparagraph (I) of this paragraph (a);

(III) The address of the home office of the person, or, if the person is a subsidiary of a parent corporation, the home office of the parent corporation; and

(IV) The name and street address in the state of its registered agent.

(b) (I) Any person who expends an aggregate amount in excess of one thousand dollars or more per calendar year for the purpose of making an independent expenditure shall report to the appropriate officer, in accordance with the requirements of this section, the name and address of any person that, for the purpose of making an independent expenditure, donates more than two hundred fifty dollars per year to the person expending one thousand dollars or more on an independent expenditure.

(II) If the person making the donation of two hundred fifty dollars or more is a natural person, the disclosure required by subparagraph (I) of this paragraph (b) shall also include the donor's occupation and employer.

(III) If the person making the donation of two hundred fifty dollars or more is not a natural person, the disclosure required by this paragraph (b) shall also include:

(A) The donor's full name, or, if the donor is a subsidiary of a parent corporation, the full name of the parent corporation, spelling out any acronyms used therein;

(B) All names under which the donor does business in the state if such names are different from the name identified pursuant to subparagraph (I) of this paragraph (b);

(C) The address of the home office of the donor, or, if the donor is a subsidiary of a parent corporation, the home office of the parent corporation; and

(D) The name and street address in the state of the donor's registered agent.

(c) The information required to be disclosed pursuant to paragraph (a) of this subsection (4) must be reported in accordance with the schedule specified in section 1-45-108 (2) for political committees; except that any person making an independent expenditure in excess of one thousand dollars within thirty days before a primary, general, or regular biennial school election shall provide such report within forty-eight hours after obligating moneys for the independent expenditure.

(5) (a) In addition to any other applicable requirements provided by law, and subject to the provisions of this section, any communication that is broadcast, printed, mailed,

delivered; placed on a website, streaming media service, or online forum for a fee; or that is otherwise distributed that constitutes an independent expenditure for which the person making the independent expenditure expends in excess of one thousand dollars on the communication shall include in the communication a statement that:

(I) The communication has been "paid for by (full name of the person paying for the communication)"; and

(II) Identifies a natural person who is the registered agent if the person identified in subsection (5)(a)(I) of this section is not a natural person.

(b) In the case of a broadcast or online video or audio communication, the statement required by subsection (5)(a) of this section shall satisfy all applicable requirements promulgated by the federal communications commission for size, duration, and placement.

(c) In the case of a nonbroadcast communication, including an online communication, the secretary of state shall, by rule, establish size and placement requirements for the disclaimer statement. If the size, format, or display requirements of the communication make it impracticable to include a disclaimer statement on the communication, the rules must require that the disclaimer statement be available by means of a direct link from the communication to the web page or application screen containing the statement.

(6) Any person that expends an aggregate amount in excess of one thousand dollars on an independent expenditure in any one calendar year shall deliver written notice to the appropriate officer that shall list with specificity the name of the candidate whom the independent expenditure is intended to support or oppose. Where the independent expenditure is made within thirty days before a primary, general, or regular biennial school election, the notice required by this subsection (6) must be delivered within forty-eight hours after the person obligates moneys for the independent expenditure.

(7) Any person that accepts any donation that is given for the purpose of making an independent expenditure or expends any moneys on an independent expenditure in an aggregate amount in excess of one thousand dollars in any one calendar year shall establish a separate account in a financial institution, and the title of the account shall indicate that it is used for such purposes. All such donations accepted by such person for the making of any such independent expenditures shall only be deposited into the account, and any moneys expended for the making of such independent expenditure shall only be withdrawn from the account. As long as the person uses a separate account for the purposes of this subsection (7), in any complaint relating to the use of the person's account, no discovery may be made of information relating to the identity of the person's members and general donors and any

discovery is limited to the sources, amounts, and uses of donations deposited into and expenditures withdrawn from the account.

(8) Any person that expends moneys on an independent expenditure in excess of one thousand dollars, regardless of the medium of the communication produced by the expenditure, shall disclose to the secretary of state, in accordance with the schedule specified in section 1-45-108 (2) for political committees, any donation in excess of twenty dollars given in that reporting period for the purpose of making an independent expenditure.

(9) Repealed.

(10) Any earmarked donation given for the purpose of making an independent expenditure in excess of one thousand dollars shall be disclosed as a donation from both the original source of the donation and the person transferring the donation.

(11) On reports it files with the appropriate official, an independent expenditure committee that obligates in excess of one thousand dollars for an independent expenditure shall disclose a good faith estimate of the fair market value of the expenditure if the committee does not know the actual amount of the expenditure as of the date that a report is required to be filed with the appropriate official.

(12) All information required to be disclosed to the secretary of state under this section shall be posted on the website of the secretary within two business days after its receipt by the secretary.

(13) Notwithstanding any other provision of this section, any requirement contained in this section that is applicable to a corporation shall also be applicable to a labor organization.

(14) (a) Any covered organization that contributes, donates, or transfers ten thousand dollars or more to any person, earmarked for the purpose of making an independent expenditure or electioneering communication, during any one calendar year, shall provide to the recipient of the contribution, donation, or transfer an affirmation, in writing, that includes the information listed in subsection (14)(d) of this section. After reaching the ten thousand dollar threshold, the covered organization shall provide a new affirmation statement for each qualifying subsequent contribution, donation, or transfer during that calendar year.

(b) Any covered organization that transfers ten thousand dollars or more to any person, earmarked for the purpose of that person making a contribution, donation, or transfer to pay for an independent expenditure or electioneering communication, during any one calendar year, shall provide to the recipient of the transfer an affirmation, in writing,

that includes the information listed in subsection (14)(d) of this section. After reaching the ten thousand dollar threshold, the covered organization shall provide a new affirmation statement for each qualifying subsequent transfer during that calendar year.

(c) A person shall not accept a contribution, donation, or transfer as described in subsection (14)(a) or (14)(b) of this section from a covered organization unless the covered organization provides a written affirmation to the recipient satisfying the requirements of subsection (14)(d) of this section. The recipient shall include the written affirmation when reporting the independent expenditure or electioneering communication to the appropriate filing officer and shall retain the written affirmation for not less than one year following the date of the end of the election cycle during which the affirmation was received.

(d) The affirmation required by this subsection (14) must include:

(I) The name of the covered organization and its principal place of business;

(II) The amount of the contribution, donation, or transfer and the name of the person who received the contribution, donation, or transfer;

(III) (A) If the covered organization is a for-profit corporation, each beneficial owner's name and current residence or business address and, if a listed beneficial owner exercises control over the entity through another legal entity, such as a corporation, partnership, limited liability company, or trust, each such other legal entity and each such beneficial owner who will use that other entity to exercise control over the entity.

(B) For purposes of this subsection (14)(d)(III), "beneficial owner" means a corporation's officers, directors, and owners of more than five percent of the corporation.

(IV) (A) If the covered organization is not a for-profit corporation but is subject to disclosure under subsection (14)(a) or (14)(b) of this section, a list of any person who transferred five thousand dollars or more to the covered organization and who earmarked that transfer of funds for the purpose of making an independent expenditure or electioneering communication as determined by the earlier of either the preceding twelve-month period that ends on the date of the transmission of the independent expenditure or electioneering communication or that ends on the date of the transfer.

(B) A covered organization is not required to include a natural person's name if disclosure of that person would lead to a reasonable probability of harm, threats, harassment, or reprisals to the person or to individuals affiliated with that person.

(C) A covered organization may only redact a person's name from its report under subsection (14)(d)(IV)(B) of this section if the person has affirmed on a form provided by the secretary of state, under oath, that the person believes there is a reasonable probability

that they will be subject to harm, threats, harassment, or reprisal if disclosed. The covered organization shall retain the affirmation for not less than one year and shall produce the affirmation to the secretary of state's office in response to a request for information related to any investigation of a campaign finance violation. The affirmation must remain confidential during the pendency of any investigation and complaint with a hearing officer under section 1-45-117.5. Following a final agency decision finding that the individual whose name was redacted does not meet the requirements of this subsection (14)(d)(IV)(C), including the applicable period for appeal, the affirmation is no longer confidential and is subject to public review.

(D) If the contribution, donation, or transfer under subsection (14)(a) or (14)(b) of this section is from another covered organization, the covered organization shall provide a list of persons who transferred to that covered organization consistent with subsections (14)(d)(IV)(B) and (14)(d)(IV)(C) of this section.

(V) A covered organization need not include a transfer made for a commercial transaction in the ordinary course of any trade or business conducted by the covered organization.

(VI) A certification by the chief executive officer or person who is the head of the covered organization stating that the contribution, donation, or transfer is not made in cooperation, consultation, or concert with or at the request or suggestion of a candidate, authorized committee, or agent of a candidate, political party, or agent of a political party.

(e) For purposes of this subsection (14), "covered organization" means a corporation, including an entity organized under section 501(c) or 527 of the internal revenue code, a labor organization, or an independent expenditure committee. It does not include a small donor committee, political party committee, or candidate committee.

(f) For purposes of this subsection (14), "transfer", "donate", or "contribute" does not include the provision of funds to a vendor or in payment of a contract for goods or services.

Source: L. 2010: Entire section added, (SB 10-203), ch. 269, p. 1231, § 4, effective May 25. **L. 2016:** (4)(c) and (6) amended, (HB 16-1282), ch. 267, p. 1106, § 2, effective August 10. **L. 2018:** (9) repealed, (HB 18-1047), ch. 155, p. 1092, § 3, effective April 23. **L. 2019:** (1) and (5) amended and (14) added, (HB 19-1318), ch. 328, p. 3042, § 3, effective August 2. **L. 2023:** (1) amended, (SB 23-276), ch. 399, p. 2395, § 49, effective June 6.

Cross references: For the legislative declaration in the 2010 act adding this section, see section 1 of chapter 269, Session Laws of Colorado 2010.

1-45-108. Disclosure - definitions - repeal. (1) (a) (I) Subject to subsection (1.5) of this section, all candidate committees, political committees, issue committees, small donor committees, and political parties shall report to the appropriate officer their contributions received, including the name and address of each person who has contributed twenty dollars or more; expenditures made, and obligations entered into by the committee or party.

(II) Subject to subsection (1.5) of this section, in the case of contributions made to a candidate committee, political committee, issue committee, and political party, the disclosure required by this section shall also include the occupation and employer of each person who has made a contribution of one hundred dollars or more to such committee or party.

(III) Any person who expends one thousand dollars or more per calendar year on electioneering communications or regular biennial school 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 a contribution of more than two hundred fifty dollars is a natural person, the disclosure required by this section must also include the person's occupation and employer. Electioneering communication reports must include the name of the candidate or candidates unambiguously referred to in the electioneering communication or regular biennial school electioneering communication. In accordance with section 1-45-103 (9), an electioneering communication includes any communication that satisfies all other requirements set forth in section 2 (7) of article XXVIII of the state constitution but that is broadcast, printed, mailed, delivered, or distributed between the primary election and the general election.

(IV) In the case of a limited liability company, the disclosure required by this section shall include, in addition to any other information required to be disclosed, each contribution from the limited liability company regardless of the dollar amount of the contribution.

(V) Any disbursement not otherwise defined as an expenditure may be reported to the appropriate officer.

(VI) Any person, after expending five thousand dollars in aggregate in a calendar year on direct ballot issue or ballot question expenditures, shall, for each additional

expenditure of one thousand dollars or more, report to the secretary of state in accordance with the disclosure required by this section: The amount of the expenditure, the purpose for which the expenditure was made, the date of the expenditure, name and address of the payee, and the ballot question or ballot issue supported or opposed. Such a report must be filed with the secretary of state no later than forty-eight hours after the direct ballot issue or ballot question expenditure was made.

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

(c) A candidate committee in a special district election is not required to file reports under this section until the committee has received contributions or made expenditures exceeding two hundred dollars in the aggregate during the election cycle.

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

(e) A candidate's candidate committee may reimburse the candidate for expenditures the candidate has made on behalf of the candidate committee. Any such expenditures may be reimbursed at any time. Notwithstanding any other provision of law, any expenditure reimbursed to the candidate by the candidate's candidate committee within the election cycle during which the expenditure is made shall be treated only as an expenditure and not as a contribution to and an expenditure by the candidate's candidate committee. Notwithstanding the date on which any such expenditure is reimbursed, the expenditure shall be reported at the time it is made in accordance with the requirements of this section.

(1.5) Notwithstanding any other provision of law, in light of the opinion of the United States court of appeals for the tenth circuit in the case of *Coalition for Secular Government v. Williams*, no. 14-1469 (10th circuit March 2, 2016), that affirmed the order of the federal district court in the case of *Coalition for Secular Gov't v. Gessler*, case no. 12 CV 1708, the disclosure requirements specified in subsection (1)(a)(I) or (1)(a)(II) of this section and the reporting requirements specified in subsection (3.3) or (6) of this section shall not apply to a small-scale issue committee. A small-scale issue committee shall disclose or file reports about the contributions or expenditures it has made or received or otherwise register as an issue committee in connection with accepting or making such contributions or expenditures in accordance with the following alternative requirements:

(a) A small-scale issue committee that accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle that does not exceed two hundred dollars is not required to disclose or file reports about the contributions or expenditures it has made or received or otherwise register as an issue committee in connection with accepting or making such contributions or expenditures.

(b) (I) A small-scale issue committee that accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle of between two hundred dollars and five thousand dollars shall register with the appropriate officer within ten business days of the date on which the aggregate amount of contributions or expenditures exceeds two hundred dollars. The registration required by this subsection (1.5)(b)(I) must include a statement listing:

(A) The committee's full name, spelling out any acronyms used in the name;

(B) The name of a natural person authorized to act as a registered agent of the committee;

(C) A street address for the principal place of business of the committee;

(D) The purpose or nature of interest of the committee; and

(E) The name of the financial institution in which, in a separate account bearing the name of the committee, all contributions received by the committee are deposited.

(II) A small-scale issue committee described in subsection (1.5)(b)(I) of this section is not required to make any disclosure about any contributions or expenditures it has made or received.

(c) (I) At such time as an issue committee that began as a small-scale issue committee accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle that exceeds five thousand dollars, the committee shall report to the appropriate officer, for each particular contribution or expenditure accepted or made, the name and address of each person who has made such contribution and the amount of each specific contribution and expenditure accepted or made by the committee.

(II) At such time as any issue committee that began as a small-scale issue committee accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle that exceeds five thousand dollars, the committee shall make disclosure of any contributions or expenditures it accepts or makes on or after the date on which such aggregate amount exceeds five thousand dollars in compliance with all applicable requirements under this article 45 pertaining to the disclosure by an issue committee of its contributions or expenditures accepted or made.

(III) Within fifteen days of a small-scale issue committee becoming subject to the applicable requirements governing an issue committee under this article 45, the committee through its registered agent shall report this change in the committee's status to the secretary of state.

(2) (a) (I) Except as provided in subsections (2)(a)(V), (2.1), (2.5), (2.7), and (6) of this section, such reports that are required to be filed with the secretary of state must 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 May and on each Monday every two weeks thereafter before the primary election;

(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-five 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 municipal clerk for municipalities with a population of less than one thousand and such reports required to be filed pursuant to section 1-45-109 (1)(a)(II) and (1)(c) must be filed on the twenty-first day and on the Friday before and thirty-five 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.

(II.5) Such reports that are required to be filed with the municipal clerk for municipalities that have a population of one thousand or more must be filed no later than sixty days, thirty days, and fifteen days before, and thirty days after 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; except that, for a runoff election reports must be filed no later than fifteen days before and fifteen days after the runoff election.

(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, including a regular biennial school election; and "major election" means the election that decides an issue committee's issue, the election that elects a person to the public office sought by the candidate committee's candidate, and a regular biennial school election.

(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.

(V) Any political committee, small donor committee, independent expenditure committee, or political organization that is participating in a regular biennial school election shall file its disclosure reports in accordance with the filing schedule specified in sub- subparagraphs (C) to (E) of subparagraph (I) of this paragraph (a) as of the date the committee or organization, as applicable, makes an expenditure or undertakes spending in connection with that election.

(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 municipal clerk and such reports required to be filed pursuant to section 1-45-109 (1)(a)(II) and (1)(c) shall close five calendar days prior to the effective date of filing.

(2.1) Except as otherwise provided in subsection (2.2) of this section, in the case of a regular biennial school election or a special school election, a candidate committee for school district director shall file reports that are required to be filed with the secretary of state according to the filing schedule specified in subsections (2)(a)(I)(A), (2)(a)(I)(C), (2)(a)(I)(D), and (2)(a)(I)(E) of this section.

(2.2) In connection with a recall election of a school district director, reports of contributions and expenditures must be filed in accordance with the deadlines that are specified in subsection (6) of this section.

(2.3) Repealed.

(2.5) (a) Except as provided in subsection (2.5)(b) of this section, and in addition to any report required to be filed with the secretary of state or municipal clerk under this section, all candidate committees, issue committees, and political parties must 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, general election, regular biennial school election, or special school election, as applicable. This report must be filed with the secretary of state no later than twenty-four hours after the receipt of said contribution.

(b) Notwithstanding the provisions of subsection (2.5)(a) of this section, the following committees need not file the reports described in subsection (2.5)(a) of this section in the following instances:

(I) An issue committee need not report a contribution of one thousand dollars or more preceding a primary election;

(II) A committee for a candidate not on the ballot need not report a contribution of one thousand dollars or more during the off-election year;

(III) A candidate or candidate committee for school board need not report a contribution of one thousand dollars or more during the off-election year; and

(IV) A political party during the off-election year.

(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) Except as otherwise provided in subsection (3.5) of this section, all candidate committees, political 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 principal place of operations;

(d) All affiliated candidates and committees;

(e) The purpose or nature of interest of the committee or party.

(f) (Deleted by amendment, L. 2010, (SB 10-041), ch. 151, p. 522, § 2, effective July 1, 2010.)

(3.3) Subject to subsections (1.5) and (7) of this section, each issue committee shall register with the appropriate officer within ten calendar days of accepting or making

contributions or expenditures in excess of two hundred dollars to support or oppose any ballot issue or ballot question or upon receipt of the notice from the secretary of state pursuant to section 1-40-113 (1)(b). If required to register under the requirements of this subsection (3.3), the registration of the issue committee must include a statement containing the items listed in paragraphs (a) to (e) of subsection (3) of this section in connection with other committees and a political party.

(3.5) Any political committee that has registered with the federal election commission may file with the appropriate officer a copy of the registration filed with the federal election commission and, insofar as such registration contains substantially the same information required by subsection (3) of this section, the political committee shall be considered to have registered with the appropriate officer for purposes of subsection (3) of this section and, therefore, shall be authorized to accept or make contributions as permitted by law. Any political committee that satisfies the requirements of this subsection (3.5) shall be subject to all other legal requirements pertaining to contributions and disclosure that are applicable to political committees.

(4) (Deleted by amendment, L. 2010, (SB 10-041), ch. 151, p. 522, § 2, effective July 1, 2010.)

(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) Subject to subsection (1.5) of this section, any issue committee whose purpose is the recall of any elected official shall register with the appropriate officer within ten calendar days of accepting or making contributions or expenditures in excess of two hundred dollars to support or oppose the recall. Reports of contributions and expenditures shall be filed with the appropriate officer within fifteen days of the filing of the committee registration and every thirty days thereafter until the date of the recall election has been established and then fourteen days and seven days before the recall election and thirty days following the recall election.

(7) (a) Notwithstanding any other provision of law, and subject to subsection (7)(b) of this section, a matter is considered a ballot issue or a ballot question for the purpose of determining whether an issue committee has been formally established, thereby necessitating compliance with any disclosure and reporting requirements of this article 45 and article XXVIII of the state constitution, at the earliest of the following:

(I) A title for the matter has been designated and fixed in accordance with law and any motion for rehearing has been heard;

(II) The matter has been referred to the voters by the general assembly, as evidenced when the measure is passed by the general assembly, or the governing body of any political subdivision of the state with authorization to refer matters to the voters;

(III) In the case of a citizen referendum petition, the matter has been submitted for format approval in accordance with law;

(IV) A petition concerning the matter has been circulated and signed by at least one person; except that, where a matter becomes a ballot issue or ballot question upon such signing, any person opposing the matter shall not be considered to be an issue committee for purposes of this article and article XXVIII of the state constitution until one such person knows or has reason to know of the circulation; or

(V) A signed petition has been submitted to the appropriate officer in accordance with law.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (7), where a matter concerns a municipal annexation brought pursuant to article 12 of title 31, C.R.S., the matter shall not be considered to be a ballot issue or ballot question for the purpose of determining whether an issue committee has been formally established, thereby necessitating compliance with any disclosure and reporting requirements of this article and article XXVIII of the state constitution, unless and until the first notice of the annexation election has been published in accordance with the requirements of section 31-12-112 (6), C.R.S.

(8) (a) Any expenditure or spending on a covered communication that is controlled by or coordinated with a candidate or candidate's agent or a political party is considered both a contribution by the maker of the expenditure or spending, and an expenditure by the candidate committee.

(b) For purposes of this subsection (8), "covered communication" includes:

(I) A communication that expressly advocates for the election or defeat of a candidate;

(II) An electioneering communication as defined in section 2 (7) of article XXVIII of the state constitution and section 1-45-103 (9), or regular biennial electioneering communication as defined in section 1-45-103 (15.5); and

(III) A communication by a political organization that influences or attempts to influence the selection, nomination, election, or appointment of a candidate to public office.

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. **L. 2004:** (1)(e) and (3.5) added and IP(3) amended, p. 864, §§ 2, 3, effective May 21. **L. 2007:** IP(2)(a)(I) amended, p. 2017, § 2, effective June 1; IP(2)(a)(I) and (2)(a)(I)(B) amended, p. 1299, § 2, effective July 1. **L. 2008:** (1)(a)(IV) added, p. 441, § 2, effective April 14. **L. 2009:** (2)(a)(II), (2)(e), and (2.5) amended, (HB 09-1357), ch. 361, p. 1871, § 1, effective July 1; IP(3) and (3)(f) amended and (3.3) and (7) added, (HB 09-1153), ch. 174, p. 774, § 2, effective September 1. **L. 2010:** (1)(a)(III), (3)(f), (3.3), (4), and (6) amended, (SB 10-041), ch. 151, p. 522, § 2, effective July 1; (3.3) amended, (HB 10-1370), ch. 270, p. 1241, § 5, effective January 1, 2011. **L. 2012:** (2)(a)(I)(B) amended, (SB 12-014), ch. 1, p. 1, § 1, effective January 30; (1)(c) amended, (HB 12-1269), ch. 83, p. 274, § 1, effective August 8. **L. 2016:** (1)(a)(I), (1)(a)(II), (3.3), and (6) amended and (1.5) added, (SB 16-186), ch. 269, p. 1114, § 2, effective June 10; (1)(a)(III), IP(2)(a)(I), (2)(a)(III), and (2.5) amended and (2)(a)(V) added, (HB 16-1282), ch. 267, p. 1106, § 3; effective August 10. **L. 2018:** (1)(a)(III), (2.5), IP(7)(a), and (7)(a)(I) amended and (1)(a)(V) added, (HB 18-1047), ch. 155, p. 1093, § 4, effective April 23. **L. 2019:** (1)(a)(III) amended, (SB 19-068), ch. 69, p. 250, § 2, effective August 2; (1.5) R&RE and (8) added, (HB 19-1318), ch. 328, p. 3044, § 4, effective August 2. **L. 2022:** IP(2)(a)(I) and (2.5)(a) amended and (2.1) and (2.2) added, (HB 22-1060), ch. 99, p. 473, § 3, effective July 1; IP(2)(a)(I), (2)(a)(I)(E), (2)(a)(II), (2.5)(b)(II), and (2.5)(b)(III) amended and (2.5)(b)(IV) added, (HB 22-1156), ch. 108, p. 495, § 1, effective August 10; (1)(a)(VI) added, (SB 22-237), ch. 400, p. 2852, § 2, effective September 1. **L. 2023:** (7)(a)(II) amended, (SB 23-276), ch. 399, p. 2396, § 50, effective June 6; (2)(a)(II) amended and (2)(a)(II.5) added, (HB 23-1245), ch. 417, p. 2467, § 2, effective January 1, 2024.

Editor's note: (1) This section is similar to former § 1-45-108 as it existed prior to 1996.

(2) The numbering of this section originated in an initiated measure. As a result of an amendment to this section by House Bill 00-1194, subsections (2)(a)(I) and (2)(a)(II) as they existed prior to March 15, 2000, were renumbered on revision as (2)(a)(III) and (2)(a)(IV).

(3) Subsection (2.3)(b) provided for the repeal of subsection (2.3), effective January 1, 2007. (See L. 2001, p. 1111.)

(4) Amendments to subsection (3.3) by Senate Bill 10-041 and House Bill 10-1370 were harmonized.

(5) Prior to the reenactment of subsection (1.5) on August 2, 2019, subsection (1.5)(d) provided for the repeal of subsection (1.5), effective June 30, 2019. (See. L. 2016, p. 1114.)

(6) Amendments to subsection IP(2)(a)(I) by HB 22-1060 and HB 22-1156 were harmonized.

Cross references: For the legislative declaration in the 2010 act amending subsection (3.3), see section 1 of chapter 270, Session Laws of Colorado 2010.

1-45-108.3. Disclaimer statement - committees - electioneering communications - direct ballot issue or ballot question expenditures. (1) A candidate committee, political committee, issue committee, small donor committee, political organization, political party, or other person making an expenditure in excess of or spending more than one thousand dollars per calendar year on a communication that must be disclosed under article XXVIII of the state constitution or under this article 45 or supports or opposes a ballot issue or ballot question, and that is broadcast, printed, mailed, delivered; placed on a website, streaming media service, or online forum for a fee; or that is otherwise distributed shall include in the communication a disclaimer statement in accordance with subsection (2) of this section.

(2) The disclaimer statement required by subsection (1) of this section must conform to the requirements specified in section 1-45-107.5 (5) for content, size, duration, and placement.

(3) In addition to any other applicable requirements provided by law, any person who expends one thousand dollars or more per calendar year on electioneering communications or regular biennial school electioneering communications shall, in accordance with the requirements specified in section 1-45-107.5 (5), state in the

communication the name of the person making the communication. For purposes of this subsection (3), an "electioneering communication" also includes any communication that satisfies all other requirements set forth in section 2 (7) of article XXVIII of the state constitution but that is broadcast, printed, mailed, delivered, or distributed between the primary election and the general election.

(4) Any person who makes a direct ballot issue or ballot question expenditure shall, pursuant to section 1-45-107.5 (5), state their name in any communication that is broadcast, printed, mailed, or delivered; placed on a website, streaming media service, or online forum for a fee; or that is otherwise distributed to persons who are eligible to vote on the ballot issue or ballot question and is produced or funded, either in whole or in part, by the person who made the direct ballot issue or ballot question expenditure.

Source: L. 2010: Entire section added, (HB 10-1370), ch. 270, p. 1242, § 6, effective January 1, 2011. **L. 2019:** (3) added, (SB 19-068), ch. 69, p. 251, § 3, effective August 2; entire section amended, (HB 19-1318), ch. 328, p. 3046, § 5, effective August 2. **L. 2022:** (4) added, (SB 22-237), ch. 400, p. 2853, § 3, effective June 7.

Cross references: For the legislative declaration in the 2010 act adding this section, see section 1 of chapter 270, Session Laws of Colorado 2010.

1-45-108.5. Political organizations - disclosure. (1) Any political organization shall report to the appropriate officer in accordance with the requirements of sections 1-45- 108 and 1-45-109:

(a) Any contributions it receives, including the name and address of each person who has contributed twenty dollars or more to the political organization in the reporting period, and the occupation and employer of each natural person who has made a contribution of one hundred dollars or more to the political organization; and

(b) Any spending by the political organization that exceeds twenty dollars in any one reporting period.

(2) No political organization shall accept a contribution, or undertake spending, in currency or coin exceeding one hundred dollars.

(3) Nothing in this section shall be construed to:

(a) Require any political organization to make any additional disclosure pursuant to this section to the extent the political organization is already providing disclosure as a

committee or political party in a manner that satisfies the requirements of sections 1-45-108 and 1-45-109; or

(b) Authorize the secretary of state to require disclosure of the name of any natural person that is a member of an entity unless the natural person has made a contribution to a political organization in the amount of twenty dollars or more in a reporting period.

Source: L. 2007: Entire section added, p. 1225, § 3, effective July 1.

1-45-109. Filing - where to file - timeliness. (1) For the purpose of meeting the filing and reporting requirements of this article 45:

(a) The following shall file with the secretary of state:

(I) Candidates for statewide office, the general assembly, district attorney, district court judge, school district director, or any office representing more than one county; 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.

(II) Candidates in special district and school district director elections; 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 candidates.

(b) 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. An independent expenditure committee that makes expenditures in connection with a municipal election shall file with the municipal clerk.

(c) All other candidates, candidate committees, issue committees, political committees, and small donor committees shall file with the secretary of state.

(2) (a) Reports required to be filed by this article 45 are timely if received by the appropriate officer not later than the close of business on the due date.

(b) A person upon whom a penalty has been imposed for failure to file a statement or other information required to be filed pursuant to section 5, 6, or 7 of article XXVIII of the state constitution or section 1-45-108, this section, or section 1-45-110 by the due date may appeal the penalty by filing a written appeal with the appropriate officer no later than thirty days after the date on which notification of the imposition of the penalty was mailed to the person's last-known address. Upon receipt of an appeal pursuant to this paragraph (b), the appropriate officer shall set aside or reduce the penalty upon a showing of good cause.

(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 45 are public records and are open to inspection by the public during regular business hours. A copy of the report must be kept by the appropriate officer and a copy shall be made available immediately in a file for public inspection. When the secretary of state is the appropriate officer, the secretary shall make reports viewable on the secretary of state's official website.

(b) and (c) Repealed.

(5) (a) The secretary of state shall operate and maintain a website 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 immediately on the website.

(c) The website 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.

(d) At the earliest practicable date, the secretary of state shall develop and implement improvements to the website's design and structure to improve the public's ability to navigate, search, browse, download, and analyze information. Such improvements shall include but need not be limited to:

(I) Enhanced searching and summary reporting, including additional search fields such as zip code, employer, and vendor, the ability to search across multiple committees and all filers, the ability to filter or limit searches, such as by election cycle or candidate, the inclusion of smart-search features such as "name sounds like" or "name contains", and numerical totaling of amounts shown on search results;

(II) Features that facilitate the ability to download raw data and search results in one or more common formats to enable offline sorting and analyzing;

(III) Detailed, technical instructions for users;

(IV) Information to help users determine the scope of candidates' and committees' reports and campaign data available online, including explanations of which types of reports are available, the period covered by the online data, and which specific reports can be viewed for each campaign committee; and

(V) Resources that give the public comparative context when viewing campaign finance data, such as compilations of the total amounts of money raised and spent by individual candidates, lists of total amounts raised and spent by all statewide and legislative candidates, and compilations of fundraising and spending across candidates and election cycles.

(e) 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) The secretary of state shall establish, operate, and maintain a system that enables electronic filing using the internet of the reports required by this article to be filed with the secretary of state's office. In accordance with the provisions of section 24-21-111 (1), C.R.S., the secretary may require any filing under this section to be made by electronic means as determined by the secretary. The rules for use of the electronic filing system shall be promulgated by the secretary in accordance with article 4 of title 24, C.R.S.

(b) Any person required to file with the secretary of state's office shall use the electronic filing system described in paragraph (a) of this subsection (6) in order to meet the filing requirements of this article, if so required by the secretary in accordance with paragraph (a) of this subsection (6), except insofar as an alternate method of filing may be permitted by the secretary. 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) (Deleted by amendment, L. 2007, p. 1296, § 1, effective July 1, 2007.)

(8) (a) (Deleted by amendment, L. 2007, p. 1296, § 1, effective July 1, 2007.)

(b) (I) (Deleted by amendment, L. 2007, p. 1296, § 1, effective July 1, 2007.)

(II) and (III) (Deleted by amendment, L. 2009, (HB 09-1357), ch. 361, p. 1872, § 2, effective July 1, 2009.)

(c) (I) (Deleted by amendment, L. 2007, p. 1296, § 1, effective July 1, 2007.)

(II) (Deleted by amendment, L. 2009, (HB 09-1357), ch. 361, p. 1872, § 2, effective July 1, 2009.)

(9) Subsection (1) of this section shall not be construed to require the secretary of state to review reports electronically filed by persons beyond the duties specified in section 9 of article XXVIII of the state constitution.

(10) to (12) Repealed.

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. **L. 2005:** (9) amended, p. 760, § 7, effective June 1. **L. 2007:** (5), (6), (7), (8), and (9) amended, p. 1296, § 1, effective July 1; (2) amended, p. 1983, § 37, effective August 3. **L. 2009:** (1), (5)(a), (6), (8)(b)(II), (8)(b)(III), (8)(c)(II), and (9) amended and (10) added, (HB 09-1357), ch. 361, p. 1872, § 2, effective July 1. **L. 2010:** (11) added, (SB 10-203), ch. 269, p. 1235, § 5, effective May 25; (4)(b) and (6) amended, (SB 10-041), ch. 151, p. 523, § 3, effective July 1. **L. 2017:** (4)(b) amended and (4)(c) and (12) added, (HB 17-1155), ch. 236, p. 966, § 1, effective August 9. **L. 2018:** IP(1), (1)(a)(I), (2)(a), (4)(a), (4)(b), and (4)(c)(I) amended, (HB 18-1047), ch. 155, p. 1094, § 5, effective April 23. **L. 2019:** (4)(b), (4)(c), (11), and (12) repealed, (SB 19-232), ch. 330, p. 3065, § 3, effective July 1. **L. 2022:** (1)(a)(II) amended, (HB 22-1060), ch. 99, p. 474, § 4, effective July 1. **L. 2023:** (1)(b) amended, (HB 23-1245), ch. 417, p. 2467, § 3, effective January 1, 2024.

Editor's note: (1) This section is similar to former § 1-45-104 as it existed prior to 1996.

(2) Subsection (10)(e) provided for the repeal of subsection (10), effective January 1, 2011. (See L. 2009, p. 1872.)

Cross references: For the legislative declaration in the 2010 act adding subsection (11), see section 1 of chapter 269, Session Laws of Colorado 2010.

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 1-13.5-303, 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 subsection (2)(b) of this section, 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 an accurate and complete 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.

(c) A candidate must electronically file the disclosure statement required in subsection (2)(a) of this section, and the secretary of state must make all disclosure statements available to the public on its website. The secretary may redact certain information such as a candidate's address or other personal information.

(d) The form approved by the secretary of state must include an affirmation for the candidate to certify that the information provided in the disclosure statement is true, complete, and correct to the best of the candidate's knowledge and belief.

(2.5) A candidate seeking reelection does not have to file another disclosure statement required by subsection (2)(a) of this section if the incumbent filed the annual report required by section 24-6-202 (2) within thirty days of the date on which the incumbent became a candidate for reelection.

(3) If any person fails to file the affidavit or an accurate and complete disclosure statement required by subsection (2) of this section, the designated election official certifying the ballot in accordance with section 1-5-203 (3)(a) shall send a notice to the

person by e-mail and mail. The notice must state that the person will be disqualified as a candidate if the person fails to file the appropriate document within ten business days after the notice has been sent. If the person fails to file the appropriate document within that time frame, the designated election official shall disqualify the candidate.

(3.5) In addition to any other process provided in law or rule, any person may file a complaint with the secretary of state about a candidate not complying with the requirements of this section.

(4) Any disclosure statement required by subsection (2) of this section shall be amended no more than thirty days after any termination, acquisition, or substantial change 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. **L. 2010:** (3) amended, (SB 10-041), ch. 151, p. 524, § 4, effective July 1. **L. 2014:** (1) amended, (HB 14-1164), ch. 2, p. 74, § 44, effective February 18. **L. 2018:** (3) amended, (HB 18-1047), ch. 155, p. 1095, § 6, effective April 23. **L. 2022:** (2.5) added, (HB 22-1156), ch. 108, p. 496, § 2, effective August 10. **L. 2023:** (2)(a) and (3) amended and (2)(c), (2)(d), and (3.5) added, (SB 23-276), ch. 399, p. 2396, § 51, effective June 6. **L. 2024:** (2.5), (3.5), and (4) amended, (SB 24-210), ch. 468, p. 3262, § 50, effective June 6.

Editor's note: This section is similar to former § 1-45-105 as it existed prior to 1996.

Cross references: For the legislative declaration in HB 14-1164, see section 1 of chapter 2, Session Laws of Colorado 2014.

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 (see editor's note, (2)).

Editor's note: (1) This section was similar to former §§ 1-45-113 and 1-45-114 as they existed prior to 1996.

(2) (a) Subsection (4) of section 1 of article V of the state constitution provides that initiated and referred measures shall take effect from and after the official declaration of the vote thereon by the proclamation of the Governor. The measure enacting article XXVIII of the state constitution takes effect upon proclamation of the vote by the Governor. The Governor's proclamation was issued on December 20, 2002. However, section 13 of the measure enacting article XXVIII of the state constitution provides that the effective date of article XXVIII is December 6, 2002.

(b) This section was repealed by an initiated measure that was adopted by the people in the general election held November 5, 2002. Section 12 of article XXVIII provides for the repeal of this section. For the text of the initiative and the vote count, see Session Laws of Colorado 2003, p. 3597.

1-45-111.5. Duties of the secretary of state - enforcement - sanctions - definitions.

(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.

(1.5) (a) Any person who believes that a violation of article XXVIII of the state constitution, the secretary of state's rules concerning campaign and political finance, or this article 45 has occurred may file a written complaint with the secretary of state in accordance with section 1-45-111.7.

(b) Any person who commits a violation of either the secretary of state's rules concerning campaign and political finance or this article that is not specifically listed in article XXVIII of the state constitution shall be subject to any of the sanctions specified in section 10 of article XXVIII of the state constitution or in this section.

(c) In addition to any other penalty authorized by article XXVIII of the state constitution or this article 45, a hearing officer may impose a civil penalty of fifty dollars per day for each day that a report, statement, or other document required to be filed under this

article 45 that is not specifically listed in article XXVIII of the state constitution is not filed by the close of business on the day due. Any person who fails to file three or more successive committee registration reports or reports concerning contributions, expenditures, or donations in accordance with the requirements of section 1-45-107.5 shall be subject to a civil penalty of up to five hundred dollars for each day that a report, statement, or other document required to be filed by an independent expenditure committee is not filed by the close of business on the day due. Any person who knowingly and intentionally fails to file three or more reports due under section 1-45-107.5 shall be subject to a civil penalty of up to one thousand dollars per day for each day that the report, statement, or other document is not filed by the close of business on the day due. Imposition of any penalty under this subsection (1.5)(c) shall be subject to all applicable requirements specified in section 10 of article XXVIII of the state constitution governing the imposition of penalties.

(c.5) In addition to and without prejudice to any other penalty authorized under this article 45, a hearing officer shall impose a civil penalty as follows:

(I) At least one hundred dollars for each violation that is a failure to include a disclosure statement in accordance with section 1-46-103 (2), if the violation does not involve any paid advertising or other spending to promote or attract attention to a communication prohibited by section 1-46-103 (1), or such other higher amount that, based on the degree of distribution and public exposure to the unlawful communication, the hearing officer deems appropriate to deter future violations of section 1-46-103; and

(II) At least ten percent of the amount paid or spent to advertise, promote, or attract attention to a communication prohibited by section 1-46-103 (1) that does not include a disclosure statement in accordance with section 1-46-103 (2), or such other higher amount that, based on the degree of distribution and public exposure to the unlawful communication, the hearing officer deems appropriate to deter future violations of section 1-46-103.

(d) In connection with a complaint brought to enforce any requirement of article XXVIII of the state constitution or this article 45, a hearing officer may order disclosure of the source and amount of any undisclosed donations or expenditures.

(e) In connection with any action brought to enforce any provision of article XXVIII of the state constitution or this article 45, the membership lists of a membership organization, a labor organization or, in the case of a publicly held corporation, a list of the shareholders of the corporation, shall not be disclosed by means of discovery or by any other manner.

(f) Any person who is fined up to one thousand dollars per day for a knowing and intentional failure to file under paragraph (c) of this subsection (1.5) shall, if the person has

shareholders or members, notify such shareholders or members of the penalty and the adjudicated violations on its publicly accessible website in a prominent manner for not less than one hundred eighty days after the final adjudication. A copy of this notice, with the website address used, shall be filed with the secretary of state and shall be a public record.

(g) The secretary of state has, as a matter of right, the right to intervene in any action pending before the office of administrative courts or the court of appeals that is brought to enforce the provisions of article XXVIII of the state constitution or this article.

(2) A party in any action brought to enforce the provisions of article XXVIII of the state constitution or of this article 45 is entitled to the recovery of the party's reasonable attorney fees and costs from any attorney or party who has brought or defended the action, either in whole or in part, upon a determination by the hearing officer that the action, or any part thereof, lacked substantial justification or that the action, or any part thereof, was commenced for delay or harassment or if it finds that an attorney or party unnecessarily expanded the proceeding by other improper conduct, including abuses of discovery procedures available under the Colorado rules of civil procedure. Notwithstanding any other provision of this subsection (2), no attorney fees may be awarded under this subsection (2) unless the court or hearing officer, as applicable, has first considered and issued written findings regarding the provisions of section 13-17-102 (5) and (6). Either party in an action in which the hearing officer awarded attorney fees and costs may apply to a district court to convert an award of attorney fees and costs into a district court judgment. Promptly upon the conversion of the award of attorney fees and costs into a district court judgment, the clerk of the district court shall mail notice of the filing of the judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice must include the name and post-office address of the judgment creditor and the judgment creditor's lawyer, if any, in this state. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk. Lack of mailing notice of filing by the clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed. For purposes of this subsection (2), "lacked substantial justification" means substantially frivolous, substantially groundless, or substantially vexatious.

(3) Upon a determination by the hearing officer that an issue committee failed to file a report required pursuant to section 1-45-108, the hearing officer shall direct the issue committee to file any such report within ten days containing all required disclosure of any previously unreported contributions or expenditures and may, in addition to any other penalty, impose a penalty not to exceed twenty dollars for each contribution received and expenditure made by the issue committee that was not timely reported.

(4) (a) Upon failure of a witness or party to comply with an administrative subpoena issued in relation to an alleged campaign finance violation pursuant to article XXVIII of the state constitution or this article, the party that requested the administrative subpoena or the issuing agency may petition the district court ex parte with a copy of the petition sent to the subpoenaed witness or party and the administrative law judge by regular mail, for an order directing the witness or party to comply with the administrative subpoena.

(b) If the petition required by paragraph (a) of this subsection (4) shows to the district court's satisfaction that the administrative subpoena was properly served pursuant to rule 4 of the Colorado rules of civil procedure, the district court shall order the subpoenaed witness or party to appear before the district court and show cause why the witness or party should not be ordered to comply with the administrative subpoena. A copy of the petition and the court order shall be served, pursuant to rule 5 of the Colorado rules of civil procedure, on the witness or party at least fifteen days before the date designated for the witness or party to appear before the district court.

(c) At a show cause hearing ordered by the district court pursuant to paragraph (b) of this subsection (4), the court shall review the administrative subpoena and any evidence presented by the parties to determine compliance with the Colorado rules of civil procedure. The subpoenaed witness or party shall bear the burden of showing good cause as to why he or she should not be ordered to comply with the administrative subpoena.

(d) If the court determines that the subpoenaed witness or party is required to comply with the administrative subpoena:

(I) The district court shall order compliance forthwith and may impose remedial and punitive fines, including attorneys' fees and costs, for the witness's or party's failure to comply with the administrative subpoena; and

(II) The hearing officer shall schedule a hearing on the complaint to occur on a day after the occurrence of the required deposition and such other discovery as may be warranted due to such deposition.

(e) If the subpoenaed witness or party fails to appear at the show cause hearing, the district court may issue a bench warrant for the arrest of the subpoenaed witness or party and may impose other sanctions pursuant to the Colorado rules of civil procedure.

(5) Repealed.

Source: L. 2003: Entire section added, p. 2160, § 6, effective June 3. **L. 2005:** (2) amended, p. 852, § 4, effective June 1. **L. 2008:** (1.5) added and (2) amended, p. 349, § 1,

effective April 10. **L. 2010:** (1.5)(c), (1.5)(d), (1.5)(e), and (1.5)(f) added, (SB 10-203), ch. 269, p. 1236, § 6, effective May 25; (3) added, (HB 10-1370), ch. 270, p. 1242, § 7, effective January 1, 2011. **L. 2011:** (4) added, (HB 11-1117), ch. 35, p. 97, § 1, effective March 21. **L. 2016:** (5) added, (SB 16-106), ch. 290, p. 1175, § 1, effective August 10. **L. 2018:** (1.5)(a) and (2) amended and (1.5)(g) added, (HB 18-1047), ch. 155, p. 1095, § 7, effective April 23. **L. 2019:** (1.5)(a) to (1.5)(e), (2), (3), and (4)(d)(II) amended and (5) repealed, (SB 19-232), ch. 330, p. 3066, § 4, effective July 1. **L. 2024:** (1.5)(c.5) added, (HB 24-1147), ch. 250, p. 1654, § 1, effective July 1.

Editor's note: (1) In *Holland v. Williams*, 457 F. Supp. 3d 979 (D. Colo. 2018), the United States District Court for the District of Colorado held that the enforcement provisions in article XXVIII, section 9(2)(a), of the state constitution and subsection (1.5)(a) of this section are facially unconstitutional under the first and fourteenth amendments to the United States Constitution.

(2) Section 4 of chapter 250 (HB 24-1147), Session Laws of Colorado 2024, provides that the act changing this section applies to communications distributed on or after July 1, 2024.

Cross references: (1) For the legislative declaration in the 2010 act adding subsections (1.5)(c), (1.5)(d), (1.5)(e), and (1.5)(f), see section 1 of chapter 269, Session Laws of Colorado 2010.

(2) For the legislative declaration in the 2010 act adding subsection (3), see section 1 of chapter 270, Session Laws of Colorado 2010.

1-45-111.7. Campaign finance complaints - initial review - curing violations - investigation and enforcement - hearings - advisory opinions - document review - collection of debts resulting from campaign finance penalties - definitions. (1) **Definitions.** As used in this section, unless the context otherwise requires:

(a) "Article XXVIII" means article XXVIII of the state constitution.

(b) "Deputy secretary" means the deputy secretary of state appointed pursuant to section 24-21-105 or the deputy secretary's designee.

(c) "Division" means the division within the office of the secretary responsible for administering the state's laws governing campaign and political finance.

(d) "Hearing officer" means a person authorized to conduct a hearing under section 24-4-105 (3).

(e) "Rules" means the rules of the secretary concerning campaign and political finance.

(f) "Secretary" means the secretary of state or the secretary's designate.

(2) **Filing complaints.** (a) Any person who believes that a violation has occurred of article XXVIII, this article 45, article 46 of this title 1, or the rules may file a complaint with the secretary.

(b) A complaint must be filed no later than one hundred eighty days after the date on which the complainant either knew or should have known, by the exercise of reasonable diligence, of the alleged violation.

(c) Any complaint must be filed in writing and signed by the complainant on the form provided by the secretary. The complaint must identify one or more respondents and include the information required to be provided on the form.

(d) Upon receipt of a complaint, the division shall notify the respondent of the complaint by e-mail or by regular mail if e-mail is unavailable.

(e) The division shall forward any complaint made against a candidate for secretary or the secretary to the department of law for the review of the complaint by the attorney general to act on behalf of the division in accordance with applicable requirements of this section.

(3) **Initial review.** (a) The division shall conduct an initial review of a complaint filed under subsection (2) of this section to determine whether the complaint:

(I) Was timely filed under subsection (2)(b) of this section;

(II) Specifically identifies one or more violations of article XXVIII, this article 45, or the rules; and

(III) Alleges sufficient facts to support a factual and legal basis for the violations of law alleged in the complaint.

(b) Within ten business days of receiving a complaint, the division shall take one or more of the actions specified in this subsection (3)(b):

(I) If the division makes an initial determination that the complaint was not timely filed, has not specifically identified one or more violations of article XXVIII, this article 45, or the rules, or does not assert facts sufficient to support a factual or legal basis for an

alleged violation, the division shall prepare and file with the deputy secretary a motion to dismiss the complaint. The deputy secretary shall make a determination on the motion to dismiss within five business days, which must be provided to the complainant and the respondent by e-mail or by regular mail if e-mail is unavailable. If the deputy secretary denies the motion, the division shall determine whether to conduct a review under subsection (3)(b)(II) or (3)(b)(III) of this section. The final determination by the deputy secretary on the motion to dismiss constitutes final agency action and is subject to judicial review by a state district court under section 24-4-106.

(II) If the division makes an initial determination that the complaint alleges one or more curable violations as addressed in subsection (4) of this section, the division shall notify the respondent and provide the respondent an opportunity to cure the violations.

(III) If the division makes an initial determination that the complaint has specifically identified one or more violations of article XXVIII, this article 45, or the rules, and has alleged facts sufficient to support a factual or legal basis for each alleged violation, and that either a factual finding or a legal interpretation is required, the division shall conduct additional review under subsection (5) of this section within thirty days to determine whether to file a complaint with a hearing officer.

(4) Curing violations. (a) Upon the division's initial determination that a complaint alleges a failure to file or otherwise disclose required information, or alleges another curable violation, the division shall notify the respondent by e-mail or by regular mail if e-mail is unavailable of the curable deficiencies alleged in the complaint.

(b) The respondent has ten business days from the date the notice is e-mailed or mailed to file an amendment to any relevant report that cures any deficiencies specified in the notice.

(c) The respondent shall provide the division with notice of the respondent's intent to cure on the form provided by the secretary and include a copy of any amendments to any report containing one or more deficiencies.

(d) Upon receipt of the respondent's notice of an intent to cure, the division may ask the respondent to provide additional information and may grant the respondent an extension of time to file an amended notice of intent to cure in order to respond to any such request.

(e) (I) After the period for cure has expired, the division shall determine whether the respondent has cured any violation alleged in the complaint and, if so, whether the respondent has substantially complied with its legal obligations under article XXVIII, this article 45, and the rules in accordance with subsection (4)(f) of this section.

(II) If the division determines that the respondent has substantially complied with its legal obligations, the division shall prepare and file with the deputy secretary a motion to dismiss the complaint. The motion must be accompanied by a draft order specifying the manner in which the respondent has satisfied the factors specified in subsection (4)(f) of this section. The deputy secretary shall make a determination on the motion to dismiss, which must be provided to the complainant and the respondent by e-mail or by regular mail if e-mail is unavailable. If the deputy secretary denies the motion, the division shall determine whether to conduct a review under subsection (3)(b)(II) or (3)(b)(III) of this section. The determination by the deputy secretary under this subsection (4)(e)(II) is final agency action and is subject to judicial review by a state district court under section 24-4-106.

(III) If the division determines that the respondent has failed to substantially comply under subsection (4)(f) of this section, the division shall conduct an additional review under subsection (5)(a) of this section to determine whether to file the complaint with a hearing officer.

(f) In determining whether an entity substantially complied with its legal obligations under article XXVIII, this article 45, or the rules the division must consider:

(I) The extent of the respondent's noncompliance;

(II) The purpose of the provision violated and whether that purpose was substantially achieved despite the noncompliance; and

(III) Whether the noncompliance may properly be viewed as an intentional attempt to mislead the electorate or election officials.

(g) If the division determines that the respondent failed to cure any alleged deficiency, the division shall conduct an additional review under subsection (5)(a) of this section to determine whether to file a complaint with a hearing officer.

(5) Investigations and enforcement. (a) (I) The division shall investigate each complaint that was not dismissed during either its initial review or by means of the cure proceedings in accordance with subsection (3) or (4) of this section to determine whether to file a complaint with a hearing officer. The division may also initiate an investigation under subsection (7)(b) of this section.

(II) For the purpose of an investigation relating to a complaint filed under subsection (2)(a) of this section or an investigation initiated by the division under subsection (7)(b) of this section, the division may request the production of any documents or other tangible things that are believed to be relevant or material to the investigation, and shall establish the relevance and materiality in writing. Notwithstanding any other provision of law, documents or other tangible things provided to the division during the course of an

investigation under this subsection (5) are not subject to inspection or copying under the "Colorado Open Records Act", part 2 of article 72 of title 24. Notwithstanding any other provision of law, documents or other tangible things provided to the division during the course of an investigation under this subsection (5) and other materials prepared or assembled to assist the secretary's designee in reaching a decision are work product as defined in section 24-72-202 (6.5)(a) and are not public records subject to inspection under part 2 of article 72 of title 24.

(III) If the division receives a person's membership list or donor list during the course of the division's initial review under subsection (3) of this section, investigation under this subsection (5), or the cure process, including the determination of substantial compliance, as described in subsection (4) of this section, the division shall not disclose such list or the identity of any member or donor to any person. Notwithstanding any other provision of law, any such membership or donor list is not a public record subject to inspection, copying, or any other form of reproduction under part 2 of article 72 of title 24.

(IV) The division shall determine whether it will file a complaint with a hearing officer within thirty days after initiating an investigation. If the division makes a determination that a complaint should not be filed with a hearing officer because there is not sufficient information to support the allegations contained in the complaint or for any other reason, it shall prepare and file with the deputy secretary a motion to dismiss the complaint. The deputy secretary shall make a determination on the motion to dismiss within thirty-five days of the initial determination of the division under this subsection (5)(a)(IV), or the initiation of an investigation by the division under subsection (7)(b) of this section, which must be provided to the complainant and the respondent by e-mail or by regular mail if e-mail is unavailable. If the deputy secretary denies the motion, the division has fourteen business days to file a complaint with a hearing officer under this subsection (5).

(V) If the division files a complaint with a hearing officer under this subsection (5), it is responsible for conducting such discovery as may be necessary for effectively prosecuting the complaint, supplementing or amending the complaint with such additional or alternative claims or allegations as may be supported by the division's investigation, amending the complaint to strike allegations or claims that are not supported by the division's investigation, and in all other respects prosecuting the complaint.

(b) A complainant or any other nonrespondent is not a party to the division's initial review, cure proceedings, investigation, or any proceedings before a hearing officer as described in this section. A complainant may seek permission from the hearing officer to file a brief as an amicus curiae. A person's status as a complainant is not sufficient to establish that he or she may be affected or aggrieved by the secretary's action on the complaint. To the extent this subsection (5)(b) conflicts in any respect with section 24-4-105 or 24-4-106, this

subsection (5)(b) controls. A complainant may also seek judicial review by a state district court of a final agency action under section 24-4-106.

(6) Conduct of hearings. (a) Any hearing conducted by a hearing officer under this section must be in accordance with section 24-4-105; except that a hearing officer shall schedule a hearing within thirty days of the filing of the complaint, which hearing may be continued upon the motion of any party for up to thirty days or a longer extension of time upon a showing of good cause.

(b) Any initial determination made by a hearing officer must be made in accordance with section 24-4-105 and is subject to review by the deputy secretary. The final agency decision is subject to review under section 24-4-106.

(7) Document review. (a) In addition to any other powers and duties it possesses under law, the division may also review any document the secretary receives for filing under article XXVIII, this article 45, or the rules.

(b) In connection with the review of other available information regarding a potential violation under this subsection (7):

(I) If the division determines that a person violated or potentially violated any of the provisions of article XXVIII, this article 45, or the rules, the division shall either notify the person of his or her opportunity to cure the identified deficiencies in accordance with subsection (4) of this section or notify the person that the division is initiating an investigation under subsection (5) of this section. The division shall send the notification by e-mail or by regular mail if e-mail is unavailable.

(II) If the division initiates an investigation or files a complaint with a hearing officer in connection with its review, the procedures described in subsections (5) and (6) of this section apply.

(c) As used in this subsection (7), "review" means the factual inspection of any document required to be filed with the secretary for campaign finance registration, reporting, or disclosure in order to assess the document's accuracy and completeness and the timeliness of the document's filing.

(8) Advisory opinions. (a) Any person seeking guidance on the application of article XXVIII, this article 45, or the rules may request that the secretary issue an advisory opinion regarding that person's specific activity.

(b) The secretary shall determine, at the secretary's discretion, whether to issue an advisory opinion under subsection (8)(a) of this section. In making this determination, the secretary shall consider factors including whether:

(I) The advisory opinion will terminate a controversy or remove one or more uncertainties as to the application of the law to the requestor's situation;

(II) The request involves a subject, question, or issue that concerns a formal or informal matter or investigation currently pending before the secretary or a court; and

(III) The request seeks a ruling on a moot or hypothetical question.

(c) A person may rely on an advisory opinion issued by the secretary as an affirmative defense to any complaint filed under this section.

(d) A refusal by the secretary to issue an advisory opinion does not constitute a final agency action that is subject to appeal.

(9) **Debt collection.** (a) The secretary may pursue collection of any outstanding debt resulting from a campaign finance penalty that the secretary deems collectible.

(b) Repealed.

(10) **Municipal complaints.** (a) A complaint alleging that a violation of article XXVIII of the state constitution, this article 45, or the rules has occurred in connection with a municipal campaign finance matter must be filed with the clerk of the applicable municipality. Unless otherwise provided by local law, a complainant must file the complaint in writing, sign the complaint, and identify one or more respondents. The complaint shall be filed and processed in accordance with local law unless referred to the secretary as specified in subsection (10)(c)(I) or (10)(c)(II) of this section.

(b) The clerk shall conduct an initial review of a campaign finance complaint within ten business days of receiving the complaint or within the time specified in local law to determine whether the complaint satisfies the requirements of subsection (10)(a) of this section or the requirements of local law, as applicable. If, after initially reviewing a complaint pursuant to this subsection (10)(b), the clerk determines that a complaint does not satisfy the requirements of subsection (10)(a) of this section, the clerk shall dismiss the complaint.

(c) (I) If, after initially reviewing a campaign finance complaint pursuant to subsection (10)(b) of this section, the clerk determines that the complaint satisfies the requirements of subsection (10)(a) of this section and local law, as applicable, but presents an actual or potential conflict for the clerk or the clerk's staff, the clerk shall refer the complaint to the secretary, in a form and manner determined by the secretary, within fourteen business days of receiving the complaint if the municipality has adopted an ordinance that authorizes the municipality to refer a campaign finance complaint to the

secretary based on an actual or potential conflict of the clerk or the clerk's staff, as determined in writing by the clerk.

(II) If the clerk of a statutory municipality that does not have a campaign finance complaint and hearing process determines, after initially reviewing a campaign finance complaint pursuant to subsection (10)(b) of this section, that a complaint satisfies the requirements of subsection (10)(a) of this section, the clerk shall refer the complaint to the secretary, in a form and manner determined by the secretary, within fourteen business days of receiving the complaint if the municipality has adopted an ordinance that authorizes the municipality to refer a campaign finance complaint to the secretary because the municipality does not have a campaign finance complaint and hearing process.

(d) To refer a campaign finance complaint to the secretary pursuant to this subsection (10), a municipality must have an ordinance that authorizes the municipality to refer such a complaint to the secretary and must provide a copy of the ordinance to the secretary. A municipality is not authorized to refer a campaign finance complaint to the secretary pursuant to this subsection (10) for an election that is fewer than one hundred eighty days after the ordinance is provided to the secretary. A municipal ordinance that authorizes the municipality to refer a campaign finance complaint to the secretary must:

(I) Authorize the secretary to use the provisions of subsections (3) to (7) of this section to process, investigate, and resolve the campaign finance complaint; except that the determination of whether the complaint was timely filed pursuant to subsection (3)(a)(I) of this section shall consider the time for filing a complaint under local law;

(II) Permit the filing of a campaign finance complaint no more than one hundred eighty days after the date on which the complainant either knew or should have known, by the exercise of reasonable diligence, of the alleged violation;

(III) Require the filing of a campaign finance complaint to be in writing and signed by the complainant on a form provided by the secretary, including identification of one or more respondents and including the information required to be provided on the form;

(IV) Direct the municipality to cooperate with the secretary in the processing and investigation of the campaign finance complaint; and

(V) Disclaim any interest of the municipality in fines collected in connection with a referred campaign finance complaint.

(e) Upon dismissing a complaint or referring a complaint to the secretary pursuant to this section, the clerk shall notify the complainant of the clerk's action by e-mail or by regular mail if e-mail is unavailable.

(f) A municipality must cooperate with the secretary in the review, investigation, and determination of any campaign finance complaint referred to the secretary pursuant to this section.

(g) If the secretary receives a campaign finance complaint referred by a clerk pursuant to subsection (10)(c)(I) or (10)(c)(II) of this section, the secretary shall deem the complaint filed pursuant to subsection (2) of this section on the date of receipt from the clerk, and the secretary shall ensure that the complaint is addressed in accordance with the requirements of this section. The determination that a conflict exists is not reviewable by the secretary.

(h) The secretary shall apply the substantive provisions of a home rule municipality's local law in processing, investigating, and resolving a campaign finance complaint referred to the secretary pursuant to this section.

(i) All fines collected in connection with a referred campaign finance complaint are payable to the secretary.

(j) The adoption of a local law authorizing the referral of a campaign finance complaint to the secretary pursuant to this section is not a waiver of the application of any provisions of article XX or XXVIII of the state constitution or section 1-45-116. Nothing in this subsection (10) requires a municipality to repeal an ordinance or resolution establishing a campaign finance complaint and hearing process.

(k) As used in this subsection (10):

(I) "Clerk" means the clerk of a municipality or the person or entity designated to review campaign finance complaints under a local law.

(II) "Conflict" means the actual or reasonably perceived inability to process a campaign finance complaint or impose a remedy in a fair and impartial manner, including an actual or reasonably perceived bias or other factors that may impact the independence of the decision-maker regarding the complainant or a candidate.

(III) "Local law" means a municipal charter, ordinance, or resolution that address the matters covered by article XXVIII of the state constitution and this article 45.

Source: L. 2019: Entire section added, (SB 19-232), ch. 330, p. 3059, § 1, effective July 1. **L. 2021:** (9)(a) amended, (SB 21-055), ch. 12, p. 75, § 2, effective March 21. **L. 2024:** (2)(a) amended, (HB 24-1147), ch. 250, p. 1655, § 2, effective July 1; (9)(b) repealed and (10) added, (HB 24-1283), ch. 338, p. 2286, § 1, effective August 7.

Editor's note: (1) Section 4 of chapter 250 (HB 24-1147), Session Laws of Colorado 2024, provides that the act changing this section applies to communications distributed on or after July 1, 2024.

(2) Section 3(2) of chapter 338 (HB 24-1283), Session Laws of Colorado 2024, provides that the act changing this section applies to municipal campaign finance complaints filed on or after August 7, 2024.

(3) Subsections (10)(k)(I) and (10)(k)(II) were numbered as (10)(k)(II) and (10)(k)(I), respectively, in HB 24-1283 but have been renumbered on revision for ease of location.

1-45-112. Duties of municipal clerk. (1) The municipal clerk 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 ten years from the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for six years 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.

(c.5) Make publicly available without charge on a website, or for in-person inspection, any reports, disclosures, or statements that are filed pursuant to this article 45 and are subject to the retention requirements set forth in subsection (1)(b) of this section. For an individual who submits an open records request involving such reports, disclosures, or statements, if printouts or photographs relating to such an open records request are requested, the municipal clerk may charge appropriate fees.

(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) Repealed.

(2) The secretary of state shall reimburse the municipal clerk of each municipality 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. **L. 2008:** (1)(f) repealed, p. 350, § 2, effective April 10. **L. 2009:** IP(1) and (2) amended, (HB 09-1357), ch. 361, p. 1874, § 3, effective July 1. **L. 2023:** (1)(b) amended and (1)(c.5) added, (HB 23-1245), ch. 417, p. 2467, § 4, effective January 1, 2024.

Editor's note: This section is similar to former § 1-45-115 as it existed prior to 1996.

1-45-112.5. Immunity from liability. (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.

(3) Any media outlet shall be immune from civil liability in any court where the media outlet:

(a) Withdraws advertising time reserved by an independent expenditure committee that fails to register in accordance with the requirements of section 1-45-107.5 (3)(a); or

(b) Elects to void an advertising contract and the advertisement:

(I) Is paid for by an independent expenditure committee that fails to register under section 1-45-107.5 (3)(a);

(II) Is paid for by an independent expenditure committee that is registered under section 1-45-107.5 (3)(a) but the committee fails to file a disclosure report under section 1-45-108 (2) through the date of the most recent required report; or

(III) Fails to satisfy the requirements of section 1-45-107.5 (5)(a).

(4) An affected media outlet may void a contract that implicates paragraph (b) of subsection (3) of this section in the sole discretion of the media outlet.

Source: L. 2003: Entire section added, p. 2160, § 6, effective June 3. **L. 2010:** (3) and (4) added, (SB 10-203), ch. 269, p. 1237, § 7, effective May 25.

Cross references: For the legislative declaration in the 2010 act adding subsections (3) and (4), see section 1 of chapter 269, Session Laws of Colorado 2010.

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 (see editor's note, (2)).

Editor's note: (1) This section was similar to former § 1-45-121 as it existed prior to 1996.

(2) (a) Subsection (4) of section 1 of article V of the state constitution provides that initiated and referred measures shall take effect from and after the official declaration of the vote thereon by the proclamation of the Governor. The measure enacting article XXVIII of the state constitution takes effect upon proclamation of the vote by the Governor. The Governor's proclamation was issued on December 20, 2002. However, section 13 of the measure enacting article XXVIII of the state constitution provides that the effective date of article XXVIII is December 6, 2002.

(b) This section was repealed by an initiated measure that was adopted by the people in the general election held November 5, 2002. Section 12 of article XXVIII provides for the repeal of this section. For the text of the initiative and the vote count, see Session Laws of Colorado 2003, p. 3609.

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.

Editor's note: This section is similar to former § 1-45-118 as it existed prior to 1996.

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.

Editor's note: This section is similar to former § 1-45-119 as it existed prior to 1996.

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.

Editor's note: This section is similar to former § 1-45-120 (1) as it existed prior to 1996.

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 of the state shall make any contribution in campaigns involving the nomination, retention, or election of any person to any public office, nor shall any such entity make any donation to any other person for the purpose of making an independent expenditure, nor shall any such entity expend any money from any source, or make any contributions, to urge electors to vote in favor of or against any:

(A) Statewide 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), passed by the general assembly or the governing body of any political subdivision of the state with authorization to refer matters to voters;

(D) Recall measure for the recall of any officer that has been submitted for approval for circulation on an approved petition form.

(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) (a) A violation of this section is subject to the provisions of section 10 (1) of article XXVIII of the state constitution, section 1-45-111.7, or any appropriate order or relief, including an order directing the person making a contribution or expenditure in violation of this section to reimburse the fund of the state or political subdivision, as applicable, from which such money was diverted for the amount of the contribution or expenditure, injunctive relief, or a restraining order to enjoin the continuance of the violation.

(b) If a board, commission, or council is found to have made a contribution or expenditure in violation of this section, an individual member of the board, commission, or council who voted in favor of or otherwise authorized the contribution or expenditure may be ordered to reimburse an amount pursuant to subsection (4)(a) of this section as long as the amount does not exceed the amount ordered to be reimbursed by any other individual of the board, commission, or council who voted in favor or otherwise authorized the contribution or expenditure.

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. **L. 2008:** (4) amended, p. 350, § 3, effective April 10. **L. 2010:** IP(1)(a)(I) amended, (SB 10-203), ch. 269,

p. 1237, § 8, effective May 25. **L. 2015:** (4) amended, (HB 15-1074), ch. 89, p. 256, § 1, effective August 5. **L. 2018:** (4)(b) amended, (HB 18-1047), ch. 155, p. 1096, § 8, effective April 23. **L. 2023:** IP(1)(a)(I), (1)(a)(I)(C), (1)(a)(I)(D), and (4)(a) amended, (SB 23-276), ch. 399, p. 2397, § 52, effective June 6.

Editor's note: This section is similar to former § 1-45-116 as it existed prior to 1996.

Cross references: For the legislative declaration in the 2010 act amending the introductory portion to subsection (1)(a)(I), see section 1 of chapter 269, Session Laws of Colorado 2010.

1-45-117.5. Media outlets - political records. Any media outlet that is subject to the provisions of 47 U.S.C. sec. 315 (e) shall maintain and make available for public inspection such records as the outlet is required to maintain to comply with federal law or rules.

Source: L. 2010: Entire section added, (SB 10-203), ch. 269, p. 1231, § 4, effective May 25.

Cross references: For the legislative declaration in the 2010 act adding this section, see section 1 of chapter 269, Session Laws of Colorado 2010.

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.

ARTICLE 46

Failure to Disclose a Deepfake in a Communication Concerning a
Candidate for Elective Office

Editor's note: Section 4 of chapter 250 (HB 24-1147), Session Laws of Colorado 2024, provides that the act adding this article applies to communications distributed on or after July 1, 2024.

1-46-101. Legislative declaration. (1) The general assembly finds and declares that:

(a) The revolutionary innovations in generative artificial intelligence systems capable of producing image, audio, video, and multimedia content (AI-generated content) pose a threat to free and fair elections in the state;

(b) AI-generated content may be used to create deepfakes that falsely depict a candidate's speech or action in order to spread misinformation and disinformation at scale and with unprecedented speed; and

(c) A deepfake is analogous to a person being forced to say something in a video recorded under duress, where the victim appears to say something they would not normally say, one through force and the other through deepfake technology. A voter's opinion of a candidate may be irreparably tainted by a fabricated representation of a candidate or elected official saying or doing something they did not say or do. These false, negative portrayals may exist indefinitely once posted on the internet and permanently damage a candidate or elected official's reputation and even put their safety at risk.

Source: L. 2024: Entire article added, (HB 24-1147), ch. 250, p. 1655, § 3, effective July 1.

1-46-102. Definitions. As used in this article 46, unless the context otherwise requires:

(1) (a) "AI-generated content" means image, video, audio, multimedia, or text content that is substantially created or modified by generative artificial intelligence such that the use of generative artificial intelligence alters the meaning or significance that a reasonable person would take away from the content.

(b) "AI-generated content" does not include image, video, audio, multimedia, or text content that is minimally edited, adjusted, or enhanced by generative artificial intelligence such that the use of generative artificial intelligence does not materially alter the meaning or significance that a reasonable person would take away from the content.

(2) (a) "Candidate" has the same meaning as set forth in section 2 (2) of article XXVIII of the state constitution; except that, "candidate" also includes any person who seeks nomination or election to any federal public office in this state.

(b) For purposes of this article 46, "candidate" also includes an incumbent or current office holder.

(3) "Deepfake" means an image, video, audio, or multimedia AI-generated content that falsely appears to be authentic or truthful and which features a depiction of an individual appearing to say or do something the individual did not say or do.

(4) "Generative artificial intelligence" or "generative AI" means an artificial intelligence system capable of generating novel image, video, audio, multimedia, or text content based on prompts or other forms of data provided by a person.

(5) "Metadata" means structural or descriptive information about data such as content, format, source, rights, accuracy, provenance, periodicity, granularity, publisher or responsible party, contact information, method of collection, and other descriptions.

(6) "Office" means the office of the secretary of state, or the section or division of the office of the secretary of state administering the election laws of this state pursuant to section 1-1-107 (4).

(7) "Person" has the same meaning as set forth in section 1-13-109 (3).

Source: L. 2024: Entire article added, (HB 24-1147), ch. 250, p. 1655, § 3, effective July 1.

1-46-103. Use of deepfakes in a communication concerning a candidate for elective office - disclosure requirements - limitations - rules. (1) Except as provided in subsections (2) and (3) of this section, no person shall distribute, disseminate, publish, broadcast, transmit, or display a communication concerning a candidate for elective office that includes a deepfake to an audience that includes members of the electorate for the elective office to be represented by the candidate either sixty days before a primary election or ninety days before a general election, if the person knows or has reckless disregard for the

fact that the depicted candidate did not say or do what the candidate is depicted as saying or doing in the communication.

(2) (a) The prohibition in subsection (1) of this section does not apply to a communication that includes a disclosure stating, in a clear and conspicuous manner, that: "This (image/audio/video/multimedia) has been edited and depicts speech or conduct that falsely appears to be authentic or truthful."

(b) A disclosure required under this section is considered to be made in a clear and conspicuous manner if the disclosure meets the following requirements:

(I) In a visual communication, the text of the disclosure statement appears in a font size no smaller than the largest font size of other text appearing in the visual communication. If the visual communication does not include any other text, the disclosure statement appears in a font size that is easily readable by the average viewer.

(II) In an audio communication, the disclosure statement shall be read in a clearly spoken manner in the same pitch, speed, language, and volume as the majority of the audio communication, at the beginning of the audio communication, at the end of the audio communication, and, if the audio communication is greater than two minutes in length, interspersed within the audio communication at intervals of not more than one minute each;

(III) The metadata of the communication includes the disclosure statement, the identity of the tool used to create the deepfake, and the date and time the deepfake was created;

(IV) The disclosure statement in the communication, including the disclosure statement in any metadata, is, to the extent technically feasible, permanent or unable to be easily removed by a subsequent user;

(V) The communication complies with any additional requirements for the disclosure statement that the secretary of state may adopt by rule to ensure that the disclosure statement is presented in a clear and conspicuous and understandable manner; and

(VI) In a broadcast or online visual or audio communication that includes a statement required by subsection (2) of this section, the statement satisfies all applicable requirements, if any, promulgated by the federal communications commission for size, duration, and placement.

(3) This section is subject to the following limitations:

(a) This section does not alter or negate any rights, obligations, or immunities of an interactive computer service in accordance with 47 U.S.C. sec. 230, as amended, and shall otherwise be construed in a manner consistent with federal law;

(b) This section does not apply to a radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer that broadcasts a communication that includes a deepfake prohibited by subsection (1) of this section as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage of a bona fide news event, if the broadcast or publication clearly acknowledges through content or a disclosure, in a manner that can be easily heard and understood or read by the average listener or viewer, that there are questions about the authenticity of the deepfake in the communication;

(c) This section does not apply to a radio or television broadcasting station, including a cable or satellite television operator, programmer, producer, or streaming service, when the station is paid to broadcast a communication that includes a deepfake;

(d) This section does not apply to an internet website, or a regularly published newspaper, magazine, or other periodical of general circulation, including an internet or electronic publication or streaming service, that routinely carries news and commentary of general interest and that publishes a communication that includes a deepfake prohibited by subsection (1) of this section, if the publication clearly states that the communication that includes the deepfake does not accurately represent a candidate for elective office;

(e) This section does not apply to media content that constitutes satire or parody or the production of which is substantially dependent on the ability of an individual to physically or verbally impersonate the candidate and not upon generative AI or other technical means;

(f) This section does not apply to the provider of technology used in the creation of a deepfake; and

(g) This section does not apply to an interactive computer service, as defined in 47 U.S.C. sec. 230 (f)(2), for any content provided by another information content provider as defined in 47 U.S.C. sec. 230 (f)(3).

(4) The secretary of state shall promulgate such rules, in accordance with article 4 of title 24, as may be necessary to administer and enforce any provision of this article 46.

Source: L. 2024: Entire article added, (HB 24-1147), ch. 250, p. 1656, § 3, effective July 1.

1-46-104. Enforcement - administrative hearing. Any person who believes that a violation of section 1-46-103, or the secretary of state's rules concerning the use of a deepfake in a communication concerning a candidate for elective office, has occurred may file a written complaint with the office in accordance with section 1-45-111.7 (2). Such complaint shall be reviewed and adjudicated in accordance with section 1-45-111.7 and the secretary of state's rules for complaints and administrative hearings pursuant to article 45 of this title 1.

Source: L. 2024: Entire article added, (HB 24-1147), ch. 250, p. 1658, § 3, effective July 1.

1-46-105. Civil action - injunctive relief - damages. (1) A candidate whose appearance, action, or speech is depicted in a deepfake that is included in a communication distributed in violation of section 1-46-103 may:

(a) Seek injunctive or other equitable relief prohibiting the distribution, dissemination, publication, broadcast, transmission, or display of the communication, and preventing the defendant from otherwise further violating this article 46;

(b) Bring an action for compensatory and punitive damages against the person that distributed, disseminated, published, broadcast, transmitted, or displayed the communication;

(c) Seek reasonable attorney fees, filing fees, and costs of action; and

(d) Seek any other just and appropriate relief necessary to enforce this article 46 and remedy the harm caused by the violation of section 1-46-103.

(2) An action commenced pursuant to subsection (1)(a) of this section must be heard by the district court at the earliest practical time.

(3) An action commenced pursuant to subsection (1)(a) or (1)(b) of this section does not limit or preclude a plaintiff from securing or recovering any other available remedy, or from seeking to institute a criminal action against the defendant.

(4) In any civil action alleging a violation of section 1-46-103, the plaintiff bears the burden of establishing the violation by clear and convincing evidence.

Source: L. 2024: Entire article added, (HB 24-1147), ch. 250, p. 1658, § 3, effective July 1.

1-46-106. Limitation. (1) Nothing in this article 46 limits or impairs in any way the right of the attorney general, or any person or entity, to pursue a legal action against a person in connection with a deepfake pursuant to any other law, cause of action, tort theory, or other authority.

(2) Nothing in this article 46 exempts a person who knowingly or recklessly distributes, disseminates, publishes, broadcasts, transmits, or displays a communication concerning a candidate for elective office that includes a false statement through a deepfake from criminal liability in accordance with section 1-13-109, or any other applicable provision of law.

Source: L. 2024: Entire article added, (HB 24-1147), ch. 250, p. 1659, § 3, effective July 1.

Section 8

(Article XXVIII of the Colorado Constitution)

CONSTITUTION OF THE STATE OF COLORADO

ARTICLE XXVIII

Campaign and Political Finance

Editor's note: (1) Section 1(4) of article V of the state constitution provides that initiated and referred measures shall take effect from and after the official declaration of the vote thereon by the proclamation of the Governor. The Governor's proclamation on Amendment 27 implementing this article was issued on December 20, 2002; however, § 13 of this article provides that the effective date of this article is December 6, 2002. (See L. 2003, p. 3609.)

(2) (a) In 2008, Amendment 54 amended § 13 of this article creating an exception to the effective date stating that the provisions of this article amended or added by Amendment 54 concerning sole source government contracts are effective December 31, 2008; however, the Governor's proclamation date on Amendment 54 was January 8, 2009.

(b) In the case of *Dallman v. Ritter*, the Denver District Court declared Amendment 54, which amended certain provisions of this article, unconstitutional and issued a preliminary injunction enjoining the enforcement of Amendment 54 (see *Dallman v. Ritter*, 225 P. 3d 610 (Colo. 2010)). The Colorado Supreme Court affirmed the district court's ruling (see *Dallman v. Ritter*, 225 P. 3d 610 (Colo. 2010)).

(3) In the case of *In re Interrogatories by Ritter*, the Colorado Supreme Court declared §§ 3(4) and 6(2) of this article unconstitutional in light of *Citizens United v. Federal Election Commission*, 558 U. S. 310 (2010).

Cross references: For the "Fair Campaign Practices Act", see article 45 of title 1.

Law reviews: For article, "The Colorado Constitution in the New Century", see 78 U. Colo. L. Rev. 1265 (2007).

Section 1. Purposes 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, establishing 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.

Source: Initiated 2002: Entire article added, **L. 2003**, p. 3597. For the effective date of this article, see the editor's note following the article heading. **Initiated 2012:** Entire section amended, effective upon proclamation of the Governor, **L. 2013**, p. 3301, January 1, 2013.

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.

(4. 5) "Contract holder" means any non-governmental party to a sole source government contract, including persons that control ten percent or more shares or interest in that party; or that party's officers, directors or trustees; or, in the case of collective bargaining agreements, the labor organization and any political committees created or controlled by the labor organization;

Editor's note: Subsection (4. 5) was declared unconstitutional (see the editor's note following this section).

(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.

(8. 5) "Immediate family member" means any spouse, child, spouse's child, son-in-law, daughter-in-law, parent, sibling, grandparent, grandchild, stepbrother, stepsister, stepparent, parent-in-law, brother-in-law, sister-in-law, aunt, niece, nephew, guardian, or domestic partner;

Editor's note: Subsection (8. 5) was declared unconstitutional (see the editor's note following this section).

(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.

(14. 4) "Sole source government contract" means any government contract that does not use a public and competitive bidding process soliciting at least three bids prior to awarding the contract. This provision applies only to government contracts awarded by the state or any of its political subdivisions for amounts greater than one hundred thousand dollars indexed for inflation per the United States bureau of labor statistics consumer price index for Denver-Boulder-Greeley after the year 2012, adjusted every four years, beginning January 1, 2012, to the nearest lowest twenty five dollars. This amount is cumulative and includes all sole source government contracts with any and all governmental entities involving the contract holder during a calendar year. A sole source government contract includes collective bargaining agreements with a labor organization representing employees, but not employment contracts with individual employees. Collective bargaining agreements qualify as sole source government contracts if the contract confers an exclusive representative status to bind all employees to accept the terms and conditions of the contract;

Editor's note: Subsection (14. 4) was declared unconstitutional (see the editor's note

following this section).

(14. 6) "State or any of its political subdivisions" means the state of Colorado and its agencies or departments, as well as the political subdivisions within this state including counties, municipalities, school districts, special districts, and any public or quasi-public body that receives a majority of its funding from the taxpayers of the state of Colorado.

Editor's note: Subsection (14. 6) was declared unconstitutional (see the editor's note following this section).

(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.

Source: Initiated 2002: Entire article added, **L. 2003**, p. 3597. For the effective date of this article, see the editor's note following the article heading. **Initiated 2008:** (4. 5), (8. 5), (14. 4), and (14. 6) added, effective December 31, 2008, see **L. 2009**, p. 3381.

Editor's note: (1) In 2008, Amendment 54 amended § 13 of this article creating an exception to the effective date stating that the provisions of this article amended or added by Amendment 54 concerning sole source government contracts are effective December 31, 2008; however the Governor's proclamation date on Amendment 54 was January 8, 2009.

(2) In the case of *Dallman v. Ritter*, the Denver District Court declared the provisions of subsections (4. 5), (8. 5), (14. 4), and (14. 6) unconstitutional and issued a preliminary injunction enjoining the enforcement of Amendment 54 (see *Dallman v. Ritter*, 225 P. 3d 610 (Colo. 2010)). The Colorado Supreme Court affirmed the district court's ruling (see *Dallman v. Ritter*, 225 P. 3d 610 (Colo. 2010)).

Cross references: For the definition of "major purpose", as used in subsection (10)(a)(I), see § 1-45-103 (12)(b).

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.

Editor's note: Subsection (4) was declared unconstitutional (see editor's note following this section).

(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.

Source: Initiated 2002: Entire article added, **L. 2003**, p. 3601. For the effective date of this article, see the editor's note following the article heading.

Editor's note: In the case of *In re Interrogatories by Ritter*, the Colorado Supreme Court declared subsection (4) of this section unconstitutional in light of *Citizens United v. Federal Election Commission*, 558 U. S. 310, 130 S. Ct. 876, 175 L. Ed. 2d 753 (2010).

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.

Source: Initiated 2002: Entire article added, **L. 2003**, p. 3604. For the effective date of this article, see the editor's note following the article heading.

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.

Source: Initiated 2002: Entire article added, **L. 2003**, p. 3605. For the effective date of this article, see the editor's note following the article heading.

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.

Editor's note: Subsection (2) was declared unconstitutional (see editor's note following this section).

Source: Initiated 2002: Entire article added, **L. 2003**, p. 3605. For the effective date of this article, see the editor's note following the article heading.

Editor's note: In the case of *In re Interrogatories by Ritter*, the Colorado Supreme Court declared subsection (2) of this section unconstitutional in light of *Citizens United v. Federal Election Commission*, 558 U. S. 310, 130 S. Ct. 876, 175 L. Ed. 2d 753 (2010).

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.

Source: Initiated 2002: Entire article added, **L. 2003**, p. 3606. For the effective date of this article, see the editor's note following the article heading.

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.

Source: Initiated 2002: Entire article added, **L. 2003**, p. 3606. For the effective date of this article, see the editor's note following the article heading.

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) [*Editor's note: For information concerning this subsection (1)(c), see editor's note following this section.*] 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 may be 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.

Source: Initiated 2002: Entire article added, **L. 2003**, p. 3606. For the effective date of this article, see the editor's note following the article heading.

Editor's note: (1) In subsection (1) of this section, it appears that the fourth paragraph should have been lettered as paragraph (d) instead of (c); however, the original document filed with the secretary of state contains the lettering reflected in this section.

(2) In *Holland v. Williams*, 457 F. Supp. 3d 979 (D. Colo. 2018), the United States District Court for the District of Colorado held that the enforcement provisions in subsection (2)(a) of this section and § 1-45-111. 5 (1. 5)(a) are facially unconstitutional under the first and fourteenth amendments to the United States Constitution.

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.

Source: Initiated 2002: Entire article added, **L. 2003**, p. 3608. For the effective date of this article, see the editor's note following the article heading.

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.

Source: Initiated 2002: Entire article added, **L. 2003**, p. 3609. For the effective date of this article, see the editor's note following the article heading.

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.

Source: Initiated 2002: Entire article added, **L. 2003**, p. 3609. For the effective date of this article, see the editor's note following the article heading.

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, except that the provisions of this article concerning sole source government contracts shall take effect on December 31, 2008. Legislation may be enacted to facilitate its operation, but in no way limiting or restricting the provisions of this article or the powers herein granted.

Editor's note: This section was declared unconstitutional (see the editor's note following this section).

Source: Initiated 2002: Entire article added, **L. 2003**, p. 3609. For the effective date of this article, see the editor's note following the article heading. **Initiated 2008:** Entire section amended, effective December 31, 2008, see **L. 2009**, p. 3381.

Editor's note: (1) In 2008, Amendment 54 amended § 13 of this article creating an exception to the effective date stating that the provisions of this article amended or added by Amendment 54 concerning sole source government contracts are effective December 31, 2008; however the Governor's proclamation date on Amendment 54 was January 8, 2009.

(2) In the case of *Dallman v. Ritter*, the Denver District Court declared the provisions of this section unconstitutional and issued a preliminary injunction enjoining the enforcement of Amendment 54 (see *Dallman v. Ritter*, 225 P. 3d 610 (Colo. 2010)). The Colorado Supreme Court affirmed the district court's ruling (see *Dallman v. Ritter*, 225 P. 3d 610 (Colo. 2010)).

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.

Source: Initiated 2002: Entire article added, **L. 2003**, p. 3609. For the effective date of this article, see the editor's note following the article heading.

Section 15. Because of a presumption of impropriety between contributions to any campaign and sole source government contracts, contract holders shall contractually agree, for the duration of the contract and for two years thereafter, to cease making, causing to be made, or inducing by any means, a contribution, directly or indirectly, on behalf of the contract holder or on behalf of his or her immediate family member and for the benefit of any political party or for the benefit of any candidate for any elected office of the state or any of its political subdivisions.

Editor's note: This section was declared unconstitutional (see the editor's note following this section).

Source: Initiated 2008: Entire section added, effective December 31, 2008, see **L. 2009**, p. 3380.

Editor's note: (1) In 2008, Amendment 54 amended § 13 of this article creating an exception to the effective date stating that the provisions of this article amended or added by Amendment 54 concerning sole source government contracts are effective December 31, 2008; however the Governor's proclamation date on Amendment 54 was January 8, 2009.

(2) In the case of *Dallman v. Ritter*, the Denver District Court declared the provisions of this section unconstitutional and issued a preliminary injunction enjoining the enforcement of Amendment 54 (see *Dallman v. Ritter*, 225 P. 3d 610 (Colo. 2010)). The Colorado Supreme Court affirmed the district court's ruling (see *Dallman v. Ritter*, 225 P. 3d 610 (Colo. 2010)).

(3) This section did not contain a headnote as it appeared on the ballot.

Section 16. To aid in enforcement of this measure concerning sole source contracts, the executive director of the department of personnel shall promptly publish and maintain a summary of each sole source government contract issued. Any contract holder of a sole source government contract shall promptly prepare and deliver to the executive director of the department of personnel a true and correct "Government Contract Summary," in digital

format as prescribed by that office, which shall identify the names and addresses of the contract holders and all other parties to the government contract, briefly describe the nature of the contract and goods or services performed, disclose the start and end date of the contract, disclose the contract's estimated amount or rate of payment, disclose the sources of payment, and disclose other information as determined by the executive director of the department of personnel which is not in violation of federal law, trade secrets or intellectual property rights. The executive director of the department of personnel is hereby given authority to promulgate rules to facilitate this section.

Editor's note: This section was declared unconstitutional (see the editor's note following this section).

Source: Initiated 2008: Entire section added, effective December 31, 2008, see **L. 2009**, p. 3380.

Editor's note: (1) In 2008, Amendment 54 amended § 13 of this article creating an exception to the effective date stating that the provisions of this article amended or added by Amendment 54 concerning sole source government contracts are effective December 31, 2008; however the Governor's proclamation date on Amendment 54 was January 8, 2009.

(2) In the case of *Dallman v. Ritter*, the Denver District Court declared the provisions of this section unconstitutional and issued a preliminary injunction enjoining the enforcement of Amendment 54 (see *Dallman v. Ritter*, 225 P. 3d 610 (Colo. 2010)). The Colorado Supreme Court affirmed the district court's ruling (see *Dallman v. Ritter*, 225 P. 3d 610 (Colo. 2010)).

(3) This section did not contain a headnote as it appeared on the ballot.

Section 17. (1) Every sole source government contract by the state or any of its political subdivisions shall incorporate article XXVIII, section 15, into the contract. Any person who intentionally accepts contributions on behalf of a candidate committee, political committee, small donor committee, political party, or other entity, in violation of section 15 has engaged in corrupt misconduct and shall pay restitution to the general treasury of the contracting governmental entity to compensate the governmental entity for all costs and expenses associated with the breach, including costs and losses involved in securing a new contract if that becomes necessary. If a person responsible for the bookkeeping of an entity that has a sole source contract with a governmental entity, or if a person acting on behalf of

the governmental entity, obtains knowledge of a contribution made or accepted in violation of section 15, and that person intentionally fails to notify the secretary of state or appropriate government officer about the violation in writing within ten business days of learning of such contribution, then that person may be contractually liable in an amount up to the above restitution.

(2) Any person who makes or causes to be made any contribution intended to promote or influence the result of an election on a ballot issue shall not be qualified to enter into a sole source government contract relating to that particular ballot issue.

(3) The parties shall agree that if a contract holder intentionally violates section 15 or section 17 (2), as contractual damages that contract holder shall be ineligible to hold any sole source government contract, or public employment with the state or any of its political subdivisions, for three years. The governor may temporarily suspend any remedy under this section during a declared state of emergency.

(4) Knowing violation of section 15 or section 17 (2) by an elected or appointed official is grounds for removal from office and disqualification to hold any office of honor, trust or profit in the state, and shall constitute misconduct or malfeasance.

(5) A registered voter of the state may enforce section 15 or section 17 (2) by filing a complaint for injunctive or declaratory relief or for civil damages and remedies, if appropriate, in the district court.

Editor's note: This section was declared unconstitutional (see the editor's note following this section).

Source: Initiated 2008: Entire section added, effective December 31, 2008, see **L. 2009**, p. 3380.

Editor's note: (1) In 2008, Amendment 54 amended § 13 of this article creating an exception to the effective date stating that the provisions of this article amended or added by Amendment 54 concerning sole source government contracts are effective December 31, 2008; however the Governor's proclamation date on Amendment 54 was January 8, 2009.

(2) In the case of *Dallman v. Ritter*, the Denver District Court declared the provisions of this section unconstitutional and issued a preliminary injunction enjoining the enforcement of Amendment 54 (see *Dallman v. Ritter*, 225 P. 3d 610 (Colo. 2010)). The Colorado Supreme Court affirmed the district court's ruling (see *Dallman v. Ritter*, 225 P. 3d 610 (Colo. 2010)).

(3) This section did not contain a headnote as it appeared on the ballot.