Candidate Guidelines

for

The City Council Election

GENERAL MUNICIPAL ELECTION

November 5, 2013

City of Boulder

Office of the City Clerk

City of Boulder
Office of the City Manager
Office of the City Clerk
Alisa Lewis, MMC
City Clerk/Director of Support Services

July 25, 2013

TO: All City Council Candidates and Official Candidate Committees

This booklet has been prepared for use by City Council Candidates and their Official Candidate Committees as a general guide for the November 5, 2013 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 the 2013 General Municipal Election.

Sincerely,

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

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 will be displayed.

Candidate Guidelines
2013 General Municipal Election

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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 (Southwest corner of Broadway and Canyon Boulevard)
Mailing Address:	Office of the City Clerk City of Boulder P.O. Box 791 Boulder, CO 80306-2546
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 80301
Telephone:	303.413.7740

Date of Election

The General Municipal Election will be held on Tuesday, November 5, 2013.

Mail Ballot Election

The City of Boulder General 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 15th. Ballots cannot be forwarded and are considered "returned mail" for purposes of changing a voter's status to "inactive."

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 from October 15th 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. There are five (5) council seats open in the 2013 General Municipal Election.
- Currently, all Council members, including the Mayor and Mayor Pro Tem, are compensated $196.90 per meeting up to a maximum of four meetings per month.

Issues on Ballot

At the time of publication of this document, no issues have been certified for the 2013 General Municipal Election.

Printed and Electronic Informational Resources

The following resources are available through the City Clerk's Office and the City's website.

- *Candidate Guidelines for the City Council Election.*
- *Committee (Unofficial, Issue and Political) Guidelines.*

The above documents will also be available in printed format.

Candidate/Committee Open Houses

The Candidate/Committee Open Houses are designed for candidates and campaign committee members. *It is especially important that candidates and committee treasurers attend.* All training sessions will be held in the 1777 West Conference Room of the Municipal Building from 5:30–7:00 pm.

Overview of Election Guidelines, Petition Process & Reporting Forms
Thursday, July 25

Financial Reporting Training for Candidates & Committee Treasurers
Thursday, August 15

General Question & Answer Session for Candidate & Committees
Thursday, September 12

Qualifications for Office of City Council Member

The candidate must:

- Be a citizen of the United States of America;

- Be twenty-one years of age, or older;
- Have resided in the City of Boulder for one year immediately prior to the date of election; and
- Be a qualified elector as defined by the laws of the State of Colorado.

Candidate's Petition of Nomination

The nomination petition process is the first step in becoming a candidate for City Council and is spelled out in the City Charter. Nomination petitions will be available in the Office of the City Clerk between 8 AM, Tuesday, August 6, and 5 PM, Monday, August 26.

The petition form consists of the "candidate's consent" and the "prayer," the signatures of the petitioners, and the City Clerk's certificate of petition. The "candidate's consent and prayer" is basically a sworn statement by the potential candidate that h/she meets the qualifications to be a candidate for City Council, and, if legally nominated, will be a candidate in the municipal election.

Once the potential candidate's consent has been completed, the petition remains in the possession of the City Clerk. Qualified, registered electors may sign the petition by taking an oath (or affirmation) before the City Clerk or the Clerk's designee, that the information in the petition is true, and sign her/his name, residence, street number, and the date. *An elector may only sign as many petitions as there are openings available on Council*. In the 2013 General Municipal Election, there are five (5) open seats on the City Council.

The petition must be signed by at least twenty-five and not more than thirty-five qualified, registered City of Boulder electors. These electors must sign the petition in the City Clerk's Office. At no time does the petition leave the possession of the City Clerk's Office.

As soon as a petition has received the necessary signatures within the specified timeframe, the City Clerk checks the petition against the official voter registration list and, if sufficient, certifies the petition and files it in the City Clerk's Office. Once this is done, the certified candidate should file the required forms to organize an official candidate committee, submit the financial disclosure form and report contributions and expenditures to date, as described in the Filing Requirements section of this document.

Withdrawal from Nomination

A person whose nomination petition has been properly completed and certified may withdraw from nomination by filing a sworn statement (*Candidate's Statement of Withdrawal)* with the City Clerk no later than August 30.

Order of Candidate Names on Ballot

The order of candidate names appearing on the ballot will be alphabetical by surname as required by Charter Section 34.

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 official candidate, unofficial candidate, and issue committees supporting such candidates or issues on a municipal election ballot. Financial disclosure is also required of any citizen or other entity making an independent expenditure greater than $200 in support of or opposition to the election of a candidate or candidates for City Council. A listing of the filing requirements for candidates, candidate committees and anyone making an independent expenditure are provided in the Filing Requirements and Independent Expenditures sections of this document.

Campaign Advertising Identification

All campaign literature and advertising that *expressly supports or opposes a candidate or candidates* for City Council must include the name of the *person* (individual, corporation, committee, etc.) who financed the composition, presentation or distribution of campaign materials or advertisements in the content of the materials.

The usual wording is "Paid for by (name)."

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 official candidate committee, or its agents.
- Must include the following notice on the face of the front page of all literature and advertisements: "A copy of our report is filed with the City Clerk of the City of Boulder, Colorado."

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.
- 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.

This is a selected portion of the Boulder Sign Code and is not totally inclusive. The City of Boulder Sign code is available for your review in Central Records at the Municipal Building, 1777 Broadway, on the web at www.boulderplandevelop.net or you may call Sign Code Administration at 303-441-1875.

Channel 8 Presentations

Each city council candidate will have an opportunity to present her/his issues or concerns on Channel 8. The individual segments will be edited together and will be aired throughout the election season.

Taping Schedule

As candidates are certified to be on the November ballot, the CFR Administrator will schedule an appointment and provide guidelines from Channel 8 for making a good impression on TV.

The three (3) minute statements will be shot individually in the Channel 8 studio. The complete set-up and taping process takes 20 minutes and you will be assigned a date and time after becoming a certified candidate.

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.

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*.

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 2013 General Municipal Election is $17,572.

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.

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.

Official candidate committee

Official candidate committee is synonymous with *candidate committee*.

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.

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.

ESTABLISHING CANDIDACY

Organizing an Official Candidate Committee

No more than three days after a candidate's petition for City Council has been certified by the City Clerk, the *candidate* must file an *Official Candidate Committee Statement of Organization* (Form 13-2-5). Acceptance of this form by the City Clerk officially recognizes the candidate's *official candidate committee*. Every candidate must establish an official candidate committee, even if it is a committee consisting solely of the candidate. In addition, a candidate may have *only one* official candidate committee.

Following the processing of this form by the City Clerk's Office, the City Clerk's Office will post to the election website a *Confirmation of Candidacy & Committee Organization.* This document will assign a unique identification number to the candidate and her/his official candidate committee. This ID number will be used on all subsequent filings. This document may be used by the candidate/candidate committee whenever verification of candidacy is needed. For example, it can be used at a bank to open a checking account for the candidate's campaign.

> ☞ Note: The bank also will require an IRS tax identification number called an EIN – Employer Identification Number – to establish a checking account for a political organization. See the following section on establishing a bank account, for more information.

When completing the *Official Candidate Committee Statement of Organization* (Form 13-2-5), the *candidate* will be asked for the names and addresses of candidate 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 accounting background as the treasurer of the candidate committee. 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 City Council campaign at any time after certification. Decisions on the committee treasurer and the record-keeping system should be made with this accountability requirement in mind.

> ☞ Note: All candidates/candidate committees are required to file certain forms, whether or not any *contributions* have been collected, or any *expenditures* made. Required forms need to be completed, signed and filed on the specified dates. (See the "Filing Requirements" section for more information.)

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 after being certified as a *candidate*, your *official candidate committee* will need to have the proper 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. 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.

If a *candidate* applies for matching public funds, the name on the bank account and the payee for the matching funds checks from the City should be the same. If matching funds checks are payable to the *candidate*, the funds may be taxable as personal income. If the matching funds are payable to the *official candidate committee*, the funds may not be taxable as personal income. (Consult your tax advisor for advice relating to your specific situation.)

When you establish your bank account as an *official 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.

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 2013 General Municipal Election

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:	84,179	Per Boulder County official voter list as of January 2012
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
Inflated Per-voter Base: ...	**$0.195**	(Per-voter base) x (1 + Inflator 1) x (1 + Inflator 2) x (1 + Inflator 3) x (1 + Inflator 4)

Expenditure Limit **= $17,572** (Inflated Per-Voter Base) x (Registered Electors)

Minimum Fundraising Amount to Qualify for Matching Funds = $1,757 (10% of *Expenditure Limit*)

Personal Contribution Limit for *Candidates* Receiving Matching Funds = $3,514 (20% of *Expenditure Limit*)

Maximum Matching Funds =$8,786 (50% of *Expenditure Limit*)

FILING REQUIREMENTS

Administrative Requirements

Candidates/*official candidate committees* are required to file certain forms, whether or not *contributions* have been collected or *expenditures* made.

Required Forms

Candidates and *candidate committees* must use forms provided by the City to meet the reporting requirements described in this document. The city began an electronic web filing system in 2009. After becoming a certified candidate, you will be issued a user name and password that will allow you to access these forms.

Required forms will be submitted online. *If not otherwise stated on the form, information must be current and accurate at least as of 5PM on the second calendar day before the filing date.* For example, if a report is due on October 22, the information in the report must be complete and accurate at least as of 5 PM on October 20.

Due Dates for Reporting

Due dates for *candidate* and *candidate committee* reporting are provided in the table on the next page.

Due dates for reporting of *independent expenditures* greater than $200 is provided in the "Independent Expenditures" section. This reporting applies to any individual, entity or committee (other than the *candidate* or the candidate's *official candidate committee*) that makes an *independent expenditure* in excess of $200.

Changes to Information Submitted

If information that has been submitted changes, such as a change in an officer of a *candidate 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 *candidate*/*candidate committee* is notified by the City of an unmet reporting requirement, incorrect information or incomplete information, the *candidate*/*committee* must provide the required information within 72 hours of notification.

Write-In Candidate

A write-in *candidate* must file an *Affidavit of Intent of Write-In Candidate* (Form 1-4-1101(2) U.E.C.) no later than September 3. (Uniform Election Code 1-4-1101 C.R.S.)

Candidate Withdrawal

If a certified *candidate* withdraws from the election process, a *Candidate's Statement of Withdrawal* (Form 1-4-1001 U.E.C.) must be submitted by August 30. (City Charter Section 29.)

Summary of Forms and Due Dates

Form No.	Form Title (Completed By)	Due Dates for Candidates/Candidate Committees	Additional Due Dates for Candidates Requesting Matching Funds
Charter Section 27	Candidate's Petition of Nomination *(Candidate & Registered Electors)*	Earliest date petition may be completed – August 6, 2013 Latest date petition may be completed – August 26, 2013	
13-2-5	*Official Candidate Committee Statement of Organization* (Candidate)	No more than 3 days after candidate's petition is certified.	
13-2-3	*Candidate's Financial Disclosure Statement* (Candidate)	Within 3 days after candidate's petition is certified.	
13-2-8	*Official Candidate Committee Contributions & Expenditures Statement* (Seven mandatory filings for candidates/candidate committees. Additional filings for candidates receiving matching funds.)	3 days after candidate's petition is certified. September 24, 2013 October 8, 20113 October 15, 2013 October 22, 2013 October 31, 2013 No later than 30 days after election (December 5 by 5 p.m.).	This form is also used to request matching funds. It must be submitted with the *Matching Funds Contract* and the IRS *W-9* form to establish eligibility and to make the first request for matching funds. Once eligibility has been established, subsequent requests for matching funds may be submitted on this form no more than once per work week through October 22, 2013.
13-2-21(b)	*Matching Funds Contract Form* (Candidates seeking matching funds)		This form is submitted along with the IRS *W-9* form once eligibility requirements for matching funds have been met. It may be submitted any time after candidate certification through October 22, 2013.

LIMITS ON CONTRIBUTIONS

Limits on Contributions for ALL Candidates

Every *candidate* must establish an *official candidate committee*. This is true even if the *candidate* is the only member of the *committee*. In addition, a *candidate* may have only one *candidate committee*. (If there are multiple sub-committees working on various parts of the campaign and their activities are coordinated, they are considered one *candidate committee* and must file combined reports.) For the purposes of soliciting *contributions*, making *expenditures* and for most required filings, the *candidate* and her/his *official candidate committee* are considered a single entity.

In addition, *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 *candidate* for City Council or her/his *official candidate committee* may solicit or accept any *contribution*, including *in-kind contributions*, that will cause the total *contributions* from any *person* to exceed $100 for a single election. Since the *candidate* and the *candidate committee* are considered a single entity, the sum of *contributions* to either cannot exceed $100.

The $100 limitation on *contributions* from *individual contributors* applies to all City Council *candidates*, not just those receiving public matching funds.

In addition, 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. (In this case, *person* can mean a natural person, corporation, firm, partnership, association, organization, and any other group acting as a unit as well as individuals.) 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.

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.

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. If joint bank account holders would each like to make a contribution exceeding $100 total using one check, they must both sign on the signature line.

Candidate's Personal Contribution(s) to Campaign

Candidates for City Council who receive matching funds agree to contribute no more than 20% of the *expenditure limit* to their campaigns from their own personal wealth. In the 2013 General Municipal Election, the 20% personal contribution cannot exceed $3,514.

Anonymous Contributions

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 should be disposed of as follows:

Candidates Receiving Matching Funds

Anonymous contributions to the *candidate* or her/his *candidate committee* should be forwarded to the City Clerk with the next required *Official Candidate Committee Contributions & Expenditures Statement* (Form 13-2-8), to be deposited in the general fund of the City. Be sure to obtain a receipt from the City to be kept as part of your campaign records.

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. Be sure to obtain 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.

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)

LIMITS ON EXPENDITURES

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 her/his *expenditures* to a predefined *expenditure limit*. In the 2013 General Municipal Election the *expenditure limit* is $17,572.

Expenditures by the *candidate* and by the *official candidate committee* apply toward this *expenditure limit*. It is important to note that any *expenditure* 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*.

QUALIFYING FOR & RECEIVING MATCHING FUNDS

Eligibility

To qualify to receive public matching funds, a *candidate* must do the following:

1. Raise at least 10%

Raise at least 10% of the *expenditure limit* from *individual contributors* following the rules listed below. For the 2013 General Municipal Election, a *candidate* must raise at least $1,757.

Rules for Meeting the 10% Fundraising Requirement:

- Only cash or cash-equivalent *contributions* apply. Loans or *in-kind contributions* do not apply.
- No more than $25 from any *individual contributor* counts toward the amount that must be raised. Twenty-five dollars of a *candidate's* own *contribution* from her or his personal wealth may be applied toward the $1,757 that must be raised to qualify for matching funds.
- Anonymous *contributions* do not apply. If information provided by a *candidate* cannot be verified, it cannot be used to help qualify a *candidate* for matching funds.
- Money raised by a *candidate's* committee is considered the same as money raised by the *candidate*. (Only money raised by the *candidate* or her/his *official candidate committee* counts toward eligibility.)

2. Matching Funds Contract

Complete and sign the *Matching Funds Contract* (Form 13-2-21(b)). Included among the key terms of the contract are the following.

The *candidate* agrees:

- To limit her or his *expenditures* to a predetermined *expenditure limit*. For 2013, the *expenditure limit* is $17,572. Candidate expenditures, expenditures by the candidate's official campaign committee, and any coordinated expenditures with other *persons* all apply toward this *expenditure limit*.
- To contribute to her/his campaign no more than 20% of the *expenditure limit*, from her/his own personal wealth. For 2013, the candidate can contribute no more than $3,514 to their campaign. (This includes both monetary and non-monetary contributions.)
- To return at least 50% of any unexpended funds to the City, but not more than the matching funds received.

3. IRS W-9 Form

Complete and sign the *Request for Taxpayer Identification Number* (Internal Revenue Service W-9 Form). (This is needed by the City in order to issue checks.)

4. Contributions & Expenditures Statement

Complete an *Official Candidate Committee Contributions & Expenditures Statement* (Form 13-2-8).

5. Submit all forms to the City Clerk's Office.

Submit all three forms to the City Clerk's Office.

Determining the Amount of Contributions to be Matched

Candidates who meet eligibility requirements can have certain types of *contributions* matched with public funds, up to a maximum of 50% of the *expenditure limit*. In the 2013 General Municipal Election, the maximum amount that will be matched is $8,786. Use the *Official Candidate Committee Contributions & Expenditures Statement* (Form 13-2-8) to determine the amount of *contributions* to be matched and to request matching funds (see the next section for more information).

The following restrictions apply in determining the amount of *contributions* to be matched:

- Only actual currency or its equivalent will be matched.
- Anonymous contributions are not allowed to be retained or expended and will not be matched.
- If information provided by a *candidate*/*candidate committee* about *contributions* received cannot be verified, those particular *contributions* will not be matched. (It is critically important to maintain complete and accurate records of all *contributions* and *expenditures*.)
- Although a *candidate* receiving matching funds is allowed to contribute up to $3,514 of personal wealth to her/his campaign, only $100 of the candidate's monetary contributions will be matched.

Requesting Matching Funds

Candidates who meet the eligibility requirements for matching funds may receive up to $7,549 in matching public funds. The *Official Candidate Committee Contributions & Expenditures Statement* (Form 13-2-8) is used to determine the amount of *contributions* to be matched and to request the matching funds. The following rules must be followed in requesting matching funds:

- Once a *candidate* has qualified for matching public funds, they may submit a request for public matching funds no more than once during any workweek (Monday – Friday).
- Each request for matching funds, except for the final request, must be for at least $500.
- The last day that requests may be made for matching funds is October 22.
- Although in some cases it may take less time, *candidates* should assume one week to receive a check from the City once a request for public matching funds has been submitted. Submitting accurate, complete, legible forms will increase the chance of fast turnaround.
- *Candidates* may either pick up matching funds checks in person or have them mailed.

Tax Information for Candidates Requesting Matching Funds

If a *candidate* applies for matching public funds, the name of the payee on matching funds checks should be the same as the name on the candidate's campaign bank account. (This will either be the candidate's name or the name of the *official candidate committee*.) Keep in mind that if City matching funds checks are payable to the *candidate*, the funds may be taxable as personal income. If the matching funds checks are payable to the *official candidate committee*, the funds may not be taxable as personal income. Consult your tax advisor for advice relating to your specific situation.

In order to receive matching funds from the City, a *Request for Taxpayer Identification Number* (Internal Revenue Service W-9 Form) form must be completed as one of the eligibility requirements. Again, the name used on the *W-9* should be the same name as on the campaign bank account and be the same as the payee for matching funds checks. The *W-9* form requires that a tax identification number be given. The tax identification number used on the *W-9* form (either the candidate's social security number or the *candidate committee's* EIN) should match the tax identification number used to open the campaign bank account.

For example, assuming that a *candidate* does not want matching funds to be taxable as personal income, the bank account would be established in the name of the *official candidate committee* using the IRS issued EIN (Employer Identification Number). Matching funds checks would be payable to the *official candidate committee*. Note that the *committee's* EIN would be used—not the candidate's social security number—to open the campaign bank account and on the *W-9* form. (See "Establishing Candidacy" for more information.)

Waiving the Right to Apply for Matching Funds

Candidates may choose not to apply for matching public funds.

It is possible for a *candidate* to change her/his mind and later apply for matching funds if the following conditions are met:

- The *candidate* notifies the CFR Program Administrator in writing of the intent to apply for matching funds; and
- The *candidate* re-files all relevant *Contributions & Expenditures Statements*, the *Matching Funds Contract* and the IRS *W-9* form by October 22. This is the last day allowed for requesting matching funds.

  (It is strongly recommended that this type of filing not be done at the last minute, to allow sufficient time for the City to review the documentation and to request additional information and/or clarification, if needed. Once the deadline has passed, additional information cannot be submitted that would increase the amount of contributions to be matched.)

UNEXPENDED CAMPAIGN CONTRIBUTIONS

Candidates Not Receiving Matching Funds

At the end of the campaign, any unexpended *contributions* to *candidates* not receiving matching funds or their *official candidate committees* must be either donated to a charitable organization (recognized under the Internal Revenue Code, §501(c)(3)) or returned to the contributor. The final distribution of these funds must be reported to the City Clerk's Office on the *Official Candidate Committee Contributions & Expenditures Statement* (Form 13-2-8).

Candidates Receiving Matching Funds

Candidates who have received public matching funds must return at least 50% of any unexpended funds to the City, up to the amount of matching funds actually received. The payment to the City must be made within 30 days after the election or the candidate's withdrawal from the campaign, whichever occurs first. If there are additional unexpended funds, they must be either donated to a charitable organization (recognized under the Internal Revenue Code, §501(c)(3)) or returned to the contributor. The final distribution of these funds must be reported to the City Clerk's Office on the *Official Candidate Committee Contributions & Expenditures Statement* (Form 13-2-8).

DISCLOSURE AND ATTRIBUTION REQUIREMENTS

Election Materials & Advertising

Anyone who composes, presents, or distributes information 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 of such information in the content of the materials. This includes all electronic, social media, paper, audio or visual forms of distribution. The usual wording is "Paid for by (name)." (See BRC 13-2-13.)

Solicitation for Candidate Campaign Funds

Any type of general public political advertising (through a broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, web site, email, 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."

(See BRC 13-2-14.)

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* from 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 *candidate* or *candidate committee* that knowingly accepts a *contribution* in excess of $100 or exceeds the *expenditure limit* of $17,572 in violation of the contract with the City and this ordinance, is liable in a civil action initiated by the City Clerk 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.
- 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.

Matching Funds Contract Provisions for Damages

The following damages are provided for in the *Matching Funds Contract* (Form 13-2-21-(b)):

- "If the *Candidate* knowingly accepts a *contribution* in excess of the $100 limit prescribed by the Boulder Revised Code, or does not return the excess to the contributor within five days after the time the *Candidate* knows or should know that such *contribution* was illegal, the *Candidate* agrees to report to the City forthwith and to pay to the City, upon demand made within a year of the event by the City Manager, the sum of $500 or three times the amount by which the *contribution* exceeds $100, whichever is greater."
- "If the *Candidate* makes an *expenditure* or *expenditures* in excess of the campaign *expenditures limit* of $17,572, the *Candidate* agrees to report to the City forthwith and to pay to the City, upon

demand made within a year of the event by the City Manager, the sum of $500 or three times the amount by which the *expenditures* exceed the limit, whichever is greater. The Parties agree that any payment to the City under this section shall be as liquidated damages and not as a penalty."

- "In the case of a substantial violation of the $17,572 campaign *expenditures limit*, the City reserves the right to rescind this contract and recover all funds paid hereunder."

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.

Official Candidate Committees vs. Unofficial Candidate Committees

1. **What is the difference between a *candidate committee* and an *unofficial candidate committee*?**

   A *candidate committee* is the *official candidate committee*, organized at the same time candidacy is established, to support the *candidate* in his or her campaign for City Council. For most reporting requirements, the *candidate* and the *official candidate committee* are considered a single entity. If a *candidate* is receiving matching funds, *expenditures* by either the *candidate* or the *candidate committee* apply toward the candidate's *expenditure limit*. The *candidate* and his/her *candidate committee*, together, may accept no more than $100 in contributions from any *individual contributor*.

   An *unofficial candidate committee* is a *committee* established to either support or oppose one or more *candidates* and it operates totally independently of any *candidate*, *candidate committee* or agent of a candidate. *Unofficial candidate committees* also are limited to $100 from any *individual contributor*.

2. **If an *unofficial candidate committee* pays for ads supporting Candidate A, do those ads count against Candidate A's *expenditure limit*?**

   First, Candidate A has an *expenditure limit* only if they have agreed to the *expenditure limit* as a condition of receiving matching public funds. Assuming that Candidate A has agreed to an *expenditure limit* and the *candidate*/*candidate committee* has no knowledge, influence, or control over the *expenditure*, then it does not count against Candidate A's *expenditure limit*. However, the *expenditure* for ads does apply toward the candidate's *expenditure limit* if there is coordination or collaboration between the *unofficial candidate committee* and Candidate A, Candidate A's *official candidate committee* or any agent of Candidate A.

   Any time there is coordination or collaboration between an *unofficial candidate committee* and a *candidate/official candidate committee*, the *unofficial committee* ceases to exist and becomes part of the *official candidate committee*. This is true even if the *candidate* is not receiving public funds. This is important because any *contributions* that the *unofficial committee* has received are then considered received by the *candidate*, which could cause the $100 limit per contributor to be exceeded.

3. **Does an *unofficial candidate committee* have an *expenditure limit*?**

   No. *Expenditure limits* only apply to *candidates* (and by extension to their *official candidate committees*) who have agreed to the limit as a condition of receiving matching public funds. *Unofficial candidate committees* cannot apply for matching funds.

4. **On occasion, in past campaigns, *candidates* have had their volunteers work together with other campaigns to do joint literature drops (i.e., volunteers from two or more candidate campaigns divide up neighborhoods and drop off campaign literature for each of the participating candidates). Is this still allowed?**

Yes, since what is involved is volunteer time (not the cost of producing the campaign literature), joint literature drops are allowed. (The cost of producing the campaign literature is an *expenditure* of each individual committee.)

Contributions

5. 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. (Note that 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.

6. What are the limitations on *contributions* to *candidates*?

The maximum *contribution* that any *candidate* may solicit or accept from any *individual contributor* is $100. Any amount beyond $100 must be promptly returned to the donor. The $100 limit includes the value of *in-kind contributions*. For example, if ABC Company donates paper to be used for printing a candidate's brochures and the paper has a fair market value of $75, ABC Company could only write a *contribution* check for an additional $25 to the candidate's campaign.

It is also important to keep in mind that *contributions* to the *candidate* and contributions to the *candidate's official candidate committee* are treated as one in the same. If ABC Company contributes $100 to the *candidate committee*, the contribution limit has been reached for that *candidate*.

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

The answer to this question depends on the type of *committee*. An *official candidate committee*, together with the *candidate*, is limited to no more than $100 in *contributions* from any *individual contributor*. This includes the value of *in-kind contributions*. An *unofficial candidate committee*, established and operating independently of the *candidate*(*s*) whom the *committee* supports or opposes, has the same limitation of $100 from any *individual contributor*.

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

8. 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).

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 (highest estimated price that a buyer would pay and a seller would accept for an item in an open and competitive market). In-kind contributions **never** involve a reimbursement.

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.

9. Can my campaign *committee* and volunteers have a pot-luck dinner or is the food that people prepare considered an *in-kind contribution* to the campaign?

If everyone is asked to bring food to share with everyone else, the food is not considered an *in-kind contribution*. However, if only a select few are providing the food for the group, then the food would be considered an *in-kind contribution*.

10. Is an endorsement of a *candidate* treated as a *contribution*?

Making an endorsement of a *candidate*, or solicitation of an endorsement by a *candidate*, is not per se regulated by City ordinance and is not treated as a *contribution*. But the *expenditures* for publishing endorsements, and any *contributions* other than the actual endorsement, are regulated.

Expenditures

11. Exactly when do *expenditures* occur?

An *expenditure* occurs when the actual payment is made or when a contract is agreed upon, whichever comes first.

12. **I know that if, as a candidate for City Council, I receive matching funds, I must agree to limit my campaign expenditures to $15,099. Exactly what *expenditures* count toward that limit?**

    All 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 with the *candidate*, the *official candidate committee*, or any agent of the *candidate*, also apply toward the *expenditure limit*.

Public Matching Funds

13. **Who can apply for matching public funds and what commitments must the applicant make?**

    Any *candidate* for City Council who has met all of the eligibility requirements may apply for matching funds.

14. **What if I get matching funds but don't spend all of the money? Do I get to keep it?**

    No. As a condition of the *Matching Funds Contract* (Form 13-2-21(b)) that the *candidate* signs with the City, the *candidate* agrees to return at least 50% of any unexpended funds to the City, but not more than the matching funds received.

Reporting By Candidates & Candidate Committees

15. **What if I don't want to apply for matching funds – do I still have to complete all those forms?**

    You and your *official candidate committee* will still need to file certain reports, even if you do not apply for matching funds. The reporting requirements that apply to all *candidates* are listed in the "Filing Requirements" section of this document. These reports need to be filed even if your campaign has not accepted *contributions* nor made *expenditures*.

    If a *candidate* knows that he or she will not apply for matching funds, the *candidate* may sign the waiver in the Summary Section of the *Official Candidate Committee Contributions & Expenditures Statement* (Form 13-2-8). Candidates who sign this waiver are not required to complete portions of the *Contributions & Expenditures* form related to matching funds.

16. **Since I have to file the *Contributions & Expenditures Statements* when I apply for matching funds, do I still need to file these reports on the seven specified filing dates?**

    Yes. The seven filing dates (three days after certification as a *candidate*, September 24, October 8, October 15, October 22, October 31 and 30th day after the election) are required for all *candidates/official candidate committees*.

    Even if your campaign has collected no *contributions* and made no *expenditures*, you must complete the forms indicating this, sign the forms and file them on the specified dates. (See the "Filing Requirements" section of this document for more information and specific dates.)

Violations & Complaints

17. 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 $1,000.
- Any *candidate* or *candidate committee* who knowingly accepts a *contribution* in excess of $100 or exceeds the *expenditure limit* of $17,572 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).)
- In the case of a substantial violation of the $17,572 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).)

18. 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

19. Who do I contact if I have questions?

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

20. Where do I get extra copies of forms?

Since 2009, filing is done electronically online. The guide (first one free to committees, $25 after that) may be picked up in the City Clerk's Office in the City of Boulder Municipal Building.

FORM TITLES & FORM NUMBERS

In 2009, the city began using an electronic web format for filing reports. Once you become a certified candidate, you will be issued a user name and password that will allow you to access 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 downloaded in PDF form.

When completing the 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	
Affidavit of Intent of Write-In Candidate	1-4 -1101(2) U.E.C.
Candidate's Statement of Withdrawal	1-4 -1001 U.E.C.
Candidate/Incumbent's Financial Disclosure Statement	13-2-3
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 person	13-2-10

HOW TO FILE ELECTRONIC FORMS

Create a Committee Once you have been certified by the City Clerk as a candidate for city council, you will need to create an official candidate committee within three (3) days. 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 • Three forms need to be completed and submitted within three days of being certified as a candidate: (1) Financial Disclosure form, (2) Statement of Organization and (3) Contributions & Expenditures Statement (even if amounts are zero).
Step 2 Filling Out the Financial Disclosure Form13-2-3	• Start with the Financial Disclosure form 13-2-3 found at the election web site. Go to the tabs on the left and click on "Information for Committees". From the MANUAL FORMS list, click on "Candidate/Incumbent Financial Disclosure Statement. This is form 13-2-3 and is a PDF form that you download and fill in manually. • Check off "Candidate" • Check off "Within 3 days …" • Fill in all requested information and put N/A where it is non-applicable. • Remember to sign and date this form. • Scan and attach to an email to CFRAdmin@bouldercolorado.gov, fax to 303-441-4478 or deliver it to the City Manager's Office. • Do not mail this item; you cannot be sure of meeting the three day deadline for submitting.
Step 3 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. • 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 after you are certified as a candidate (even if you have zero contributions and have made no expenditures).

Contributions *Anonymous* *From Candidate* *Other 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). You may not retain or use these funds. • If you are receiving matching funds, they must be given to the City. A receipt will be provided and you show this as a negative contribution. • If you are not receiving matching funds, the amount can be donated to a 501 (c) (3) organization or to the City. • If the contribution is from the candidate, select that button. The candidate's information will be populated into the form. You will need to fill in the date, type of contribution, amount and total-to-date amount. • If the candidate is receiving matching funds, up to $100 of a monetary contribution can be matched and up to $25 of a contribution may be applied toward the qualifying amount. • Other contributions will need you to supply the name and address, date, type of contribution amount and total-to-date amount. • Up to $100 of a monetary contribution can be matched and up to $25 of a contribution may be applied toward the qualifying amount.
Expenditures	• To add a 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)

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[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 a petition committee has submitted the proposed petition form to the city or 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" 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.
"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 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" 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 therefor. 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.
"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.
"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.
"Official candidate committee" - see definition of "candidate 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. 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.
"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 No. 7904 (2013)

13-2-3 Candidate's Financial Disclosure Statement.

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 financial disclosure that contains:
(a) The candidate's employer and occupation and the nature and source of any other income in excess of $1,000.00 per year, including, without limitation, capital gains, whether or not taxable, dividends, interest, wages, salaries, rents, and profits;
(b) The name, location, and nature of activity of any business entities or enterprises for profit, with holdings of real or personal property or with business dealings in the area encompassed by the Boulder Valley Comprehensive Plan, in which the candidate has any financial interest or is actively engaged as an officer, director, or partner and the nature of the candidate's interest or activity;
(c) The location of any real property within Boulder County in which the candidate has an interest or, if the candidate has a controlling interest in an entity or enterprise disclosed pursuant to subsection (b) of this section, in which the controlled entity or enterprise has any interest and the nature of such interest;
(d) Any other information that the candidate feels would be helpful or should be disclosed; and
(e) Notwithstanding any other provision of this chapter, no candidate is required to disclose any confidential relationship protected by law.

13-2-4 Incumbent's Financial Disclosure Statement.

On April 15 of each calendar year, each incumbent council member shall file an amended statement for the previous calendar year concerning the financial disclosures in Section 13-2-3, "Candidate's Financial Disclosure Statement," B.R.C. 1981, with the city manager or notify the manager in writing that the council member has no change of financial condition regarding the disclosed items since previously filing a disclosure statement.
Ordinance No. 7904 (2013)

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.[4]

(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 Section 1-45-108, C.R.S., and complies with the reporting and filing requirements of Section 1-45-109, C.R.S., and disposes of unexpended campaign contributions pursuant to Section 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 Section 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 city 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."[5]
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), and 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), and 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.[6]

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.[7]

(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 subsection 13-2-21(b), B.R.C. 1981.

(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.

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[3] 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.

[4] 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.

[5] Derived from 2 U.S.C. 435.

[6] Compare 1-45-106, C.R.S.

[7] Ordinance No. 5639, effective July 15, 1994.

[8] These are found in this chapter as the definition of "independent expenditure" in section 13-2-2, "Definitions," B.R.C. 1981, subsection 13-2-9(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.

Chapter 13-3: Campaign Activities[9]

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. sections 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.

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]

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[9] Adopted by Ordinance No. 4934. Amended by Ordinance Nos. 5218, 5800, 6018. Repealed and reenacted by Ordinance No. 7136.
[10] See Buckley v. Valeo, 424 U. S. 1(1976).
[11] Derived from 2 U.S.C. 435.
[12] Derived from 2 U.S.C. 441(c).
[13] Derived from 2 U.S.C. 441(f).
[14] Derived from 2 U.S.C. 441(g).
[15] Derived from 2 U.S.C. 441(h).

Chapter 13-4: Complaints Related to Election Procedures and Regulations[16]

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.

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[16] Adopted by Ordinance No. 7214.

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.)

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* 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

Editor's note: This article was added in 1990. This article was repealed and reenacted in 1992, resulting in the addition, relocation, and elimination of sections as well as subject matter. For amendments to this article prior to 1992, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated. For a detailed comparison of this article, see the comparative tables located in the back of the index.

Law reviews: For article, "Voting Under Colorado's Mail Ballot Election Act", see 21 Colo. Law. 941 (1992).

1-7.5-101. Short title. 1-7.5-102. Legislative declaration. 1-7.5-103. Definitions. 1-7.5-104. Mail ballot elections - optional. 1-7.5-105. Preelection process. 1-7.5-106. Secretary of state - duties and powers. 1-7.5-107. Procedures for conducting mail ballot election - primary elections - first-time voters casting a mail ballot after having registered by mail to vote - in-person request for ballot.	1-7.5-107.3. Verification of signatures. 1-7.5-107.5. Counting mail ballots. 1-7.5-108. Mail-in ballots. 1-7.5-108.5. Voter information card - verification of active status - designation of inactive status - mailing of mail ballots. 1-7.5-109. Write-in candidates. 1-7.5-110. Challenges. 1-7.5-111. Report to the general assembly. (Repealed) 1-7.5-112. Repeal of article. (Repealed)

1-7.5-101. Short title. This article shall be known and may be cited as the "Mail Ballot Election Act".

Source: L. 92: Entire article R&RE, p. 752, § 10, effective January 1, 1993.

Editor's note: This section is similar to former § 1-7.5-101 as it existed prior to 1992.

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The Mail Ballot Election Act is constitutional because there is a compelling state interest in encouraging increased voter participation and mail ballot elections serve to meet that interest. Bruce v. City of Colo. Springs, 971 P.2d 679 (Colo. App. 1998).

1-7.5-102. Legislative declaration. The general assembly hereby finds, determines, and declares that self-government by election is more legitimate and better accepted as voter participation increases. By enacting this article, the general assembly hereby concludes that it is appropriate to provide for mail ballot elections under specified circumstances.
Source: L. 92: Entire article R&RE, p. 752, § 10, effective January 1, 1993. **L. 2010:** Entire section amended, (HB 10-1116), ch. 194, p. 834, § 18, effective May 5.
Editor's note: This section is similar to former § 1-7.5-102 as it existed prior to 1992.

1-7.5-103. Definitions. As used in this article, unless the context otherwise requires:
(1) "Designated election official" means official as defined in section 1-1-104 (8).
(2) "Election" means any election under the "Uniform Election Code of 1992" or the "Colorado Municipal Election Code of 1965", article 10 of title 31, C.R.S.
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(3) "Election day" means the date either established by law or determined by the governing body of the political subdivision conducting the election, to be the final day on which all ballots are determined to be due, and the date from which all other dates in this article are set.

(4) "Mail ballot election" means an election for which eligible electors may cast ballots by mail and in accordance with this article in a primary election or an election that involves only nonpartisan candidates or ballot questions or ballot issues.

(5) "Mail ballot packet" means the packet of information provided by the designated election official to eligible electors in the mail ballot election. The packet includes the ballot, instructions for completing the ballot, a secrecy envelope, and a return envelope.

(6) "Political subdivision" means a governing subdivision of the state, including counties, municipalities, school districts, and special districts.

(7) "Return envelope" means an envelope that is printed with spaces for the name and address of, and a self-affirmation to be signed by, an eligible elector voting in a mail ballot election, that contains a secrecy envelope and ballot for the elector, and that is designed to allow election officials, upon examining the signature, name, and address on the outside of the envelope, to determine whether the enclosed ballot is being submitted by an eligible elector who has not previously voted in that particular election.

(8) "Secrecy envelope" means the envelope used for a mail ballot election that contains the eligible elector's ballot for the election, and that is designed to conceal and maintain the confidentiality of the elector's vote until the counting of votes for that particular election.

Source: L. 92: Entire article R&RE, p. 752, § 10, effective January 1, 1993. **L. 94:** (4) amended, p. 1166, § 38, effective July 1. **L. 2003:** (5) and (7) amended, p. 1277, § 4, effective April 22. **L. 2009:** (4) amended, (HB 09-1015), ch. 259, p. 1184, § 3, effective August 5.

Editor's note: This section is similar to former § 1-7.5-103 as it existed prior to 1992.

Cross references: For the "Uniform Election Code of 1992", see articles 1 to 13 of this title.

1-7.5-104. Mail ballot elections - optional. (1) If the governing board of any political subdivision determines that an election shall be by mail ballot, the designated election official for the political subdivision shall conduct any election for the political subdivision by mail ballot under the supervision of the secretary of state and shall be subject to rules which shall be promulgated by the secretary of state.

(2) Notwithstanding the provisions of subsection (1) of this section, a mail ballot election shall not be held for:

(a) Elections or recall elections that involve partisan candidates, except for primary elections;

(b) Elections held in conjunction with, or on the same day as, a primary or congressional vacancy election, unless the primary election is conducted as a mail ballot election.

(3) Notwithstanding any other provision of law to the contrary concerning the type of election to be held, elections by mail ballot shall be conducted as provided in this article.

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.

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

1-7.5-105. Preelection process. (1) The designated election official responsible for conducting an election that is to be by mail ballot pursuant to section 1-7.5-104 (1) shall notify the secretary of state no later than fifty-five days prior to a nonpartisan election or, for any mail ballot election that is coordinated with or conducted by the county clerk and recorder, no later than ninety days prior to the election. The

notification shall include a proposed plan for conducting the mail ballot election, which may be based on the standard plan adopted by the secretary of state.

(1.5) (a) Notwithstanding subsection (1) of this section, if a primary election is conducted as a mail ballot election pursuant to this article, the designated election official shall notify the secretary of state no later than ninety days prior to the election. The notification shall include a proposed plan for conducting the mail ballot election, which may be based on the standard plan adopted by the secretary of state.

(b) Prior to making a determination to conduct a primary election as a mail ballot election, a county clerk and recorder shall give public notice and seek public comment on such determination. The secretary

of state shall adopt rules in accordance with article 4 of title 24, C.R.S., as needed to implement this requirement.

(2) (a) The secretary of state shall approve or disapprove the written plan for conducting a mail ballot election, in accordance with section 1-7.5-106, within fifteen days after receiving the plan and shall provide a written notice to the affected political subdivision.

(b) In the case of a primary election conducted as a mail ballot election, the secretary of state shall provide notice on the secretary of state's official web site that a primary election is to be conducted by mail ballot.

(3) The designated election official shall supervise the distributing, handling, counting of ballots, and the survey of returns in accordance with rules promulgated by the secretary of state as provided in section 1-7.5-106 (2) and shall take the necessary steps to protect the confidentiality of the ballots cast and the integrity of the election.

(4) No elector information shall be delivered in the form of a sample ballot.

Source: L. 92: Entire article R&RE, p. 753, § 10, effective January 1, 1993. **L. 93:** (1) amended, p. 1423, § 83, effective July 1. **L. 94:** (1) amended, p. 1166, § 40, effective July 1. **L. 95:** (1) amended, p. 840, § 61, effective July 1. **L. 2007:** (1) and (2) amended, p. 922, § 1, effective May 17. **L. 2009:** (1.5) added and (2) amended, (HB 09-1015), ch. 259, p. 1184, § 5, effective August 5. **L. 2010:** (1) and (2)(a) amended, (HB 10-1116), ch. 194, p. 834, § 19, effective May 5; (2)(b) amended, (HB 10-1422), ch. 419, p. 2062, § 2, effective August 11. **L. 2012:** (1) and (1.5)(a) amended, (HB 12-1292), ch. 181, p. 686, § 32, effective May 17.

Editor's note: (1) This section is similar to former § 1-7.5-105 as it existed prior to 1992.

(2) Section 43 of chapter 181, Session Laws of Colorado 2012, provides that the act amending subsections (1) and (1.5)(a) applies to elections conducted on or after May 17, 2012.

1-7.5-106. Secretary of state - duties and powers. (1) In addition to any other duties prescribed by law, the secretary of state, with advice from election officials of the several political subdivisions, shall:

(a) Prescribe the form of materials to be used in the conduct of mail ballot elections; except that all mail ballot packets shall include a ballot, instructions for completing the ballot, a secrecy envelope, and a return envelope;

(b) Establish procedures for conducting mail ballot elections; except that the procedures shall be consistent with section 1-7.5-107;

(c) Supervise the conduct of mail ballot elections by the election officials as provided in section 1-7.5-105 (3).

(2) In addition to other powers prescribed by law, the secretary of state may adopt rules governing procedures and forms necessary to implement this article and may appoint any county clerk and recorder as an agent of the secretary to carry out the duties prescribed in this article.

Source: L. 92: Entire article R&RE, p. 754, § 10, effective January 1, 1993. **L. 2001:** (1)(a) amended, p. 1003, § 10, effective August 8. **L. 2003:** (1)(a) amended, p. 1278, § 5, effective April 22.

Editor's note: This section is similar to former § 1-7.5-106 as it existed prior to 1992.

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Tri-fold envelope that conceals the voter's mark

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when folded in a certain way satisfies the requirement that a secrecy envelope be included with mail ballot packets. Bruce v. City of Colo. Springs, 971 P.2d 679 (Colo. App. 1998).

1-7.5-107. Procedures for conducting mail ballot election - primary elections - first-time voters casting a mail ballot after having registered by mail to vote - in-person request for ballot. (1) Official ballots shall be prepared and all other preelection procedures followed as otherwise provided by law or rules promulgated by the secretary of state; except that mail ballot packets shall be prepared in accordance with this article.

(2) (a) Except for coordinated elections conducted as a mail ballot election where the county clerk and recorder is the coordinated election official, no later than thirty days prior to election day, the county clerk and recorder shall submit to the designated election official of the political subdivision conducting the mail ballot election a full and complete preliminary list of registered electors. For special district mail ballot elections, the county clerk and recorder and county assessor of each county in which a special district is located shall certify and submit to the designated election official a list of property owners and a list of registered electors residing within the affected district.

(b) No later than twenty days prior to election day, the county clerk and recorder and county assessor required to submit a preliminary list in accordance with paragraph (a) of this subsection (2) shall submit to the appropriate authority a supplemental list of the names of eligible electors or property owners whose names were not included on the preliminary list.

(c) All lists of registered electors and lists of property owners provided to a designated election official under this section shall include the last mailing address of each elector.

(2.3) (a) Not less than thirty days nor more than forty-five days before a primary election that is conducted as a mail ballot election pursuant to this article, the county clerk and recorder shall mail a notice by forwardable mail to each unaffiliated active registered eligible elector and to each unaffiliated registered eligible elector whose registration record has been marked as "Inactive - failed to vote".

(b) The notice shall indicate that the unaffiliated elector has the ability to and must affiliate with a political party in order to vote in the primary election.

(c) The notice shall have a returnable portion that allows the elector to request affiliation with a political party.

(d) The notice may be included with any other communication by mail from the county clerk and recorder to electors within the county.

(2.5) (a) (I) No later than twenty days before an election, the designated election official, or the coordinated election official if so provided by an intergovernmental agreement, shall provide notice by publication of a mail ballot election conducted pursuant to the provisions of this article, which notice shall state, as applicable for the particular election for which the notice is provided, the items set forth in section 1-5-205 (1) (a) to (1) (d).

(II) If a primary election is conducted as a mail ballot election pursuant to this article, in addition to the items described in the notice required by subparagraph (I) of this paragraph (a), such notice shall advise eligible electors who are not affiliated with a political party of the ability to declare an affiliation with a political party and vote in the primary election.

(b) The notice required to be given by this subsection (2.5) shall be in lieu of the notice requirements set forth in sections 1-5-205 (1) and 31-10-501 (1), C.R.S., as applicable for the particular election for which such notice is required.

(2.7) Subsequent to the preparation of ballots in accordance with section 1-5-402 but prior to the mailing required under subsection (3) of this section, a designated election official shall provide a mail ballot to a registered elector requesting the ballot at the designated election official's office or the office designated in the mail ballot plan filed with the secretary of state.

(3) (a) (I) Not sooner than twenty-two days before an election, and no later than eighteen days before an election, except as provided in subparagraph (II) of this paragraph (a), the designated election official shall mail to each active registered elector, at the last mailing address appearing in the registration records and in accordance with United States postal service regulations, a mail ballot packet, which shall be marked "DO NOT FORWARD. ADDRESS CORRECTION REQUESTED.", or any other similar statement that is in accordance with United States postal service regulations. Nothing in this subsection (3) shall affect any provision of this code governing the delivery of mail ballots to an absent uniformed services elector, nonresident overseas elector, or resident overseas elector covered by the federal "Uniformed and Overseas Citizens Absentee Voting Act", 42 U.S.C. sec. 1973ff et seq.

(II) (A) If a primary election is conducted as a mail ballot election pursuant to this article, in addition to active registered electors who are affiliated with a political party, the mail ballot packet shall be mailed to each registered elector who is affiliated with a political party and whose registration record has been marked as "Inactive - failed to vote".

(B) If a primary election is conducted as a mail ballot election for a minor political party candidate, the mail ballot packet shall be mailed only to those registered electors described in sub-subparagraph (A) of this subparagraph (II) who are affiliated with the minor political party of such candidate.

(b) The ballot or ballot

label shall contain the

following warning:

WARNING:

> Any person who, by use of force or other means, unduly influences an eligible elector to vote in any particular manner or to refrain from voting, or who falsely makes, alters, forges, or counterfeits any mail ballot before or after it has been cast, or who destroys, defaces, mutilates, or tampers with a ballot is subject, upon conviction, to imprisonment, or to a fine, or both.

(b.5) (I) The return envelope shall have printed on it a self-affirmation substantially in the following form:

> I state under penalty of perjury that I am an eligible elector; that my signature and name are as shown on this envelope; that I have not and will not cast any vote in this election except by the enclosed ballot; and that my ballot is enclosed in accord with the provisions of the "Uniform Election Code of 1992".
>
> .....
>
> .....
>
> Date
>
> Signature of voter

(II) The signing of the self-affirmation on the return envelope shall constitute an affirmation by the eligible elector, under penalty of perjury, that the facts stated in the self-affirmation are true. If the eligible elector is unable to sign, the eligible elector may affirm by making a mark on the self-affirmation, with or without assistance, witnessed by another person.

(III) The return envelope shall not be required to have a flap covering the signature or otherwise impede the use of a signature verification device.

(c) No sooner than twenty-two days prior to election day, and until 7 p.m. on election day, mail ballots shall be made available at the designated election official's office, or the office designated in the mail ballot plan filed with the secretary of state, for eligible electors who are not listed or who are listed as "Inactive" on the county voter registration records or, for special district mail ballot elections, on the list of property owners or the registration list but who are authorized to vote pursuant to section 32-1-806, C.R.S., or other applicable law.

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(d) (I) An eligible elector may obtain a replacement ballot if the ballot was destroyed, spoiled, lost, or for some other reason not received by the eligible elector. An eligible elector may obtain a ballot if a mail ballot packet was not sent to the elector because the eligibility of the elector could not be determined at the time the mail ballot packets were mailed. In order to obtain a ballot in such cases, the eligible elector must sign a sworn statement specifying the reason for requesting the ballot. The statement shall be presented to the designated election official no later than 7 p.m. on election day. The designated election official shall keep a record of each ballot issued in accordance with this paragraph (d) together with a list of each ballot obtained pursuant to paragraph (c) of this subsection (3).

(II) A designated election official shall not transmit a mail ballot packet under this paragraph (d) unless a sworn statement requesting the ballot is received on or before election day. A ballot may be transmitted directly to the eligible elector requesting the ballot at the designated election official's office or the office designated in the mail ballot plan filed with the secretary of state or may be mailed to the

eligible elector at the address provided in the sworn statement. Ballots may be cast no later than 7 p.m. on election day.

(3.5) (a) Unless otherwise provided by section 1-2-501 (1.5), the requirements of this subsection (3.5) shall apply to a person who registered to vote by mail in accordance with part 5 of article 2 of this title and who:

(I) Has not previously voted in an election in Colorado; or

(II) Is reregistering to vote after moving from one county in this state to another and the election in which the person intends to vote takes place prior to the creation by the department of state of a computerized statewide voter registration list that satisfies the requirements of part 3 of article 2 of this title.

(b) Any person who matches either of the descriptions specified in subparagraph (I) or (II) of paragraph (a) of this subsection (3.5) and intends to cast his or her ballot by mail in accordance with this article shall submit with his or her mail ballot a copy of identification within the meaning of section 1-1-104 (19.5).

(c) The designated election official shall include with the mail ballot packet required by paragraph (a) of subsection (3) of this section written instructions advising an elector who matches the description specified in paragraph (a) of this subsection (3.5) of the manner in which the elector shall be in compliance with the requirements contained in paragraph (a) of this subsection (3.5).

(d) Any person who desires to cast his or her ballot by mail but does not satisfy the requirements of paragraph (b) of this subsection (3.5) may cast such ballot by mail. The designated election official shall, within three days after the receipt of a mail ballot that does not contain a copy of identification as defined in section 1-1-104 (19.5), but in no event later than two days after election day, send to the eligible elector at the address indicated in the registration records a letter explaining the lack of compliance with paragraph (b) of this subsection (3.5). If the designated election official receives a copy of identification in compliance with paragraph (b) of this subsection (3.5) within eight days after election day, and if the mail ballot is otherwise valid, the mail ballot shall be counted.

(e) The requirements of this subsection (3.5) shall be implemented by state and local election officials in a uniform and nondiscriminatory manner.

(f) Notwithstanding any other provision of law, the requirements of this subsection (3.5) shall not apply to any person who is:

(I) Entitled to vote by absentee ballot under the federal "Uniformed and Overseas Citizens Absentee Voting Act", 42 U.S.C. sec. 1973ff et seq.;

(II) Provided the right to vote otherwise than in person under section (b) (2) (B) (ii) of the federal "Voting Accessibility for the Elderly and Handicapped Act", 42 U.S.C. sec. 1973ee-1; or

(III) Entitled to vote otherwise than in person under any other federal law.

(4) (a) Upon receipt of a ballot, the eligible elector shall mark the ballot, sign and complete the self-affirmation on the return envelope, enclose identification if required by subsection (3.5) of this section, and comply with the instructions provided with the ballot.

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(b) The eligible elector may return the marked ballot to the designated election official by United States mail or by depositing the ballot at the office of the official or any place designated by the official. The ballot must be returned in the return envelope. If an eligible elector returns the ballot by mail, the elector must provide postage. The ballot shall be received at the office of the designated election official or a designated depository, which shall remain open until 7 p.m. on election day. For an election coordinated by the county clerk and recorder, the depository shall be designated by the county clerk and recorder and located in a secure place under the supervision of a municipal clerk, an election judge or a member of the clerk and recorder's staff. For an election not coordinated by the county clerk and recorder, the depository shall be designated by the designated election official and located in a secure place under the supervision of the designated election official, an election judge, or another person designated by the designated election official.

(c) and (d) Repealed.

(4.3) (a) If a primary election is conducted as a mail ballot election pursuant to this article, there shall be a minimum number of mail ballot drop-off locations where mail ballots may be deposited equal to at least one drop-off location for each thirty thousand affiliated active registered electors in the county.

The drop-off locations shall be arrayed throughout the county in a manner that provides the greatest convenience to electors. The number and location of the drop-off locations shall be approved by the secretary of state as part of the mail ballot election plan required pursuant to section 1-7.5-105.

(b) The minimum number of drop-off locations described in paragraph (a) of this subsection (4.3) shall accept mail ballots delivered by electors during, at minimum, the fourteen days prior to and including the day of the primary election; except that mail ballots shall not be required to be accepted on Sundays or the first Saturday of such period. Mail ballots shall be accepted from electors at drop-off locations during, at a minimum, reasonable business hours.

(4.5) (a) (I) Except as provided in subparagraph (II) of this paragraph (a), if a primary election is conducted as a mail ballot election pursuant to this article, the county clerk and recorder shall designate service centers equal to no fewer than the number of county motor vehicle offices in the county; except that each county shall have no fewer than one service center for every sixty thousand affiliated active registered electors. Notwithstanding any provision of this subsection (4.5) to the contrary, if a county has fewer than fifteen thousand affiliated active registered electors for each county motor vehicle office in the county, the county clerk and recorder shall designate at least one service center for each twenty-five thousand affiliated active registered electors.

(II) Any county having thirty thousand or fewer affiliated active registered electors shall have a minimum of one service center, regardless of the number of motor vehicle offices in such county.

(b) Each service center shall provide the following for electors:

(I) The ability for unaffiliated registered electors to affiliate with a political party and cast ballots;

(II) Secure computer access;

(III) Facilities and equipment that are compliant with the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., as amended;

(IV) Direct record electronic voting machines or other voting systems accessible to electors with disabilities as provided in part 7 of article 5 of this title;

(V) Voting booths;

(VI) Original and replacement ballots for distribution;

(VII) The ability to accept mail ballots that are deposited by electors;

(VIII) Emergency voter registration; and

(IX) The ability to cast provisional ballots.

(c) The minimum number of service centers shall be open during, at minimum, the eight days prior to and including the day of the primary election; except that service centers shall not be required to be open on Sundays.

(5) (a) Once the ballot is returned, an election judge shall first qualify the submitted ballot by comparing the information on the return envelope with the registration records to determine whether the

ballot was submitted by an eligible elector who has not previously voted in the election. If the ballot so qualifies and is otherwise valid, the election judge shall indicate in the pollbook that the eligible elector cast a ballot and deposit the ballot in an official ballot box.

(b) (Deleted by amendment, L. 2010, (HB 10-1116), ch. 194, p. 834, § 20, effective May 5, 2010.)

(c) For any election conducted with or coordinated by a county clerk and recorder, the signature of the eligible elector on the return envelope shall be compared with the signature of the eligible elector on file in the office of the county clerk and recorder or in the statewide voter registration system in accordance with section 1-7.5-107.3.

(6) All deposited ballots shall be counted as provided in this article and by rules promulgated by the secretary of state. A mail ballot shall be valid and counted only if it is returned in the return envelope, the self-affirmation on the return envelope is signed and completed by the eligible elector to whom the ballot was issued, and the information on the return envelope is verified in accordance with subsection (5) of this section. Mail ballots shall be counted in the same manner provided by section 1-7-307 for counting paper ballots or section 1-7-507 for counting electronic ballots. If the election official determines that an eligible elector to whom a replacement ballot has been issued has voted more than once, the first ballot returned by the elector shall be considered the elector's official ballot. Rejected ballots shall be handled in the same manner as provided in section 1-8-310.

Source: L. 92: Entire article R&RE, p. 754, § 10, effective January 1, 1993. **L. 93:** (3)(c) and (5) amended, p. 1767, § 10, effective June 6; (2)(b) amended, p. 1423, § 84, effective July 1. **L. 94:** (2)(a), (3)(c), (3)(d), and (4)(b) amended, p. 1167, § 41, effective July 1. **L. 95:** (2), (3)(a), (3)(d), and (5) amended, p. 841, § 62, effective July 1. **L. 96:** (2)(b) and (6) amended, pp. 1749, 1774, §§ 45, 79, effective July 1. **L. 97:** (3)(a) and (3)(c) amended, p. 186, § 6, effective August 6. **L. 99:** (2.5) added, p. 776, § 58, effective May 20. **L. 2001:** (3)(b.5) added and (6) amended, pp. 1003, 1004, §§ 11, 12, effective August 8. **L. 2002:** (4)(b) amended, p. 1634, § 17, effective June 7. **L. 2003:** (3)(b.5), (4), (5), and (6) amended, p. 1278, § 6, effective April 22; (3.5) added, p. 2078, § 15, effective May 22. **L. 2004:** (4)(a) and (5)(b) amended and (4)(c) and (4)(d) repealed, pp. 1053, 1054, §§ 6, 9, effective May 21. **L. 2005:** (3.5)(d) and (5)(b) amended, p. 1410, § 28, effective June 6; (3.5)(d) and (5)(b) amended, p. 1445, § 28, effective June 6. **L.\pard ~2006:** IP(3.5)(a) amended, p. 2033, § 13, effective June 6. **L. 2007:** (6) amended, p. 1981, § 31, effective August 3. **L. 2008:** (3)(b.5)(III) added and (5)(c) amended, p. 358, §§ 3, 4, effective April 10. **L. 2009:** (2.3), (4.3), and (4.5) added and (2.5)(a), (3)(a), and (3)(c) amended, (HB 09-1015), ch. 259, p. 1185, § 6, effective August 5; (3)(b.5)(I) amended, (HB 09-1216), ch. 165, p. 729, § 3, effective August 5; (3.5)(d) amended, (HB 09-1337), ch. 262, p. 1201, § 1, effective August 5. **L. 2010:** (3)(a)(I), (4.3)(b), (4.5)(c), and (5)(b) amended, (HB 10-1116), ch. 194, p. 834, § 20, effective May 5. **L. 2012:** (2.7) added and (5)(c) amended, (HB 12-1292), ch. 181, p. 686, § 33, effective May 17.

Editor's note: (1) This section is similar to former § 1-7.5-107 as it existed prior to 1992.

(2) Section 43 of chapter 181, Session Laws of Colorado 2012, provides that the act adding subsection (2.7) and amending subsection (5)(c) applies to elections conducted on or after May 17, 2012.

ANNOTATION

Requirement that voter affix a postage stamp to a mail ballot in order to vote in a mail ballot election does not constitute an unconstitutional poll tax. Bruce v. City of Colo. Springs, 971 P.2d 679 (Colo. App. 1998).

City's failure to include the words "address correction requested" on the mail ballot packet did not constitute a lack of substantial compliance with this section. Bruce v. City of Colo. Springs, 971 P.2d 679 (Colo. App. 1998).

1-7.5-107.3. Verification of signatures. (1) (a) Except as provided in subsection (5) of this section, in every mail ballot election that is coordinated with or conducted by the county clerk and recorder, an election judge shall compare the signature on the self-affirmation on each return envelope with the signature of the eligible elector stored in the statewide voter registration system in accordance with subsections (2), (3), and (4) of this section.

(b) (Deleted by amendment, L. 2008, p. 356, 2, effective April 10, 2008.)

(2) (a) If, upon comparing the signature of an eligible elector on the self-affirmation on the return envelope with the signature of the eligible elector stored in the statewide voter registration system, the election judge determines that the signatures do not match, or if a signature verification device used

pursuant to subsection (5) of this section is unable to determine that the signatures match, two other election judges of different political party affiliations shall simultaneously compare the signatures. If both other election judges agree that the signatures do not match, the county clerk and recorder shall, within three days after the signature deficiency has been confirmed, but in no event later than two days after election day, send to the eligible elector at the address indicated in the registration records a letter explaining the discrepancy in signatures and a form for the eligible elector to confirm that the elector returned a ballot to the county clerk and recorder. If the county clerk and recorder receives the form within eight days after election day confirming that the elector returned a ballot to the county clerk and recorder and enclosing a copy of the elector's identification as defined in section 1-1-104 (19.5), and if the ballot is otherwise valid, the ballot shall be counted. If the eligible elector returns the form indicating that the elector did not return a ballot to the county clerk and recorder, or if the eligible elector does not return the form within eight days after election day, the self-affirmation on the return envelope shall be categorized as incorrect, the ballot shall not be counted, and the county clerk and recorder shall send copies of the eligible elector's signature on the return envelope and the signature stored in the statewide voter registration system to the district attorney for investigation.

(b) An original return envelope with an enclosed secrecy envelope containing a voted ballot that is not counted in accordance with paragraph (a) of this subsection (2) shall be stored under seal in the office of the county clerk and recorder in a secure location separate from valid return envelopes and may be removed only under the authority of the district attorney or by order of a court having jurisdiction.

(c) In the case of a disagreement among the election judges as to whether the signature of an eligible elector on the self-affirmation on the return envelope matches the signature of the eligible elector stored in the statewide voter registration system pursuant to the procedures specified in paragraph (a) of

this subsection (2), the signatures are deemed to match, and the election judge shall follow the procedures specified in section 1-7.5-107 (6) concerning the qualification and counting of mail ballots.

(3) If the election judge determines that the signature of an eligible elector on the self-affirmation matches the elector's signature stored in the statewide voter registration system, the election judge shall follow the procedures specified in section 1-7.5-107 (6) concerning the qualification and counting of mail ballots.

(4) (a) An election judge shall not determine that the signature of an eligible elector on the self-affirmation does not match the signature of that eligible elector stored in the statewide voter registration system solely on the basis of substitution of initials or use of a common nickname.

(b) The designated election official may provide training in the technique and standards of signature comparison to election judges who compare signatures pursuant to this section.

(5) (a) A designated election official may allow an election judge to use a signature verification device to compare the signature on the self-affirmation on a return envelope of an eligible elector's ballot with the signature of the elector stored in the statewide voter registration system in accordance with this subsection (5) and the rules adopted by the secretary of state pursuant to section 1-8-114.5 (5) (c).

(b) If a signature verification device determines that the signature on the self-affirmation on a return envelope of an eligible elector's ballot matches the signature of the elector stored in the statewide voter registration system, the signature on the self-affirmation is deemed verified, and the election judge shall follow the procedures specified in section 1-7.5-107 (6) concerning the qualification and counting of mail ballots. If a signature verification device is unable to determine that the signature on the self-affirmation on a return envelope of an eligible elector's mail ballot matches the signature of the elector stored in the statewide voter registration system, an election judge shall compare the signatures in accordance with subsections (2), (3), and (4) of this section.

Source: L. 2003: Entire section added, p. 1280, § 7, effective April 22; entire section added, p. 1438, § 2, effective April 29. **L. 2004:** (2)(c) amended, p. 1186, § 3, effective August 4. **L. 2005:** (2)(a) amended, p. 1411, § 29, effective June 6; (2)(a) amended, p. 1446, § 29, effective June 6. **L. 2008:** (1), (2)(a), (2)(c), (3), and (4)(a) amended and (5) added, p. 356, § 2, effective April 10. **L. 2009:** (2)(a) amended, (HB 09-1337), ch. 262, p. 1201, § 2, effective August 5. **L. 2010:** Entire section amended, (HB 10-1116), ch. 194, p. 835, § 21, effective May 5.

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Editor's note: Amendments to this section by House Bill 03-1241 and Senate Bill 03-102 were harmonized.

1-7.5-107.5. Counting mail ballots. The election officials at the mail ballot counting place may receive and prepare mail ballots delivered and turned over to them by the designated election official for tabulation. Counting of the mail ballots may begin fifteen days prior to the election and continue until counting is completed. The election official in charge of the mail ballot counting place shall take all precautions necessary to ensure the secrecy of the counting procedures, and no information concerning the count shall be released by the election officials or watchers until after 7 p.m. on election day.

Source: L. 99: Entire section added, p. 777, § 59, effective May 20. **L. 2009:** Entire section amended, (HB 09-1336), ch.
261, p. 1198, § 6, effective August
5.

1-7.5-108. Mail-in ballots. Provisions for the allowance of and procedures for mail-in ballots shall be determined by rules promulgated by the secretary of state.

Source: L. 92: Entire article R&RE, p. 757, § 10, effective January 1, 1993. **L. 2007:** Entire section amended, p. 1779, §
18, effective June
1.

Editor's note: This section is similar to former § 1-7.5-108 as it existed prior to 1992.

1-7.5-108.5. Voter information card - verification of active status - designation of inactive status - mailing of mail ballots. (1) Not less than ninety days before a mail ballot election conducted pursuant to this article, the county clerk and recorder shall mail a voter information card to any registered elector whose registration record has been marked "Inactive - failed to vote". For purposes of this section, "Inactive - failed to vote" shall mean a registered elector who is deemed "Active" but who failed to vote in a general election in accordance with the provisions of section 1-2-605 (2); except that the term "Inactive - failed to vote" shall not include an elector whose previous communication from the county clerk and recorder was returned by the United States postal service as undeliverable and is, accordingly, referred to in the registration records of the county as "Inactive - undeliverable" pursuant to section 1-2-
605 (2). The voter information card required by this section may be sent as part of the voter information card required to be mailed pursuant to section 1-5-206 (1). The voter information card shall be sent to the elector's address of record unless the elector has requested that such communication be sent to his or her deliverable mailing address pursuant to section 1-2-204 (2) (k) and shall be marked "DO NOT FORWARD".

(2) (a) If the voter information card required to be sent to a registered elector whose registration record has been marked as "Inactive - failed to vote" pursuant to subsection (1) of this section is returned by the United States postal service as undeliverable, the county clerk and recorder shall mark the registration record of that elector with the words "Inactive - undeliverable".

(b) Repealed.

(c) In any mail ballot election conducted on or after July 1, 2008, if a mail ballot sent to a registered elector is returned by the United States postal service as undeliverable, the county clerk and recorder shall mark the registration record of that elector with the words "Inactive - undeliverable".

Source: L. 2008: Entire section added, p. 1742, § 2, effective July 1.

Editor's note: Subsection (2)(b)(II) provided for the repeal of subsection (2)(b), effective July 1, 2011. (See L. 2008, p.
174
2.)

1-7.5-109. Write-in candidates. Write-in candidates shall be allowed on mail ballot elections provided that the candidate has filed an affidavit of intent with the designated election official pursuant to section 1-4-1101. Ballots for write-in candidates are to be counted pursuant to section 1-7-114.

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Source: L. 92: Entire article R&RE, p. 757, § 10, effective January 1, 1993.

1-7.5-110. Challenges. Votes cast pursuant to this article may be challenged pursuant to and in accordance with law. Any mail ballot election held pursuant to this article shall not be invalidated on the grounds that an eligible elector did not receive a ballot so long as the designated election official for the political subdivision conducting the election acted in good faith in complying with the provisions of this article or with rules promulgated by the secretary of state.

Source: L. 92: Entire article R&RE, p. 757, § 10, effective January 1, 1993.

Editor's note: This section is similar to former § 1-7.5-109 as it existed prior to 1992.

1-7.5-111. Report to the general assembly. (Repealed)

Source: L. 92: Entire article R&RE, p. 757, § 10, effective January 1, 1993. **L. 96:** Entire section repealed, p. 1269, § 192, effective August 7.

1-7.5-112. Repeal of article. (Repealed)

Source: L. 92: Entire article R&RE, p. 757, § 10, effective January 1, 1993. **L. 94:** Entire section repealed, p. 1167, § 42, effective July 1.