Committee (Unofficial and Issue) Guidelines

for the

2015 General Municipal Election

SPECIAL MUNICIPAL ELECTION

November 3, 2015

City of Boulder

Office of the City Clerk

City
of
Boulder
Office of the City Clerk
Alisa Lewis, CMC

June 23, 2015

This booklet has been prepared as a general guide for committees participating in the City of Boulder's November 3, 2015 General Municipal Election. It provides a summary of all requirements associated with the election and the specific code sections from the Boulder Revised Code 1981.

This booklet should answer most of your questions. However, if you have questions regarding issues not included or fully clarified, please feel free to call me at 303-441-3013.

In addition, information is available on the City Website at:
http://www.bouldercolorado.gov/elections

We look forward to assisting you in this 2015 General Municipal Election.

Sincerely,

Alisa D. Lewis

Alisa D. Lewis, MMC
Director of Support Services/City Clerk

FORMATTING CONVENTIONS USED IN THIS GUIDE

The following formatting conventions are used throughout this document:

- Defined terms are italicized. (Definitions are provided in the "Key Definitions" section of this document.)
- Titles of election forms are italicized.
- Election form numbers are listed in parentheses following the title of the form. The form number provides a specific citing to the relevant section of the Boulder City Code or the Uniform Election Code.
- Underlining and bold are used for emphasis.
- Some underlined words or phrases are hyperlinks in the electronic version of this document. Simply click on the word or phrase and the definition or section.

Table of Contents

General Information **7**
Election Information on City Website 7
Election Administration 7
City Clerk's Office 7
Campaign Finance Reform (CFR) Implementation 7
Boulder County – Voter Registration & Mail Ballot Process 7
Date of Election 7
Mail Ballot Election 7
City Council Election Information 8
Issues on Ballot 8
Printed and Electronic Informational Resources 8
Campaign Finance Disclosure 8
Posting of Campaign Signs 8

Key Definitions **10**
Ballot proposition 10
Candidate 10
Candidate committee 10
Committee 10
Contribution 10
Contribution in-kind 10
Excepted Investment 11
Expenditure 11
Expenditure limit 11
Fair Market Value 11
Income 11
Independent expenditure 11
Individual contributor 11
In-kind contribution 12
Issue 12
Issue committee 12
Material Change 12
Official candidate committee 12
Other Household Income 12
Other Household Member 12
Person 12
Political committee 12
Reportable Interest 13
Unofficial candidate committee 13

Campaign Finance Reform (CFR) Initiative **14**
Background 14
Who Is Impacted By CFR Initiative 14
Text of CFR Initiative 14
CFR Election Parameters for 2015 General Municipal Election 17

Unofficial Candidate Committees **18**
Organizing an Unofficial Candidate Committee 18
Establishing a Campaign Bank Account 18
Expenditure Limits 18
Filing Requirements 19
Required Forms 19
Dues Dates for Independent Expenditures 19
Changes to Information Submitted 19
Unexpended Campaign Contributions 19
Summary of Forms and Due Dates for Unofficial Candidate Committees 20

Issue Committees **21**
Organizing an Issue Committee 21
Establishing a Campaign Bank Account 21
Expenditure Limits 21
Filing Requirements 21
Required Forms 22
Changes to Information Submitted 22
Unexpended Campaign Contributions 22
Summary of Forms and Due Dates for Issue Committees 23

Political Committees **24**
Organizing a Political Committee 24
Expenditure Limits 24
Filing Requirements 24

Independent Expenditures Greater Than $200 ..... **25**
Individuals 25
Unofficial Candidate Committees and Political Committees 25
Due Dates for Independent Expenditures 25
Independent Expenditures Made Before 5:00 p.m. on October 13, 2015 25
Independent Expenditures Made After 5:00 p.m. on October 13 and Before 7:00 a.m. on November 3 25
Independent Expenditures Made On Day Before or Day of Election 25
Disclosure Requirements 25
Record Keeping & Accountability 26

Limits on Contributions **27**
Limits on Contributions for Unofficial Candidate Committees 27

Anonymous Contributions 27
Candidates Not Receiving Matching Funds, Their Candidate Committees & Unofficial Candidate Committees 27
Issue Committees & Political Committees 27
Contributions from City Contractors 28

Disclosure and Attribution Requirements 29
Election Materials & Advertising 29
Solicitation for Candidate Campaign Funds 29

Restricted and Prohibited Activities 30
Restrictions on Increased Fees for Municipal Election Advertising 30
Restrictions on Contributions in Another's Name 30
Restrictions on Contributions by City Contractors 30
Restrictions on Representation of Campaign Authority 30

Violations & Filing Complaints 31
Criminal Acts & Penalties 31
Civil Remedies 31

Frequently Asked Questions (FAQs) 32
Contributions 32
Expenditures 33
Reporting by Committees 34
Violations & Complaints 34
Getting Help 35

Form Titles & Form Numbers 36

How to file electronic forms 37

Boulder Revised Code, 1981, Title 13. 40

City of Boulder Charter, Article III 65

Link to Colorado Revised Statutes Regarding Elections 70

The full text of Colorado Revised Statutes §1-7.5-101 thru §1-7.5-116 can be found at the following URL: http://www.sos.state.co.us/pubs/elections/LawsRules/files/Title1.pdf 71

GENERAL INFORMATION

Election Information on City Website

This Guide is available on the City of Boulder's website at http://www.bouldercolorado.gov/elections.

Election Administration

City Clerk's Office

Municipal elections in the City of Boulder are administered by the City Clerk pursuant to the applicable provisions of the Charter and Code of the City of Boulder and the Colorado Uniform Election Code.

Campaign Finance Reform (CFR) Implementation

Implementation of the City's CFR Initiative is administered by the City Clerk and her staff.

Location:	Municipal Building 1777 Broadway, Boulder, CO 80302
Mailing Address:	Office of the City Clerk City of Boulder P.O. Box 791 Boulder, CO 80301-2546
Telephone:	303.441-3019
Fax:	303.441.4478
Email:	CFRAdmin@bouldercolorado.gov

Boulder County – Voter Registration & Mail Ballot Process

Information on voter registration and the mail ballot process should be directed to:

Boulder County Elections
1750 33rd Street, Suite 200
Boulder, CO 80306

Telephone: 303.413.7740

Date of Election

The Special Municipal Election will be held on Tuesday, November 3, 2015.

Mail Ballot Election

The City of Boulder Special Municipal Election will be conducted as a coordinated election with Boulder County by mail ballot.

Ballots will be mailed to all active voters to the address at which they are registered to vote starting on October 12th. Ballots cannot be forwarded and are considered "returned mail."

If you have not voted in recent elections or you have moved, you can update your voter registration online at: www.govotecolorado.com

You can *register* and vote in person at the Boulder County Clerk and Recorder's Voter Service and Polling Center (VSPC) at 1750 33rd Street through Election Day. You will need valid identification and proof that you have been a resident of the State of Colorado more than 22 days to register to vote.

Anyone who would prefer to vote in person can surrender their mail ballot and procure a polling place ballot at any Voter Service and Polling Center. Completed ballots may be returned by mail or dropped off at any office or drop off location of the Boulder County Clerk. In order to be counted, they must be received no later than 7 PM on election night.

City Council Election Information

- City elections are non-partisan.
- All City Council members are elected at-large. The Mayor and Mayor Pro Tem are chosen by the Council from among its nine members. The Mayor is chosen for a two-year term and the Mayor Pro Tem is chosen for a one-year term. There are five (5) council seats open in the 2015 General Municipal Election.
- All Council members, including the Mayor and Mayor Pro Tem, are compensated $206.97 per meeting up to a maximum of 52 meetings per year.

Issues on Ballot

At the time of publication of this document, no issues have been identified for the 2015 General Municipal Election. As items are placed on the ballot, they will be posted to the Elections webpage: https://bouldercolorado.gov/elections

Printed and Electronic Informational Resources

The following resources are available through the CFR Program Administrator at the City Clerk's Office and the City's website.

- *Committee (Unofficial, Issue and Political) Guidelines*

The above documents are also available in printed format.

Campaign Finance Disclosure

The Boulder Revised Code (Section13-2-1 et seq.) requires financial disclosure information from *candidates* for the office of council member and from *political*, *official candidate*, *unofficial candidate*, and *issue committees* supporting such candidates or issues on a municipal election ballot.

Posting of Campaign Signs

Political campaign signs are prohibited on any public right of way or public property (including street medians) other than designated kiosks.

In all residential zoning districts, all political signs:

- Must be set back at least eighteen inches from any public sidewalk adjacent to a street or from the curb or outer edge of the roadway if there is no such sidewalk.
- Must not exceed seven feet in height.
- Must not exceed 12 square feet in total sign area, with no face larger than 6 square feet.

☞ Note: One large political sign may appear that does not exceed 32 square feet in total sign area, with a face no larger than 16 square feet.

- Must be removed the day after the election.

Before posting any political signs, permission should be obtained from the property owner. The preceding rules regarding the placement of political signs are selected portions of the Boulder Sign Code and are not totally inclusive. The City of Boulder Sign Code is available for your review in Central Records, located in the Municipal Building at 1777 Broadway, at www.bouldercolorado.gov/plan-develop/sign-code or you may call Sign Code Administration at 303-441-1875.

KEY DEFINITIONS

The following definitions are provided for your reference:

Ballot proposition

Ballot proposition means any amendment to the City Charter, and any initiative, referendum, or recall for which petitions have been properly certified by the City Clerk for submission to the City Council, or any ordinance or issue put to a vote of the electors of the City of Boulder under the provisions of the City Charter. Such term does not include any ballot issue placed on the ballot by the United States, the State of Colorado or any political subdivision thereof other than the City.

Candidate

Candidate means any person whose petition of nomination for City Council, whether at a regular, special, or recall election, has been certified as sufficient by the City Clerk pursuant to Charter Section 26. A person is no longer a "candidate" after the date of the election for which the person filed a petition.

Candidate committee

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*. The term *official candidate committee* is synonymous with *candidate committee*. (A candidate has only one official candidate committee.)

Committee

Committee means an *official candidate committee*, an *unofficial candidate committee*, and an *issue committee*, unless the context indicates that it can mean only one or two of these types of committee.

Contribution

Contribution means*:*

1. Any payment, loan, pledge, or advance of money, including, without limitation, checks received but not deposited or payments made by credit card, or guarantee of a loan, made to or for the benefit of any *candidate* or *committee*;
2. Any payment made to a third party for the benefit of any candidate or *committee*, including without limitation the use of a credit card to secure such benefit;
3. Anything of value given, directly or indirectly, to a *candidate* for the purpose of promoting the candidate's election, including without limitation commercial services such as banking, printing, and mailing services; or
4. With regard to a *contribution* for which the contributor receives compensation or consideration of less than equivalent value to such contribution, including, without limitation, items of perishable or non-permanent value, goods, supplies, services, or participation in a campaign-related event, an amount equal to the value in excess of such compensation or consideration.

   Contribution does not include services provided without compensation by individuals volunteering their time on behalf of a candidate or committee.

Contribution in-kind

Contribution in-kind is synonymous with *in-kind contribution*.

Excepted Investment

Excepted investment means a mutual fund, common trust fund of a bank, pension or deferred compensation plan, any other investment fund or a ten percent or less interest in the stock of a company, which for funds or stocks is widely held; publicly traded (or available) or widely diversified; and which for funds under circumstances where the investor neither exercises control over nor has the ability to exercise control over the financial interests held by the fund. A fund is widely diversified when it holds more than five percent of the value of its portfolio in the securities of any one issuer (other than the U.S. Government).

Expenditure

Expenditure means the payment, distribution, loan, or advance of any money by any *candidate* or *committee*, whether in cash, by check, as a credit card charge, or otherwise. *Expenditure* also includes the payment, distribution, loan, or advance of any money by a person for the benefit of a candidate or committee that is made with prior knowledge and consent of an agent of the candidate or committee. An *expenditure* occurs when the actual payment is made or when a contract is agreed upon, whichever comes first. Consent may be implied from collaboration and need not be express.

Expenditure limit

Expenditure limit is the amount to which a *candidate* seeking public matching funds agrees to limit his or her campaign *expenditures*. It is a predetermined amount based on a formula specified in the 1999 Campaign Finance Reform Initiative passed by Boulder electors and is adjusted based on the CPI for the Boulder area. The *expenditure limit* for the 20145 General Municipal Election is $19,909.

Fair Market Value

Fair Market Value is the highest estimated price that a buyer would pay and a seller would accept for an item in an open and competitive market.

Income

Income means money received for the provision of goods or services, not including the unrealized appreciation of any asset, income from any excepted fund or interest earned from any commercial bank, savings and loan or credit union.

Independent expenditure

Independent expenditure means an *expenditure* by any *person* for the purpose of expressly advocating the election or defeat of a *candidate* or candidates, which expenditure is not controlled by, coordinated with, or made upon consultation with any *candidate* or *candidate committee* or any agent of such candidate or committee. *Independent expenditure* does not include expenditures made by persons, other than political parties and political committees, in the regular course and scope of their business, including political messages sent solely to members.

(It is important to keep in mind that if two or more individuals jointly make an *independent expenditure* of any amount, by definition, they become an *unofficial candidate committee* and must meet all of the reporting requirements for an unofficial candidate committee. This is also true of a corporation, a partnership, a commission, etc.)

Individual contributor

Individual contributor is synonymous with *person*.

In-kind contribution

In-kind contribution means the fair market value of a gift or loan of any item of real or personal property, other than money, made to or for any candidate or *committee* for the purpose of influencing the passage or defeat of any issue or the election or defeat of any candidate. Personal services are a *in-kind contribution* by the person paying compensation therefore. In determining the value to be placed on contributions in-kind, a reasonable estimate of fair market value shall be used by the *candidate* or *committee*.

In-kind contribution does not include an endorsement of a *candidate* or an issue by any person.

In-kind contribution does not include the payment of compensation for legal and accounting services rendered to a *candidate* if the person paying for the services is the regular employer of the individual rendering the services and the services are solely for the purpose of ensuring compliance with the election laws.

Issue

Issue is synonymous with *ballot proposition*.

Issue committee

Issue committee means any two or more natural persons who collaborate together, or any corporation, partnership, commission, association, or any other organization or group of persons, that accepts *contributions* or makes *expenditures* for the purpose of opposing or supporting a *ballot proposition* at a City election, regardless of whether it has obtained the consent of the sponsors of the ballot proposition.

Material Change

Material change shall mean any change in information required to be reported pursuant to paragraphs 13-2-3(b)(1), (3) or (4).

Official candidate committee

Official candidate committee is synonymous with *candidate committee*.

Other Household Income

Other household income means any income earned by a spouse, domestic partner, or partner in a civil union who resides in the same household as the reporting person that is reportable by a candidate or incumbent for federal or state income tax purposes.

Other Household Member

Other Household Member means a spouse, domestic partner, or partner in a civil union who resides in the same household as the reporting person.

Person

Person means a natural person, corporation, firm, partnership, association, organization, and any other group acting as a unit as well as individuals. (*Person* has the same meaning as *individual contributor*.)

Political committee

Political committee means any two or more natural persons who collaborate together, or any corporation, partnership, commission, association, or any other organization or group of persons, that accepts *contributions* or makes *expenditures* for the purpose of opposing or supporting a *candidate* for City Council, or a City *ballot proposition*, and which, because of campaign activities concerning

other *candidates*, other ballot measures, or both, is required under the Fair Campaign Practices Act found in state law to file statements and reports with the Secretary of State or the County Clerk and Recorder.

No *candidate committee* or other *committee*, the *expenditures* of which are in any way, directly or indirectly, controlled by, coordinated with, or made upon consultation with any *candidate* or *candidate committee* or agent thereof, shall be deemed a political committee eligible for the different political committee filing requirements.

Reportable Interest

Reportable interest means;

a) In the case of a corporation, either more than 10 percent of the total combined voting power of all classes of stock of the corporation entitled to vote, or more than 10 percent of the capital, profits, or beneficial interest in the voting stock of the corporation;

b) In the case of a partnership, association, trust, or other entity, more than 10 percent of the capital, profits, or beneficial interest in such partnership, association, trust, or other entity; or

c) Any interest in any entity that owns real property, if more than 50 percent of the entity's holdings are in Boulder County

Unofficial candidate committee

Unofficial candidate committee means any two or more natural persons who collaborate together, or any corporation, partnership, commission, association, or any other organization or group of persons, that accepts *contributions* or makes *expenditures* for the purpose of expressly advocating the election or defeat of a clearly identified *candidate* for City Council. An *unofficial candidate committee* ceases to be independent if its expenditures are in any way, directly or indirectly, controlled by, coordinated with, or made upon consultation with any *candidate* or *candidate committee* or agent thereof.

CAMPAIGN FINANCE REFORM (CFR) INITIATIVE

Background

The Campaign Finance Reform Initiative was adopted by City of Boulder electors in 1999 and was implemented for the first time in the 2001 Municipal election. Key goals in implementing the initiative are:

- To make the process as simple to use as possible.
- To make the process as simple to administer as possible.
- To ensure that there are thorough controls over public funds used to fund City Council campaigns.
- To provide easy, timely citizen access to key financial information about City Council campaigns.

Who Is Impacted By CFR Initiative

Although many people think of campaign finance reform as public funding for City Council candidates, the impact is actually much broader. The key aspects of the CFR Initiative and those potentially impacted are:

1. *Contribution Limitations*: Impacts all *candidates* for City Council, all *official candidate committees* and all *unofficial candidate committees*. (Contribution limits apply whether or not a candidate receives public matching funds.)
2. *Public Financing for City Council Candidates*: Impacts *candidates* for City Council who qualify and apply for public matching funds and their *official candidate committees*. (*Candidates* are not required to apply for public funding.)
3. *Independent Expenditures*: Impacts any natural person or other entity (corporation, organization, *unofficial candidate committee*, *political committee*, etc.) that makes an *expenditure* of greater than $200 to support or oppose a *candidate* or *candidates* in a City Council election.

Text of CFR Initiative

This section contains the actual text of the Campaign Finance Reform Initiative that was passed by Boulder electors in 1999. (Please keep in mind that an ordinance was adopted by City Council in July of 2001 that changed some provisions of the Initiative. These changes were necessary to accommodate court rulings made following the Initiative's passage. Section 5 of the CFR Initiative, covering *independent expenditures*, has changed as a result of the ordinance.)

> Now, therefore, be it ordained that:
>
> 1. LEGISLATIVE INTENT. To assure the public that:
>
> (a) excessive campaign costs and large contributions do not cause corruption or the appearance of corruption in the election process;
>
> (b) large campaign contributions will not be used to buy political access or to influence governmental actions;
>
> (c) access to large amounts of money will not be a prime requirement for participation in the political process.
>
> 2. CONTRIBUTION LIMITATION. No candidate for city council, or candidate committee, shall solicit or accept any contribution, including any "in-kind" contribution, that will cause the total contributions from any person, as defined in the B.R.C.,1981, to exceed one hundred dollars with respect to any single election to that candidate. The recipient of any contribution which would cause the total amount of contributions to a candidate from a single person to exceed one hundred dollars shall promptly return any such excess to the donor.

3. PUBLIC MATCHING FUNDS.

(a) The city will allocate and provide matching funds, up to fifty percent of the expenditure limit as herein defined, to any city council candidate who meets the eligibility requirements set out in Paragraph 4. below. The expenditure limit shall be set at fifteen cents, per registered city voter as of the day after the date set by state law for the purging of registration records of the election year. This limit shall be adjusted based on changes in the Consumer Price Index (all items) of the U.S. Department of Labor, Bureau of Labor and Statistics, for the statistical area which includes the city, in an amount equal to the percentage change for the preceding two years. Only actual currency or its equivalent shall be matched with public funds. Neither loans nor in-kind contributions nor amounts exceeding one hundred dollars from the candidate's personal wealth shall be eligible for matching funds.

(b) After meeting the eligibility requirements, any candidate may request matching funds from the city no more frequently than once per week in amounts no less than five hundred dollars. The final request for matching funds must be submitted to the city no later than fourteen days before the election, but may be for less than five hundred dollars.

4. ELIGIBILITY FOR MATCHING FUNDS. A candidate who meets the following requirements shall be eligible to receive matching funds:

(a) The candidate raises at least ten percent of the expenditure limit from individual contributors. No more than twenty-five dollars of each contribution may be counted toward the ten percent, and

(b) The candidate signs a contract with the city committing to the following:

(1) Agrees to limit his or her expenditures to fifteen cents per registered voter of the city as of the day after the date set by state law for the purging of registration records of the election year. This limit shall be adjusted based on changes in the Consumer Price Index (all items) of the U.S. Department of Labor, Bureau of Labor and Statistics, for the statistical area which includes the city, in an amount equal to the percentage change for the preceding two years.

(2) Agrees to contribute to his or her campaign no more than twenty percent of the expenditure limit from his or her own personal wealth;

(3) Agrees to return at least fifty percent of any unexpended funds to the city, but not more than the matching funds received, and

(4) Agrees to treat any carryover funds from a previous campaign as funds from the candidate's personal wealth, subject to the limits of such funds.

5. INDEPENDENT EXPENDITURES

(a) Any person, as defined in the B.R.C.,1981, making an independent expenditure in excess of two hundred dollars shall deliver notice in writing of such independent expenditure, as well as the amount of such expenditure, and a detailed description of the use of such independent expenditure, within twenty-four hours after obligating funds for such expenditure. Such notice shall be delivered to all candidates in the affected race and to the city clerk. The notice shall specifically state the name of the candidate or candidates whom the independent expenditure is intended to support or oppose. Each independent expenditure shall require delivery of a new notice.

(b) Any person making an independent expenditure in excess of two hundred dollars shall disclose in the political message produced by the expenditure, the full name of the person, the name of the registered agent, the amount of the expenditure, and the specific statement that the advertisement or material is not authorized by any candidate. Such disclosure shall be prominently featured in the potential message.

(c) 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 shall be considered a contribution to the candidate and subject the candidate and the contributor to any applicable penalties contained in this ordinance.

(d) "Independent expenditure" means payment of money by any person for the purpose of advocating the election or defeat of a candidate, which expenditure is

not controlled by, coordinated with, or made upon consultation with any candidate or any agent of such candidate. "Independent expenditure" includes expenditures for political messages which unambiguously refer to any specific public office or candidate for such office, but does not include expenditures made by persons, other than political parties and political committees, in the regular course and scope of their business, including political messages sent solely to members.

6. ENFORCEMENT

(a) The city council is empowered to create an advisory committee and other enforcement procedures as it deems appropriate to implement this ordinance.

(b) The city attorney shall enforce all provisions of this ordinance.

(c) Any registered elector of the city may bring a civil action including without limitation an action for injury, and may sue for injunctive relief to enjoin violations or to compel compliance with this ordinance consistent with (d), below, provided such person first files with the city attorney a written request for the city attorney to commence action. The request shall include a statement of grounds for believing a cause of action exists. The city attorney shall respond within ten days after receipt of the request indicating whether the city attorney intends to file a civil action. If the city attorney indicates in the affirmative and files suit within thirty days thereafter, no other civil action for the same violation may be brought unless the action brought by the city attorney is dismissed without prejudice.

(d) Any candidate or candidate committee who knowingly accepts a contribution in excess of one hundred dollars or exceeds the expenditure limit in violation of the contract with the city and this ordinance is liable in a civil action initiated by the city attorney or by a registered elector of the city for an amount up to five hundred dollars or three times the amount by which the contribution or expenditure limit is exceeded, whichever is greater.

(e) In determining the amount of liability, the court may take into account the seriousness of the violation and the culpability of the defendant.

7. ADOPTION. No later than ninety calendar days after the adoption of this ordinance, the city council shall, by ordinance, incorporate the provisions of this measure in Title 13, B.R.C., 1981, and make any and all necessary conforming changes to said title in order to carry out the provisions of this measure and, specifically, including the enforcement and penalty provisions.

8. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof."

CFR Election Parameters for 2015 General Municipal Election

Applies only when there are candidates running for City Council

The following parameters are developed according to rules provided in the CFR Initiative. They are used to determine the amount of matching funds available to qualifying *candidates* in any given election, as well as to establish specific criteria that *candidates* must meet to qualify for matching funds.

Registered Electors:	**90,267**	Per Boulder County official voter list as of January 2015
Per-voter Base:.....	**$0.150**	Original per-voter amount specified in 1999 initiative
Inflator 1:	**2.9%**	1999 Denver-Boulder-Greeley Inflation Rate
Inflator 2:	**4.0%**	2000 Denver-Boulder-Greeley Inflation Rate
Inflator 3:	**4.7%**	2001 Denver-Boulder-Greeley Inflation Rate
Inflator 4:	**1.9%**	2002 Denver-Boulder-Greeley Inflation Rate
Inflator 5:	**1.1%**	2003 Denver-Boulder-Greeley Inflation Rate
Inflator 6:	**0.1%**	2004 Denver-Boulder-Greeley Inflation Rate
Inflator 7:	**2.1%**	2005 Denver-Boulder-Greeley Inflation Rate
Inflator 8:	**3.6%**	2006 Denver-Boulder-Greeley Inflation Rate
Inflator 9:	**2.2%**	2007 Denver-Boulder-Greeley Inflation Rate
Inflator 10:	**3.9%**	2008 Denver-Boulder-Greeley Inflation Rate
Inflator 11:….....……...	**-0.6%**	2009 Denver-Boulder-Greeley Inflation Rate
Inflator 12:……	**1.90%**	2010 Denver-Boulder-Greeley Inflation Rate
Inflator 13:……	**3.69%**	2011 Denver-Boulder-Greeley Inflation Rate
Inflator 14:……...…….	**2.1%**	2012 Denver-Boulder-Greeley Inflation Rate
Inflator 15:……	**2.8%**	2013 Denver-Boulder-Greeley Inflation Rate
Inflator 16:……	**2.78%**	2014 Denver-Boulder-Greeley Inflation Rate
Inflated Per-voter Base: ...	**$0.215**	(Per-voter base) x (1 + Inflator 1) x (1 + Inflator 2) x (1 + Inflator 3) x (1 + Inflator 4) etc.

Expenditure Limit = $**19,909** (Inflated Per-voter base) x (Registered Electors)

Minimum Fundraising Amount to Qualify for Matching Funds = $1,991 (10% of *Expenditure Limit*)

Personal Contribution Limit for *Candidates* Receiving Matching Funds = $3,982 (20% of *Expenditure Limit*)

Maximum Matching Funds = $9,954 (50% of *Expenditure Limit*)

UNOFFICIAL CANDIDATE COMMITTEES

Applies only when there are candidates running for City Council

Organizing an Unofficial Candidate Committee

No more than three days after an *unofficial candidate committee* receives a contribution or obligates itself for an expenditure, it must file an *Unofficial Candidate Committee Statement of Organization* (Form 13-2-6). Acceptance of this form by the City Clerk recognizes the *committee*.

Following the processing of this form by the City Clerk's Office, the committee will be sent a *Confirmation of Committee Organization.* This document will assign a unique identification number, which will be used by the committee on all subsequent filings. The committee may use this document whenever verification is needed. For example, it can be used at a bank to open a checking account for the committee's campaign.

The *Unofficial Candidate Committee Statement of Organization* (Form 13-2-6) asks for the names and addresses of committee officers (treasurer, chairperson, etc.) It is important in selecting these officers to consider the skills needed to perform the various roles. It is especially important to have someone with an bookkeeping background as the treasurer. Accurate record-keeping and thorough financial controls are essential from day one of the campaign. The City Clerk has the right to request and audit the records of any campaign at any time. Decisions on the committee treasurer and the record-keeping system should be made with this accountability requirement in mind. (See the "Tips for Running a Campaign" section of this document for additional suggestions.)

Establishing a Campaign Bank Account

The following information is offered as a general guideline. Please consult your bank, the IRS or your tax attorney for definitive advice on tax-related matters.

In order to open a bank account as a political organization, your *unofficial candidate committee* will need to have a tax identification number from the Internal Revenue Service. This number, called an Employer Identification Number (EIN), can be obtained by completing IRS Form SS-4 and calling the IRS at 1-800-829-4933 or applying online. The IRS will assign your EIN over the phone. You will then need to fax or mail the completed SS-4 to the IRS. The bank will require the EIN number to open your campaign account.

When you establish your bank account as an *unofficial candidate committee*, you automatically become an IRS §527 Political Organization. If your campaign anticipates receiving more than $25,000 in campaign contributions within an annual period, you also must file IRS Form 8871 (both electronically and physically) within 24 hours of opening your bank account. If you anticipate receiving less than $25,000 in contributions, you do not need to file this form. (If, at a later point, you collect more than $25,000 of contributions, you must then file it.) Consult the IRS for more information.

Expenditure Limits

Not applicable during a Special Election year/not updated for 2014 Special Election

Expenditure limits apply only to City Council *candidates* receiving public matching funds. As a condition of receiving matching funds, a *candidate* must agree to limit his/her *expenditures* to a predefined *expenditure limit*. In the 2014 Special Municipal Election the *expenditure limit* is $19,909.

Expenditures by the *candidate* and by the *official candidate committee* apply toward this *expenditure limit*. It is important to note that any *expenditures* by other parties, if they are coordinated in any way with the *candidate*, the *official candidate committee* or any agent of the *candidate*, also apply toward the *candidate's expenditure limit*.

Filing Requirements

Unofficial candidate committees are required to file certain forms on specified dates, whether or not *contributions* have been collected or *expenditures* made. Additionally, in order to conform to Boulder ordinances (section 13-2-9(d), BRC, 1981) *unofficial candidate committees* are required to file the *Unofficial Candidate Committee Contributions & Expenditures Statement* (Form 13-2-9) whenever the committee makes an expenditure greater than $200.00. (See the "Independent Expenditures" section of this document for more information and filing schedule.)

Required Forms

Unofficial candidate committees must use forms provided by the City to meet the reporting requirements described in this document.

When submitting required reports, if not otherwise stated on the form, information must be current and accurate at least as of 5:00 p.m. on the second calendar day before the filing date. For example, if a report is due on October 21, 2014, the information in the report must be complete and accurate at least as of 5:00 p.m. on October 19, 2014.

Dues Dates for Independent Expenditures

Due dates for reporting of *independent expenditures* greater than $200 are provided in the "Independent Expenditures" section of this document.

Changes to Information Submitted

If previously submitted information changes, such as a change of an officer of a *committee*, you must re-file the information within three days of the change.

If you find an error in information that has been submitted to the City, please contact the CFR Program Administrator in the City Clerk's Office for directions on how to document and correct the erroneous information. This should be done as soon as possible, but no more than three days after finding the error.

If a *committee* is notified by the City of an unmet reporting requirement, incorrect information or incomplete information, the *committee* must provide the required information within 72 hours of notification.

Unexpended Campaign Contributions

At the end of the campaign, any unexpended *contributions* must be either donated to a charitable organization (recognized under the Internal Revenue Code, §501(c)(3)) or returned to the contributor.

Summary of Forms and Due Dates for Unofficial Candidate Committees

Applies only when there are candidates running for City Council

Form No.	Form Title	Due Dates for Unofficial Candidate Committees
13-2-6	*Unofficial Candidate Committee Statement of Organization*	No more than 3 days after the committee receives a contribution or obligates itself for an expenditure
13-2-9	*Unofficial Candidate Committee Contributions & Expenditures Statement*	Seven (7) Required Filings *plus* filings for any *independent expenditures* (See "Independent Expenditures" section for more info.) **1.** No more than 3 days after the committee receives a contribution or obligates itself for an expenditure **2.** September 22, 2015 **3.** October 6, 2015 **4.** October 13, 2015 **5.** October 20, 2015 **6.** October 29, 2015 **7.** No later than 30 days after election (December 3, 2015)

ISSUE COMMITTEES

Organizing an Issue Committee

No more than three days after an *issue committee* receives a contribution or obligates itself for an expenditure, it must file an *Issue Committee Statement of Organization* (Form 13-2-7). Acceptance of this form by the City Clerk recognizes the *committee*.

Following the processing of this form by the City Clerk's Office, the committee will be sent a *Confirmation of Committee Organization.* This document will assign a unique identification number, which will be used by the committee on all subsequent filings. The committee may use this document whenever verification is needed. For example, it can be used at a bank to open a checking account for the committee's campaign.

The *Issue Committee Statement of Organization* (Form 13-2-7) asks for the names and addresses of committee officers (treasurer, chairperson, etc.) It is important in selecting these officers to consider the skills needed to perform the various roles. It is especially important to have someone with a bookkeeping background as the treasurer. Accurate record-keeping and thorough financial controls are essential from day one of the campaign. The City Clerk has the right to request and audit the records of any campaign at any time. Decisions on the committee treasurer and the record-keeping system should be made with this accountability requirement in mind.

Establishing a Campaign Bank Account

The following information is offered as a general guideline. Please consult your bank, the IRS or your tax attorney for definitive advice on tax-related matters.

In order to open a bank account as a political organization, your *committee* will need a tax identification number from the Internal Revenue Service. This number, called an Employer Identification Number (EIN), can be obtained by completing IRS Form SS-4 and calling the IRS at 1-800-829-4933 or applying online. The IRS will assign your EIN over the phone. You will then need to fax or mail the completed SS-4 to the IRS. The bank will require the EIN number to open your campaign account.

When you establish your bank account as an *issue committee*, you automatically become an IRS §527 Political Organization. If your campaign anticipates receiving more than $25,000 in campaign contributions within an annual period, you also must file IRS Form 8871 (both electronically and physically) within 24 hours of opening your bank account. If you anticipate receiving less than $25,000 in contributions, you do not need to file this form. (If, at a later point, you collect more than $25,000 of contributions, you must then file it.) Consult the IRS for more information.

Expenditure Limits

Expenditure limits apply only to City Council *candidates* receiving public matching funds. Issue committees cannot make expenditures in support of or in opposition to a candidate for City Council. The same group of people involved in the issue committee may form an unofficial candidate committee to support or oppose a candidate.

Filing Requirements

Issue committees are required to file certain forms on specified dates, whether or not *contributions* have been collected or *expenditures* made.

Required Forms

Issue committees must use forms provided by the City to meet the reporting requirements described in this document.

When submitting required reports, if not otherwise stated on the form, information must be current and accurate at least as of 5:00 p.m. on the second calendar day before the filing date. For example, if a report is due on October 21st, the information in the report must be complete and accurate at least as of 5:00 p.m. on October 19th.

Changes to Information Submitted

If previously submitted information changes, such as a change of an officer of a *committee*, you must re-file the information within three days of the change.

If you find an error in information that has been submitted to the City, please contact the CFR Program Administrator in the City Clerk's Office for directions on how to document and correct the erroneous information. This should be done as soon as possible, but no more than three days after finding the error.

If a *committee* is notified by the City of an unmet reporting requirement, incorrect information or incomplete information, the *committee* must provide the required information within 72 hours of notification.

Unexpended Campaign Contributions

At the end of the campaign, any unexpended *contributions* must be either donated a charitable organization (recognized under the Internal Revenue Code, §501(c)(3)) or returned to the contributor.

Summary of Forms and Due Dates for Issue Committees

Form No.	Form Title	Due Dates for Issue Committees
13-2-7	*Issue Committee Statement of Organization*	No more than 3 days after the committee receives a contribution or obligates itself for an expenditure, or three days after ballot certification if the committee has accepted contributions or made expenditures in anticipation of ballot proposition certification
13-2-11	*Issue Committee Contributions & Expenditures Statement*	Seven (7) Required Filings *plus* filings for any *independent expenditures* (See "Independent Expenditures" section for more info.) **1.** No more than 3 days after the committee receives a contribution or obligates itself for an expenditure **2.** September 22, 2014 **3.** October 6, 2014 **4.** October 13, 2014 **5.** October 20, 2014 **6.** October 29, 2014 **7.** No later than 30 days after election (December 3, 2015)

POLITICAL COMMITTEES

Organizing a Political Committee

No more than three days after a *political committee* receives a contribution or makes an expenditure in support of or opposition to a candidate for City Council or a city ballot proposition, it must file with the City Clerk:

- A full and correct copy of the committee's registration statement as filed with the Secretary of State pursuant to subsection 1-45-108(3) C.R.S., and
- The most recent report or other disclosure which it has filed with the Secretary of State or any Country Clerk and Recorder

Expenditure Limits

Expenditure limits apply only to City Council *candidates* receiving public matching funds.

Expenditures by the *candidate* and by the *official candidate committee* apply toward this *expenditure limit*. It is important to note that any *expenditures* by other parties, if they are coordinated in any way with the *candidate*, the *official candidate committee* or any agent of the *candidate*, also apply toward the *candidate's expenditure limit*.

Filing Requirements

Political committees must meet the requirements of the Colorado Fair Campaign Practices Act. In addition, *political committees* are required to file with the City Clerk:

- Full and correct copies of every disclosure or report on the same day it files such a document with either the Secretary of State or the Country Clerk and Recorder, and
- Expenditure report(s) segregating, as far as possible, expenditures greater than $200 made on the city election. Expenditure(s) made in support or opposition of a City Council candidate or in support or opposition of a ballot initiative are filed on *Political Committee Expenditures Statement* (Form 13-2-12(1)).

INDEPENDENT EXPENDITURES GREATER THAN $200

Applies only when there are candidates running for City Council

Every *independent expenditure* in excess of $200.00 must be reported to the City Clerk's Office.

Individuals

Individuals who make an *independent expenditure* of greater than $200 should report to the City Clerk using the *Independent Expenditure Statement* (Form 13-2-10).

> ☞ Note: If two or more natural persons jointly make an *independent expenditure* of any amount, by definition they become an *unofficial candidate committee* and must meet all the filing requirements for *unofficial candidate committees*. This is also true for a corporation, a partnership, etc.)

Unofficial Candidate Committees and Political Committees

Unofficial candidate committees that make an *independent expenditure* greater than $200 should report using the *Unofficial Candidate Contributions & Expenditures Statement* (Form 13-2-9).

Political committees that make an independent expenditure greater than $200 should report using the *Political Committee Expenditures Statement* (Form 13-2-12(1)).

Each *independent expenditure* in excess of $200 must be listed and described individually on the report. No expenditure should be reported more than once.

Due Dates for Independent Expenditures

The due dates for reporting are dependent on the date(s) of the expenditure(s):

Independent Expenditures Made Before 5:00 p.m. on October 13, 2015

- If an *independent expenditure* exceeding $200 is made before 5:00 p.m. on October 13, 2015 must be reported within three business days of obligating the funds or on October 13, whichever is sooner.
- If additional *independent expenditures* exceeding $200 are made within this same time period each must be reported as individual line items on a report submitted on October 13, 2015.
- All *expenditures* must be reported, but no *expenditure* should be reported more than once.

Independent Expenditures Made After 5:00 p.m. on October 13 and Before 7:00 a.m. on November 3

- Any *independent expenditure* exceeding $200 made between October 13 and November 3 at 7:00 a.m. (24 hours before the election) must be reported within 24 hours of obligating the funds.

Independent Expenditures Made On Day Before or Day of Election

- Any *independent expenditure* exceeding $200 made on November 2 after 7:00 a.m. or on November 3 (day before and day of election), must be reported on or before December 3, 2015 (the 30th day after the election).
- If a report falls due on a weekend or holiday, it must be submitted on the next business day.

Disclosure Requirements

Anyone (individual, corporation, committee, etc.) making an *independent expenditure* in excess of $200.00 for the composition, presentation or distribution of posters, advertisements, leaflets, brochures, letters, postcards, records or tapes that expressly oppose or support a candidate or candidates, must

include the name of the *person* who paid for the material or ad in the content of the material or ad. The usual wording is "Paid for by (name)."

The purpose of this requirement is to allow interested citizens to know who is financing activities to support or oppose the election of a *candidate* or *candidates*.

Record Keeping & Accountability

It is important to keep in mind that *expenditures* made on behalf of a *candidate* are not independent if they are coordinated in any way with the *candidate*, the *official candidate committee* or any agent of the *candidate*. In these cases the *expenditures* are treated as *expenditures* by the *candidate* and apply toward the candidate's *expenditure limit* if the *candidate* is receiving matching funds.

Individuals and *committees* that make *independent expenditures* in support of any *candidate* who has received public funding are required to keep detailed records of the time, place and general subject matter of all consultations about the substance, venue, and timing of the expenditure. The City Manager or the Manager's representative is authorized to review these records at any time if there is a reasonable suspicion that *expenditures* were controlled by, coordinated with, or made upon consultation with a *candidate*, *candidate committee* or agent of a *candidate*/*committee*.

LIMITS ON CONTRIBUTIONS

Limits on Contributions for Unofficial Candidate Committees

Applies only when there are candidates running for City Council

Unofficial candidate committees may be organized to support or oppose *candidates* for City Council. These *committees* must be totally independent of the *candidate*(*s*) whom they support or oppose and of the *official candidate committee(s)*.

No *unofficial candidate committee* may solicit or accept any *contribution*, including *in-kind contributions*, which will cause the total *contributions* from any *person* to exceed $100 for a single election. If a *contribution* is received that would bring the aggregate total from an *individual contributor* to greater than $100, the amount that exceeds $100 must be promptly returned to the contributor.

Since *unofficial candidate committees* are totally independent of any *candidate* or *official candidate committee*, an *individual contributor* may contribute $100 to a *candidate*/*official candidate committee* and another $100 to an *unofficial candidate committee* supporting the same candidate.

It is important to keep in mind that whoever signs a contribution check is considered the contributor, even if the check is written on a joint bank account.

Anonymous Contributions

Applies only when there are candidates running for City Council

Candidates, *official candidate committees* and *unofficial candidate committees* are not allowed to retain or expend any anonymous contributions. (This restriction also applies to political parties insofar as it is possible to know that the contribution was intended to support the election or defeat of a candidate for City Council.) If anonymous contributions are received, they must be disposed of as follows:

Candidates Not Receiving Matching Funds, Their Candidate Committees & Unofficial Candidate Committees

Anonymous *contributions* to any of these individuals/groups may be donated to the City or to any charitable organization certified under the Internal Revenue Code, §501(c)(3). Distribution of these funds should be reported on the next required *Statement of Contributions & Expenditures* report. You must include a receipt from the charitable organization and/or the City to be kept as part of your campaign records.

If an anonymous *contribution* is donated to a charitable organization, the *candidate* or *committee* must keep on file the following information/materials for at least six months after the election: the envelope or other container in which the *contribution* arrived, any other material that arrived with the contribution, a photocopy of the contribution itself (showing only the amount and serial number of any bills). This information must be made available to the City Manager or her representative upon request.

Issue Committees & Political Committees

Issue committees and *political committees* are allowed to retain and make *expenditures* with anonymous *contributions*. However, if an *issue committee* receives any anonymous *contributions* the treasurer must keep on file the following information/materials for at least six months after the election: the envelope or other container in which the *contribution* arrived, any other material that arrived with the *contribution*, a photocopy of the *contribution* itself (showing only the amount and serial number of any bills). This information must be made available to the City Manager or her designate upon request.

Contributions from City Contractors

Anyone who is negotiating with the City or is under contract with the City to provide personal services, materials, supplies, equipment or for selling land or a building to the City is prohibited from making a *contribution* to a candidate, committee or to any person for any political purpose or use in a City election if the payment for the services, supplies, etc. is even partially appropriated by City Council. Contractors are also prohibited from promising to make such a *contribution* or to knowingly solicit such a *contribution* for someone else. (B.R.C. 13-3-4)

DISCLOSURE AND ATTRIBUTION REQUIREMENTS

Applies only when there are candidates running for City Council

Election Materials & Advertising

Anyone who composes, presents, or distributes posters, advertisements, leaflets, brochures, letters, postcards, records, tapes, websites, emails, etc. that expressly support or oppose a *candidate* or candidates for City Council, must include the name of the *person* who financed the composition, presentation, or distribution in the content of the materials. The usual wording is "Paid for by (name)."

Solicitation for Candidate Campaign Funds

Any type of general public political advertising (through a broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, web sites, emails, etc.) that is done to solicit *contributions* to finance communications expressly advocating the election or defeat of a clearly defined *candidate*:

- Must identify who paid for the advertising.
- Must identify whether or not the advertisement is authorized by the *candidate*, the *candidate's committee* or its agents.
- Must include the following notice on the face or front page of all literature and advertisements:

"A copy of our report is filed with the City Clerk of the City of Boulder, Colorado."

RESTRICTED AND PROHIBITED ACTIVITIES

Restrictions on Increased Fees for Municipal Election Advertising

City Code states that *candidates* and *committees* cannot be charged more for space in newspapers or magazines to be used in connection with a municipal election, than would be charged for the comparable use of the space for other purposes. (B.R.C. 13-3-2)

Restrictions on Contributions in Another's Name

Potential contributors are prohibited from making a *contribution* in someone else's name. *Candidates* and *committees* are prohibited from knowingly accepting a *contribution* from one *person* in the name of another *person*. (B.R.C. 13-3-4)

Restrictions on Contributions by City Contractors

Anyone who is negotiating with the City or is under contract with the City to provide personal services, materials, supplies, equipment or for selling land or a building to the City is prohibited from making a *contribution* to a *candidate*, *committee* or to any *person* for any political purpose or use in a City election if the payment for the services, supplies, etc. is even partially appropriated by City Council. Contractors also are prohibited from promising to make such a *contribution* or to knowingly solicit such a *contribution* for someone else. (B.R.C. 13-3-3)

Restrictions on Representation of Campaign Authority

Candidates, *political committees* and their agents are prohibited from making any fraudulent misrepresentations or acting for or on behalf of another *candidate* or *committee* on a matter that is damaging to the other *candidate* or *committee*. Knowingly participating in or conspiring in a plan to do so also is prohibited. (B.R.C. 13-3-6)

VIOLATIONS & FILING COMPLAINTS

Criminal Acts & Penalties

The following acts are prohibited by Chapter 13-2-22, B.R.C. 1981:

- Filing required statements that knowingly contain false information.
- Failing to file a required statement within 72 hours of being notified by the City.
- Failing to provide required information necessary to complete a required statement within 72 hours of being notified by the City.
- Knowingly misstating or misrepresenting the name of a person who financed the composition, presentation or distribution of information to solicit contributions to support or oppose a council candidate.
- Failing to comply with any of the other requirements of Chapters 13-2 and 13-3, B.R.C. 1981.

Any person convicted of a violation of any of the above is subject to a fine not to exceed $1,000.

Civil Remedies

Remedies related to violations of the Campaign Finance Reform Initiative are provided for in Chapter 13-2-22 (b), B.R.C. 1981. Major provisions are:

- Any *unofficial candidate committee* that knowingly accepts a *contribution* in excess of $100.00 is liable in a civil action initiated by the City Attorney or by a registered elector of the City for an amount up to $500.00 or three times the amount by which the *contribution* is exceeded, whichever is greater.
- Any registered elector of the City of Boulder who believes there has been a violation of the CFR Initiative may bring a civil action and may sue for injunctive relief to prohibit violations or to require compliance with the ordinance. However, as a first step, a written complaint must be sent to the City Clerk's Office, requesting the City Clerk to commence action against those believed to be in violation. The request must include a statement of the grounds for believing there has been a violation.
- The City Clerk's Office will respond to the person filing the complaint within 10 days after receiving the complaint. The response will indicate if the City Clerk intends to file a civil action. If the City Clerk indicates in the affirmative and files suit within 30 days thereafter, no other civil action for the same violation may be brought unless the action brought by the City Clerk is dismissed without prejudice.

FREQUENTLY ASKED QUESTIONS (FAQS)

The following are answers to questions asked frequently about various aspects of the Campaign Finance Reform Initiative passed by City of Boulder electors in 1999. It may also be helpful to refer to the Key Definitions section.

Contributions

1. **Exactly when does a *contribution* occur?**

   A *contribution* occurs when the *contribution* is received and accepted or when there is a contractual agreement and the amount is determined. It is important to remember that a maximum of $100 in *contributions* may be accepted from any *individual donor (contributor)*. If your campaign receives a *contribution* that would take you over this limit, you must promptly return the amount in excess of $100 and forward a copy of the contribution check and the reimbursement check to the CFR Administrator. Whoever signs a contribution check is considered the contributor, even if the check is written on a joint bank account.

   It is also important to remember that for reporting purposes (on the *Contributions & Expenditures Statement*), a contribution check is reported received on the date you get the check, not on the date you deposit it to the bank.

2. **What are the limitations on *contributions* to *committees*?**

   There are no limitations on *contributions* to *issue committees* and to *political committees*.

3. **How do I distinguish between *in-kind contributions* and normal volunteer services?**

   First, review the definition of *in-kind contribution* in the Definitions Section of this document.

   Perhaps the easiest way to distinguish the two is to think of an *in-kind contribution* as a "hard" contribution – i.e., there is something concrete donated (a gift or loan of real or personal property, other than money, or the purchase of personal services), and to think of volunteer services as a "soft" contribution (the donation of a person's time). In-kind contributions **never** involve a reimbursement.

   Examples of *in-kind contributions* include:

   - The use of office space at no charge, for which there normally is a fee.
   - The donation of food for a campaign rally.
   - The donation of paper to be used for campaign brochures.

   To determine the value of an *in-kind contribution*, determine its reasonable fair market value.

   Examples of volunteer services include:

   - Someone volunteering time to distribute campaign literature.
   - Someone volunteering time to make phone calls.
   - Someone volunteering time to prepare and serve food at a campaign event.
   - Someone volunteering time to create a database of campaign information.

   The volunteer services consist of donated, uncompensated time to do the work of the campaign.

The fact that a volunteer is creating something of value, such as the database, does not make it an *in-kind contribution*, although these types of situations can be the most confusing. Perhaps the following example will help:

> If Mary Jones volunteers her time to create a database, it is considered volunteer work and is not reported. If Mary Jones pays for someone else to create a database, it is an *in-kind contribution*, and is reported.

Normally, if someone pays to have services provided to a *candidate* or *committee*, those services are considered to be an *in-kind contribution*. However, there are two important exceptions to this guideline that have been upheld by the courts. Certain types of purchased legal and accounting services are not considered *in-kind contributions* if they meet the following criteria:

- The *person* paying for the services is the regular employer of the individual providing the services;
- The services provided are either legal services or accounting services;
- The services are solely for the purpose of helping the *candidate*/*committee* comply with election laws.

Expenditures

4. Exactly when do *expenditures* occur?

An *expenditure* occurs when the actual payment is made or when a contract is agreed upon, whichever comes first. In particular, this means do not wait for your charge card statement before disclosing an expense.

5. What is an *independent expenditure* and what do I have to do if I make an *independent expenditure*?

The definition of an *independent expenditure* is "an *expenditure* by any *person* for the purpose of expressly advocating the election or defeat of a *candidate* or *candidates*, which *expenditure* is not controlled by, coordinated with, or made upon consultation with any *candidate*, *candidate committee*, or any agent of such *candidate* or *candidate committee*." In this context a *person* can be an individual, a corporation, a committee, etc. – any entity other than the *candidate* or *candidate committee*.

If the *independent expenditure* is for $200 or less, no additional reporting to the City is required. However, if any single *independent expenditure* is for more than $200, it must be reported to the City Clerk's Office. An individual makes this report using the *Independent Expenditure Statement* (Form 13-2-10). *Committees* use the appropriate *Contributions & Expenditures* form.

Remember that if two or more individuals get together to make an *independent expenditure*, by definition, they become an *unofficial candidate committee*, together with corporations or any other groups that make *independent expenditures*. *Unofficial candidate committees* must file an *Unofficial Candidate Committee Statement of Organization* (Form 13-2-9) with the City Clerk's Office and meet all other reporting requirements for an *unofficial candidate committee*.

The timing of when you must report depends on when the *independent expenditure* is made. See the "Independent Expenditures Greater Than $200" section of this document for more information on filing deadlines and disclosure requirements.

It is important to keep in mind that *expenditures* made on behalf of a *candidate* are not independent if they are coordinated in any way with the *candidate*, the *official candidate committee* or any agent of the *candidate*. In these cases the *expenditures* are treated as

expenditures by the *candidate* and apply toward the *candidate's expenditure limit* if the *candidate* is receiving matching funds.

Individuals and *committees* that make *independent expenditures* in support of a *candidate* who has received public funding are required to keep detailed records of the time, place, and general subject matter of all consultations about the substance, venue, and timing of the *expenditure*. The City Manager or the Manager's representative is authorized to review these records at any time if there is a reasonable suspicion that *expenditures* were controlled by, coordinated with, or made upon consultation with a *candidate*, *candidate committee*, or agent of a *candidate*/*committee*.

Reporting by Committees

6. Does a committee reporting an independent expenditure still have to file the *Contributions & Expenditures Statement*?

Yes. An independent expenditure filing does not relieve a committee from filing the required *Contributions & Expenditures Statements*. Please note that each committee must file all required *Contributions & Expenditures Statements*, even if your committee has not received any contributions, made any expenditures, or obligated itself to make any expenditures.

Violations & Complaints

7. What if someone doesn't follow the election laws/rules or adhere to the terms of the contract for matching funds?

There are serious penalties for anyone found to be in violation of the election laws or the terms of the contract with the City. For example:

- Any person convicted of a violation of Chapters 13-2 and 1-3, B.R.C. 1981 is subject to a fine not to exceed $500.
- Any *candidate* or *official candidate committee* that knowingly accepts a *contribution* in excess of $100.00 or exceeds the *expenditure limit* of $19,909 in violation of the contract with the City and this ordinance, is liable in a civil action initiated by the City Attorney or by a registered elector of the City for an amount up to $500 or three times the amount by which the *contribution* or *expenditure limit* is exceeded, whichever is greater. (See the Violations & Filing Complaints section of this document and the *Matching Funds Contract* (Form 13-2-21(b).)
- Any *unofficial candidate committee* that knowingly accepts a *contribution* in excess of $100 in violation of this ordinance is liable in a civil action initiated by the City Attorney or by a registered elector of the City for an amount up to $500 or three times the amount by which the *contribution* is exceeded, whichever is greater. (See the Violations & Filing Complaints section of this document.
- In the case of a substantial violation of the $19,909 campaign *expenditure limit*, the City reserves the right to rescind the *Matching Funds Contract* and recover all funds paid to the *candidate* as matching funds. (See the *Matching Funds Contract* (Form 13-2-21(b).)

8. How do I file a complaint if I think someone is cheating on matching funds or *contribution* limits?

Any registered elector of the City of Boulder who believes there has been a violation of the CFR Initiative may bring a civil action and may sue for injunctive relief to prohibit violations or to require compliance with the ordinance.

As a first step, a written complaint must be sent to the City Clerk's Office, requesting the City Clerk to commence action against those believed to be in violation. The request must include a statement of the grounds for believing there has been a violation. (See the "Violations & Filing Complaints" section of this document for more information.)

Getting Help

9. Who do I contact if I have questions?

Contact the City Clerk's Office. (See the "General Information" section of this document for more information.)

FORM TITLES & FORM NUMBERS

In 2009, the city began using an electronic web format for filing reports. Committees will be issued a user name and password that will allow access to the financial forms. A few forms are still filled in manually and are listed below. They are available on the city's election web site to be download in PDF form.

When completing the manual forms, please read the instructions carefully. Required information must be typed or neatly printed. Information from these filings will be entered into a database and scanned on to the City's web site, so if information is illegible, forms will be returned to the filing party to be resubmitted.

Form Name	Form Number (B.R.C. Section)
Forms for all Candidates, Incumbents, and Committees	
Application for Employer Identification Number (EIN)	IRS Form SS-4
Request for Tax Identification Number (TIN)	IRS Form W-9
Violation/Complaint Form	13-4-2
Independent Expenditure Forms	
Independent Expenditure Statement for natural persons	13-2-10

HOW TO FILE ELECTRONIC FORMS

Create a Committee Establish your committee by filing your statement of organization within three (3) days of accepting a contribution or obligating the committee for an expenditure. You begin by providing the CFR Administrator with the name of your committee. You will then be provided a user name (which will be your committee ID) and password to log on to the city's election web site.	
Step 1	• Log on to the city's election web site at www.bouldercolorado.gov/elections • Two forms need to be completed and submitted within three days of being certified as a candidate: (1) Statement of Organization and (2) Contributions & Expenditures Statement (even if amounts are zero).
Step 2 Filling Out the Statement of Organization 13-2-5	• Click on the same tab "Information for Committees" and select the log in. Fill in your user name and password. • You will see one form available for you to fill in - Statement of Organization. • *Please note that once organized, your statement of purpose cannot be changed* • Click on this form. • You will find the form populated by information you have previously supplied. Finish filling out the rest of the information requested. • Make sure to supply the name you wish to appear on the ballot. • If you will be participating in the Matching Funds program, you must supply a tax identification number (EIN #). • Click on submit – the information will be forwarded to the Campaign Finance Administrator. • You cannot make changes to this form. You must submit information regarding changes to the CFR Administrator at CFRAdmin@bouldercolorado.gov.
Step 3 Filling Out the Contributions & Expenditures Statement	• The Contributions & Expenditures Statement labeled "3 days after committee certification" will now appear. • Fill out the contributions and expenditure form (13-2-8) no later than three days (even if you have zero contributions and have made no expenditures).
Contributions	• To add a contribution, select the "Add Contribution" button and a form will pop up. • If the contribution is anonymous, select that button. The only information you will be able to fill in will be the date, amount and total-to-date (same as the amount).

	• Contributions will need you to supply the name and address, date, type of contribution amount and total-to-date amount.
Expenditures	• To add an expenditure, select the "Add Expenditure" button and a form will pop up. • Fill in the requested information: Paid To, Address, Date, Amount and Description. • If you purchase something online, you can supply just the web address and leave city, state and zip blank.
Submit	• Click on submit; the CFR Administrator will review and accept or return as necessary for correction. • Once you submit this form, your next form will become available to start filling in; do not wait until the due date to begin entering information. You can save and continue entering contributions and expenditures as you go along.
Rejected Filings	• Before posting documents for public view, they first go to the CFR Administrator for review. • If accepted, they will post to the election web site and your next form will become available. • If rejected, they will be returned for immediate correction and your next form will not yet be available for filing in.
Additional Contributions & Expenditure Filings	• You may file additional Contributions & Expenditures Statements if you are participating in the Matching Funds Program. • To convert a form to an additional matching funds request, select the button "convert to matching funds". You will receive a warning that you cannot change the status of this form but if changes are necessary (you decide not to file for matching funds), the CFR Administrator can make the changes. • You may file additional C&Es no more than once a week. • The last date to request matching funds is Tuesday, October 20. • Refer to your Official Candidate Committee guidelines for instructions for participating or call the CFR Administrator at 303-489-0892 for assistance.
Corrected Filings	• If the CFR Administrator finds a problem, the form will be returned and corrections requested w/in 72 hours. • You cannot delete items from the form; you can only amend them to reflect the situation. • This is a two step process. Select the "Line Item #" to be corrected. • The form will be populated with the information for this item. Reverse the amount by making it a negative and "Save and Add Another". • Use the same Line Item # and correct the information that was wrong.

	• When you are done with any corrections, submit the form and it will go through the process of being accepted and audited. • With the review process, the expectation is we will use this procedure rarely.
Understanding the Status of Documents	Documents that are available for you to see and/or use will display in a list. The status of the documents are: 1. Available – form is accessible; select and fill in 2. In Progress – you are able to enter/change entries and save so you can make entries as often as you like 3. Filed – Once you submit the form you cannot make any changes to this document; it will be reviewed by the CFR Administrator but is not yet posted for public view. 4. Accepted – you cannot make any changes to this form; it has been posted for public view 5. Rejected – the CRF Administrator scans the document for incomplete or incorrect information. If found, this form will be rejected and returned to you for correction. At this point, you can change or delete an entry. You will then re-submit. 6. Audited – We post documents for public view as quickly as possible. Posted documents will then be audited for accuracy by the CFR Administrator. 7. Amended - If corrections need to be made, the form will be returned to you. You cannot change already submitted information. Corrections will be made by submitting a reversing entry – for example, if a contribution was for $10 not $100, you will show a negative $100 entry and then record the proper information, a $10 contribution. The negative entry will link through a line item number back to the original entry to provide transparency.

BOULDER REVISED CODE, 1981, TITLE 13.

Chapter 13-1: Elections[1]

13-1-1 Legislative Intent.

(a) The purpose of this chapter is to establish procedures for regular and special elections of the home rule City of Boulder. Such procedures are intended to be consistent with the Uniform Election Code of 1992 as adopted by the state of Colorado, except as necessary to comply with provisions of the charter or to meet a specific need of the City as determined by the city council.
(b) The purpose of this chapter in adopting by reference sections 1-2-228, 1-4-913, part 2 of article 1-11, and article 13 of title 1, C.R.S., which form a part of the Uniform Election Code, is to make it clear that such provisions apply to city elections. Adoption does not create a separate municipal offense or municipal court proceeding. Proceedings under such statutes, including, without limitation, contests of municipal elections and criminal prosecutions, shall be brought and heard in the district court or county court as specified by state law, and control of the criminal prosecution of the enumerated election offenses shall remain with the district attorney or the attorney general of the state.
(c) The purpose of this chapter is to set the date upon which a proposed ballot measure is final for its submission to the voters for purposes of complying with the intent and spirit of § 1-45-117, C.R.S. Such date is the final vote by city council on the final reading of the ordinance submitting the ballot measure to the voters. That date is set in order to allow for the distribution of information by the city and input by the public without limitation until the finalization and submission of the ballot measure for the ballot.
Ordinance No. 7793 (2011)

13-1-2 Incorporation of Uniform Election Code of 1992, as Amended, With Modifications.

(a) The Uniform Election Code of 1992, 1-1-101 through 1-13-803, C.R.S., as amended through June 6, 2006, is adopted by reference and incorporated so as to have the same force and effect as if printed in full in this code, except as specifically amended by the provisions of this chapter.
(b) The council finds that certain modifications to the Uniform Election Code of 1992, as amended, are in the best interest of the residents of the City and therefore adopts the following modifications:

(1) Section 1-1-102, C.R.S., is repealed and reenacted to read:

1-1-102. Applicability.

(1) This election code applies to all municipal general and special elections of the City, including without limitation recall elections. Except as otherwise provided in the Boulder Revised Code, 1981, or any uncodified ordinance specific to the situation, this election code also applies to general improvement district elections, and to any elections required by the Constitution of the State of Colorado for which no specific provision is made by any law of the City.

(2) The Uniform Election Code of 1992 was adopted by the General Assembly of the State of Colorado to cover many elections other than municipal elections. Accordingly, many provisions of the Uniform Election Code are inapplicable to municipal elections. The sections and parts of sections which appeared most clearly to be inapplicable to municipal elections have been specifically not adopted, either by calling them not adopted, repealed, or repealed and reenacted to read, in adopting by reference the Uniform Election Code of 1992. However, other provisions of the Uniform Election Code of 1992 which are also inapplicable to municipal elections have not been specifically called out as being inapplicable. Adoption by reference of such provisions does not mean that the city council was of the opinion that such provisions are applicable to municipal elections, and in such cases their applicability shall be determined by the intent of the Colorado General Assembly.

(3) This election code is applicable both to coordinated elections involving the participation of the county clerk and elections of other political jurisdictions, and to municipal elections which the City may choose to conduct on its own, as the city council may from time to time specify in any ordinance calling a special election or otherwise.

(4) To the extent that any provision of this election code conflicts with the charter, such provision is inapplicable.

(2) Section 1-1-104(2.6) Definitions.

"Ballot measure" means a ballot issue or a ballot question that has been approved by the city council for submittal to the voters at an election.

(3) Section 1-1-104(8), C.R.S., is repealed and reenacted to read:

"Designated election official" means the city clerk.

(4) Section 1-1-104(17), C.R.S., is repealed and reenacted to read:

"General election" means the election specified in Charter Section 22 to be held on the first Tuesday in November of every odd-numbered year.

(5) Section 1-1-104(18), C.R.S., is repealed and reenacted to read:

"Governing body" means the city council, including without limitation the city council sitting as the board of directors of a general improvement district.

(6) Section 1-1-104(34.5), C.R.S., is repealed and reenacted to read:

"Referred measure" includes any ballot question or ballot issue submitted by the city council to the qualified electors of the city pursuant to Charter Sections 37 through 54 or Section 1-41-103, C.R.S.

(7) Section 1-1-104(46), C.R.S., is repealed and reenacted to read:

"Special election" means an election other than a general election as specified in the charter, including without limitation Sections 22, 41, 47, and 58.

(8) Sections 1-1-104(1), (5), (6), (9), (9.5), (19), (20), (22), (23), (24), (25), (26), (31), (32), (39), (40), (41), (42), and (45), C.R.S., are repealed.

(9) Sections 1-1-109(1) and 1-1-110(3), C.R.S., are repealed and reenacted to read:

(1) Except as otherwise provided by this election code, by some other specific provision of the Boulder Revised Code, 1981, or by the ordinance calling a particular election, the secretary of state shall approve all the forms required by this election code, which forms shall be followed by county clerk and recorders, election judges, and other election officials. Forms concerning nominations for city council, initiative, referendum, and recall petitions, and any other forms governed by the charter are included among the forms which are "otherwise provided" by this election code.

(2) As the chief election official for the county, the county clerk and recorder shall be the chief designated election official for all coordinated elections. If the City or its general improvement districts request that its election be coordinated with any other election, it shall certify the ballot content to the county clerk and recorder prior to the fifty-fifth day before the election. Nothing in this section shall authorize the city clerk or the county clerk and recorder to take any action at variance with the requirements of the charter.

(10) Section 1-1-202, C.R.S., is repealed and reenacted to read:

1-1-202. Commencement of Terms.

The terms of city councilmembers shall commence as specified in charter section 5.

(11) Section 1-2-104, C.R.S., is repealed and reenacted to read:

1-2-104. Additional Qualifications.

Qualifications for voting in elections concerning general improvement districts of the City shall be as specified in Chapter 8-4, "General Improvement Districts," B.R.C. 1981, and in the ordinance establishing the specific district.

(12) Section 1-4-501, C.R.S., is repealed and reenacted to read:

1-4-501. Electors Eligible to Hold Municipal Office.

Qualifications of electors eligible to hold municipal office are those set forth in charter section 4.

(13) Section 1-4-805, C.R.S., is repealed and reenacted to read:

1-4-805. Nomination of Municipal Officers.

Nomination of municipal officers is governed by charter sections 23 through 28 and 30.

(14) Section 1-4-901, C.R.S., is repealed and reenacted to read:

1-4-901. Recall.

Recall elections shall be conducted when required and under the procedures specified in charter sections 55 through 62. The conduct of such elections shall be in accordance with those provisions of this election code not inconsistent with the charter.

(15) Repealed.

(16) Section 1-4-1001, C.R.S., is repealed and reenacted to read:

1-4-1001. Withdrawal from candidacy.

Withdrawal from nomination shall be governed by charter section 29.

(17) Section 1-5-203, C.R.S., is amended to add a new subsection (4) to read:

(4) Certification of Ballot for Elections Which are Not Coordinated.

To the extent not inconsistent with the charter, the city clerk shall certify the ballot at least fifty days before any election which is not a coordinated election. The ballot certified shall comply with Charter Section 31, and shall also include any ballot issues or ballot questions to be submitted to the eligible voters.

(18) Section 1-5-205, C.R.S., is amended by the addition of a sentence to read:

With respect to the election of a member or members of the city council, the city clerk shall also publish the notice required by and containing the information contained in charter section 31.

(19) Repealed.

(20) Section 1-5-208, C.R.S., is repealed and reenacted to read:

1-5-208. Election May be Canceled or Ballot Questions Withdrawn.

(1) Except for initiative, initiated referendum, and recall elections, if the only matter before the electors is the consideration of ballot issues or ballot questions, no later than twenty-five days before an election conducted as a coordinated election in November, and at any time prior to any other election, the city council may by resolution cancel the election or withdraw one or more such issues or questions from the ballot. The ballot issues and ballot questions shall be deemed to have not been submitted and votes cast on the ballot issues and ballot questions shall either not be counted or shall be deemed invalid by action of the city council.

(2) If the electors are to consider the election of persons to the city council and ballot issues or ballot questions, the city council may remove any or all of the ballot issues or questions by following the procedures set forth in subsection (1) of this section.

(3) Unless otherwise provided by an intergovernmental agreement pursuant to 1-7-116, C.R.S., upon receipt of an invoice, the City shall within thirty days pay all costs accrued by the county clerk and recorder and any coordinating political subdivision attributable to the canceled election and any removed ballot questions or issues.

(4) The designated election official shall provide notice by publication of the cancellation of an election and a copy of the notice shall be posted at each polling place of the City, in the city clerk's office, and in the office of the county clerk and recorder.

(21) Section 1-5-406, C.R.S., is repealed and reenacted to read:

1-5-406. Content of Ballots.

The designated election official shall provide printed ballots for every election. The official ballots shall be printed and in the possession of the designated election official at least thirty days before the election. Every ballot shall contain the names of all duly nominated candidates for city council, except those who have died or withdrawn, and the ballot shall contain no other names. The names of the candidates shall be printed upon the ballot in alphabetical order by surname as provided in charter section 34.

(22) Section 1-5-407, C.R.S., "Form of Ballots" is amended and reenacted to include a new subsection (10) to read as follows: Mail ballots shall be considered ballots on demand for purposes of subsection (1.6) so that ballot stubs shall not be required.

(23) Sections 1-6-105 and 106, C.R.S., are repealed and reenacted to read:

1-6-105. Appointment of Election Judges for Non-partisan Elections.

(1) For coordinated elections, election judges shall be appointed by the county clerk as provided by state law. For other elections, no later than fifteen days before the election, the city clerk shall appoint election judges for the City or the district for which the election is to be held. The term of office for such judges shall end with the end of the judge's duties with respect to the election for which appointed.

(2) For coordinated elections, any person who has been appointed by a county clerk and recorder, who has filed an acceptance, and who has attended a class of instruction may be appointed as an election judge for non-partisan elections. For other elections, any person who has been appointed by the city clerk, who has filed an acceptance, and who has attended a class of instruction may be appointed as an election judge for such election.

1-6-106. Certification of Appointment

For coordinated elections, thirty days before the election the county clerk and recorder shall certify the list appointing the election judges and shall mail one acceptance form to each person appointed. For other elections, fifteen days before the election the city clerk shall certify the list appointing the election judges and shall mail one acceptance form to each person appointed.

(24) Section 1-7-902, C.R.S., is repealed and reenacted to read:

1-7-902. Preparation of Fiscal Information.

The city manager shall be responsible for providing to the designated election official the fiscal information which must be included in the ballot issue notice for a referred measure.

(25) Section 1-7.5-104, C.R.S., is repealed and reenacted to read:

1-7.5-104. Mail Ballot Elections.

If the city council determines that an election shall be by mail ballot, the designated election official shall conduct the election by mail ballot in accordance with this article. The designated election official shall give appropriate weight to the comments of the secretary of state concerning the City's mail ballot plan, but may conduct the election despite disapproval of all or a part of such plan by the secretary of state.

(26) Section 1-7.5-107, C.R.S., is amended by the addition of a sentence to read:

With respect to the election of a member or members of the city council, the city clerk shall also publish the notice required by and containing the information contained in charter section 31.

(27) Sections 1-10-201, 202, and 203, C.R.S., are repealed and reenacted to read:

1-10-201. Canvassing.

The general canvassing and election board shall be appointed and conduct its business as provided in charter section 32. The city clerk shall forward all election returns to the city council for canvassing pursuant to charter section 32. This canvassing board shall also act as the canvassing board for the City portion of a coordinated election.

(28) Repealed.

(29) Section 1-11-103, C.R.S., is repealed and reenacted to read:

1-11-103. Certificates of Election.

Certificates of election shall be issued as provided by charter section 32.

(30) Article 1-12, C.R.S., is repealed and reenacted to read:

1-12-101. Recalls and Vacancies.

Recalls shall be initiated and conducted as provided in Charter Sections 55 through 62. Vacancies shall be filled as provided in Charter Section 8.

(31) Section 1-13-107, C.R.S., is amended to add a subsection (b) to read:

(b) The secretary of state is not authorized by this section to take any action or enforce any regulation which is inconsistent with this election code as adopted by the home rule City of Boulder or with the charter.

(32) The following sections, parts, and articles of the Colorado Revised Statutes are not adopted by reference, and are not applicable to City elections: Sections 1-1-112, 201 and 203, 1-2-203, 209, 210, 218.5, 219, 222, 701, 702 and 703; Article 1-3; Article 1-4 except parts 9, 10, and 11; Sections 1-4-902 through 908, 910, and 912, 1-4-1002 and 1003, 1-4-1103; 1-5-101, 103, 207, 301, 402, 403, 404, 601.5, 605.7 and 608.2; 1-6-102, 103, 103.5, 103.7, 104, 109, 110, 111; 1-7-105 and 106; Part 2 of Article 1-7, Sections 1-7-407; Section 1-8-114.5; Part 1 of Article 1-10; 1-10.5-102; 1-11-101 through 108, 1-11-203, 1-11-204 through 211, and Part 3 of Article 1-13.

Ordinance Nos. 5667 (1994); 5724 (1995); 5903 (1997); 5936 (1997); 6018 (1998); 7135 (2001); 7228 (2002); 7311 (2003); 7474 (2006); 7525 (2007); 7793 (2011)

13-1-3 Responsibility of the City Manager.

The city manager shall administer the requirements of this chapter and comply with all laws regulating the conduct of elections.

13-1-4 Absentee Ballot Cards.

Whenever an electronic voting system is used in a municipal election and official ballots are in the form of ballot cards to be read by electronic vote counting equipment, official absentee ballots may also be in the form of ballot cards.

13-1-5 Duplication of Absentee Ballots for Counting.

(a) Whenever an electronic voting system is used in a municipal election and whenever an absentee ballot is not suitable for counting on the electronic vote counting equipment because such ballot was cast in pencil or ink or is in the form of a paper ballot, a true duplicate copy of the ballot may be made and counted in the manner provided in this section.
(b) By means of a vote recorder or punching device, the judges of election of the precinct selected by the city manager to receive the absentee ballots shall make such duplicate copy by punching an unused ballot card provided to the judges for that purpose. One such judge shall read aloud the vote on the original handwritten ballot and another judge shall punch the duplicate. A third judge shall watch the duplication process and shall check its accuracy.
(c) An election judge shall label any duplicate ballot so made as a duplicate ballot and shall record the serial number of the duplicate ballot on the original handwritten absentee ballot.
(d) If a judge makes an inaccurate duplicate ballot, the judge shall label such ballot "void" and place it in a separate envelope provided by the city manager for that purpose. The judges shall make a new duplicate ballot and label it in the same manner as provided in this section and shall record the serial number of any new duplicate ballot on the original handwritten absentee ballot.
(e) The election judges shall retain all original handwritten absentee ballots and place them in a separate envelope provided by the city manager for that purpose.
(f) The election judges shall substitute any duplicate ballot made under this section for the original ballot and shall present such duplicate for counting on the electronic vote counting equipment at the counting center after 7:00 p.m. on election day in the same manner as other ballots from city election precincts are counted.
(g) No election judge shall make any duplicate ballot under this section before the time otherwise allowed by law for the counting of absentee ballots.
(h) Whenever election judges of the absentee voter precinct use the duplicate ballot process authorized by this section, such judges shall make a written statement, in addition to any other statements or certificates otherwise required by law to be made, showing the number of duplicate ballots made and not marked "void" together with the serial numbers thereof and the number of duplicate ballots made and marked "void" together with the serial numbers thereof and shall return such statement to the city manager with other election papers and supplies.
(i) When absentee ballots are duplicated and counted as authorized by this section, the absentee precinct judges shall not be required to make or post an abstract of the count of votes.
(j) All provisions of the election laws of the City that are not inconsistent or in conflict with this section continue to apply to all elections where the duplicate ballot process authorized by this section is used. Any provisions of the election laws of the City that are inconsistent or in conflict with the provisions of this section do not apply to elections where the duplicate ballot process provided in this section is used. Nothing in this section shall be construed to prohibit the use of a manual system of counting absentee ballots.
(k) The city manager is authorized to institute other procedures not inconsistent with the provisions of this section that are designed to promote efficiency and accuracy in the duplication process authorized by this section.

13-1-6 Submission of Citizen Petitions for Comment Prior to Circulation.

The proponents of an initiative, referendum, or charter amendment petition may submit a draft thereof to the city manager before circulating the petition. No later than fifteen days after the date of receiving such petition draft, and after consulting with the city attorney, the manager shall provide written comments to the proponents concerning any problems encountered in the format or contents of the draft. The proponents may either disregard the comments or alter the petition draft in response thereto.

13-1-7 Initiative and Referendum.

All aspects of the exercise of the initiative and referendum power reserved to the people by the charter of the City of Boulder shall be governed exclusively by the provisions of the charter, this code, and any other

applicable ordinance of the City, and no statute of the state purporting to regulate in any way the exercise of the initiative or referendum shall govern the exercise of the initiative or referendum, except for those criminal provisions of state law not in conflict with any provision of the charter or this code which prohibit fraud or deception in the circulation or signing of initiative or referendum petitions, or respecting affidavits concerning said petitions. This section does not apply to initiatives concerning the amendment or abolition of the charter.[2]
(Ordinance No. 7135 (2001))

13-1-8 Special Provisions Concerning Filling Council Vacancies by Special Election.

The electors of the City approved an amendment to charter section 8 in November 1996. That amendment changed the method of filling vacancies on the city council from an appointment system to an election system. This section establishes the term of a person elected by special election to fill a council vacancy, and makes such adjustments to the provisions of the Uniform Election Code of 1992, as adopted with amendments by this title, as are useful in adapting that code to the exigencies of special elections to fill vacancies, which must be conducted on a compressed time frame.
(a) The term of a council member elected in a special election held pursuant to charter section 8 to fill a council vacancy shall expire at 10:00 a.m. on the third Tuesday in November following the next general municipal election.
(b) The city council may, in the resolution calling for a special election to fill a council vacancy, specify a number of days before the election that the early voters' polling place shall be open which is less than that specified in section 1-8-202, C.R.S., as adopted by reference, and may also specify additional hours during which such early voters' polling place shall be open. But such a provision is only effective for a special election which is not conducted as a coordinated election.
(Ordinance Nos. 5856 (1996); 5903 (1997))

13-1-9 Fixing of Ballot Title for Purposes of § 1-45-117, C.R.S.

For purposes of § 1-45-117, C.R.S., ballot titles for city ballot measures shall be considered fixed upon the final vote of the council after final reading of a motion, resolution or ordinance which officially submits a specific ballot measure in the form it is to appear on the ballot for a vote of the electors at the next election. The date the election is called for consideration of city ballot measures shall not change the date upon which the ballot title is fixed as provided in this section.
Ordinance No. 7793 (2011)

---

[1] Adopted by Ordinance No. 5582. Derived from Ordinance Nos. 3738, 3984, 3935, 3947, 4036, 4139, 4277, 4561, 4596, 4607, 4618, 4652, 4997, 5067, 5218, 5242, 5403, 5509.
[2] Article XX, section 9 of the Colorado Constitution gives the General Assembly authority over the home rule amendment process. See section 31-2-201 et seq., C.R.S.

Chapter 13-2: Campaign Financing Disclosure[3]

13-2-1 Legislative Intent.

(a) The purposes of this chapter include assisting electors in the city in making informed election decisions by requiring financial disclosure information from candidates for city office and committees supporting or opposing such candidates and city ballot issues.

(b) The limitations on contributions are intended to assure the public that:

(1) Excessive campaign costs and large contributions do not cause corruption or the appearance of corruption in the election process; and

(2) Large campaign contributions will not be used to buy political access or to influence governmental actions.

(c) Public campaign financing is intended to assure the public that access to large amounts of money will not be a prime requirement for participation in the political process.

(d) The provisions of this chapter concerning financial disclosure are exclusive and supersede any state statute on the subject, whether in conflict herewith or not, including, without limitation, article 1-45, C.R.S., unless the provisions of such statute are expressly made applicable by reference in this chapter.
(e) The reporting requirements are necessary to gather the data to detect violations.

(f) The provisions of this chapter have been modeled on the Federal Election Campaign Act and the Colorado Fair Campaign Practices Act, and in accordance with an initiative passed by the people of the city in 1999. Modifications have been made where necessary to meet specific needs of the city, to clarify and make more specific various requirements, and to comply with the evolving law in this area.

(g) The city council finds that at this time it is not necessary to require candidates and their candidate committees to report expenditures over $200.00 as frequently as such reporting is necessary for unofficial candidate committees and independent expenditures in order to serve the purposes of this chapter. Candidates are necessarily subject to intense scrutiny throughout the campaign, and are required to file financial disclosures shortly after becoming candidates. They become candidates no later than seventy-one days before the election under the charter. Candidate committees file their statement of organization at the beginning of the campaign, and thus are a formed ongoing entity which is well known. Unofficial candidate committees can be formed at any time, and individuals can make independent expenditures at any time, so within twenty-one days of the election more frequent reporting of larger expenditures is required of them. Council, like the United States Congress, finds that a twenty-four-hour reporting period is not unreasonable in that immediate pre-election time, especially where mail ballots are used.

(h) Making an endorsement supporting or opposing a candidate or ballot proposition, or solicitation of such an endorsement by a candidate, committee, or other person, is not regulated by this title. However, the expenditures for publishing endorsements, and any contributions for support or opposition to a candidate or ballot proposition other than the endorsement itself, are regulated by this title in the same way as other contributions and expenditures.
Ordinance Nos. 7214 (2002); 7904 (2013)

13-2-2. Definitions.

The following terms used in this chapter and Chapter 13-3, "Campaign Activities," B.R.C. 1981, have the following meanings unless the context clearly indicates otherwise:

"Ballot proposition" means any amendment to the city charter, and any initiative, referendum, or recall for which petitions have been properly certified by the city clerk for submission to the city council, or any ordinance or issue put to a vote of the electors of the city under the provisions of the city charter. Such term does not include any ballot issue placed on the ballot by the United States, the state or any political subdivision thereof other than the city.

"Candidate" means any person whose petition of nomination for city council, whether at a regular, special, or recall election, has been certified as sufficient by the city clerk pursuant to charter section 26. A person is no longer a "candidate" after the date of the election for which the person filed a petition.

"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. The term "official candidate committee" is synonymous with "candidate committee".

"Committee" means a candidate committee, an unofficial candidate committee, and an issue committee, unless the context indicates that it can mean only one or two of these types of committees.

"Contribution" means:

(a) Any payment, loan, pledge, or advance of money, including, without limitation, checks received but not deposited or payments made by credit card, or guarantee of a loan, made to or for the benefit of any candidate or committee;

(b) Any payment made to a third party for the benefit of any candidate or committee, including, without limitation, the use of a credit card to secure such benefit;
(c) Anything of value given, directly or indirectly, to a candidate for the purpose of promoting the candidate's election, including, without limitation, commercial services such as banking, printing, and mailing services; or

(d) With regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value to such contribution, including, without limitation, 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.
"Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate or committee.

"Contribution in kind" means the fair market value of a gift or loan of any item of real or personal property, other than money, made to or for any candidate or committee for the purpose of influencing the passage or defeat of any issue or the election or defeat of any candidate. Personal services are a contribution in kind by the person paying compensation therefore. In determining the value to be placed on contributions in kind, a reasonable estimate of fair market value shall be used by the candidate or committee.

"Contribution in kind" does not include an endorsement of a candidate or an issue by any person, nor does it include the payment of compensation for legal or accounting services rendered to a candidate if the person paying for the services is the regular employer of the individual rendering the services and the services are solely for the purpose of ensuring compliance with the provisions of this title.

"Excepted investment" means a mutual fund, common trust fund of a bank, pension, or deferred compensation plan, any other investment fund, or a ten percent or less interest in the stock of a company, which for funds or stocks is widely held; publicly traded (or available) or widely diversified; and which for funds under circumstances where the investor neither exercises control over nor has the ability to exercise control over the financial interests held by the fund. A fund is widely diversified when it holds no more than five percent of the value of its portfolio in the securities of any one issuer (other than the U.S. Government.)

"Expenditure" means the payment, distribution, loan, or advance of any money by any candidate or committee, whether in cash, by check, as a credit card charge, or otherwise. Expenditure" also includes the payment, distribution, loan, or advance of any money by a person for the benefit of a candidate or committee that is made with the prior knowledge and consent of an agent of the candidate or committee. An expenditure occurs when the actual payment is made or when a contract is agreed upon, whichever comes first. Consent may be implied from collaboration and need not be express.

"Income" means money received for the provision of goods or services, not including the unrealized appreciation of any asset, income from any excepted fund, or interest earned from any commercial bank, savings and loan, or credit union.

"Independent expenditure" means an expenditure by any person for the purpose of expressly advocating the election or defeat of a candidate or candidates, which expenditure is not controlled by, coordinated with, or made upon consultation with any candidate or candidate committee or any agent of such candidate or committee. "Independent expenditure" does not include expenditures made by persons,

other than political parties and political committees, in the regular course and scope of their business, including political messages sent solely to members.

"Issue" is synonymous with "ballot proposition".

"Issue committee" means any two or more natural persons who collaborate together, or any corporation, partnership, commission, association, or any other organization or group of persons, that accepts contributions or makes expenditures for the purpose of opposing or supporting a ballot proposition at a city election, regardless of whether or not it has obtained the consent of the sponsors of the ballot proposition.

"Material change" shall mean any change in information required to be reported pursuant to Paragraph 13-2-3(b)(1), (3) or (4).

"Official candidate committee" - see definition of "candidate committee".

"Other household income" means any income earned by a spouse, domestic partner, or partner in a civil union who resides in the same household as the reporting person that is reportable by a candidate or incumbent for federal or state income tax purposes.

"Other household member" means a spouse, domestic partner, or partner in a civil union who resides in the same household as the reporting person.

"Political committee" means any two or more natural persons who collaborate together, or any corporation, partnership, commission, association, or any other organization or group of persons, that accepts contributions or makes expenditures for the purpose of opposing or supporting a candidate for city council, or a city ballot proposition, and which, because of campaign activities concerning other candidates, other ballot measures, or both, is required under the Fair Campaign Practices Act found in state law to file statements and reports with the secretary of state or the county clerk and recorder. It is the intention of this chapter to reduce the burden on such committees of following two separate sets of filing and reporting requirements, while still protecting the public purposes served by filing and reporting. However, no candidate committee or other committee, the expenditures of which are in any way, directly or indirectly, controlled by, coordinated with, or made upon consultation with any candidate or candidate committee or agent thereof shall be deemed a political committee eligible for these different requirements.

"Reportable interest" means:

(a) In the case of a corporation, either more than ten percent of the total combined voting power of all classes of stock of the corporation entitled to vote, or more than ten percent of the capital, profits, or beneficial interest in the voting stock of the corporation;

(b) In the case of a partnership, association, trust, or other entity, more than ten percent of the capital, profits, or beneficial interest in such partnership, association, trust, or other entity; or
(c) Any interest in any entity that owns real property, if more than fifty percent of the entity's holdings are in Boulder County.

"Unofficial candidate committee" means any two or more natural persons who collaborate together, or any corporation, partnership, commission, association, or any other organization or group of persons, that accepts contributions or makes expenditures for the purpose of expressly advocating the election or defeat of a clearly identified candidate for city council. An unofficial candidate committee ceases to be independent if its expenditures are in any way, directly or indirectly, controlled by, coordinated with, or made upon consultation with any candidate or candidate committee or agent thereof.

Ordinance Nos. 7904 (2013); 7968 (2014)

13-2-3. Financial Disclosure Statement.

(a) The purpose of this section is to provide members of the public and other council members with information regarding financial dealings of candidates and council members that might affect their ability to make impartial decisions. When reporting information regarding the activities of a third party, a reporting person is required to report only information about which he or she has actual knowledge.

(b) Any person required to file a financial disclosure statement required by this chapter shall file a statement on a form provided by the city clerk as follows:

(1) The reporting person's employer and occupation;

(2) The source of any income in excess of $1,000 per year, including, without limitation, other household income, capital gains, whether or not taxable, dividends, interest, wages, salaries, rents, profits, and retirement accounts;

(3) The name, location, and nature of activity of any business entities or enterprises, with holdings of real or personal property or with business dealings in the area encompassed by the Boulder Valley Comprehensive Plan, in which the reporting person or other household member has any financial interest or is actively engaged as an officer, director, or partner and the nature of the reporting person 's or other household member's interest or activity. A reporting person or other household member is not required to report any financial interest in any business entity in which the reporting person's or other household member's only interest is through an investment in an excepted investment. A charitable donation is not a financial interest;

(4) The location of any real property within Boulder County in which the reporting person or other household member has an interest or, if the reporting person or other household member has a reportable interest in an entity or enterprise disclosed pursuant to Paragraph (b)(3) above, in which the entity or enterprise has any interest and the nature of such interest;

(5) Any other information that the reporting person feels would be helpful or should be disclosed; and

(6) Notwithstanding any other provision of this chapter, no reporting person or other household member is required to disclose any confidential relationship protected by law.
Ordinance No. 7968 (2014)

13-2-4. Filing Dates and Disclosure Periods.

(a) On or before September 10, any candidate having filed a petition of nomination shall file a statement of financial disclosure as set forth in Section 13-2-3, "Financial Disclosure Statement," B.R.C. 1981. The candidate shall file a supplemental report if there is any material change in the information reported after the date of filing within fifteen days after the material change.

(b) On or before April 15 of each year, every member of the city council shall file a statement of financial disclosure as set forth in Section 13-2-3, "Financial Disclosure Statement," B.R.C. 1981. Council members shall report any material changes to the information reported, except information reported pursuant to Paragraph 13-2-3(b)(2) of this chapter, within fifteen days of the end of the calendar quarter in which the material change occurred.

(c) Each Financial Disclosure Statement shall include all information current of the date of filing, except information required by Paragraph 13-2-3(b)(2) of this chapter, shall be reported as of the end of the previous calendar year.

Ordinance Nos. 7904 (2013); 7968 (2014)

13-2-5 Statement of Organization of Official Candidate Committee.
(a) No more than three days after a candidate's petition of nomination for city council has been certified as sufficient by the city clerk pursuant to charter section 26, the candidate shall file a statement of organization of the committee formed to assist the candidate in being elected to city council. This statement shall be filed even if the candidate has not formed a committee, and shall be amended later if a committee is formed or the information required changes. The statement of organization shall include:

(1) The name and address of the candidate;

(2) The name and address of the committee;

(3) The names and addresses of all persons acting as officers of the candidate's campaign or of the committee, including committee chairpersons; and

(4) The name and address of the committee's campaign treasurer.

(b) A candidate may be the treasurer and hold any position in the candidate's own campaign committee. A candidate is deemed to have a committee even if there is none, but this does not increase the reporting requirements. No candidate shall be deemed to have more than one candidate committee, and if more than one committee acts under the authority of or in coordination with a candidate, all shall be deemed the candidate's committee and shall file combined reports as required by this title and all shall jointly be subject to the limitations of this title.

(c) The committee treasurer shall file a statement of any changes in the information required by Subsection (a) of this section no more than three days after such change.

(d) Expenditures by any person on behalf of a candidate that are, in any way, directly or indirectly, controlled by, coordinated with, or made upon consultation with any candidate or the candidate's official committee or agent thereof shall be considered a contribution to the candidate and are subject to the contribution limitations contained in this chapter. If such an expenditure is made by an unofficial candidate committee, all contributions to that committee shall be deemed contributions to the candidate for purposes of contribution limitations. Such expenditures also count toward the expenditure limit of any candidate receiving public funding under this chapter.

13-2-6 Statement of Organization of Unofficial Candidate Committee.

(a) No more than three days after an unofficial candidate committee accepts a contribution or makes or obligates itself to make an expenditure, the treasurer of the committee shall file a statement of organization that includes:

(1) The name and address of the committee;

(2) The candidate or candidates the committee is supporting or opposing, or both if that is the case;

(3) The names and addresses of all persons acting as officers of the committee, including committee chairpersons; and

(4) The name and address of the committee's campaign treasurer.

(b) The committee treasurer shall file a statement of any changes in the information required by this section no more than three days after such change.

(c) Expenditures by any unofficial candidate committee on behalf of a candidate that are, in any way, directly or indirectly, controlled by, coordinated with, or made upon consultation with any candidate or the candidate's committee or agent thereof shall be considered a contribution to the candidate and subject the candidate and the contributor to any applicable penalties contained in this chapter. Such expenditures

also count toward the expenditure limit of any candidate who has received public funding under this chapter.

(d) Unofficial candidate committees which make expenditures on behalf of any candidate who has received public funding under this chapter shall keep records of the time, place, and general subject matter of all consultation with any person, other than a member of the committee who is not affiliated with any other candidate or official or unofficial candidate committee, concerning the substance, venue, and timing of the expenditure, which records shall be given to the city manager by the committee treasurer if the manager makes a demand for same. The manager is authorized to make such a demand any time the manager has a reasonable suspicion that the expenditures were controlled by, or coordinated with, or made upon consultation with any candidate or candidate's committee or other unofficial candidate committee or agent thereof.

13-2-7 Statement of Organization of Issue Committee.

(a) No more than three days after an issue committee accepts a contribution or makes an expenditure, or three days after ballot certification if the committee has accepted contributions or made expenditures in anticipation of ballot proposition certification, the treasurer of the committee shall file a statement of organization that includes:

(1) The name and address of the committee;

(2) The ballot proposition or propositions being supported or opposed by the committee;

(3) The names and addresses of all persons acting as officers of the committee, including committee chairpersons; and

(4) The name and address of the committee's treasurer.

(b) The committee treasurer shall file a statement of any changes in the information required by this section no more than three days after such change.

13-2-8 Statement of Contributions and Expenditures of Official Candidate Committee.

(a) The candidate, or the treasurer of each official candidate committee, shall file statements of contributions and expenditures according to the following schedule:

(1) Three days after the candidate's petition of nomination for city council has been certified as sufficient by the city clerk pursuant to charter section 26, which statement shall cover all contributions and expenditures made in anticipation of candidacy;

(2) On the forty-second day prior to the election.

(3) On the twenty-eighth day prior to the election;

(4) One the twenty-first day prior to the election; and

(5) On the fourteenth day prior to the election.

(b) The statement shall contain:

(1) The names and addresses of each person making contributions to the filer's knowledge, and the amount, dates, and nature of such contributions since the last report required to be filed by this chapter, unless the statement is the first one required;

(2) The cumulative total value of the contributions received;

(3) The names and addresses of each person to whom an expenditure has been made and the amount, date, and purpose of such expenditure since the last statement required by this chapter, unless the statement is the first one required;

(4) The cumulative total value of all expenditures made; and

(5) A statement of all anonymous contributions received, together with their disposition, from the last statement required by this chapter, unless this statement is the first one required.

(c) By 5:00 p.m. on the Thursday before the election, the candidate or the treasurer of each official candidate committee shall file a statement of contributions and expenditures, providing the information required by Subsection (b) of this section, together with anticipated contributions and expenditures for the remainder of the campaign, if any, before or after the election.

(d) On the thirtieth day after the election, the candidate or the treasurer of each official candidate committee shall file a final statement of contributions and expenditures, stating the information required by Subsection (b) of this section and, if a balance remains on the candidate's or committee's books, the intended disposition of that balance. If such a balance remains, the candidate and treasurer shall file a final statement sixty days after the election showing the actual disposition of that balance.

(e) The candidate and the candidate's committee shall comply with the disclosure requirements of Section 13-2-13, "Election Materials and Advertising Supporting or Opposing Candidate to Contain Sponsor's Name," B.R.C. 1981.

Ordinance Nos. 7289 (2003); 7390 (2004); 7904 (2013)

13-2-9 Statement of Contributions and Expenditures of Unofficial Candidate Committee.

(a) The treasurer of each unofficial candidate committee shall file statements of contributions and expenditures according to the following schedule:

(1) Three days after the committee accepts a contribution or makes or obligates itself to make an expenditure, which statement shall cover all contributions and expenditures made;

(2) On the forty-second day prior to the election;

(3) On the twenty-eighth day prior to the election;

(4) On the twenty-first day prior to the election; and

(5) On the fourteenth day prior to the election.

(b) The statement shall contain:

(1) The names and addresses of each person making contributions to the treasurer's knowledge, and the amount, dates, and nature of such contributions since the last report required to be filed by this section, unless the statement is the first one required;

(2) The cumulative total value of the contributions received;

(3) The names and addresses of each person to whom an expenditure has been made and the amount, date, and purpose of such expenditure since the last statement required by this section, unless the statement is the first one required;

(4) The cumulative total value of all expenditures made; and

(5) A statement of all anonymous contributions received, together with their disposition, from the last statement required by this section, unless this statement is the first one required.

(c) By 5:00 p.m. on the Thursday before the election, the treasurer of each unofficial candidate committee shall file a statement of contributions and expenditures, providing the information required by Subsection (b) of this section, together with anticipated contributions and expenditures for the remainder of the campaign, if any, before or after the election.

(d) In addition, if an unofficial candidate committee makes an expenditure in excess of $200.00, the treasurer of the committee shall file a statement of independent expenditure giving the names and addresses of each person to whom such an expenditure has been made, and the amount, date, and purpose of such expenditure, on the following schedule:

(1) On or before the twenty-first day before the election: Within three business days after obligating funds for the first such expenditure.[2]

(2) On or after the twenty-first day but more than twenty-four hours before the election, and including any reportable expenditure not previously reported: Within twenty-four hours after obligating funds for such expenditure.

(3) On or before the thirtieth day after the election: Notice of any independent expenditure in excess of $200.00 made on the day before or the day of the election.

(4) A statement due on a weekend or holiday shall be filed on the next business day.

(e) On the thirtieth day after the election, the treasurer of each unofficial candidate committee shall file a final statement of contributions and expenditures, stating the information required by Subsection (b) of this section and, if a balance remains on the committee's books, the intended disposition of that balance. If such a balance remains, the candidate and treasurer shall file a final statement sixty days after the election showing the actual disposition of that balance.

(f) Unofficial candidate committees shall comply with the disclosure requirements of Section 13-2-13, "Election Materials and Advertising Supporting or Opposing Candidate to Contain Sponsor's Name," B.R.C. 1981.

Ordinance Nos. 7289 (2003); 7390 (2004); 7904 (2013)

13-2-10 Independent Expenditures.

(a) Any natural person making an independent candidate expenditure in excess of $200.00 shall deliver notice in writing to the city clerk of such independent expenditure, as well as the amount of such expenditure, and a detailed description of the use of such independent expenditure, within three business days after obligating funds for such expenditure. Thereafter, notice of additional expenditure obligations in excess of $200.00 shall be delivered to the clerk on the twenty-first day before the election. Notice of each subsequent independent expenditures in excess of $200.00 up to twenty-four hours before the election but not previously reported shall be delivered to the clerk within twenty-four hours after obligating funds for the independent expenditure. On or before the thirtieth day after the election, notice of any independent expenditure in excess of $200.00 made on the day before or the day of the election shall be delivered to the clerk. The notice shall specifically state the name of the candidate or candidates whom the independent expenditure is intended to support or oppose. Each independent expenditure shall be reported as a separate item in each notice.

(b) Any natural person making an independent expenditure in excess of $200.00 shall comply with the disclosure requirements of Section 13-2-13, "Election Materials and Advertising Supporting or Opposing Candidate to Contain Sponsor's Name," B.R.C. 1981.

(c) Expenditures by any natural person on behalf of a candidate that are, in any way, directly or indirectly, controlled by, coordinated with, or made upon consultation with any candidate or the candidate's committee or agent thereof shall be considered a contribution to the candidate and subject the candidate and the contributor to any applicable penalties contained in this chapter. Such expenditures also count toward the expenditure limit of any candidate who has received public funding under this chapter.

(d) Individuals who make an independent expenditure on behalf of any candidate who has received public funding under this chapter shall keep records of the time, place, and general subject matter of all consultation with any person about the substance, venue, and timing of the expenditure, which records shall be given to the city manager if the manager makes a demand for same. The manager is authorized to make such a demand any time the manager has a reasonable suspicion that the expenditures were controlled by or coordinated with or made upon consultation with any candidate or candidate's committee or agent thereof.

13-2-11 Statement of Contributions and Expenditures of Issue Committee.

(a) The treasurer of each issue committee shall file a statement of contributions and expenditures according to the following schedule:

(1) Three days after the committee accepts a contribution or makes or obligates itself to make an expenditure, and three days after ballot certification if the committee has accepted contributions or made expenditures in anticipation of ballot proposition certification;

(2) On the forty-second day prior to the election;

(3) On the twenty-eighth day prior to the election;

(4) On the twenty-first day prior to the election; and

(5) On the fourteenth day prior to the election.

(b) The statement shall contain:

(1) The names and addresses of each person making contributions to the treasurer's knowledge, and the amount, dates, and nature of such contributions since the last report required to be filed by this section, unless the statement is the first one required;

(2) The cumulative total value of the contributions received;

(3) The names and addresses of each person to whom an expenditure has been made and the amount, date, and purpose of such expenditure since the last statement required by this section, unless the statement is the first one required;

(4) The cumulative total value of all expenditures made; and

(5) A listing of the amount of each individual anonymous contribution, together with the total of all anonymous contributions received from the last statement required by this section, unless this statement is the first one required.

(c) By 5:00 p.m. on the Thursday before the election, the treasurer of each issue committee shall file a statement of contributions and expenditures, providing the information required by Subsection (b) of this section, together with anticipated contributions and expenditures for the remainder of the campaign, if any, before or after the election.

(d) On the thirtieth day after the election, the treasurer of each issue committee shall file with the city manager a final statement of contributions and expenditures, stating the information required by Subsection (b) of this section and, if a balance remains on the committee's books, the intended disposition of that balance. If such a balance remains, the candidate and treasurer shall file a final statement sixty days after the election showing the actual disposition of that balance.
Ordinance Nos. 7289 (2003); 7390 (2004); 7904 (2013)

13-2-12 Political Committee Filing and Reporting Requirements.

A political committee which is, by virtue of its support for or opposition to a candidate for a political office other than that of city council of the city, or for a ballot proposition appearing on the ballot of an entity other than the city, required to file, and does file with the secretary of state or the county clerk and recorder, or both, the disclosures required by § 1-45-108, C.R.S., and complies with the reporting and filing requirements of § 1-45-109, C.R.S., and disposes of unexpended campaign contributions pursuant to § 1-45-106, C.R.S., is exempt from the separate filing and reporting and unexpended campaign contribution requirements of this chapter. But such a committee shall file with the city manager, within three days of its first acceptance of a contribution or expenditure in support of or opposition to a candidate for city council or a city ballot proposition, a full and correct copy of its registration statement as filed with the secretary of state pursuant to § 1-45-108(3), C.R.S., and the most recent other report or disclosure which it has filed with the secretary of state or any county clerk and recorder, and shall thereafter file with the manager full and correct copies of every disclosure or report on the same day it files such a document with either state official, plus an expenditure report conforming with Section 13-2-9, "Statement of Contributions and Expenditures of Unofficial Candidate Committee," or 13-2-11, "Statement of Contributions and Expenditures of Issue Committee," B.R.C. 1981, as applicable, segregating, insofar as possible, expenditures made on the city election.

Ordinance No. 7904 (2013)

13-2-13 Election Materials and Advertising Supporting or Opposing Candidate to Contain Sponsor's Name.

All persons composing, presenting, or distributing information which expressly opposes or supports any candidate or candidates shall include therein the name of the person who sponsored the composition, presentation, or distribution of such information. This requirement includes all electronic, social media, paper, audio, or visual forms of distribution.
Ordinance No. 7904 (2013)

13-2-14 Solicitation for Candidate Campaign Funds.

Whenever any person makes an expenditure for the purpose of soliciting any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, such communication:

(a) If authorized by a candidate or committee or any agent thereof, shall clearly state that the communication has been so authorized;

(b) If paid for by other persons but authorized by a candidate or committee, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such candidate or committee, or its agents; or

(c) If not authorized by a candidate or committee, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or committee.

(d) Each candidate and committee shall include on the face or front page of all electronic or paper materials solic-iting contributions the following notice:

"A copy of our report is filed with the City Clerk of the City of Boulder, Colorado."[3]

Ordinance No. 7904 (2013)

13-2-15 Filing, Preservation, and Public Inspection of Statements.

(a) Persons required by this chapter to prepare and file statements shall do so on the basis of information that is complete and current at least as of 5:00 p.m. on the second calendar day before the filing date.

(b) Persons required by this chapter to file statements or deliver notices shall file such statements or notices with the city manager on forms that the manager provides.

(c) The city manager shall preserve all statements filed under this chapter for a period of six months from the date of the election or, in the case of a successful candidate, until six months after the person finally leaves office. Such statements constitute a part of the public records of the city and shall be available for public inspection during normal business hours.

13-2-16 Notice of Disclosure Requirements and Enforcement.

The city manager shall administer the provisions of this article and shall:

(a) Publish a summary of the filing and reporting required of candidates and committees and independent expenditures in a newspaper of general circulation in the city on the forty-fifth day before each regular municipal election, or as soon thereafter as practicable after the calling of a special election, and again two weeks after each municipal election;

(b) Prepare and make available the forms to be used in filing the statements required by this chapter;

(c) Prepare and provide to each candidate or organization, upon its first filing with the manager, a checklist of the statements required and the specific calendar date each is due;

(d) Keep a record of persons or organizations to whom the forms and checklists were given and a record of the date such filings were received;

(e) Upon concluding on the basis of such records, complaints, or other information that a candidate or organization has not filed the required statements or has filed incomplete or incorrect statements, immediately notify, either verbally or in writing, the person required to file that such person must file the missing statement or provide the information within seventy-two hours of the manager's notice; and

(f) As soon as practical after any candidate signs a contract with the city for matching funds, the manager shall publish notice of that fact electronically on the election page of the city's website.

Ordinance No. 7904 (2013)

13-2-17 Contribution Limitation.

No candidate for city council, or candidate committee, or unofficial candidate committee, shall solicit or accept any contribution, including any "in-kind" contribution, that will cause the total contributions from any person to exceed $100.00 to that candidate with respect to any single election. The recipient of any contribution which would cause the total amount of contributions to a candidate from a single person to exceed $100.00 shall promptly return any such excess to the donor. The candidate and the candidate's committee shall be treated as one, and a contribution to one is counted as a contribution to the other. Contributions to unofficial candidate committees are separately subject to the $100.00 limitation.

13-2-18 Anonymous Contributions.

(a) Anonymous contributions to any candidate or candidate committee, or unofficial candidate committee, may not be retained or expended by the candidate or committee. Anonymous contributions also may not be retained or expended by a political committee insofar as it is reasonably possible to discern from the contribution that it was intended to support that committee's efforts to elect or defeat a candidate. If anonymous contributions are received by a candidate or committee, they shall be disposed of as follows:

(1) If the candidate has accepted public financing under this chapter, all anonymous contributions to the candidate or the candidate's committee shall be forwarded to the city clerk with the next required report, noted in the report, and deposited in the general fund of the city.

(2) Unofficial candidate committees, political committees, and candidates and candidate committees of candidates who have not accepted public financing under this chapter shall donate anonymous contributions to any charitable organization recognized by the Internal Revenue Service pursuant to section 501(c)(3) of the Internal Revenue Code or to the city, and the distribution of such funds shall be indicated on the next report required to be filed pursuant to Section 13-2-8, "Statement of Contributions and Expenditures of Official Candidate Committee," or 13-2-9, "Statement of Contributions and Expenditures of Unofficial Candidate Committee," B.R.C. 1981.

(3) If an anonymous contribution is donated to a charitable organization recognized by the Internal Revenue Service pursuant to section 501(c)(3) of the Internal Revenue Code, the candidate or committee shall retain the envelope or other container in which it arrived, together with any other material which arrived with it, and a photocopy of the contribution itself (showing only the amount and serial number of any bills), shall retain such information as candidate or committee records for at least six months after the election, and shall make such records available to the city manager upon request.

(b) If an anonymous contribution is received by an issue committee, the treasurer shall retain the envelope or other container in which it arrived, together with any other material which arrived with it, and a photocopy of the contribution itself (showing only the amount and serial number of any bills), shall retain such information as committee records for at least six months after the election, and shall make such records available to the city manager upon request.

13-2-19 Unexpended Campaign Contributions.

Unexpended contributions to candidates or committees may be donated to any charitable organization recognized by the Internal Revenue Service pursuant to section 501(c)(3) of the Internal Revenue Code or returned to the contributor, and the distribution of such funds shall be indicated on the final report of the committee required to be filed pursuant to Section 13-2-8, "Statement of Contributions and Expenditures of Official Candidate Committee," or 13-2-9, "Statement of Contributions and Expenditures of Unofficial Candidate Committee," B.R.C. 1981.[4]

13-2-20 Public Matching Funds.

(a) The city will allocate and provide matching funds, up to fifty percent of the expenditure limit as herein defined, to any city council candidate who meets the eligibility requirements set out in Section 13-2-21, "Eligibility for Matching Funds," B.R.C. 1981. The expenditure limit shall be set at $0.15 per registered city voter as of the day after the date set by state law for the purging of registration records of the election year. This limit shall be adjusted based on changes in the Consumer Price Index (all items) of the U.S. Department of Labor, Bureau of Labor Statistics, for the statistical area which includes the city, in an amount equal to the percentage change for the preceding two years. Only actual currency or its equivalent shall be matched with public funds. Neither loans nor in-kind contributions nor amounts exceeding $100.00 from the candidate's personal wealth shall be eligible for matching funds.

(b) After meeting the eligibility requirements, any candidate may request matching funds from the city no more frequently than once per week in amounts no less than $500.00. The final request for matching

funds must be submitted to the city no later than fourteen days before the election, but may be for less than $500.00.

13-2-21 Eligibility for Matching Funds.

A candidate who meets the following requirements shall be eligible to receive matching funds:

(a) The candidate raises at least ten percent of the expenditure limit from individual contributors. No more than $25.00 of each contribution may be counted toward the ten percent; and

(b) The candidate signs a contract with the city committing to the following:

(1) Agrees to limit his or her expenditures to $0.15 per registered voter of the city as of the day after the date set by state law for the purging of registration records of the election year. This limit shall be adjusted based on changes in the Consumer Price Index (all items) of the U.S. Department of Labor, Bureau of Labor Statistics, for the statistical area which includes the city, in an amount equal to the percentage change for the preceding two years;

(2) Agrees to contribute to his or her campaign no more than twenty percent of the expenditure limit from his or her own personal wealth;

(3) Agrees to return at least fifty percent of any unexpended funds to the city, but not more than the matching funds received; and

(4) Agrees to treat any carryover funds from a previous campaign as funds from the candidate's personal wealth, subject to the limits of such funds.

13-2-22 Violations and Penalty.

(a) Criminal Acts and Penalties: No person shall:

(1) File any statement required by this chapter that the person knows contains false information;

(2) Fail to file a required statement within seventy-two hours of having been notified by the city manager pursuant to Subsection 13-2-16(e), B.R.C. 1981;

(3) Fail to provide required information necessary to complete a required statement within seventy-two hours of having been notified by the city manager pursuant to subsection 13-2-16(e), B.R.C. 1981;

(4) Knowingly misstate or misrepresent the name of the person who financed the composition, presentation or distribution of information as required by section 13-2-13, "Election Materials and Advertising Supporting or Opposing Candidate to Contain Sponsor's Name," B.R.C. 1981; or

(5) Fail to comply with any of the other requirements of this chapter;

(6) Any person convicted of a violation of this subsection is subject to a fine not to exceed $1,000.00.[5]

(b) Civil Remedies:

(1) For the purposes of this subsection, "this ordinance" means those provisions adopted by the people in the 1999 regular municipal election as placed on the ballot in Ordinance No. 6097, including, without limitation, any contract entered into pursuant to subsection13-2-21(b), B.R.C. 1981. [6]

(2) Any registered elector of the city may bring a civil action including, without limitation, an action for injury, and may sue for injunctive relief to enjoin violations or to compel compliance with this ordinance consistent with paragraph (b)(3) of this section, provided such person first files with the city attorney a

written request for the city attorney to commence action. The request shall include a statement of grounds for believing a cause of action exists. The city attorney shall respond within ten days after receipt of the request indicating whether the city attorney intends to file a civil action. If the city attorney indicates in the affirmative and files suit within thirty days thereafter, no other civil action for the same violation may be brought unless the action brought by the city attorney is dismissed without prejudice.

(3) Any candidate or candidate committee who knowingly accepts a contribution in excess of $100.00 or exceeds the expenditure limit in violation of the contract with the city and this ordinance is liable in a civil action initiated by the city attorney or by a registered elector of the city for an amount up to $500.00 or three times the amount by which the contribution or expenditure limit is exceeded, whichever is greater.
(4) In determining the amount of civil liability, the court may take into account the seriousness of the violation and culpability of the defendant.

(5) The city attorney shall enforce all provisions of this ordinance.

(6) The city council is empowered to create an advisory committee and other enforcement procedures as it deems appropriate to implement this ordinance.

---

[1] Adopted by Ordinance No. 4678. Amended by Ordinance Nos. 4934, 5186, 5218, 5271, 5639, 5800, 5903, 6018, 7035. Derived from Ordinance Nos. 4049, 4333. Repealed and reenacted by Ordinance No. 7136.
[2] These requirements are in addition to the first and subsequent periodic filings required above. If more than one such expenditure is made before the twenty-first day before the election, the expenditures after the first need not be filed until made part of the twenty-first day filing. It is intended that all such expenditures be reported, but that no expenditure be reported twice.
[3] Derived from 2 U.S.C. 435.
[4] Compare 1-45-106, C.R.S.
[5] Ordinance No. 5639, effective July 15, 1994.
[6] These are found in this chapter as the definition of "independent expenditure" in section 13-2-2, "Definitions," B.R.C. 1981, subsection13-2-9(d), B.R.C. 1981, concerning independent expenditures by unofficial candidate committees, these civil enforcement provisions, and sections 13-2-10, "Independent Expenditures," 13-2-17, "Contribution Limitation," 13-2-20, "Public Matching Funds," and 13-2-21, "Eligibility for Matching Funds," B.R.C. 1981.

13-3-1. - Legislative Intent.

The purpose of this chapter is to regulate election campaign activities in municipal elections. The provisions of this chapter have been modeled on portions of the Federal Election Campaign Act, 2 U.S.C. §§ 435 and 441. Modifications have been made where necessary to meet specific needs of the city.[10] The provisions of this chapter concerning municipal election campaign activities are exclusive, and supersede any state statute on the subject, whether in conflict herewith or not, including, without limitation, article 1-45, C.R.S.

13-3-2. - Campaign Advertising Requirements.

No person who sells space in a newspaper or magazine to a candidate or committee to use in connection with a municipal election may charge an amount for such space which exceeds the amount charged for comparable use of such space for other purposes.[11]

13-3-3. - Contributions by City Contractors.

It shall be unlawful for any person who enters into any contract with the city or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies or equipment to the city or any department or agency thereof, or for selling any land or building to the city

or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land or building is to be made in whole or in part from funds appropriated by the city council, at any time between the commencement of negotiations for and the later of completion of performance under or the termination of negotiations for such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly to make any contribution of money or other things of value, or to promise expressly or impliedly to make any such contribution to any candidate or committee or to any person for any political purpose or use in any city election; or knowingly to solicit any such contribution from any such person for any such purpose during any such period. [12]

13-3-4. - Contributions in Name of Another Prohibited.

No person shall make a contribution in the name of another person or knowingly permit such person's name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. [13]

13-3-5. - Limitation on Contribution of Currency. Page 18

No person shall make contributions of coin or paper currency of the United States or of any foreign country to or for the benefit of any candidate or committee, which, in the aggregate, exceed $100.00 with respect to any campaign in which such candidate or committee is participating for a municipal election. [14]

13-3-6. - Misrepresentation of Campaign Authority.

No candidate or political committee or any agent thereof shall make any fraudulent misrepresentation as speaking or writing or otherwise acting for or on behalf of any other candidate or committee on a matter which is damaging to such other candidate or committee; or willfully and knowingly participate in or conspire to participate in any plan, scheme or design to do so. [15]

Chapter 4 - Complaints Related to Election Procedures and Regulations

FOOTNOTE(S):

--- (16) ---

Adopted by Ordinance No. 7214.

13-4-1. - Legislative Intent.

The provisions of this chapter are intended to assist with the enforcement of the regulatory provisions of chapters 13-2, "Campaign Financing Disclosure," and 13-3, "Campaign Activities," B.R.C. 1981. The procedures set forth in this chapter are not exclusive and shall supplement other applicable enforcement provisions.

13-4-2. - Allegation of Election Code Violation.

(a) A request for action stating that any provision of chapter 13-2, "Campaign Financing Disclosure" or chapter 13-3, "Campaign Activities," B.R.C. 1981, of this title has been violated may be submitted to the city clerk. The request for action shall be in writing and must be submitted no later than forty-five days following any election in which it is alleged that the misconduct occurred. The request for action shall:

(1) Request that the city attorney file a civil action;

(2) Identify the particular provisions of chapter 13-2, "Campaign Financing Disclosure," or 13-3, "Campaign Activities," B.R.C. 1981, that allegedly were violated;

(3) State the factual basis for that allegation;

(4) Identify any relevant documents or other evidence; and

(5) Identify any witnesses or persons with relevant knowledge.

(b) The city clerk will notify the party named in the request for action (the "respondent") and may provide the respondent an opportunity to provide information or otherwise respond to the allegations of the request for action.

13-4-3. - Initial Review of Request for Action.

The city clerk will evaluate the request for action and all information in the clerk's possession related to the request for action to determine whether there is probable cause to believe that further investigation would disclose a violation by the respondent. The city clerk may, at the clerk's discretion, consult with the city attorney or delegated legal counsel regarding this review. Such determination shall be made based upon the request for action, any information provided by the person who filed the request for action or the party named in the request for action, and upon such additional information as the clerk may determine to be pertinent.

13-4-4. - Denial of Request for Action by City Clerk.

If the city clerk determines that no probable cause exists that further investigation would disclose a violation by the respondent, the city clerk shall close the file with regard to the matter. In that event, the city clerk shall so notify both the complainant and the respondent. Such notice shall be sufficient if it is accomplished by depositing it with the United States Postal Service addressed to the last known address of the complainant and the respondent. The city clerk may also determine that the violation, if any, can be cured after exercise of the city manager's powers under chapter 13-2, "Campaign Financing Disclosure," B.R.C. 1981, and, if the violation is cured, may deny the request for action on that basis without further review.

13-4-5. - Determination by City Clerk Final.

(a) A determination by the city clerk that there is no probable cause that further investigation would disclose a violation by the respondent shall be final. Cure of a violation through exercise of the city manager's powers under chapter 13-2, "Campaign Financing Disclosure," B.R.C. 1981, also shall be final. No appeal or review from such determinations shall be permitted, and the city attorney will not bring any civil or criminal enforcement action against a party in either circumstance.

(b) A determination by the city clerk that there is probable cause that investigation will disclose a violation by the respondent shall also be final. No defect in the city clerk's determination shall constitute a defense at any hearing held by a city clerk or at any judicial enforcement proceeding.

13-4-6. - Power of City Clerk to Hold Hearings.

The city clerk is empowered to receive evidence and make recommendations with regard to any request for action. The purpose of such hearings will be to determine whether sufficient evidence of a violation by the respondent exists to warrant bringing a civil or criminal action. The city clerk may schedule hearings, mandate the appearance of witnesses through the issuance of subpoenas and mandate the provision of documents through the issuance of subpoenas for documents. Subpoenas for documents may be directed to any custodian of records or to any other person possessing or controlling such records.

13-4-7. - Hearing Procedures.

The following procedures shall be used by the city clerk in any hearing:

(a) The city clerk shall fix the date, time, duration and place of each hearing;

(b) The complainant and the respondent may each be represented by counsel or other authorized representative;

(c) The city clerk may receive and consider testimony under oath, as well as evidence of witnesses by affidavit, giving such evidence only such weight as seems proper after consideration of any objection made to its admission;

(d) The legal rules of evidence need not be strictly applied by the city clerk. The city clerk shall accept or reject evidence based upon the city clerk's evaluation of the reliability of that evidence; and

(e) The city clerk may refer to the provisions in chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, relating to quasi-judicial hearings, for guidance with respect to procedures that may be utilized at any hearing held pursuant to this section. However, final decisions regarding such procedures shall be determined by the city clerk in conformity with the intent of these provisions and in a manner consistent with general principles of due process.

13-4-8. - Negative Determination by City Clerk.

If, upon completion of the city clerk's evaluation of evidence, the city clerk determines that there is insufficient evidence of a violation by the respondent to warrant bringing a civil or criminal action, the investigation shall be terminated concerning that respondent. In that event, the city clerk shall notify both the complainant and the respondent of this determination. Such notice shall be sufficient if it is deposited with the United States Postal Service addressed to the last known address of the complainant and the respondent.

13-4-9. - Power of City Clerk to Issue Remedial Order or Warning Letter.

If, upon completion of the hearing process, the city clerk determines that sufficient evidence exists to bring a civil or criminal action, the city clerk may direct the respondent to take remedial actions including, without limitation, the following:

(a) Filing a corrected disclosure form;

(b) Publishing corrective advertising;

(c) Refunding any private contributions obtained under false pretenses; and

(d) Refunding to the city any public monies inappropriately obtained for the financing of election activities.

The city clerk may also issue the respondent a warning letter. The city attorney may bring a civil action following compliance with a remedial order as described in subsections (a) through (d) of this section for the purpose of incorporating the terms of the order into a consent decree. Otherwise, a warning letter or compliance by the respondent with a remedial order will end the process, and no civil or criminal action will be filed.

13-4-10. - Referral to City Attorney for Criminal or Civil Prosecution.

If upon completion of the formal hearing process, the city clerk determines that sufficient evidence exists to bring a civil or criminal action and if the matter is not resolved through a warning letter or compliance with a remedial order issued by the city clerk, the matter shall be referred to the city attorney and delegated legal counsel. In such an instance, the city attorney or delegated legal counsel will evaluate

the case to determine whether or not criminal prosecution or the bringing of a civil enforcement action is in the public interest.

13-4-11. - Remedies Not Exclusive.

The procedures set forth by these provisions shall not impair the right of any interested party, including the city clerk, the city attorney or a complainant, to notify the district attorney or the police of crimes that might be investigated or potentially prosecuted by those agencies. Nor shall these provisions preclude the city attorney from bringing criminal charges without first exhausting the administrative hearing process set forth in these provisions if the city attorney feels that there is sufficient basis for a criminal prosecution and that the interests of justice require prosecution prior to exhaustion of the administrative process described in these provisions.

13-4-12. - No Appeal to City Council.

No decision by the city clerk made pursuant to this chapter shall be reviewed or reversed by the city council. The city council shall not become involved in the handling of any matter brought or investigated pursuant to these provisions. Nothing in this chapter shall be deemed to create a right of appeal to the city council by a person named in a request for action.

13-4-13. - Confidentiality of Investigation.

The contents of files relating to pending inquiries or investigations into possible violations of the provisions of chapter 13-2, "Campaign Financing Disclosure," or 13-3, "Campaign Activities," B.R.C. 1981, shall not be made public by the city clerk, the city attorney or by any other person or agency that is conducting an official investigation on the part of the city into alleged or possible violations of this type. Nor will any preliminary reports or drafts relating to the results of such investigations be made public. The city council finds that such disclosures could compromise criminal justice investigations. Further, the city council finds that such disclosures would be contrary to the public interest because such disclosures might have the effect of politically damaging a person or interest in a case in which the final disposition of an investigation would not sustain a finding of misconduct. The release of interim findings or draft reports might in that manner interfere with the appropriate workings of the democratic process.

--- (**2**) ---

CITY OF BOULDER CHARTER, ARTICLE III

Article III: Elections

Sec. 22. Municipal elections defined.

A general municipal election shall be held in the City of Boulder on the first Tuesday in November of every odd numbered year, and shall be known as the general municipal election. All other municipal elections shall be known as special municipal elections. (Amended by Ord. No. 7412 (2005), § 2, adopted by electorate on March 8, 2005.)

Sec. 23. Nomination by petition-requirements of petitions.

All elective officers of the city shall be nominated by petition which shall consist of the candidate's consent, the prayer and signatures of the petitioners, and the city clerk's certificate of petition. Each petition shall be on a separate paper, of uniform size, to be provided by the city clerk, and shall contain the name of but one candidate. No elector shall sign petitions for more candidates than the number of places of that particular designation to be filled at the election; and should an elector do so, said elector's signature shall be void as to the petition or petitions which said elector last signed.*

Sec. 24. Candidate's affidavit of consent.

Before any petition is filed with the city clerk, the candidate whose name appears on said petition shall appear before the city clerk and take the oath (or affirmation) which appears on the form of petition herein set forth.

Sec. 25. Requirements for signing petitions.

Before signing a petition of nomination, each person shall take oath (or affirmation) before the city clerk that the representations set forth in the petition are true and shall sign such person's name thereto in a space designated by the city clerk, together with such person's residence, street and number, place of business, and the date of signing.*

Sec. 26. City clerk's certificate of petition.

When a petition of nomination shall have been signed by not less than twenty-five and not more than thirty-five qualified and duly registered electors, and not later than the seventy-first day before the pending municipal election, the city clerk shall check such petition with the official registration list, determine its sufficiency, and, if sufficient, shall append the clerk's certification of petition, and file the completed petition in the clerk's office, together with the date and certificate of the filing thereof. The petition may be amended to correct or replace signatures which the clerk finds not in apparent conformity with the requirements of this charter and any applicable ordinance at any time prior to the sixty-sixth day before the election. (Amended by Ord. No. 3925 (1973), § 1, adopted by electorate on September 11, 1973. Further amended by Ord. No. 5576 (1993), § 1, adopted by electorate on November 2, 1993.)*

Sec. 27. Form of nomination petition.[8]

CANDIDATE'S CONSENT

State of Colorado,)
County of Boulder,) ss.
City of Boulder.)

I, (name of candidate), do solemnly swear (or affirm) that I am a registered elector of the City of Boulder and that on the date of the next general municipal election, I will be not less than twenty-one years of age and will have been a resident of the City of Boulder for one year immediately prior thereto and that if legally nominated, I will stand as candidate for council member at the general municipal election to be held on _____ , A.D._____.

_____
(Candidate's signature)

Subscribed and sworn to before me this _____day of_____, A.D. _____.

_____
City Clerk

(CITY SEAL)

ELECTORS' PETITION

We, the undersigned electors of the City of Boulder, hereby nominate _____, whose residence is _____, whose place of business is at _____, for office of _____, to be voted upon at the election to be held in the City of Boulder on the _____day of _____, _____, and we individually swear (or affirm) that we are registered to vote for a candidate for the above office, and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto; and we further swear (or affirm) that we join in this petition for the nomination of the above named person upon the condition that the said _____ has not become a candidate as the nominee or representative of, nor because of any promised support from, any political party, or from any person or firm or combined interests in any measure or franchise.

No.	*Names of Electors*	*Residence*	*Date of Signature*	*Check Mark by Clerk*
1.				
2.				
3.				
35.				

CITY CLERK'S CERTIFICATION OF PETITION

State of Colorado,)
County of Boulder,) ss.
City of Boulder.)

I hereby certify that each and every person whose signature appears on this petition personally appeared before me on the day and date set opposite such person's name, was duly sworn as to the matters set forth in said petition, and signed such person's name as petitioner for the purpose above set forth; and I further certify that I have examined the official registration list of persons qualified to vote at the next

ensuing municipal election named in such petition; that (state the number) of the above petitioners appear as duly registered electors in the City of Boulder; and that to the best of my knowledge and belief this petition is _____ sufficient.

In testimony whereof, I have hereunto set my hand and the seal of the City of Boulder this (twenty-second day before election) day of _____ , A.D._____.

_____

City Clerk

*(CITY SEAL)**

(Amended by Ord. No. 3925 (1973), § 1, adopted by electorate on September 11, 1973. Further amended by Ord. No. 6006 (1998), § 2, adopted by electorate on November 3, 1998. Further amended by Ord. No. 7801 (2011), § 2, adopted by electorate on November 1, 2011.)

Sec. 28. Time of completing the petition.

A petition of nomination shall be completed and filed in the office of the city clerk not earlier than ninety-one nor later than seventy-one days before the election. (Amended by Ord. No. 3925 (1973), § 1, adopted by electorate on September 11, 1973. Further amended by Ord. No. 5576 (1993), § 1, adopted by electorate on November 2, 1993.)

Sec. 29. Withdrawal from nomination.

Any person having been duly and regularly nominated as herein provided, may, prior to the sixty-sixth day preceding the election for which such person has been nominated, withdraw from such nomination by filing with the city clerk a sworn statement of such withdrawal. (Amended by Ord. No. 3925 (1973), § 1, adopted by electorate on September 11, 1973. Further amended by Ord. No. 5576 (1993), § 1, adopted by electorate on November 2, 1993.)*

Sec. 30. Preservation and filing of petitions.

The city clerk shall preserve and file in the clerk's office for a period of six years all petitions of nomination and all certificates, acceptances, and withdrawals belonging thereto.*

Sec. 31. Election notices.

The city clerk shall prior to the date upon which ballots are distributed to registered electors certify a list of the candidates so nominated for office at such election, whose names are entitled to appear upon the ballot as being the list of candidates nominated as required by this charter, together with the offices to be filled at such election, designating whether such election shall be for a full or unexpired term; and the clerk shall file in the clerk's office said certified list of names with residence and business addresses and the offices so to be filled, and the clerk shall cause to be published a notice calling such election, in one daily newspaper of general circulation and published in the City of Boulder, which notice shall contain a list of said names of candidates, with residence, place of business, the offices to be filled, the time when and the places at which such election shall be held. (Amended by Ord. No. 3925 (1973), § 1, adopted by electorate on September 11, 1973. Further amended by Ord. No. 4773 (1983), § 1, adopted by electorate on November 8, 1983. Further amended by Ord. No. 5576 (1993), § 1, adopted by electorate on November 2, 1993. Further amended by Ord. No. 7801 (2011), § 2, adopted by electorate on November 1, 2011.)*

Sec. 32. General election regulations.

The provisions of any and all laws of the State of Colorado now or hereafter in force, except as the council may otherwise by ordinance provide, or as may be otherwise herein provided, relating to the qualification and registration of electors, the manner of voting, the duties of election officers, and all other particulars in respect to the management of elections, insofar as the same may be applicable, shall govern all municipal elections; provided, that the city council, exclusive of such members thereof as are candidates at the then pending election, shall constitute the general canvassing and election board and shall meet and duly canvass the election returns, as certified by the precinct or district election officials, which returns and certifications shall be in accordance with the provisions of this charter.

The city clerk or a duly authorized assistant shall act as secretary of the board of canvassers, and shall spread the result on a record kept for the purpose, and shall issue such certificates, under the seal of the city, as the circumstances may warrant and necessitate. (Amended by Ord. No. 7801 (2011), § 2, adopted by electorate on November 1, 2011.)*

Sec. 33. Voting machines.

In all general and special municipal elections held in the City of Boulder for any purpose whatsoever, the ballots or votes may be cast, registered, recorded, and counted by means of voting machines. The provisions of any and all state laws now or hereinafter in force relating to the use of voting machines at elections, except as the council may otherwise by ordinance provide, shall govern the management of voting machines in elections.

All the provisions of this charter relating to elections and any and all laws of the State of Colorado now or hereafter in force and not inconsistent with the provisions of this charter shall apply to all elections held in election districts or precincts where voting machines are used. Any provisions of this charter heretofore in force which conflict with the use of voting machines as herein set forth shall not apply to precincts in which an election is conducted by the use of voting machines. Nothing in this charter, however, shall be construed as prohibiting the use of separate paper ballots, if need be, for the purpose of conducting any special or general municipal election in the City of Boulder. (Repealed by Ord. No. 1474 (1947), § 1, adopted by electorate on November 4, 1947. Re-enacted by Ord. No. 1826 (1954), § 1, adopted by electorate on October 26, 1954. Further amended by Ord. No. 7801 (2011), § 2, adopted by electorate on November 1, 2011.)[9]*

Sec. 34. Placement of candidates on ballot.

The members of the city council shall be elected by votes cast by registered electors as provided by the laws of the State of Colorado and the charter and ordinances of the City of Boulder. The order of the candidates on the form of ballot shall be determined by lot. (Repealed and re-enacted by Ord. No. 1474 (1947), § 1, adopted by electorate on November 4, 1947. Amended by Ord. No. 7801 (2011), § 2, adopted by electorate on November 1, 2011.)*

Sec. 35. Counting ballots.

There shall be but one list of candidates for both the full regular terms to be filled and any parts of terms to which there is a vacancy which is to be filled. The candidates having the highest number of votes to the number that there are full regular terms to be filled shall be declared elected to those terms. If there is a vacancy term or terms to be filled, then the candidate or candidates having the next highest number of votes to the number that there are vacancy terms to be filled shall be declared elected, the one having the highest number of votes to fill the longest vacancy term and the one having the next highest to have the next longest vacancy term, until all vacancy terms are filled. There shall be no choice or preference between voting for candidates, but all votes shall be of equal value, and every voter shall be allowed to

vote for as many council members as there are council members to be elected. (Repealed and re-enacted by Ord. No. 1474 (1947), § 1, adopted by electorate on November 4, 1947.)*

Sec. 36. Expenditure of money on elections.

(Amended by Ord. No. 2263 (1959), § 1, adopted by electorate on November 3, 1959.)*

(Repealed by Ord. No. 5219 (1989), § 1, adopted by electorate on November 7, 1989.)

---

* Indicates those sections in which reference to gender were neutralized by Ord. No. 4602, November 3, 1981.

[8] This section should also have been amended by Ord. No. 1978 (1956), § 1, adopted by electorate on October 2, 1956, which changed the residency requirements for council members from five to three years.

[9] This section was enacted as Section 32 in Ord. No. 1826 but was codified as Section 33 in the Code of the City of Boulder, 1955.

Article 7.5
Mail Ballot Elections

1-7.5-104. **Mail ballot elections -applicability -optional for political subdivisions other than a county.**
For all general, primary, odd-year, coordinated, recall, and congressional vacancy elections conducted on or after July 1, 2013, and for any election in which the governing board of a political subdivision other than a county determines that an election shall be by mail ballot, the county clerk and recorder or designated election official for the political subdivision, as applicable, shall conduct
the election by mail ballot under the supervision of, and subject to rules promulgated in accordance with article 4 of title 24, C.R.S., by, the secretary of state.

Source: L. 92: Entire article R&RE, p. 753, § 10, effective January 1, 1993.
L. 93: (2) amended, p. 1422, § 82, effective July 1. **L. 94:** (1) amended, p. 1166, § 39, effective July 1. **L. 2009**: (2) amended, (HB 09-1015), ch. 259, p. 1184, § 4,
effective August 5. **L. 2013:**Entire section amended, (HB 13-1303), ch. 185, p. 725, § 82, effective May 10.

Editor's note: This section is similar to former § 1-7.5-104 as it existed prior to 1992.

Cross references: In 2013, this section was amended by the "Voter Access and
Modernized Elections Act". For the short title and the legislative declaration, see sections 1 and 2 of chapter 185, Session Laws of Colorado 2013.

1-7.5-104.5. Ballots and supplies for mail voting. (1)
The county clerk and recorder or designated election official shall provide mail ballots, affidavits, certificates, envelopes, instruction
cards, and other necessary supplies in the same manner as other election supplies are provided for in all elections and without cost to any eligible elector wishing to vote pursuant to this article.
(2) (a) The ballots must be in the same form as other official ballots for the same election.
(b) The approved form must include, at a minimum:
(I) Instructions to return a copy of identification with the ballot for first-time electors who are required to provide identification in accordance with section 1-2-501;
(II) Information regarding the availability of accessible voting systems in elections coordinated by the county clerk and recorder;
(III) Information regarding how to vote and return the ballot or obtain a replacement; and
(IV) Instructions to include adequate postage.

(3) In counties including more than one state senatorial district or more than one state representative district, or both, mail ballots must be provided in a manner to be determined by the county clerk and recorder for each combination of state legislative districts. Distinctive markings or colors may be used to identify political subdivisions when such colors or distinctive markings will aid in the distribution and tabulation of the ballots. A complete ballot may consist of one or more pages or cards so long as each page or card is numbered and identified as

provided for paper ballots in sections 1-5-407 and 1-5-410. This subsection (3) applies to ballots to be cast on voting machines as well as to paper ballots and ballot cards that can be electronically counted.

(4)(a) On the mail ballot instructions and the secrecy envelope or sleeve or on the combined instructions and secrecy envelope or sleeve, whichever is applicable, the statement "All ballots are counted in the same manner." must be printed.
(b) The mail ballot instructions shall contain information on how the elector may verify that his or her mail ballot has been received by the county clerk and recorder or designated election official as
provided in section 1-7.5-207.
Source: **L. 2013:** Entire section added, (HB 13-1303), ch. 185, p. 725, § 83, effective May 10.

Cross references: In 2013, this section
was added by the "Voter Access and Modernized Elections Act". For the
short title and the legislative declaration, see sections 1 and 2 of chapter 185, Session Laws of Colorado 2013.

The full text of Colorado Revised Statutes §1-7.5-101 thru §1-7.5-116 can be found at the following URL: http://www.sos.state.co.us/pubs/elections/LawsRules/files/Title1.pdf