



Regular Municipal Election

Tuesday, November 4, 2025

Municipal Election Basics: *Running for Office in 2025* Candidate Guidelines

City of Fort Collins

Office of the City Clerk

300 Laporte Avenue, Building A

Fort Collins, CO 80521

Open Monday—Friday, 8 a.m. to 5 p.m.



<http://www.fcgov.com/vote>
elections@fcgov.com



970-221-6515



Dear Prospective Candidates and Campaigns,

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

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

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

New this year is the implementation of Ranked Voting which was approved by voters in 2022. We are implementing a robust outreach and education campaign to assist candidates and voters with this new process!

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

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


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




Delynn Coldiron, City Clerk, MMC

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

Fort Collins City Clerk's Office

 Phone: 970-221-6515


 Fax: 970-221-6295


 Email: elections@fcgov.com

 www.fcgov.com/vote

Contact for November election administration questions and voter lists

Larimer County Clerk & Recorder

 Phone: 970-498-7820

 Fax: 970-498-7847

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 www.larimer.gov/elections

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Appendix

Fort Collins City Code Chapter 7, Article V. Campaigns, Related Ordinances newly adopted

Section 1:

Introduction to the 2025 Fort Collins Municipal Election

TOPICS:

- **Voting in Fort Collins in 2025**
Overview of key election aspects and voter procedures.
- **2025 Election Calendar**
Important dates for candidates, petitioners, and voters.
- **Laws Applicable to Fort Collins Elections**
Provisions of City Charter and City Code as well as State Statute governing the conduct of elections.
- **Fort Collins District and Precinct Maps**
Downloadable maps of City, district and precinct boundaries and a district lookup tool are also on the City website.



Voting in Fort Collins in 2025

Election Day is Tuesday, November 4, 2025

This will be a coordinated mail ballot election conducted with the Larimer County Clerk and Recorder. Ballots will be mailed to all registered voters starting Monday, October 13, 2025.

City Offices on the Ballot in 2025

- Mayor (two-year term for at-large office elected by all City voters)
- District 1 Councilmember (four-year term elected by residents of District 1)
- District 3 Councilmember (four-year term elected by residents of District 3)
- District 5 Councilmember (four-year term elected by residents of District 5)

There may also be City questions on the ballot in 2025, as well as contests for other entities, including the State, County and/or School Board.

Voter Registration

Eligible voters must be registered in order to vote in the 2025 Coordinated Election. Ballots are mailed out to registered voters. It is necessary to update existing voter registration information after moving or changing your name, or if a prior registration becomes inactive.

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

Voting Options

Eligible Fort Collins voters can decide how to cast their ballot in this mail ballot election. Voters who are registered at least 8 days before November 4 will have a ballot mailed to them.

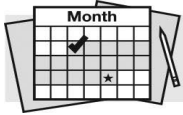
Ballots can be returned:

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

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

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






2025 Election Calendar – Important Dates

DEADLINE	ACTION	CITATION
Monday, November 4, 2024	Municipal candidates must have been electors of the city by this day (at least one year immediately preceding the election) in order to qualify to run for office in 2025	Fort Collins Charter Article II, Sec. 2(a)
Upon candidacy	Candidate Affidavit due within ten (10) days of becoming a candidate. Committee registration also needed before accepting contributions or making expenditures.	Fort Collins City Code §7-133
Wednesday, April 2	Candidate Information Session – 6:00 p.m. – Council Chambers.	
Thursday, May 1	Campaign Report due for any committee that has accepted contributions or made expenditures - NEW	Fort Collins City Code §7-136(c)(1)(a)
Tuesday, July 1	Campaign Reports due (<i>1st of each quarter until the 63rd day prior to the election</i>) - NEW	Fort Collins City Code §7-136(c)(1)(a)
Monday, July 7	Earliest day to publish notice of Charter amendment(s) election based on date of filing a sufficient petition and/or date of adoption of related ordinance (<i>120 days before election</i>).	C.R.S. 31-2-210(a)(4)
Tuesday, July 15	Last day for First Reading of Ordinance(s) submitting Charter amendment(s) to November ballot.	To ensure appropriate noticing, and enough time to place on November ballot
Friday, July 25	Last day for local government to notify the County of its intent to participate in a coordinated election and if it wants to use ranked voting (<i>100 days before election</i>).	C.R.S. 1-7-116(5) & 1-1-106(5); Rule 25.2
Tuesday, August 5	Earliest day to circulate nomination petitions (<i>91 days before election</i>)	Fort Collins City Code §7-116
Tuesday, August 5	Practical deadline for First Reading Ordinance(s) submitting citizen-initiated and Council referred items for placement on the ballot.	To ensure time to get everything approved and to County
Wednesday, August 6	Last day to file initiative petitions and citizen-initiated Charter amendments for placement on November ballot (<i>90 days before election</i>). <i>Note: This date does not give enough time to get an item approved by Council for the November ballot. Ideal timeline would place the item on first reading on August 5th. A sample timeline can be found in the Initiative Guidelines.</i>	Item needs to get to Council on first reading by first Tuesday in August

Tuesday, August 19	Practical deadline for Second Reading of Ordinance(s) placing Charter amendments or citizen initiatives on the ballot, or Council Resolutions to refer or submit ordinances to voters.	To ensure time to get everything approved and to County
Tuesday, August 26 <i>Submit to City Clerk by 5 pm</i>	Last day to file nomination petitions (<i>70 days before election</i>). This is also the last day to file amended insufficient nomination petitions. AMENDED.	Fort Collins City Code §7-116
Tuesday, August 5- Monday, August 26	Financial Disclosure Statement due at same time nomination petition is filed with the City Clerk	Fort Collins City Code §7-133 (b)
Tuesday, August 26	Last day to sign IGA with the County to conduct a coordinated election	
Tuesday, September 2	Last day to withdraw from candidacy (<i>63 days before election</i>)	Fort Collins City Code §7-116
Tuesday, September 2	Campaign Reports due (<i>63 days before election</i>) - NEW	Fort Collins City Code §7-136(c)(2)
Friday, September 5	Last day to certify ballot content (and order) to County (<i>no later than 60 days before election</i>)	C.R.S. 1-5-203(3)(a)
Friday, September 5	Last day to publish notice of Charter amendment election (<i>within 30 days after filing date of a sufficient petition or Council adoption of a related ordinance and at least 60 days before election</i>)	C.R.S. 31-2-210(a)(4)
Monday, September 15	Candidate Orientation Session – 5:30 p.m. – Council Chambers. Staff will be sharing helpful information for those who have met all requirements to run in the 2025 election	
Friday, September 19 (noon)	Last day to submit pro and con statements for TABOR issues (<i>by noon the Friday before the 45th day before election</i>)	C.R.S. 1-7-901(4)
Friday, September 19	Last day for petition representatives to submit a summary of comments in favor of local ballot issue(s) (<i>no later than 44 days before election</i>)	C.R.S. 1-7-903 (3) & 1-1-106(5)
Monday, September 22	Last day to submit TABOR/ballot issue text to Larimer County (<i>43 days before election</i>)	C.R.S. 1-7-904
Tuesday, September 30	Campaign Reports due (<i>35 days before election</i>)	Fort Collins City Code §7-136 (c)(2)
Friday, October 3	Last day to mail TABOR notices to registered voters (<i>at least 30 days before election</i>)	Art. X, Sect. 20(3)(b) & C.R.S. 1-1-106(5)
Friday, October 10	Last day to complete changes in boundaries or division or precincts for nonpartisan elections (<i>No later than 25 days prior to the election</i>)	C.R.S. 1-5-104(1)

Friday, October 10	Last day where one or more ballot issues or questions can be removed from the ballot (by resolution) and cannot involve initiative or recall measures <i>(25 days prior to the election)</i>	C.R.S. 1-5-208(2)
Monday, October 13	Must be a resident of Colorado to be able to participate in election <i>(22 days before election)</i>	C.R.S. 1-2-101(1)(b)
Monday, October 13	First day ballots may be sent to voters <i>(22 days before election)</i>	C.R.S. 1-7.5-107(3)(a)
Tuesday, October 14	Campaign Reports due (21 days before election)	Fort Collins City Code §7-136 (c)(2)
Wednesday, October 15	Last day to publish notice of mail ballot election (County does this for coordinated elections; <i>no later than 20 days before election</i>)	C.R.S. 1-5-205(1)(a)-(d)
Friday, October 17	Last day to mail ballots to voters <i>(18 days before election)</i>	C.R.S. 1-7.5-107(3)(a)(l)
Monday, October 20	Counting of ballots may begin	C.R.S. 1-7.5-107.5
Tuesday, October 21	Campaign Reports due <i>(14 days before election)</i>	Fort Collins City Code §7-136 (c)(2)
Friday, October 24	Election notice must be posted in the designated election official's office <i>(at least 10 days before election)</i>	C.R.S. 1-5-205(1.3) & 1-1-106(5)
Friday, October 31	Campaign Reports due <i>(by noon Friday before the election)</i>	Fort Collins City Code §7-136 (c)(2)
Tuesday, November 4	ELECTION DAY -  Polls open 7 a.m.-7 p.m. - All ballots must be returned to County Clerk by 7:00 p.m.	Art. X, Sect. 20(3)(a) C.R.S. 1-1-104(6.5) & 1-7-101 & 1-41-102(1)
Wednesday, November 12	Last day to receive military and overseas ballots and cure signature deficiencies <i>(8 days after election)</i>	C.R.S. 1-8-3-111 & 1-8.3-113(2); Rule 16.2.1(c)
Thursday, November 13	Verification and counting of provisional ballots ends <i>(Within 9 days after election day)</i>	C.R.S. 1-8.5-105 (5)
Friday, November 14	Tabulation of all in-person and accepted mail ballots cast by voters must be complete and a summary results report provided <i>(complete by the 10th day after election day)</i>	Rule 25.2.2 (e)
Friday, November 14	First day interested parties may request and file for a recount at their own expense (no sooner than 10 days or later than 22 days after election)	C.R.S. 1-10.5-106(2)
Wednesday, November 26	Last day to complete canvass and certification of election <i>(no later than 22 days after election)</i>	C.R.S. 1-10-102(1) & 1-10-103 (1)

Wednesday, November 26	Last day for an interested party to request a recount of the results of the Coordinated Election at their own expense. <i>(No sooner than 10 days or later than 22 days after election)</i>	C.R.S. 1-10.5-106 (2)
Wednesday, November 26	Last day for political subdivision that referred a ballot issue or question that failed to waive an automatic recount of that issue or question by giving written notice to county clerk. <i>(Within 23 days after election)</i>	C.R.S. 1-10.5-103 & 1-106(5)
Tuesday, December 2	Campaign Reports due <i>(28 days after election)</i> - AMENDED	Fort Collins City Code §7-136 (c)(2)
Friday, December 5	Last day to complete a required statutory recount of any race <i>(no later than the 31st day after election)</i>	C.R.S. 1-10.5-102(2) & 1-10.5-103
Tuesday, December 9	Last day to complete a recount requested by an interested party <i>(no later than the 35th day after election)</i>	C.R.S. 1-10.5-106(2)
Tuesday, January 13, 2026	Council Organizational Meeting	Fort Collins City Charter Article II, Section 1(d)
Tuesday, January 13	Campaign Reports due <i>(70 days after election)</i>	Fort Collins City Code §7-136 (c)(2)
Tuesday, January 13	All committees, except candidate committees must terminate by this date <i>(70 days after election)</i>	Fort Collins City Code §7-134 (d)
November 1, 2026, and beyond	Campaign Reports due (if applicable) <i>(1st day of the month in which the anniversary of the election occurs until termination report filed)</i>	Fort Collins City Code §7-136 (2)



Laws Applicable to Fort Collins Elections

Home Rule Charter of the City of Fort Collins

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

https://library.municode.com/co/fort_collins/codes/municipal_code?nodemd=FOCOCH

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

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

Code of the City of Fort Collins

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

The Code is available online at:

https://library.municode.com/co/fort_collins/codes/municipal_code

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

- **Chapter 2 – Administration, Article II. City Council, Division 1** – Generally includes details on the form of nomination petition for Councilmembers as well as the process for challenges to Councilmember qualifications.
- **Chapter 7 - Elections**
 - **Article I.** In general provides for the laws governing City elections, including the requirements and procedures of the Uniform Election Code of 1992, as amended, to the extent necessary for an election to be conducted as a coordinated election.
 - **Sec. 7-56** provides that all regular municipal elections shall be coordinated with the County, unless otherwise provided by the Council by March 1 of the year in which the election is to be held.
 - **Article IV. Candidates** establishes the process and timelines for nomination of candidates.
 - **Article V. Campaigns** contains campaign finance reporting provisions all municipal candidates and campaign committees are subject to in the City of Fort Collins.
 - Several Code changes were adopted by City Council at the March 4, 2025, meeting. Copies of the approved ordinances have been attached since the changes will not be reflected in the online version of the City Code at the time these guidelines were updated.



Laws Applicable to Fort Collins Elections

Colorado Revised Statutes

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



District and Precinct Maps

Council District Boundaries

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

Resources on the City Website

www.fcgov.com/cityclerk/district-boundaries

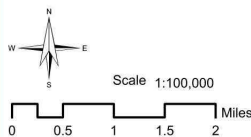
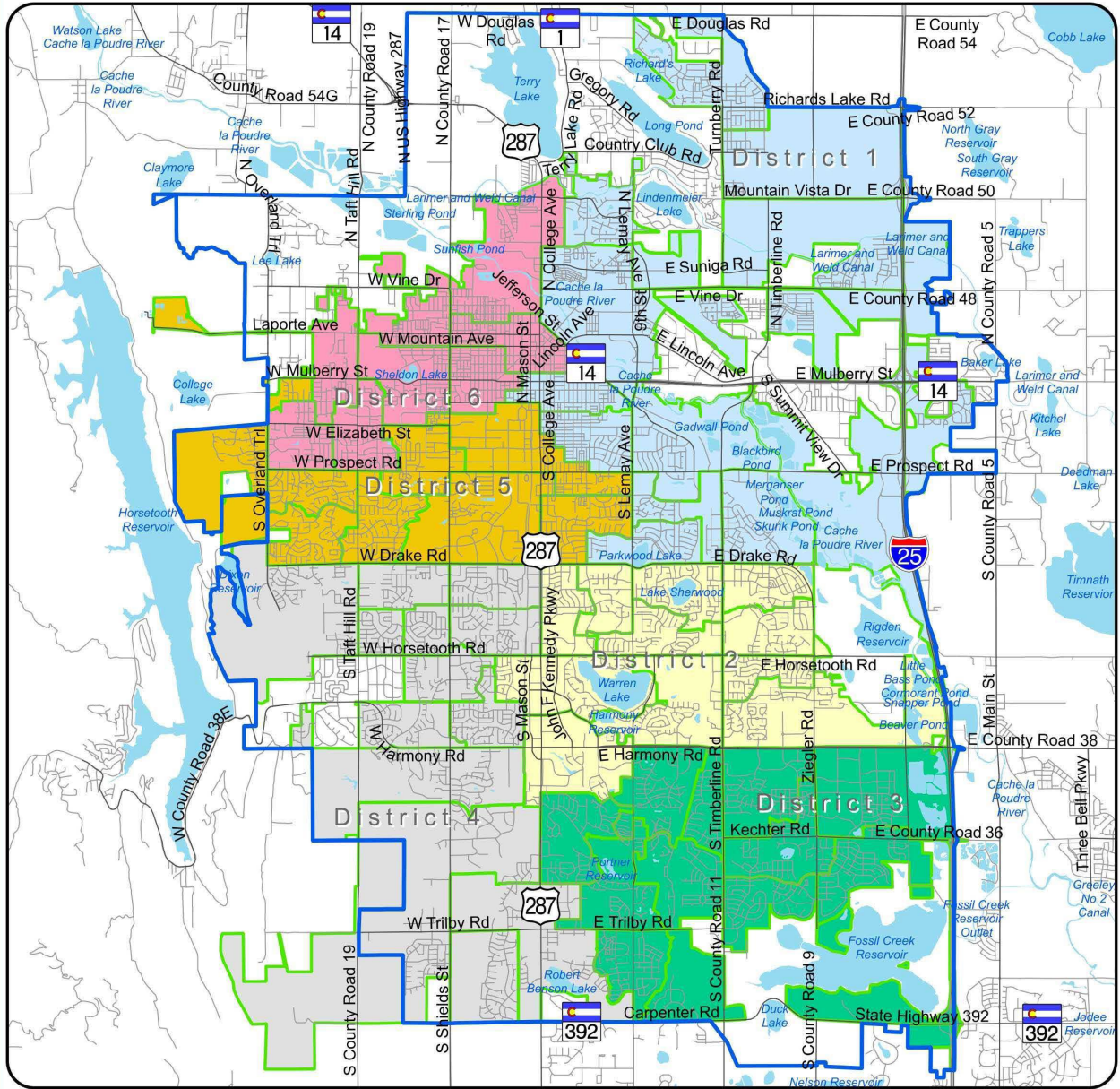
Fort Collins residents can use an online look up tool to enter their street address and find their assigned district. Districts have changed since the last municipal election.

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

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

City of Fort Collins

District-Precinct Map



CITY OF FORT COLLINS
GEOGRAPHIC INFORMATION SYSTEM MAP PRODUCTS

These map products and all underlying data are developed for use by the City of Fort Collins for its internal purposes only, and were not designed or intended for general use by members of the public. The City makes no representation or warranty as to its accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement of location of any map features thereon. THE CITY OF FORT COLLINS MAKES NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR PARTICULAR PURPOSE, EXPRESSED OR IMPLIED, WITH RESPECT TO THESE MAP PRODUCTS OR THE UNDERLYING DATA. Any users of these map products, map applications, or data, accepts them AS IS, WITH ALL FAULTS, and assumes all responsibility of the use thereof, and further covenants and agrees to hold the City harmless from and against all damage, loss, or liability arising from any use of this map product, in consideration of the City's having made this information available. Independent verification of all data contained herein should be obtained by any users of these products, or underlying data. The City disclaims, and shall not be held liable for any and all damage, loss, or liability, whether direct, indirect, or consequential, which arises or may arise from these map products or the use thereof by any person or entity.

District 1 - Susan Gutowsky	District 5 - Kelly Ohlson	GMA
District 2 - Julie Pignataro	District 6 - Emily Francis	Water Bodies
District 3 - Tricia Canonico	Mayor - Jeni Arndt	Street Centerlines
District 4 - Melanie Potonydy		



Effective: January 9, 2024
Printed: October 01, 2024

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Section 2:

Running for Office

TOPICS:

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



Offices on the Ballot in 2025

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

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

Mayor

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

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

Compensation

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

The 2025 annual compensation amount for the Mayor is \$62,400.

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

District Councilmembers

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

In 2025, the seats for Councilmembers representing Districts 1, 3, and 5 will be on the ballot.

Compensation

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

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

The 2025 annual compensation amount for Councilmembers is \$41,600.

The 2025 annual compensation amount for the Mayor Pro Tem is \$49,920.

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



Becoming a Candidate - Qualifications

Qualifications

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

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

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

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

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

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

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



Becoming a Candidate – Nomination Petitions

Nomination Petitions

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

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

Signature Requirements

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

Candidates for Mayor must obtain signatures from at least **25 registered electors who reside anywhere inside the city limits**. Candidates must sign the *Acceptance of Nomination* at the end of the nomination petition and the petition circulator must sign the *Verified Statement of Circulator* on the nomination petition. Both statements must be notarized. *(Note: The City Clerk's office will not notarize any forms related to elections. Please have this done prior to submitting the information to the City Clerk.)*

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

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

A *Financial Disclosure Statement* must be filed with the City Clerk at the same time as the filing of the *Acceptance of Nomination*. See *Financial Disclosure Statements* on page 23.

Petition Deadlines

As provided by the Charter, City Code and state law, nomination petitions must be circulated and filed no earlier than 91 days before the election; and no later than 70 days before the election. **This circulation period is August 5 through August 26 in 2025.**

Notifications

Within five days after the filing of a nomination petition, the City Clerk will notify the candidate as to the sufficiency of the petition. This notification is typically done by email or phone. Additional signatures, if needed to make the petition sufficient, cannot be accepted after 5 p.m. on Monday, August 26, 2025 (per Charter, this must be done within the regular time period for filing petitions).

Withdrawal from Candidacy

A person who has been nominated may withdraw from candidacy by filing a written request with the City Clerk. Forms for withdrawing from candidacy may be obtained from the City Clerk and must be filed no later than 63 days before the election, by 5 p.m. on Tuesday, September 2, 2025.

Write-In Candidates

No write-in candidates are allowed. This was recently approved by Council through Ordinance 031, 2025.



Candidate Checklist

Candidate Qualifications

Verify the following qualifications are met:

- A citizen of the United States.
- At least 21 years of age.
- A resident of Fort Collins for at least one year prior to the November 4 election, and for district candidates, also a resident of that district at the time of accepting the nomination.
- Not running for any other municipal elective office.
- Meet the requirements relating to felony convictions in the Charter, as read in conjunction with the Colorado State Constitution provisions.

Candidate Forms and Timeline *(All forms must be turned in to the City Clerk's Office)*

CANDIDATE AFFIDAVIT

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

✓ *Must be signed and notarized before submission by someone other than City Clerk's staff.*

NOMINATION PETITION PACKET

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

Packet includes:

- Nomination Petition - circulated **ONLY** from August 5 to August 26, 2025.
- Verified Statement of Circulator – to be completed and signed before a Notary Public (someone other than City Clerk's staff).
- Acceptance of Nomination – to be completed and signed by Candidate before a Notary Public (someone other than City Clerk's staff).

✓ *Nomination Packets will be available online and at the City Clerk's Office by August 1, 2025*

✓ *Packets must be filed with the City Clerk **no later than** August 26 at 5:00 p.m.*

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

FINANCIAL DISCLOSURE STATEMENT

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

Campaign Reporting *(All forms must be turned in to the City Clerk's Office)*

COMMITTEE REGISTRATION/TERMINATION FORM

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

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

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

❑ BANK ACCOUNT VERIFICATION

All contributions received by a candidate committee must be deposited and maintained in a financial institution in a separate account pursuant to **Sec. 7-135 (h)** of City Code. Documentation of the account, satisfactory to the City Clerk, is required with the committee registration, as outlined in **Sec. 7-134(a)(7)**.

❑ COMMITTEE REPORTS

All Committees must file campaign finance reports on specific days associated with each election:

- ❑ Two weeks after acceptance of first contribution and then on the 1st day of each quarter thereafter until the report due the 63rd day prior to election (September 2, 2025). For 2025, the first quarterly report is due May 1, 2025 – **NEW**
- ❑ July 1, 2025 – 2nd quarterly report - **NEW**
- ❑ 63 day before report on September 2, 2025 - **NEW**
- ❑ 35 day before report on September 30, 2025
- ❑ 21 day before report on October 14, 2025
- ❑ 14 day before report on October 21, 2025
- ❑ Friday before report **by noon** on October 31, 2025
- ❑ 28 day after report on December 2, 2025 - **AMENDED**
- ❑ 70 day after report on January 13, 2026
- ❑ Annual reports must be filed November 1 and every year thereafter as long as committee is open and until a termination report is filed. *Note: not required for committees involved in the 2025 election.*

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

❑ AFFIRMATION STATEMENT FOR LIMITED LIABILITY COMPANY (LLC) CONTRIBUTIONS

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

❑ CERTIFICATION OF FAIR MARKET VALUE

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

Commencement of Campaign Activities

There is no limitation on the point in time when a candidate for office may begin campaign activities. ***Be aware you become a candidate if you have publicly announced an intention to seek election. Close attention should be paid to the requirements for registering candidate committees and maintaining bank accounts (page 22), and the limitations on the placement of election signs.***

Public announcement shall mean:

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

Electioneering

State law prohibits electioneering (to take part actively and energetically in the activities of an election campaign; persuasion of voters in a political campaign) on election day within any polling place, or in any public street or room, or in any public manner within 100 feet of any building in which a polling place is located.

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

Election Signs

Election signs fall within the definition of temporary signs and must meet all standards in **Land Use Code Section 5.16.3**. Permits are not required for placement of non-banner temporary signs on private property; however, some restrictions on size and placement apply. If the temporary sign is a banner, a permit is required. Temporary signs may only be placed upon private property behind the sidewalk and only with the consent of the property owner.

Temporary signs, including election signs, are not allowed on park land, medians, sidewalks, street rights-of-way, in front of City buildings or any other public area owned or controlled by the City of Fort Collins without a permit. The public right-of-way includes the area between the sidewalk and the street, as well as approximately two feet behind the sidewalk. Banners require a permit.

Temporary signs are addressed in the City Code (**Section 17-42**) and the Land Use Code (**Section 5.16.3**). A temporary sign may be immediately removed if the City Engineer determines it has been placed on public property. The City will attempt to notify the owner that the temporary sign has been removed and will be destroyed within 10 days if not picked up. Any additional temporary signs will be immediately removed and destroyed without notification.



Campaign Regulations

The allowed size and placement of temporary signs allowed in **residential and nonresidential zones** is set out in **Land Use Code Section 5.16.3**. The signs cannot include lighting.

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

Identification of Written Campaign Materials

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

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

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

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

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

Door-to-Door Solicitation

Political solicitations are exempt from the City Code provision prohibiting door-to-door solicitations, except where the occupant of a private residence has chosen to post a **“NO SOLICITATION”** or **“NO TRESPASSING”** sign near the entrance to the premises. Posting of such a sign prohibits *any* kind of solicitation at that residence.

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

Littering

Campaign material is not exempt from littering prohibitions. Campaign materials must be securely placed or deposited so as to prevent them from being blown or scattered by the wind. It is not permissible to place campaign materials in any fashion on motor vehicles without the vehicle owner's permission.

Penalties

Failure to comply with the City Code and Land Use Code provisions relating to door-to-door solicitations and temporary signs is a misdemeanor and upon conviction punishable by a fine not to exceed \$3,000 or by imprisonment not to exceed 180 days, or both. [**City Code Sec. 1-15**]



Campaign Reporting Requirements

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Campaign Reporting Requirements

General

The Fort Collins City Council has established campaign finance provisions to be applied to local elections in lieu of any state laws on the subject. The local provisions have been codified in **Chapter 7, Article V of the City Code**. Several of these provisions were amended in 2022 and 2025. This section of these candidate guidelines provides an overview of several key campaign reporting provisions but is not a comprehensive listing of all of Article V relating to Campaigns. The full Article is provided as an appendix to these guidelines, as well as recently passed Ordinances that contain additional information.

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

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

Candidate Filings

Candidate Affidavit

From **Section 7-133. Candidate affidavits, disclosure statement, failure to file.:**

- (a) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the City Clerk within ten (10) days, that the candidate is familiar with the provisions of this Article.

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

Candidate shall mean any person who seeks nomination or election to the office of Mayor or Councilmember at any City election. A person is a candidate if the person has publicly announced an intention to seek such election or has filed nominating petitions for the office of Mayor or Councilmember. Candidate shall also mean any elected official who is the subject of recall proceedings pursuant to Article IX of the Charter.

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

Bank Accounts

From **Section 7-135:**

- (h) *Recordkeeping.*
 - (1) All contributions and contributions in kind received by a candidate committee, small-scale issue committee, issue committee or political committee shall be documented and deposited and maintained in a financial institution in a separate account that complies with Subsection 7-134(a)(7). Following any election in which the committee received contributions, the committee shall maintain all records pertaining to contributions and related accounts for one (1) year following the date the final disclosure report is due under Section 7-136 or the date the committee terminates, whichever is later, unless a complaint has been filed under Subsection 7-145(a) alleging a violation of the provisions of

this Article, or the person or committee has received notice of an investigation or prosecution of a violation of this Article by the City or other law enforcement authority, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Such records shall be subject to inspection in connection with any investigation or other action to enforce the terms of this Article.

From **Section 7-134**:

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

Financial Disclosure Statement

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

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

Committees

Candidate Committees

From **Section 7-132**:

Candidate committee shall mean a person, including the candidate, or persons with the common purpose of receiving contributions or making expenditures under the authority of a candidate. A candidate shall have only one (1) candidate committee. A candidate committee shall be considered open and active until the committee has filed a termination report with the City Clerk.

Committee Registration

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

From **Section 7-134**:

- (a) All candidate committees, political committees and issue committees shall register with the City Clerk before accepting any contributions or contributions in kind or making any expenditures. Registration must be on a form provided by the City Clerk and must include the following, together with any other information required to complete the registration form.

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

Contributions

From **Section 7-132**:

Contribution shall mean:

- (1) The payment, loan, pledge or advance of money, or guarantee of a loan, made to any candidate committee, issue committee or political committee;
- (2) Any payment made to a third party for the benefit of any candidate committee, issue committee or political committee;
- (3) Anything of value given, directly or indirectly, to a candidate committee for the purpose of promoting the candidate's nomination, retention, recall or election; or
- (4) With regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value to such contribution, including, but not limited to, items of perishable or nonpermanent value, goods, supplies, services or participation in a campaign-related event, mailing lists and other similar items of value, the amount equal to the value in excess of the amount of such compensation or consideration as reasonably determined by the candidate committee, issue committee or political committee based on market prices or other similar information.

Contribution shall not include:

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

Contribution in kind shall mean the fair market value of a gift or loan of any item of real or personal property, other than money, made to or for any candidate committee, issue committee, small-scale issue committee or political committee for the purpose of influencing the passage or defeat of any issue or the nomination, retention, election or defeat of any candidate. Personal services shall be considered a contribution in kind by the person paying compensation therefor. In determining the value to be placed on contributions in kind, a reasonable estimate of fair market value shall be used.

Contribution in kind shall not include an endorsement of a candidate or an issue by any person.

Contribution Limits

Contributions are subject to the following limits:

- \$200 total for Mayoral candidates - **NEW**
- \$150 total to District Councilmember candidates (**Sec.7-135(a)**) - **NEW**

To find more information on new limits, see Ordinance 030, 2025 attached.

From **Section 7-135**:

(a) *Limits*.

- (1) No person may make contributions and/or contributions in kind totaling more than **two hundred dollars (\$200. - NEW)** to the candidate committee of any candidate for the office of Mayor. No person may make contributions and/or contributions in kind totaling more than **one hundred fifty dollars (\$150. - NEW)** to the candidate committee of any candidate for the office of Councilmember. These limitations shall apply to all contributions or contributions in kind, whether made directly to a candidate committee or indirectly via earmarked gifts passed through an intermediary, except that these limitations shall not apply to:
 - a. Contributions or contributions in kind made by a candidate to his or her own candidate committee;
 - b. Independent expenditures;
 - c. Monetary loans that are: (a) personally guaranteed in writing by the candidate, the candidate's immediate family or a business entity in which the candidate owns at least five (5) percent; or (b) secured by real or personal property owned by the candidate, the candidate's immediate family or a business entity in which the candidate owns at least five (5) percent; or
 - d. Contributions made to a candidate committee by another candidate committee established by the same individual as a candidate for the office of Mayor or Councilmember.
- (2) No person may make contributions and/or contributions in kind totaling more than one hundred dollars (\$100.) to a political committee.
- (3) No person shall make a contribution or contribution in kind in the name of another person or knowingly permit one's name to be used by another person to effect such a contribution or contribution in kind.
- (4) **Inflation adjustment. The City Clerk will adjust the limit set forth in this Subsection (1) of this section based upon the percentage change over a two-year period in the United States Bureau of Labor Statistics Consumer Price Index Denver-Aurora-Lakewood, all urban consumers, or its successor index, rounded to the nearest ten dollars (\$10). NEW.**

A candidate committee which receives a contribution in excess of the limits set forth above must remit the excess to the contributor **before the next filing deadline - AMENDED.** (Sec. 7-135(d))

Limited Liability Company Contributions

From **Section 7-135:**

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

Joint Contributions

From **Section 7-135:**

- (c) *Joint contributions.* No person shall make a contribution jointly with another person through an electronic payment or the issuance of a check drawn on a jointly owned account unless: (i) the total amount of the joint contribution is less than the maximum amount that can be contributed by one (1) person under the contribution limits established in Subsection (a) of this Section or (ii) the check is signed by all owners of the account or the electronic donation or other documentation provided by the contributor states it is from both, in which event the amount of the total contribution shall be allocated equally among all such persons unless a different allocation is specified on the face of the check or on a document provided by the contributor. No candidate committee shall knowingly accept a contribution made in violation of this Subsection (c). **References to electronic contributions are new.**

Contributions in excess of limits

From **Section 7-135:**

- (d) *Contributions in excess of limits.* Upon receipt of a contribution or contribution in kind in excess of the limits set forth in this Section, the committee that received the contribution shall remit the excess to the contributor or pay to the contributor the value of the contribution in kind before the next filing deadline - AMENDED.

Electronic Contributions

From **Section 7-135:**

- (e) *Electronic contributions.* A contribution made by credit card, PayPal, or other payment intermediary service is accepted on the date the contributor authorizes the payment, or if unknown, on the date the payment intermediary service electronically transfers the contribution – NEW.

Third-Party Transaction Fees

From **Section 7-135:**

- (f) *Third-Party transaction fees.* If a third-party transaction fee is charged by an intermediary service, only the amount the committee receives is attributable as a contribution to the committee – NEW.

Cryptocurrency

From **Section 7-135:**

- (n) No candidate committee, issue committee, small-scale issue committee or political committee may accept contributions or contributions in kind made in cryptocurrency. Any such contributions received must be returned immediately upon the committee becoming aware of it - NEW.

Prohibited Contributors

From **Section 7-135:**

- (e) No candidate committee, issue committee, small-scale issue committee or political committee shall knowingly accept contributions or contributions in kind from any person who is not a citizen of the United States, from a foreign government or from any foreign corporation that does not have authority to transact business in this State pursuant to Article 115 of Title 7, C.R.S., or who is prohibited from contributing pursuant to the Charter of the City of Fort Collins or this Article.
- (f) No issue committee, small-scale issue committee or political committee shall make a contribution or contribution in kind to any other committee or to any candidate.
- (g) *Contributions from one (1) candidate committee to another.*
- (1) No candidate committee shall make a contribution or contribution in kind to, or accept a contribution or contribution in kind from, a candidate committee of another candidate.
 - (2) No candidate committee shall accept a contribution or contribution in kind from a candidate committee of the same candidate that was established or maintained for a federal, state or county election campaign or office.

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

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

Unexpended Campaign Contributions

From **Section 7-138:**

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

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

- (b) In addition to any use described in Subsection (a) of this Section, a person elected to the office of Mayor or Councilmember, or retained in office following a recall attempt, may use unexpended campaign contributions held by the person's candidate committee for any of the following purposes:
- (1) Voter registration;
 - (2) Political issue education, which includes obtaining information from or providing information to the electorate;
 - (3) Postsecondary educational scholarships;
 - (4) To defray reasonable and necessary expenses related to mailings and similar communications to constituents;
 - (5) Any expenses that are directly related to such person's official duties as an elected official, including, but not limited to, expenses for the purchase or lease of office equipment and supplies, room rental for public meetings, necessary travel and lodging expenses for legislative education such as seminars, conferences and meetings on legislative issues, and telephone and pager expenses.
- (c) A candidate committee for a former officeholder or a person not elected to office shall expend all of the unexpended campaign contributions retained by such candidate committee, for the purposes specified in Subsection (a) of this Section, no later than five (5) years from the date such officeholder's term expired or from the date of the election at which such person was a candidate for office, whichever is later.
- (d) Unexpended campaign contributions to an issue committee or political committee may be donated to any charitable organization recognized by the Internal Revenue Service, returned to the contributor, or used to pay for the cost of a recount requested by the committee's registered agent pursuant to § 7-46.

- (e) Any unexpended campaign contributions held by a candidate committee subsequent to the date of the election shall, upon the registration of a candidate committee for a City office in a subsequent election, be available for that candidate committee as a beginning fund balance to use in that election. Such carryover funds will not count against any contribution limit attributable to any past contributor in a prior election campaign. Absent the candidate registering a candidate committee for a City office in a subsequent election, the unexpended campaign contributions may be used as otherwise set forth in this Section.

Expenditures

From **Section 7-135:**

- (j) *Recordkeeping.*
 - (2) Following any election in which the committee made any expenditure, the committee shall document all expenditures and shall maintain all records pertaining to said expenditures, including but not limited to invoices, receipts, instruments of payment, and copies of any public communications produced as a result of the expenditure, for one (1) year following the date the final disclosure report is due under Section 7-136 or the date the committee terminates, whichever is later, unless a complaint has been filed under Subsection 7-145(a) alleging a violation of the provisions of this Article, or the person or committee has received notice of an investigation or prosecution of a violation of this Article by the City or other law enforcement authority, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Documentation shall include the name and address of the vendor(s) or payee(s) providing the property, materials, or services and the amount of the expenditure. Such records shall be made available within three (3) business days upon request of the City and subject to inspection in connection with any investigation or other action to enforce the terms of this Article.
- (k) *Reimbursements prohibited.* No person shall make a contribution or contribution in kind to a candidate committee, issue committee, small-scale issue committee or political committee with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution or contribution in kind made to any candidate committee, issue committee, small-scale issue committee or political committee, nor shall any person make such reimbursement. An unexpended campaign contribution returned to a contributor or compensation for a contribution in kind by a committee pursuant to § 7-135(c) shall not be considered a reimbursement.
- (l) A candidate committee, issue committee, small-scale issue committee or political committee shall not coordinate its expenditures or activities with, or share information with, any other committee and shall not conduct its campaign activities in a manner that has the effect of circumventing any restrictions or limitations on campaign contributions, expenditures or reporting set forth in this Article.
- (m) A candidate, candidate committee or political committee shall obtain from each seller a certification of full fair market value for any purchased goods or services and from the contributor for any goods or services that constitute a contribution or contribution in kind. Any seller or contributor asked to provide a certification of value shall provide to the candidate, candidate committee or political committee a correct and undiscounted statement of value. Certification of value documentation shall be provided by a candidate, candidate committee or political committee to the City Clerk, or other appropriate City official responsible for investigating or reviewing compliance, upon request.

Expenditures for Political Advertising

From **Section 7-141**:

- (a) No committee shall pay to any radio or television station, newspaper, periodical, internet advertiser or website provider, social media provider or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space, materials or services. Any such rate shall not be rebated, directly or indirectly.
- (b) Any radio or television station, newspaper, internet advertiser or website provider, social media provider or periodical that charges a committee a lower rate for use of space, materials or services than the rate such station, newspaper, internet advertiser or website provider, social media provider or periodical or supplier charges another issue committee or candidate committee for the same ballot measure or public office for comparable use of space, materials or services shall report the difference in such rate as a contribution to the committee that is charged such lower rate. A person who receives a discounted rate as described herein shall be deemed to have received a contribution and to meet the definition of political committee, issue committee or small-scale issue committee, as applicable, and must comply with the related requirements.
- (c) Nothing in this Article shall be construed to prevent an adjustment in rates related to frequency, volume, production costs and agency fees if such adjustments are offered consistently to other advertisers.

Campaign Reports

From **Sec. 7-136**:

- (a) All candidate committees, political committees and issue committees shall report to the City Clerk their contributions and contributions in kind received, including the name and address of each person who has made a contribution or a contribution in kind; expenditures made; and obligations entered into by the committee.

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

Expenditure shall mean the payment, distribution, loan or advance of any money by any candidate committee, political committee, issue committee or small-scale issue committee. *Expenditure* shall also include the payment, distribution, loan or advance of any money by a person for the benefit of a candidate committee, political committee, issue committee or small-scale issue committee that is made with the prior knowledge and consent of an agent of the committee. An expenditure occurs when the actual payment is made or when there is a contractual agreement and the amount is determined. (**Sec. 7-132**)

Reports are due on:

- within two (2) weeks of receipt of the first contribution of any kind and then the first of each calendar quarter thereafter until the 63rd day before report. May 1, 2025 will be the first report due. NEW
- July 1, 2025 – next quarterly report due – NEW
- The 63rd day before the election - NEW
- the 35th day before the election
- the 21st day before the election
- the 14th day before the election
- by noon on the Friday before the election
- the 28th day after the election - AMENDED
- the 70th day after the election, and
- annually on November 1 until such time as a termination report is filed.

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

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

Reports are Public Record

From **Section 7-137:**

- (a) Upon receipt of any campaign report submitted pursuant to this Article, the City Clerk shall make available such report for public inspection and post the report on the City's website no later than the next business day.
- (b) No information contained in any campaign report submitted pursuant to this Article shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.



Campaign Violations

Complaints, Campaign Violations and Penalties

From **Section 7-145 - AMENDED**:

- (a) **Filing a Complaint:** Any candidate or registered elector of the City ("complainant") who has reasonable, good faith belief, based on factual information, that any person, candidate, candidate committee, issue committee, small-scale committee, or political committee has violated Chapter 7, Article V, of this Code may file a written complaint with the City Clerk, no later than sixty (60) days after the date of the alleged violation.
- (1) The complaint must contain:
- The name of the alleged violator;
 - The Code provision allegedly violated;
 - A brief statement or description of the offense allegedly committed and the basis for the allegation;
 - All documentation or other factual evidence known to the complainant to support the allegation;
 - Identification of any witnesses or persons with relevant knowledge; and
 - The name, address and telephone number of the complainant.
- (b) **Complaint Process:** All complaints filed under this section will be reviewed in the following manner, however if a complaint is dismissed at any stage it will end at that stage and will not proceed to the next:
- Preliminary Review;
 - Separation of Criminal Complaints from Civil Infractions, only Civil Infractions proceed to the next stage;
 - Evidentiary Review;
 - Investigation; and
 - Referral to Municipal Court.
- (c) **Preliminary Review:** The City Clerk, in consultation with the City Attorney, will conduct a preliminary review to determine whether the complaint is sufficient and notify both the complainant and respondent within three (3) working days of receipt of the complaint. A sufficient complaint must comply with the following:
- Was timely filed under § 7-145(a);
 - Contains the information required by § 7-145(a)(1); and
 - Properly alleges a violation of Chapter 7, Article V, of this Code.
- (d) **Insufficient Complaints:** If the City Clerk, in consultation with the City Attorney, determines that the complaint is insufficient, the City Clerk will:
- Notify the complainant that the complaint has been dismissed and provide a brief explanation of the determination; and
 - Forward the complaint to the person who is the subject to the complaint ("respondent") and notify them that the complaint has been dismissed.

- (e) **Conflict:** If the complaint is determined by the City Clerk, in consultation with the City Attorney, and if the respondent to the complaint is a candidate for an elected position for municipal office or if the City Clerk, in consultation with the City Attorney, determines internal review of the complaint may raise conflict concerns, the City Attorney will retain special legal counsel to conduct the evaluation of the complaint using the process described below.
- (f) **Criminal Complaints:** If the City Clerk, in consultation with the City Attorney, determines that the complaint is sufficient and alleges a criminal violation as set forth in § 7-143(b), the City Clerk will forward the complaint to the respondent and to the City Attorney, who will evaluate the complaint for probable cause as provided for in this Division 2.
- (g) **Civil Infractions:** For sufficient complaints that do not allege a criminal violation, the complaints will be subject to a civil infraction process as follows:
- (1) The City Clerk will forward the complaint to the respondent by electronic mail, notifying the respondent that the alleged violation may be subject to a civil infraction and of the presumptive fine in accordance with § 7-143(a).
 - (2) Upon receipt of the complaint and at any time prior to filing of the complaint with Municipal Court, the respondent may:
 - a. Pay the fine; or
 - b. Provide any responsive information to the City Clerk regarding the allegations in the complaint.
 - (3) **Evidentiary Review:** After providing notice to the respondent of the complaint, the City Clerk, in consultation with the City Attorney, will determine whether the complainant has provided credible evidence to support a finding that the respondent violated this Article so as to warrant further investigation. If the City Clerk determines that the complaint does not contain credible evidence or that the allegation does not warrant further investigation, the Clerk will dismiss the complaint and notify both the respondent and the complainant of the dismissal and the reason for the dismissal.
 - (4) **Cure:** Upon receipt of the complaint up until the initiation of an investigation, the respondent may provide evidence of a cure. A “cure” is defined to include evidence of substantial compliance with the applicable law. Upon receipt of evidence of a cure, the City Clerk, in consultation with the City Attorney, will determine whether the provided evidence sufficiently cures the violation. If a cure is found, the City Clerk will dismiss the complaint. The City Clerk will notify both the respondent and the complainant. When reviewing the evidence, the City Clerk, in consultation with the City Attorney, will consider the following:
 - a. The extent of the respondent's noncompliance;
 - b. The purpose of the provision violated and whether that purpose was substantially achieved despite the noncompliance; and
 - c. Whether the noncompliance may properly be viewed as a knowing attempt to mislead the electorate or election officials.
 - (5) **Investigation:** If the City Clerk, in consultation with the City Attorney, determines that the complaint contains credible evidence and warrants further investigation, the City Attorney will arrange for any necessary outside or internal investigators to assist in conducting an investigation. The City Clerk will notify the respondent and complainant that an investigation has begun, that they may be contacted for an interview or other information gathering. Any

additional information that either the respondent or complainant wants to provide must be received by the City Clerk within ten (10) business days. Documentation must be received within the ten (10) working days in order to be considered during the investigation.

- (6) **Payment of Civil Fine:** Upon receiving payment of the presumptive fine, the City Clerk will close the complaint and notify the respondent and complainant.
- (7) Based on the outcome of the investigation the City Clerk, in consultation with the City Attorney, will determine whether a violation under Chapter 7, Article 5, of this Code occurred.
- (8) If it is determined that a violation did occur, the complaint will be filed with the Municipal Court. If the City Clerk, in consultation with the City Attorney, determines that a violation under Chapter 7, Article 5 did not occur, the City Clerk will dismiss the complaint and notify the complainant and respondent of the dismissal and the reason for the dismissal.
- (9) **Referral to Municipal Court:** Any complaint filed with the Municipal Court under this Section will be governed by Article V of Chapter 19 of this Code.
- (10) A complainant or any other nonrespondent will not be a party to the City Attorney's initial review, cure proceedings, investigation, or any proceeding in the Municipal Court. A complainant may request permission from the Municipal Judge or their designee to file an amicus curiae brief.
- (11) Any person that commits a violation of this Article will be personally liable for the penalties imposed. Any candidate will be personally liable for penalties imposed upon the candidate or the candidate's committee and may use campaign contributions to pay penalties.

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

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

7-133 - Candidate affidavit; disclosure statement; failure to file	No monetary penalty (disqualification per Section 7-133)
7-134 - Registration of committees; termination.	\$150 first offense; \$300 each subsequent offense
7-135 - Campaign contributions/expenditures.	\$100 first offense; \$200 each subsequent offense
7-136 - Disclosure; filing of reports.	\$100 first offense; \$200 each subsequent offense
7-137(b) - Reports to be public record.	\$50 first offense; \$100 each subsequent offense
7-138 - Unexpended campaign contributions.	\$100 first offense; \$200 each subsequent offense

7-139 - Independent expenditures	\$100 first offense; \$200 each subsequent offense
7-140 - Responsibility for communications.	\$50 first offense; \$100 each subsequent offense
7-141 - Expenditures for political advertising; rates and charges.	\$50 first offense; \$100 each subsequent offense

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

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

From **Section 7-146**:

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

Conflicts of Interest

From **Section 7-147**:

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

Complaint Not Required for City Action

From **Section 7-148**:

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



Ranked Voting

At the November 8, 2022 election, Fort Collins voters approved a change to the City Charter requiring that beginning in 2025, the offices of Mayor and of each District Councilmember will be elected using a “ranked voting method,” pursuant to the applicable Colorado statutes or City ordinance.

Ranked voting will only occur in races that have three or more candidates.

What is ranked voting?

- Ranked-choice voting/ranked voting is a method that allows voters to rank multiple candidates in a race in their order of preference.

How is ranked voting different from the City’s current voting method?

- Traditionally, voting has been a system in which the candidate who receives the most votes in a race wins the election, even if that candidate did not receive a majority (50% + 1 or more) of the total votes.

Ranked voting elections allow voters to rank multiple candidates in their order of preference, with those ranked choices counted over multiple rounds to determine who wins the election. Rather than just choosing one candidate, voters can rank their first choice, second choice, third choice, and so on.

If a candidate gets more than 50% of first-choice votes, they win the race outright. If no one gets a majority, the candidate with the fewest votes is eliminated; voters who chose that eliminated candidate as their first choice will then have their votes transferred to their second-choice candidate. The process continues until one candidate receives more than 50% of the votes cast.

What will ballots look like?

- Ballots will be a grid, with the candidates listed in rows, and spaces for first-choice, second-choice, and so on, in columns.

	First Choice	Second Choice	Third Choice	Fourth Choice
Candidate A	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate B	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate C	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate D	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

How do you fill out the ballot?

- **Step 1:** Choose your top candidate. This is your first-choice candidate and will be considered first.
- **Step 2:** If you have a second choice, you may select another candidate. This must be different from your first-choice candidate.
- **Step 3:** If you have a third choice, you may choose another candidate, which must be different from your first and second choices. Continue making your choices for as many candidates as you prefer.

Do people have to rank all candidates?

- No. A person may rank as many or as few candidates as they'd like. However, any choices after a skipped ranking will not be tabulated. If a person marks a first choice, skips a second choice, and then marks a third choice, only the first choice will be tabulated.

If a person really wants their first-choice candidate to win, can they rank that candidate as their first, second, third, etc., choice?

- No. A voter can only choose a candidate one time. Ranking additional candidates ensures a person continues to have a say in which candidate is chosen if their first-choice candidate does not receive enough votes to stay in the race. If the same candidate is chosen multiple times, only the first vote cast for that person would count. It would continue to count until that candidate either wins or does not receive enough votes to stay in the race.

How are votes counted in ranked voting?

- During the first round of counting, the voting system will tabulate all first-choice selections on each ballot. If a candidate receives more than 50% of first-choice selections, they win the election outright. If no one gets a majority of the votes in the first round, tabulation will continue to a next round; the candidate with the fewest first-choice ranks is eliminated and the votes they received are transferred to the second-choice candidate indicated on each of those ballots. This process continues until one candidate receives more than 50% of ballots cast.

What happens if there is a tie?

- According to the [Colorado Secretary of State Election Rules](#) **This link opens in a new browser tab**, if two or more candidates tie for the lowest number of votes in a tabulation round, the designated election official will determine the eliminated candidate by drawing. If two or more winning candidates tie for the most votes in any round, the designated election official must first count the surplus votes of the candidate chosen by drawing.

Does ranked voting mean some votes are counted more than others?

- Ranked voting is designed to give every voter an equal opportunity to express their preferences, but not to count more than one vote per voter.

In each round of counting, only one choice per voter is counted. If their first-choice candidate is still in the running, their vote stays with them. If their first-choice candidate is eliminated, their vote transfers to their next-ranked candidate. This ensures all voters have an opportunity to express their preferences, even if their top choice doesn't advance.

It is like a series of runoff elections, but instead of having to cast a new ballot each round, all of a voter's preferences are already indicated on their ballot.

How will Larimer County ensure that ranked voting is accurate?

- The accuracy of tabulation is verified both before the election (with a Logic and Accuracy Test) and after (with a Risk-Limiting Audit).

The purpose of the Logic and Accuracy Test is to verify the voting system is properly configured and programmed to accurately tabulate votes. The Logic and Accuracy Test verifies that the system correctly records all valid votes, under votes, over votes, and blank votes.

A Risk-Limiting Audit is a post-election audit that gives a statistical level of confidence that the outcome of an election is correct. In a Risk-Limiting Audit, the county examines and reports to the Secretary of State voter markings on randomly selected ballot cards, then compares them to the voting system's tabulation as reflected in the corresponding cast vote records.

You can find additional FAQs and other information on the City website here:

<https://www.fcgov.com/elections/ranked-voting>

City staff has already started outreach on ranked voting. We are working closely with Larimer County and others to get the word out.

Some additional events and collaboration that are planned include:

- Candidate Information and Orientation Sessions
- Earth Day
- Taste of Fort Collins
- Open Streets
- Lagoon Series
- Concerts downtown and at the mall
- Larimer County Fair
- Farmer's markets
- Library (when they have events planned)
- Super-Issue meetings for boards and commissions
- Collaboration with the League of Women Voters
- CSU events (ASCSU, Strayer Center)
- Senior Center Outreach
- Collaboration with the Equity Office and related events for our Spanish-speaking community members
- Collaboration with Poudre School District, CSU, Front Range Community College and others to help inform students, faculty and parents

Keep watching the website as information related to Ranked Voting will continue to be added. A video and practice permit will be added soon!

APPENDIX A

Anyone desiring to become a candidate at a recall election shall do so by nominating petition as required in Article VIII of the Charter. All nominating petitions for such candidates shall be filed with the Office of the City Clerk no later than forty-nine (49) days prior to the date of the recall election.

(Ord. No. 91, 1997, 7-1-97; Ord. No. 24, 1998, 3-17-98; Ord. No. 147, 2000, 11-7-00; Ord. No. 077, 2018, § 4, 6-19-18)

Secs. 7-118—7-130. - Reserved.

ARTICLE V. - CAMPAIGNS

Footnotes:

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Charter reference— *City Council, Art. II; campaign contributions, Art. VIII, § 7.*

Sec. 7-131. - Legislative declaration.

The City Council hereby finds and declares that large campaign contributions to political candidates allow wealthy contributors and special interest groups to exercise a disproportionate level of influence over the political process; that large campaign contributions create the potential for corruption and the appearance of corruption; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; and that the interests of the public are best served by limiting campaign contributions, full and timely disclosure of campaign contributions and strong enforcement of campaign laws.

(Ord. No. 162, 2000, § 1, 11-21-00)

Sec. 7-132. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Ballot issue, ballot question or issue shall mean any measure put to a vote of the registered electors of the City by the City Council at any election held under the provisions of the Charter. For purposes of this Article V, *ballot issue, ballot question or issue* shall also mean any measure for which recall, initiative or referendum proceedings have been commenced pursuant to Article IX, Section 1(b), Article X, Section 1(b), and Article X, Section 2(b), respectively, of the Charter.

Candidate shall mean any person who seeks nomination or election to the office of Mayor or Councilmember at any City election. A person is a candidate if the person has publicly announced an intention to seek such election or has filed nominating petitions for the office of Mayor or Councilmember. *Candidate* shall also mean any elected official who is the subject of recall proceedings pursuant to Article IX of the Charter.

Candidate committee shall mean a person, including the candidate, or persons with the common purpose of receiving contributions or making expenditures under the authority of a candidate. A candidate shall have only one (1) candidate committee. A candidate committee shall be considered open and active until the committee has filed a termination report with the City Clerk.

Contribution shall mean:

- (1) The payment, loan, pledge or advance of money, or guarantee of a loan, made to any candidate committee, issue committee or political committee;
- (2) Any payment made to a third party for the benefit of any candidate committee, issue committee or political committee;
- (3) Anything of value given, directly or indirectly, to a candidate committee for the purpose of promoting the candidate's nomination, retention, recall or election; or
- (4) With regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value to such contribution, including, but not limited to, items of perishable or nonpermanent value, goods, supplies, services or participation in a campaign-related event, mailing lists and other similar items of value, the amount equal to the value in excess of the amount of such compensation or consideration as reasonably determined by the candidate committee, issue committee or political committee based on market prices or other similar information.

Contribution shall not include:

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

Contribution in kind shall mean the fair market value of a gift or loan of any item of real or personal property, other than money, made to or for any candidate committee, issue committee, small-scale issue committee or political committee for the purpose of influencing the passage or defeat of any issue or the nomination, retention, election or defeat of any candidate. Personal services shall be considered a contribution in kind by the person paying compensation therefor. In determining the value to be placed on contributions in kind, a reasonable estimate of fair market value shall be used.

Contribution in kind shall not include an endorsement of a candidate or an issue by any person.

Expenditure shall mean the payment, distribution, loan or advance of any money by any candidate committee, political committee, issue committee or small-scale issue committee. *Expenditure* shall also include the payment, distribution, loan or advance of any money by a person for the benefit of a candidate committee, political committee, issue committee or small-scale issue committee that is made with the prior knowledge and consent of an agent of the committee. An expenditure occurs when the actual payment is made or when there is a contractual agreement and the amount is determined.

Independent expenditure shall mean the payment of money by any person for the purpose of advocating the election, defeat or recall of a candidate, which expenditure is not controlled by, or coordinated with, any candidate or any agent of such candidate. *Independent expenditure* shall include expenditures for political messages which unambiguously refer to any specific public office or candidate for such office. *Independent expenditure* shall also include the payment of money by any person for supporting or opposing a ballot issue or ballot question that is not controlled by, or coordinated with, an issue committee or a small-scale issue committee. *Independent expenditure* shall include, but not be limited to, advertisements placed for a fee on another person's website or advertisement space provided for no fee or a reduced fee where a fee ordinarily would have been charged.

Independent expenditure shall not include:

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

Issue committee shall mean:

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

Issue committee shall not include small-scale issue committees as otherwise defined in this Section.

Person shall mean any individual, partnership, committee, association, corporation, labor organization or other organization or group of persons.

Political committee shall mean:

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

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

Political message shall mean a message delivered by telephone, any print or electronic media or other written material which advocates the election or defeat of any candidate or which unambiguously refers to such candidate.

Public announcement shall mean:

- (1) Registration of a candidate committee; or
- (2)

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

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

Small-scale issue committee means a committee otherwise meeting the definition of *issue committee* that has accepted contributions, contributions in kind or expenditures in an amount that does not exceed two thousand five hundred dollars (\$2,500.) during an applicable election cycle for the major purpose of supporting or opposing any ballot issue or ballot question.

The following are each treated as a single small-scale issue committee:

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

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

Termination report shall mean a final report prepared by a candidate committee, issue committee or political committee and filed with the City Clerk which discloses the committee's contributions received, expenditures made and obligations entered into, when the following conditions have been met:

- (1) The committee no longer intends to receive contributions or make expenditures; and
- (2) A zero (0) balance exists in the account established and maintained under Subsection 7-135(f) and the committee has no outstanding debts or obligations.

Unexpended campaign contributions shall mean the balance of funds on hand in any candidate committee, issue committee, political committee or small-scale issue committee following an election, less the amount of all unpaid monetary obligations incurred prior to the election.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 1, 11-6-01; Ord. No. 021, 2016, § 9, 3-1-16; Ord. No. 005, 2017, § 5, 1-17-17; Ord. No. 045, 2018, §§ 3, 4, 4-3-18; Ord. No. 077, 2018, §§ 5, 6, 6-19-18; Ord. No. 113, 2018, § 2, 9-4-18; Ord. No. 079, 2022, § 2, 7-5-22)

Sec. 7-133. - Candidate affidavit; disclosure statement; failure to file.

- (a) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the City Clerk within ten (10) days, that the candidate is familiar with the provisions of this Article.
- (b) Each candidate shall file a financial disclosure statement pursuant to § 2-636 with the City Clerk at the same time as filing an acceptance of nomination.
- (c) Failure of any person to file the affidavit or disclosure statement required under this Section shall result in the disqualification of such person as a candidate for the office being sought.
- (d) The requirements of this Section shall not apply to any elected official who is the subject of recall proceedings.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 2, 11-6-01; Ord. No. 045, 2018, § 5, 4-3-18)

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

- (a) All candidate committees, political committees and issue committees shall register with the City Clerk before accepting any contributions or contributions in kind or making any expenditures. Registration must be on a form provided by the City Clerk and must include the following, together with any other information required to complete the registration form.
 - (1) The committee's full name, spelling out any acronyms used therein;
 - (2) The name of a natural person authorized to act as a registered agent for the committee;
 - (3) A current street address, mailing address (if different from the street address), telephone number and email address for the principal place of business of the committee;
 - (4) A current mailing address, telephone number and email address for the registered agent;
 - (5) The purpose or nature of interest of the committee;
 - (6) The date of the election regarding which the committee intends to be active;
 - (7) The name and address of the financial institution in which all contributions received by the committee are deposited in a separate account bearing, in the case of a candidate committee, the name of the candidate, or in the case of a political or issue committee, the name of the person authorized to act as the registered agent for the committee, and documentation of such account reasonably satisfactory to the City Clerk; and

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

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

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

(a) *Limits.*

- (1) No person may make contributions and/or contributions in kind totaling more than one hundred dollars (\$100.) to the candidate committee of any candidate for the office of Mayor. No person may make contributions and/or contributions in kind totaling more than seventy-five dollars (\$75.) to the candidate committee of any candidate for the office of Councilmember. These limitations shall apply to all contributions or contributions in kind, whether made directly to a candidate committee or indirectly via earmarked gifts passed through an intermediary, except that these limitations shall not apply to:
- Contributions or contributions in kind made by a candidate to his or her own candidate committee;
 - Independent expenditures;
 - Monetary loans that are: (a) personally guaranteed in writing by the candidate, the candidate's immediate family or a business entity in which the candidate owns at least five (5) percent; or (b) secured by real or personal property owned by the candidate, the

candidate's immediate family or a business entity in which the candidate owns at least five (5) percent; or

d. Contributions made to a candidate committee by another candidate committee established by the same individual as a candidate for the office of Mayor or Councilmember.

(2) No person may make contributions and/or contributions in kind totaling more than one hundred dollars (\$100.) to a political committee.

(3) No person shall make a contribution or contribution in kind in the name of another person or knowingly permit one's name to be used by another person to effect such a contribution or contribution in kind.

(b) *Limited Liability Company Contributions.* A limited liability company ("LLC") may make contributions or contributions in kind to candidate committees or political committees subject to the following requirements and all other applicable limits of this Section:

(1) Any contribution from an LLC shall count against contribution limits for both the LLC itself and the individual members of the LLC as apportioned according. The amount a person contributes as an individual member of the LLC shall count towards the aggregate contribution limit for that person in Subsection (a) herein.

(2) The LLC shall provide the candidate committee or political committee with a written statement affirming the permissibility of the contribution on a form provided by the City Clerk. The affirmation shall include:

a. The name and address of the LLC and each LLC member;

b. Information on how the contribution is attributed among the LLC members, which attribution must reflect the capital each member has invested in the LLC relative to the total amount of capital invested in the company, or the percentage of ownership each member has in the LLC as of the date of the contribution.

(3) No candidate committee or political committee shall accept a contribution from an LLC unless the LLC provides the written affirmation in compliance with this Section before the contribution is deposited by the committee.

(4) The candidate committee or political committee receiving the contribution shall:

a. List both the individual LLC members' names and the name of the LLC as contributors on disclosure reports; and

b. Retain the affirmation statements for one (1) year after the date of the election; provider however, in the event a complaint is filed against the committee, the committee must maintain the affirmations until the final disposition of the complaint.

(5)

As used in this Subsection (b), "limited liability company" shall have the same meaning as "domestic limited liability company" as defined in Section 7-90-102(15), C.R.S., or "foreign limited liability company" as defined in Section 7-90-102(24), C.R.S., as amended.

- (c) *Joint contributions.* No person shall make a contribution jointly with another person through the issuance of a check drawn on a jointly owned account unless: (i) the total amount of the joint contribution is less than the maximum amount that can be contributed by one (1) person under the contribution limits established in Subsection (a) of this Section or (ii) the check is signed by all owners of the account, in which event the amount of the total contribution shall be allocated equally among all such persons unless a different allocation is specified on the face of the check. No candidate committee shall knowingly accept a contribution made in violation of this Subsection (c).
- (d) *Contributions in excess of limits.* No later than ten (10) business days after receiving a contribution or contribution in kind in excess of the limits set forth in this Section, the committee that received the contribution shall remit the excess to the contributor or pay to the contributor the value of the contribution in kind.
- (e) No candidate committee, issue committee, small-scale issue committee or political committee shall knowingly accept contributions or contributions in kind from any person who is not a citizen of the United States, from a foreign government or from any foreign corporation that does not have authority to transact business in this State pursuant to Article 115 of Title 7, C.R.S., or who is prohibited from contributing pursuant to the Charter of the City of Fort Collins or this Article.
- (f) No issue committee, small-scale issue committee or political committee shall make a contribution or contribution in kind to any other committee or to any candidate.
- (g) *Contributions from one (1) candidate committee to another.*
 - (1) No candidate committee shall make a contribution or contribution in kind to, or accept a contribution or contribution in kind from, a candidate committee of another candidate.
 - (2) No candidate committee shall accept a contribution or contribution in kind from a candidate committee of the same candidate that was established or maintained for a federal, state or county election campaign or office.
- (h) *Recordkeeping.*
 - (1) All contributions and contributions in kind received by a candidate committee, small-scale issue committee, issue committee or political committee shall be documented and deposited and maintained in a financial institution in a separate account that complies with Subsection 7-134(a)(7). Following any election in which the committee received contributions, the committee shall maintain all records pertaining to contributions and related accounts for one (1) year following the date the final disclosure report is due under Section 7-136 or the date the committee terminates, whichever is later, unless a complaint has been filed under

Subsection 7-145(a) alleging a violation of the provisions of this Article, or the person or committee has received notice of an investigation or prosecution of a violation of this Article by the City or other law enforcement authority, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Such records shall be subject to inspection in connection with any investigation or other action to enforce the terms of this Article.

- (2) Following any election in which the committee made any expenditure, the committee shall document all expenditures and shall maintain all records pertaining to said expenditures, including but not limited to invoices, receipts, instruments of payment, and copies of any public communications produced as a result of the expenditure, for one (1) year following the date the final disclosure report is due under Section 7-136 or the date the committee terminates, whichever is later, unless a complaint has been filed under Subsection 7-145(a) alleging a violation of the provisions of this Article, or the person or committee has received notice of an investigation or prosecution of a violation of this Article by the City or other law enforcement authority, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Documentation shall include the name and address of the vendor(s) or payee(s) providing the property, materials, or services and the amount of the expenditure. Such records shall be made available within three (3) business days upon request of the City and subject to inspection in connection with any investigation or other action to enforce the terms of this Article.
- (i) *Reimbursements prohibited.* No person shall make a contribution or contribution in kind to a candidate committee, issue committee, small-scale issue committee or political committee with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution or contribution in kind made to any candidate committee, issue committee, small-scale issue committee or political committee, nor shall any person make such reimbursement. An unexpended campaign contribution returned to a contributor or compensation for a contribution in kind by a committee pursuant to § 7-135(c) shall not be considered a reimbursement.
- (j) A candidate committee, issue committee, small-scale issue committee or political committee shall not coordinate its expenditures or activities with, or share information with, any other committee and shall not conduct its campaign activities in a manner that has the effect of circumventing any restrictions or limitations on campaign contributions, expenditures or reporting set forth in this Article.
- (k) A candidate, candidate committee or political committee shall obtain from each seller a certification of full fair market value for any purchased goods or services and from the contributor for any goods or services that constitute a contribution or contribution in kind. Any seller or contributor asked to provide a certification of value shall provide to the candidate,

candidate committee or political committee a correct and undiscounted statement of value. Certification of value documentation shall be provided by a candidate, candidate committee or political committee to the City Clerk, or other appropriate City official responsible for investigating or reviewing compliance, upon request.

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

Sec. 7-136. - Disclosure; filing of reports.

- (a) All candidate committees, political committees and issue committees shall report to the City Clerk their contributions and contributions in kind received, including the name and address of each person who has made a contribution or a contribution in kind; expenditures made; and obligations entered into by the committee.
- (b) For purposes of complying with the requirements of this Section, an issue committee, political committee or small-scale issue committee consisting of an organization whose primary purpose is not to support or oppose ballot issues or candidates shall report only those contributions and contributions in kind accepted, expenditures made and obligations entered into for the purpose of supporting or opposing a ballot issue or ballot question or candidate. Such committee shall not be required to report donations, membership dues or any other payments received and for non-election purposes except to the extent such amounts are used or set aside to be used for the purpose of supporting or opposing a ballot issue or ballot question or candidate.
- (c) Reports shall be filed with the City Clerk as follows:
 - (1) All committees must file reports on the following dates:
 - a. the thirty-fifth (35th) day before the election;
 - b. the twenty-first (21st) day before the election;
 - c. the fourteenth (14th) day before the election;
 - d. no later than noon on the Friday before the election;
 - e. the thirty-fifth (35th) day after the election; and
 - f. the seventieth (70th) day after the election.
 - (2) Candidate committees that continue in operation must file a report annually on the first day of the month in which the anniversary of the election occurs until such time as a termination report is filed.
 - (3) If the reporting day falls on a weekend or legal holiday, the report shall be filed by the close of the next business day.
- (d)

The reports required by this Section shall include the balance of funds at the beginning of the reporting period, the total of contributions and contributions in kind received, and the total of expenditures made during the reporting period. The reports shall also include cumulative totals of contributions and contributions in kind received and a cumulative total of expenditures made by the committee during the election cycle.

- (e) All reports shall be submitted on forms provided by the City Clerk and shall be complete and correct in all respects. Reports shall be current in all respects as of two (2) days prior to the date upon which each such report is to be filed.
- (f) A report required to be filed by this Section is timely if the report is filed electronically not later than midnight Mountain Standard Time on the date due. Notwithstanding the foregoing, the report that is due by noon on the Friday before the election must be filed by noon regardless of the manner of filing.
- (g) Any report that is deemed by the City Clerk to be incomplete or inconsistent with the requirements of this Article shall be accepted on a conditional basis, and shall be subject to the penalties and process in § 7-143.
- (h) Any candidate committee, political committee or issue committee which has not accepted any contributions or contributions in kind, made any expenditures, or entered into any obligations during a reporting period, shall file a report with the City Clerk on the days specified in Subparagraph (c) above certifying that the committee has not accepted any contributions or contributions in kind, made any expenditures or entered into any obligations during the relevant reporting period.
- (i) Except as specified in this Subparagraph (i), the disclosure requirements specified in this Section shall not apply to a small-scale issue committee. To the extent there is any conflict between the small-scale issue committee provisions of Subparagraphs (i), (j), (k), and (l) of this Section 7-136, those Subparagraphs shall control. Any small-scale issue committee shall disclose or file reports about the contributions, contributions in kind or expenditures it has made or received or otherwise register as an issue committee in connection with accepting or making such contributions or expenditures in accordance with the following alternative requirements:
 - (1) Any small-scale issue committee that accepts contributions or contributions in kind or makes expenditures in an aggregate amount during any applicable election cycle that does not exceed two hundred fifty dollars (\$250.) is not required to disclose or file reports about the contributions, contributions in kind or expenditures it has made or received or otherwise register as an issue committee in connection with accepting such contributions or contributions in kind or making such expenditures.
 - (2)

Any small-scale issue committee that accepts contributions or contributions in kind or makes expenditures in an aggregate amount during any applicable election cycle of between two hundred fifty dollars (\$250.) and two thousand five hundred dollars (\$2,500.) shall register with the City Clerk within ten (10) business days of the date on which the aggregate amount of contributions or expenditures exceeds two hundred fifty dollars (\$250.). The registration required by this subparagraph must be on a form provided by the City Clerk and must include the following, together with any other information required to complete the registration form:

- a. The committee's full name, spelling out any acronyms used in the name;
 - b. The name of a natural person authorized to act as a registered agent of the committee;
 - c. A current street address, mailing address (if different from the street address), telephone number and email address for the principal place of business of the committee;
 - d. A current mailing address, telephone number and email address for the registered agent;
 - e. The purpose or nature of interest of the committee;
 - f. The date of the election regarding which the committee intends to be active;
 - g. The name and address of the financial institution in which all contributions received by the committee are deposited in a separate account bearing the name of the committee, and documentation of such account reasonably satisfactory to the City Clerk; and
 - h. An acknowledgement and certification signed by the registered agent and, from any candidate committee, the candidate.
- (3) A registered small-scale issue committee must promptly provide updated address, telephone and email information to the City Clerk upon the change of such information for the committee or the registered agent of the committee, or any change in financial institution or account.
- (j) Except as required by Subsection 7-135(f)(2), no small-scale issue committee described in subsection (i)(2) is required under this Article to disclose or report any contributions, contributions in kind or expenditures it has made or received, so long as it continues to meet the definition of small-scale issue committee.
- (k) Within seven (7) days of the date on which a small-scale issue committee accepts contributions or contributions in kind or makes expenditures in an aggregate amount during any applicable election cycle that exceeds two thousand five hundred dollars (\$2,500.), the committee shall:
- (1) through its registered agent, report this change in the committee's status to the City Clerk; and
 - (2) report to the City Clerk on an approved form, for each particular contribution, contribution in kind or expenditure accepted or made, the name and address of each person who has made such contribution or contribution in kind and the amount of each specific contribution,

contribution in kind and expenditure accepted or made by the committee.

- (l) Once any issue committee that began as a small-scale issue committee accepts contributions or contributions in kind or makes expenditures in an aggregate amount during any applicable election cycle that exceeds two thousand five hundred dollars (\$2,500.), the committee shall from that point forward make disclosure of any contributions, contributions in kind or expenditures it accepts or makes not already reported under Subparagraph (k) and comply with all requirements under this Article applicable to issue committees.
- (m) Any political committee or issue committee formed prior to July 1, 2017, will be deemed to have been formed for an election held prior to said date, and shall be deemed terminated and shall cease to operate as a committee as of April 13, 2018, except that any such terminated committee and persons responsible for the operation of such committee shall continue to be subject to the limitations on disbursement of funds set forth in § 7-138.

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

Sec. 7-137. - Reports to be public record.

- (a) Upon receipt of any campaign report submitted pursuant to this Article, the City Clerk shall make available such report for public inspection and post the report on the City's website no later than the next business day.
- (b) No information contained in any campaign report submitted pursuant to this Article shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 6, 11-6-01; Ord. No. 021, 2016, § 11, 3-1-16)

Sec. 7-138. - Unexpended campaign contributions.

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

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

- (b) In addition to any use described in Subsection (a) of this Section, a person elected to the office of Mayor or Councilmember, or retained in office following a recall attempt, may use unexpended campaign contributions held by the person's candidate committee for any of the following purposes:
- (1) Voter registration;
 - (2) Political issue education, which includes obtaining information from or providing information to the electorate;
 - (3) Postsecondary educational scholarships;
 - (4) To defray reasonable and necessary expenses related to mailings and similar communications to constituents;
 - (5) Any expenses that are directly related to such person's official duties as an elected official, including, but not limited to, expenses for the purchase or lease of office equipment and supplies, room rental for public meetings, necessary travel and lodging expenses for legislative education such as seminars, conferences and meetings on legislative issues, and telephone and pager expenses.
- (c) A candidate committee for a former officeholder or a person not elected to office shall expend all of the unexpended campaign contributions retained by such candidate committee, for the purposes specified in Subsection (a) of this Section, no later than five (5) years from the date such officeholder's term expired or from the date of the election at which such person was a candidate for office, whichever is later.
- (d) Unexpended campaign contributions to an issue committee or political committee may be donated to any charitable organization recognized by the Internal Revenue Service, returned to the contributor, or used to pay for the cost of a recount requested by the committee's registered agent pursuant to § 7-46.
- (e) Any unexpended campaign contributions held by a candidate committee subsequent to the date of the election shall, upon the registration of a candidate committee for a City office in a subsequent election, be available for that candidate committee as a beginning fund balance to use in that election. Such carryover funds will not count against any contribution limit attributable to any past contributor in a prior election campaign. Absent the candidate registering a candidate committee for a City office in a subsequent election, the unexpended campaign contributions may be used as otherwise set forth in this Section.

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

Sec. 7-139. - Independent expenditures.

- (a) Any person, excluding a committee required to register under this Article, who makes independent expenditures in connection with any particular ballot totaling in the aggregate more than two hundred fifty dollars (\$250.) shall report any such independent expenditures made after that threshold is met to the City Clerk on a form provided by the City Clerk no later than three (3) business days after the day that funds are obligated to pay for said independent expenditure. Said notice shall include the following information, together with any other information required by the City Clerk:
- (1) The name, address and telephone number of the person making the independent expenditures;
 - (2) The name of the candidate whom the independent expenditures are intended to support or oppose;
 - (3) The name and address of the vendor(s) providing the property, materials or services;
 - (4) A detailed description of the independent expenditures sufficient to allow for determination of compliance with this section;
 - (5) The amount of the independent expenditures;
 - (6) The date the funds were obligated; and
 - (7) Copies of receipts, invoices, or other documentation related to the independent expenditure.
- (b) For the purposes of this provision, funds shall be considered to have been obligated as soon as an agreement is reached for the provision of the property, materials or services in question, regardless of when payment is to be made for such property or services.
- (c) All independent expenditures shall be documented and all records pertaining to independent expenditures, including but not limited to invoices, receipts, instruments of payment, and copies of any public communications produced as a result of the expenditure, shall be maintained for one (1) year following any election in which the funds were expended unless a complaint has been filed under Subsection 7-145(a) alleging a violation of the provisions of this Article, or the person or committee has received notice of an investigation or prosecution of a violation of this Article by the City or other law enforcement authority, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Such records shall be made available within three (3) business days upon request of the City and subject to inspection in connection with any hearing held pursuant to this Article.
- (d) Any person or persons, excluding a committee otherwise required to register under this Article, who makes or make independent expenditures in connection with any particular City election (including either candidate races or ballot questions or issues) totaling in the aggregate two thousand five hundred dollars (\$2,500) or more, shall register as an issue committee or political

committee, as applicable, within three (3) business days of having made expenditures in excess of such threshold. The initial report of any such committee shall provide the dates of any reports of independent expenditures previously made and the source of funds for said previously reported expenditures.

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

Sec. 7-140. - Responsibility for communications.

(a) Required Statements.

- (1) Whenever a candidate, candidate committee, issue committee, political committee or registered small-scale issue committee makes an expenditure for the purpose of financing communications expressly advocating a particular result in an election, or solicits any contribution or contribution in-kind through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing or any other type of general public political advertising, such communication if paid for or authorized by a candidate, candidate committee, issue committee, political committee, registered small-scale issue committee, or any agent for the same, shall clearly state that the communication is paid for by that candidate, candidate committee, issue committee, political committee or registered small-scale issue committee.
- (2) Whenever any person makes an independent expenditure in excess of the reporting threshold in § 7-139 for the purpose of financing communications expressly advocating for a particular result in an election, such communication shall clearly state that the communication is paid for by that person.

(b) In regard to the different forms of communication set forth in subsection (a) of this Section 7-140, "communication" shall include, but shall not be limited to:

- (1) Websites or social media of a candidate, candidate committee, issue committee, political committee or registered small-scale issue committee available to the general public;
- (2) Websites or social media of a person if and to the extent they are financed by independent expenditures in excess of the reporting threshold in § 7-139 and are available to the general public; and
- (3) Advertisements placed for a fee on another person's website or social media.

(c) The statement required by this Section 7-140 must be clear and conspicuous in the communication. The statement required herein shall not apply to communications where including the statement would be impractical, such as:

- (1) Bumper stickers, pins, buttons, pens and similar small items upon which the disclaimer cannot be conveniently printed;
- (2)

Skywriting, water towers, wearing apparel, or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable; or

(3) Checks, receipts, and similar items of minimal value that are used for purely administrative purposes and do not contain a political message.

(d) Nothing herein shall be deemed to alleviate any person from complying with federal campaign finance law, as applicable.

(Ord. No. 113, 2018, § 8, 9-4-18)

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

(a) No committee shall pay to any radio or television station, newspaper, periodical, internet advertiser or website provider, social media provider or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space, materials or services. Any such rate shall not be rebated, directly or indirectly.

(b) Any radio or television station, newspaper, internet advertiser or website provider, social media provider or periodical that charges a committee a lower rate for use of space, materials or services than the rate such station, newspaper, internet advertiser or website provider, social media provider or periodical or supplier charges another issue committee or candidate committee for the same ballot measure or public office for comparable use of space, materials or services shall report the difference in such rate as a contribution to the committee that is charged such lower rate. A person who receives a discounted rate as described herein shall be deemed to have received a contribution and to meet the definition of political committee, issue committee or small-scale issue committee, as applicable, and must comply with the related requirements.

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

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 077, 2018, § 11, 6-19-18; Ord. No. 113, 2018, § 9, 9-4-18; Ord. No. 079, 2022, § 2, 7-5-22)

Sec. 7-142. - Encouraging withdrawal from campaign prohibited.

No person shall offer or give any candidate or candidate committee any money or any other thing of value for the purpose of encouraging the withdrawal of the candidate's candidacy, nor shall any candidate offer to withdraw a candidacy in return for money or any other thing of value.

(Ord. No. 162, 2000, § 1, 11-21-00)

Sec. 7-143. - Violations and penalties.

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

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

(b)

Any person who undertakes any of the following commits a misdemeanor and is subject to a fine or imprisonment in accordance with § 1-15:

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

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

Sec. 7-144. - Severability.

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

(Ord. No. 162, 2000, § 1, 11-21-00)

Division 2 - Campaign Violations

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

- (a) Any candidate or registered elector of the City ("complainant") who has reason to believe a violation of Chapter 7, Article V, of this Code, has occurred by any person, candidate, candidate committee, issue committee, small-scale issue committee or political committee may file a written complaint with the City Clerk, no later than sixty (60) days after the alleged violation has occurred.
- (b) The complaint must contain:
 - (1) The name of the alleged violator;
 - (2) The Code provision allegedly violated;
 - (3)

A brief statement or description of the offense allegedly committed and the basis for the allegation;

- (4) Identification of any relevant documents or other evidence;
 - (5) Identification of any witnesses or persons with relevant knowledge; and
 - (6) The name, address and telephone number of the complainant.
- (c) For complaints that allege a criminal violation as set forth in § 7-143(b), the City Clerk will forward the complaint to the respondent and to the City Attorney, who will evaluate the complaint for probable cause as provided for in this Division 2.
- (d) For complaints that do not allege a criminal violation, the complaints shall be subject to a civil infraction process as provided herein:
- (1) The City Clerk will forward the complaint to the respondent by electronic mail, notifying the respondent that the alleged violation may be subject to a civil infraction.
 - (2) The City Clerk will forward the complaint to the City Attorney, who shall review the complaint to determine whether the complaint:
 - a. Was timely filed under § 7-145(a);
 - b. Contains the information required by § 7-145(b); and
 - c. Alleges sufficient facts to support a factual and legal basis for the violations alleged.
 - (3) If the City Attorney determines that the complaint fails to satisfy any of the three (3) elements in the immediately preceding Subsection (2), the City Attorney shall so notify the City Clerk who will, in turn, notify the complainant and respondent in writing.
 - (4) If the City Attorney determines that the complaint satisfies the three (3) elements in the immediately preceding Subsection (2), the City Attorney shall notify the City Clerk who will, in turn, notify the respondent in writing of the presumptive penalty in accordance with § 7-143(a) and that the respondent shall have ten (10) days from the date of the notice to submit written evidence of its cure or diligent efforts to cure the violation, including any amendments to any applicable report containing one or more deficiencies, modified campaign materials or other proof that the violation has been corrected. The respondent's written response shall be due to the City Clerk no later than 5:00 p.m. on the tenth (10th) day. In the event the tenth (10th) day is a City holiday, the response shall be due no later than 5:00 p.m. the next business day.
 - (5) On receipt of the respondent's written response, the City Attorney may, through the City Clerk, ask the respondent to provide more information and may grant the respondent an extension of time of up to seven (7) additional days to file an amended response regarding cure in order to respond to any such request.
 - (6)

After the period for cure has expired, the City Attorney shall determine whether the respondent has cured any violation alleged in the complaint and, if so, whether respondent has substantially complied with its legal obligations under Chapter 7, Article 5, of this Code. In determining whether the respondent has substantially complied with its legal obligations, the City Attorney shall consider:

- a. The extent of the respondent's noncompliance;
- b. The purpose of the provision violated and whether that purpose was substantially achieved despite the noncompliance; and
- c. Whether the noncompliance may properly be viewed as a knowing attempt to mislead the electorate or election officials.

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

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

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

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

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

If the City Attorney determines probable cause exists, the City Attorney may notify Fort Collins Police Services, who, in consultation with the City Attorney, may file and serve a summons and complaint to the respondent.

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

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

Sec. 7-147. - Conflicts of interest.

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

(Ord. No. 005, 2017, § 9, 1-17-17)

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

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

(Ord. No. 005, 2017, § 9, 1-17-17)

Sec. 7-149. - Administrative procedures.

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

(Ord. No. 005, 2017, § 9, 1-17-17)

Sec. 7-150. - Reserved.

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

Secs. 7-151—7-154. - Reserved.

ARTICLE VI. - INITIATIVE AND REFERENDUM

ORDINANCE NO. 029, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING 7-145 OF THE CODE OF THE CITY OF FORT
COLLINS TO CLARIFY AND REVISE THE PROCESS FOR
ENFORCEMENT OF CAMPAIGN VIOLATIONS

A. In 2015, the City Council formed an ad hoc committee to review, discuss and recommend the most beneficial changes to the Code and City Charter regarding elections and other related matters.

B. In January 2017, Council made the ad hoc Committee a standing committee of Council for the purpose of identifying and evaluating ideas for improvements to City election laws and practices and anticipating adjustments that may be needed to adapt to a changing legal and technological environment, for Council consideration.

C. As a result of the Committee's work (as both an ad hoc committee and a standing committee), Ordinance No. 021, 2016, Ordinance No. 005, 2017, Ordinance No. 045, 2018, Ordinance No. 077, 2018, and Ordinance No. 113, 2018, Ordinance No. 109, 2020, Ordinance No. 112, 2020, and Ordinance No. 079, 2022 were considered and adopted by the Council to update various provisions of Chapter 7 of the City Code.

D. The Committee has continued to meet and has consider additional revisions to Chapter 7, including the repeal of City Code Section 7-145 in its entirety, to be replaced with an updated enforcement process for campaign violations.

E. The Committee has recommended these changes to Section 7-145 to generally improve and clarify the City's campaign enforcement procedures and processes.

F. These updates further the City's and the public's interest in shedding light for the public on the enforcement process for alleged campaign violations, while ensuring that the complainant and respondent are both notified at each crucial stage.

G. The Council desires to enact the recommendations of the Committee and staff to clarify and improve Section 7-145, as set forth below.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 7-145 of the Code of the City of Fort Collins is hereby repealed in its entirety and replaced to read as follows:

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

(a) **Filing a Complaint:** Any candidate or registered elector of the City ("complainant") who has reasonable, good faith belief, based on factual information, that any person, candidate, candidate committee, issue committee, small-scale committee, or political

committee has violated Chapter 7, Article V, of this Code may file a written complaint with the City Clerk, no later than sixty (60) days after the date of the alleged violation.

- (1) The complaint must contain:
 - a. The name of the alleged violator;
 - b. The Code provision allegedly violated;
 - c. A brief statement or description of the offense allegedly committed and the basis for the allegation;
 - d. All documentation or other factual evidence known to the complainant to support the allegation;
 - e. Identification of any witnesses or persons with relevant knowledge; and
 - f. The name, address and telephone number of the complainant.

(b) **Complaint Process:** All complaints filed under this section will be reviewed in the following manner, however if a complaint is dismissed at any stage it will end at that stage and will not proceed to the next:

- (1) Preliminary Review;
- (2) Separation of Criminal Complaints from Civil Infractions, only Civil Infractions proceed to the next stage;
- (3) Evidentiary Review;
- (4) Investigation; and
- (5) Referral to Municipal Court.

(c) **Preliminary Review:** The City Clerk, in consultation with the City Attorney, will conduct a preliminary review to determine whether the complaint is sufficient and notify both the complainant and respondent within three (3) working days of receipt of the complaint. A sufficient complaint must comply with the following:

- (1) Was timely filed under § 7-145(a);
- (2) Contains the information required by § 7-145(a)(1); and
- (3) Properly alleges a violation of Chapter 7, Article V, of this Code.

(d) **Insufficient Complaints:** If the City Clerk, in consultation with the City Attorney, determines that the complaint is insufficient, the City Clerk will:

- (1) Notify the complainant that the complaint has been dismissed and provide a brief explanation of the determination; and

(2) Forward the complaint to the person who is the subject to the complaint (“respondent”) and notify them that the complaint has been dismissed.

(e) **Conflict:** If the complaint is determined by the City Clerk, in consultation with the City Attorney, and if the respondent to the complaint is a candidate for an elected position for municipal office or if the City Clerk, in consultation with the City Attorney, determines internal review of the complaint may raise conflict concerns, the City Attorney will retain special legal counsel to conduct the evaluation of the complaint using the process described below.

(f) **Criminal Complaints:** If the City Clerk, in consultation with the City Attorney, determines that the complaint is sufficient and alleges a criminal violation as set forth in § 7-143(b), the City Clerk will forward the complaint to the respondent and to the City Attorney, who will evaluate the complaint for probable cause as provided for in this Division 2.

(g) **Civil Infractions:** For sufficient complaints that do not allege a criminal violation, the complaints will be subject to a civil infraction process as follows:

(1) The City Clerk will forward the complaint to the respondent by electronic mail, notifying the respondent that the alleged violation may be subject to a civil infraction and of the presumptive fine in accordance with § 7-143(a).

(2) Upon receipt of the complaint and at any time prior to filing of the complaint with Municipal Court, the respondent may:

a. Pay the fine; or

b. Provide any responsive information to the City Clerk regarding the allegations in the complaint.

(3) **Evidentiary Review:** After providing notice to the respondent of the complaint, the City Clerk, in consultation with the City Attorney, will determine whether the complainant has provided credible evidence to support a finding that the respondent violated this Article so as to warrant further investigation. If the City Clerk determines that the complaint does not contain credible evidence or that the allegation does not warrant further investigation, the Clerk will dismiss the complaint and notify both the respondent and the complainant of the dismissal and the reason for the dismissal.

(4) **Cure:** Upon receipt of the complaint up until the initiation of an investigation, the respondent may provide evidence of a cure. A “cure” is defined to include evidence of substantial compliance with the applicable law. Upon receipt of evidence of a cure, the City Clerk, in consultation with the City Attorney, will determine whether the provided evidence sufficiently cures the violation. If a cure is found, the City Clerk will dismiss the complaint. The City Clerk will notify both

the respondent and the complainant. When reviewing the evidence, the City Clerk, in consultation with the City Attorney, will consider the following:

- a. The extent of the respondent's noncompliance;
- b. The purpose of the provision violated and whether that purpose was substantially achieved despite the noncompliance; and
- c. Whether the noncompliance may properly be viewed as a knowing attempt to mislead the electorate or election officials.

(5) **Investigation:** If the City Clerk, in consultation with the City Attorney, determines that the complaint contains credible evidence and warrants further investigation, the City Attorney will arrange for any necessary outside or internal investigators to assist in conducting an investigation. The City Clerk will notify the respondent and complainant that an investigation has begun, that they may be contacted for an interview or other information gathering. Any additional information that either the respondent or complainant wants to provide must be received by the City Clerk within ten (10) business days. Documentation must be received within the ten (10) working days in order to be considered during the investigation.

(6) **Payment of Civil Fine:** Upon receiving payment of the presumptive fine, the City Clerk will close the complaint and notify the respondent and complainant.

(7) Based on the outcome of the investigation the City Clerk, in consultation with the City Attorney, will determine whether a violation under Chapter 7, Article 5, of this Code occurred.

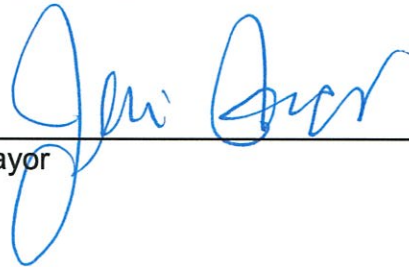
(8) If it is determined that a violation did occur, the complaint will be filed with the Municipal Court. If the City Clerk, in consultation with the City Attorney, determines that a violation under Chapter 7, Article 5 did not occur, the City Clerk will dismiss the complaint and notify the complainant and respondent of the dismissal and the reason for the dismissal.

(9) **Referral to Municipal Court:** Any complaint filed with the Municipal Court under this Section will be governed by Article V of Chapter 19 of this Code.

(10) A complainant or any other nonrespondent will not be a party to the City Attorney's initial review, cure proceedings, investigation, or any proceeding in the Municipal Court. A complainant may request permission from the Municipal Judge or their designee to file an amicus curiae brief.

(11) Any person that commits a violation of this Article will be personally liable for the penalties imposed. Any candidate will be personally liable for penalties imposed upon the candidate or the candidate's committee and may use campaign contributions to pay penalties.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.



Mayor

ATTEST:



City Clerk



Effective Date: March 14, 2025
Approving Attorney: Sara Arfmann

ORDINANCE NO. 030, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE V OF CHAPTER 7 OF THE CODE OF THE
CITY OF FORT COLLINS TO CLARIFY AND REVISE THE
RESTRICTIONS AND REQUIREMENTS RELATED TO
CAMPAIGN CONTRIBUTIONS IN CITY ELECTIONS

A. In 2015, the City Council formed an ad hoc committee to review, discuss and recommend the most beneficial changes to the Code and City Charter regarding elections and other related matters.

B. In January 2017, Council made the ad hoc Committee a standing committee of Council for the purpose of identifying and evaluating ideas for improvements to City election laws and practices and anticipating adjustments that may be needed to adapt to a changing legal and technological environment, for Council consideration.

C. As a result of the Committee's work (as both an ad hoc committee and a standing committee), Ordinance No. 021, 2016, Ordinance No. 005, 2017, Ordinance No. 045, 2018, Ordinance No. 077, 2018, and Ordinance No. 113, 2018, Ordinance No. 109, 2020, Ordinance No. 112, 2020, and Ordinance No. 079, 2022 were considered and adopted by the Council to update various provisions of Chapter 7.

D. The Committee has continued to meet and has recommended clarification of reporting of contributions, including additional reporting requirements as required under updates to Colorado election law.

E. The Committee has also recommended updating campaign contribution limits for both the mayor and councilmembers.

F. The Committee has also recommended including an automatic inflation adjustment be added to ensure that the limit continue to be adjusted over time in line with local inflation.

G. In addition, the Committee has recommended clarification on electronic contributions, update the time requirement for reporting excess contributions, clarify whether a third-party transaction fee applies to the contribution limit, and prohibiting cryptocurrency.

H. These updates generally improve and clarify the City's financial campaign requirements and processes.

I. These updates further the City's and the public's interest in efficiently updating contribution limits based on local inflation and provide clarify on new technological advances impacting election contributions.

J. The Council desires to enact the recommendations of the Committee and staff to clarify and improve various sections in Chapter 7, as set forth below.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 7-135(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

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

(a) *Limits.*

(1) No person may make contributions and/or contributions in kind totaling more than two hundred dollars (\$200.) to the candidate committee of any candidate for the office of Mayor. No person may make contributions and/or contributions in kind totaling more than one hundred and fifty dollars (\$150.) to the candidate committee of any candidate for the office of Councilmember. These limitations shall apply to all contributions or contributions in kind, whether made directly to a candidate committee or indirectly via earmarked gifts passed through an intermediary, except that these limitations shall not apply to:

...

Section 2. Section 7-135(a) of the Code of the City of Fort Collins is hereby amended by the addition of a new Subparagraph (4) which reads in its entirety as follows:

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

...

(4) *Inflation Adjustment.* The City Clerk will adjust the limit set forth in this Subsection (1) of this section based upon the percentage change over a two-year period in the United States Bureau of Labor Statistics Consumer Price Index for Denver-Aurora-Lakewood, all urban consumers, or its successor index, rounded to the nearest ten dollars (\$10). Rounding to the nearest ten dollars (\$10) means that if the inflation is an increase of five dollars (\$5) or more, than the contribution limit would be increased by ten dollars (\$10). If the inflation is an increase of less than five dollars (\$5), the contribution limit is not increased. The adjustment will first be done in the fourth quarter of 2026 and then every two years thereafter.

...

Section 3. Section 7-135(c) through (k) of the Code of the City of Fort Collins is hereby amended to read as follows and a new Subparagraph (n) is hereby added:

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

...

(c) *Joint contributions.* No person shall make a contribution jointly with another person through an electronic payment or the issuance of a check drawn on a jointly owned account unless: (i) the total amount of the joint contribution is less than the maximum amount that can be contributed by one (1) person under the contribution limits established in Subsection (a) of this Section or (ii) the check is signed by all owners of the account or the electronic donation or other documentation provided by the contributor states it is from both, in which event the amount of the total contribution shall be allocated equally among all such persons unless a different allocation is specified on the face of the check or on a document provided by the contributor. No candidate committee shall knowingly accept a contribution made in violation of this Subsection (c).

(d) *Contributions in excess of limits.* Upon receipt of a contribution or contribution in kind in excess of the limits set forth in this Section, the committee that received the contribution shall remit the excess to the contributor or pay to the contributor the value of the contribution in kind before the next filing deadline.

(e) *Electronic contributions.* A contribution made by credit card, PayPal, or other payment intermediary service is accepted on the date the contributor authorizes the payment, or if unknown, on the date the payment intermediary service electronically transfers the contribution.

(f) *Third-Party transaction fees.* If a third-party transaction fee is charged by an intermediary service, only the amount the committee receives is attributable as a contribution to the committee.

(g) No candidate committee, issue committee, small-scale issue committee or political committee shall knowingly accept contributions or contributions in kind from any person who is not a citizen of the United States, from a foreign government or from any foreign corporation that does not have authority to transact business in this State pursuant to Article 115 of Title 7, C.R.S., or who is prohibited from contributing pursuant to the Charter of the City of Fort Collins or this Article.

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

(i) *Contributions from one (1) candidate committee to another.*

(1) No candidate committee shall make a contribution or contribution in kind to, or accept a contribution or contribution in kind from, a candidate committee of another candidate.

(2) No candidate committee shall accept a contribution or contribution in kind from a candidate committee of the same candidate that was established or maintained for a federal, state or county election campaign or office.

(j) *Recordkeeping.*

(1) All contributions and contributions in kind received by a candidate committee, small-scale issue committee, issue committee or political committee shall be documented and deposited and maintained in a financial institution in a separate account that complies with Subsection 7-134(a)(7). Following any election in which the committee received contributions, the committee shall maintain all records pertaining to contributions and related accounts for one (1) year following the date the final disclosure report is due under Section 7-136 or the date the committee terminates, whichever is later, unless a complaint has been filed under Subsection 7-145(a) alleging a violation of the provisions of this Article, or the person or committee has received notice of an investigation or prosecution of a violation of this Article by the City or other law enforcement authority, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Such records shall be subject to inspection in connection with any investigation or other action to enforce the terms of this Article.

(2) Following any election in which the committee made any expenditure, the committee shall document all expenditures and shall maintain all records pertaining to said expenditures, including but not limited to invoices, receipts, instruments of payment, and copies of any public communications produced as a result of the expenditure, for one (1) year following the date the final disclosure report is due under Section 7-136 or the date the committee terminates, whichever is later, unless a complaint has been filed under Subsection 7-145(a) alleging a violation of the provisions of this Article, or the person or committee has received notice of an investigation or prosecution of a violation of this Article by the City or other law enforcement authority, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Documentation shall include the name and address of the vendor(s) or payee(s) providing the property, materials, or services and the amount of the expenditure. Such records shall be made available within three (3) business days upon request of the City and subject to inspection in connection with any investigation or other action to enforce the terms of this Article.

(k) *Reimbursements prohibited.* No person shall make a contribution or contribution in kind to a candidate committee, issue committee, small-scale issue committee or political committee with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution or contribution in kind made to any candidate committee, issue committee, small-scale issue committee or political committee, nor shall any person make such reimbursement. An unexpended campaign contribution returned to a contributor or

compensation for a contribution in kind by a committee pursuant to § 7-135(c) shall not be considered a reimbursement.

(l) A candidate committee, issue committee, small-scale issue committee or political committee shall not coordinate its expenditures or activities with, or share information with, any other committee and shall not conduct its campaign activities in a manner that has the effect of circumventing any restrictions or limitations on campaign contributions, expenditures or reporting set forth in this Article.

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

(n) No candidate committee, issue committee, small-scale issue committee or political committee may accept contributions or contributions in kind made in cryptocurrency. Any such contributions received must be returned immediately upon the committee becoming aware of it.

Section 4. Section 7-136(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-136. - Disclosure; filing of reports.

...

(c) Reports shall be filed with the City Clerk as follows:

(1) A committee must file a report within two (2) weeks of receipt of the first contribution of any kind and then the first of each calendar quarter thereafter until the time for reporting under Subsection (2) is reached.

a. For the fall 2025 municipal general election only, a committee must file a report on May 1, 2025, for any contributions received prior to that date, or within two (2) weeks after receipt if the first contribution is received on May 1st or after that date, and then the first of the following calendar quarter thereafter until the time for reporting under subsection (2) is reached.

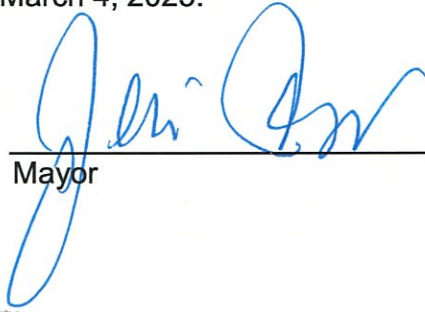
(2) A committee must file reports on the following dates:

a. the sixty-third (63rd) day before the election;

- b. the thirty-fifth (35th) day before the election;
- c. the twenty-first (21st) day before the election;
- d. the fourteenth (14th) day before the election;
- e. no later than noon on the Friday before the election;
- f. the twenty-eighth (28th) day after the election; and
- g. the seventieth (70th) day after the election.

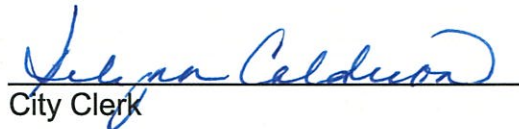
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Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.



Mayor

ATTEST:



City Clerk



Effective Date: March 14, 2025
Approving Attorney: Sara Arfmann

ORDINANCE NO. 031, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 7-103 OF THE CODE OF THE CITY OF
FORT COLLINS TO REMOVE WRITE-IN CANDIDATES IN CITY
ELECTIONS

A. In 2015, the City Council formed an ad hoc committee to review, discuss and recommend the most beneficial changes to the Code and City Charter regarding elections and other related matters.

B. In January 2017, Council made the ad hoc Committee a standing committee of Council for the purpose of identifying and evaluating ideas for improvements to City election laws and practices and anticipating adjustments that may be needed to adapt to a changing legal and technological environment, for Council consideration.

C. As a result of the Committee's work (as both an ad hoc committee and a standing committee), Ordinance No. 021, 2016, Ordinance No. 005, 2017, Ordinance No. 045, 2018, Ordinance No. 077, 2018, and Ordinance No. 113, 2018, Ordinance No. 109, 2020, Ordinance No. 112, 2020, and Ordinance No. 079, 2022, were considered and adopted by the Council to update various provisions of Chapter 7.

D. The Committee has continued to meet to consider clarifications and updates that may be needed in Chapter 7 and has recommended eliminating write-in candidates for City elections.

E. Write-in candidates must currently register only a few days after the deadline for submission of nominating petitions and eliminating the potential for write-in candidates will generally improve and clarify the City's election processes and will avoid unnecessarily complicating the ranked voting process.

F. These updates further the City's and the public's interest in efficiently conducting City elections.

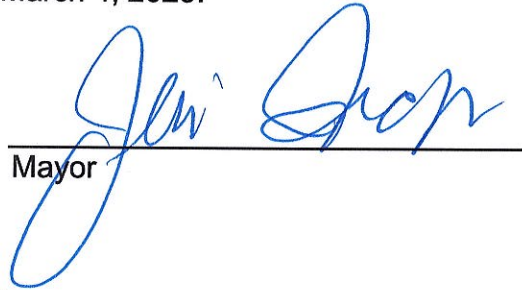
G. The Council desires to enact the recommendations of the Committee and staff to clarify and improve Section 103 of Chapter 7, as set forth below.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 7-103 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-103. - Write-in candidates.

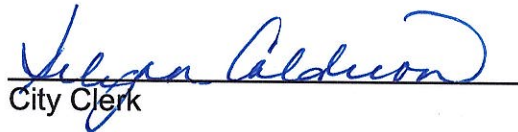
No write-in vote for a candidate for City Council office will be counted.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.



Mayor

ATTEST:



City Clerk



Effective Date: March 14, 2025
Approving Attorney: Sara Arfmann

ORDINANCE NO. 032, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 7-165 OF THE CODE OF THE CITY OF
FORT COLLINS TO CLARIFY AND REVISE THE
REQUIREMENTS FOR PETITION CIRCULATORS

A. In 2015, the City Council formed an ad hoc committee to review, discuss and recommend the most beneficial changes to the Code and City Charter regarding elections and other related matters.

B. In January 2017, Council made the ad hoc Committee a standing committee of Council for the purpose of identifying and evaluating ideas for improvements to City election laws and practices and anticipating adjustments that may be needed to adapt to a changing legal and technological environment, for Council consideration.

C. As a result of the Committee's work (as both an ad hoc committee and a standing committee), Ordinance No. 021, 2016, Ordinance No. 005, 2017, Ordinance No. 045, 2018, Ordinance No. 077, 2018, and Ordinance No. 113, 2018, Ordinance No. 109, 2020, Ordinance No. 112, 2020, and Ordinance No. 079, 2022, were considered and adopted by the Council to update various provisions of Chapter 7.

D. The Committee has continued to meet to consider clarifications and updates that may be needed in Chapter 7 and has recommended an update to the requirements for petition circulators to ensure petitions are reasonably accessible.

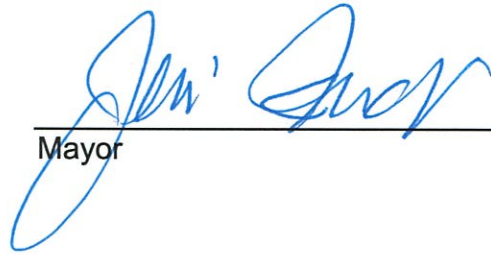
E. The Council desires to enact the recommendations of the Committee and staff to clarify the obligations of petition circulators in Chapter 7, as set forth below.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 7-165 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-165. - Obligation of petition circulators.

Any person circulating a petition approved for circulation by the City Clerk must, upon the request of any person to whom the petition is presented, make the entire text of the initiated or referred measure that is the subject of the petition or, in the case of a recall petition, the statement of charges and statement of defenses, accessible by any reasonable method.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.



Mayor

ATTEST:



City Clerk



Effective Date: March 14, 2025
Approving Attorney: Sara Arfmann

ORDINANCE NO. 033, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 7 OF THE CODE OF THE CITY OF FORT
COLLINS TO UPDATE VARIOUS SECTIONS RELATED TO CITY
ELECTIONS FOR CONSISTENCY WITH THE CITY CHARTER
AND WITHIN CHAPTER 7

A. In 2015, the City Council formed an ad hoc committee to review, discuss and recommend the most beneficial changes to the Code and City Charter regarding elections and other related matters.

B. In January 2017, Council made the ad hoc Committee a standing committee of Council for the purpose of identifying and evaluating ideas for improvements to City election laws and practices and anticipating adjustments that may be needed to adapt to a changing legal and technological environment, for Council consideration.

C. As a result of the Committee's work (as both an ad hoc committee and a standing committee), Ordinance No. 021, 2016, Ordinance No. 005, 2017, Ordinance No. 045, 2018, Ordinance No. 077, 2018, and Ordinance No. 113, 2018, Ordinance No. 109, 2020, Ordinance No. 112, 2020, and Ordinance No. 079, 2022 were considered and adopted by the Council to update various provisions of Chapter 7.

D. The Committee has continued to meet to consider clarifications and updates that may be needed in Chapter 7 and has recommended clarification and updating the duties and authority of the City Clerk in conformance with other amendments sought.

E. The Committee has also recommended updates to conform the City Code with changes that have been made to the City Charter, including the procedure for City administered ranked voting elections.

F. The Committee has also recommended clarifications to address the timelines for both general election candidate nomination petitions and recall nomination petitions in light of Charter changes and changes to overall election scheduling. This timeline takes into account both the County's requirements for receiving names before a coordinated election and sufficient time for the Clerk's Office to verify signatures as provided in the Charter.

G. These updates generally improve and clarify the City's election process and conform to provisions updated in the City Charter in November 2024 and in Chapter 7.

H. These updates further the City's and the public's interest in efficiently updating the election process and updating administrative functions to reflect other amendments.

I. The Council desires to enact the recommendations of the Committee and staff to clarify and improve various sections in Chapter 7, as set forth below.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 7-20 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-20. - Duties of city clerk.

The City Clerk is responsible to:

- (1) Provide forms and instructions to assist candidates and the public in complying with the reporting requirements of Article V;
- (2) Keep a copy of any report or statement required to be filed by Article V for a period of ten (10) years from the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for six (6) years after the candidate leaves office;
- (3) Make reports and statements filed under Article V available on the City's website promptly;
- (4) Supervise the review and evaluation of complaints and initiate complaints regarding alleged violations of Article V.
- (5) Prescribe the form of materials to be used in the conduct of mail ballot elections consistent with the provisions contained in Article VIII;
- (6) Establish procedures for conducting mail ballot elections consistent with the provisions contained in Article VIII, including efforts to inform uniformed and overseas voters of the upcoming election;
- (7) Supervise the conduct of mail ballot elections;
- (8) Employ temporary election workers as needed;
- (9) Take all necessary steps to protect the confidentiality of voted ballots and the integrity of the election; and
- (10) Serve as, or designate a qualified employee of the City Clerk to serve as, the City's Designated Election Official, as defined in Section 1-1-104(8), C.R.S., for any election coordinated with Larimer County pursuant to Section 1-7-116, C.R.S.

Section 2. Section 7-21 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-21. - Administration of City-administered elections.

The provisions of this article apply to the administration of City-administered elections. Any election conducted as a coordinated election with the County is subject to the provisions of applicable state law. Any ranked voting election conducted by the City Clerk will be in compliance with the rules adopted by the Secretary of State pursuant to the Colorado Code of Regulations 8 C.C.R. 1505-1:26, as adapted for a City-administered election.

Section 3. Section 7-116 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-116. - Nomination of candidates; withdrawal from candidacy.

(a) A nominating petition required pursuant to Article VIII of the Charter may not be circulated earlier than ninety-one (91) days before the election and must be filed with the City Clerk not later than seventy (70) days before the election. A person who has submitted a nominating petition may amend it by submitting additional petition signatures up until seventy (70) days before the election.

(b) A person who has been nominated may, not later than sixty-three (63) days before the election, withdraw by filing with the City Clerk a request therefor in writing, and no name so withdrawn shall be placed upon the ballot.

Section 4. Section 7-117 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-117. - Recall elections; nomination of candidates.

Anyone desiring to become a candidate at a recall election shall do so by nominating petition as required in Article VIII of the Charter. All nominating petitions for such candidates may be filed with the Office of the City Clerk no later than seventy (70) days prior to the date of the recall election. A person who has submitted a nominating petition may amend it by submitting additional petition signatures up until seventy (70) days before the election. A nominating petition may be circulated after a recall petition is submitted to the City Clerk's Office.

Section 5. The definition "*Ballot issue, ballot question or issue*" contained in Section 7-132 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-132. – Definitions

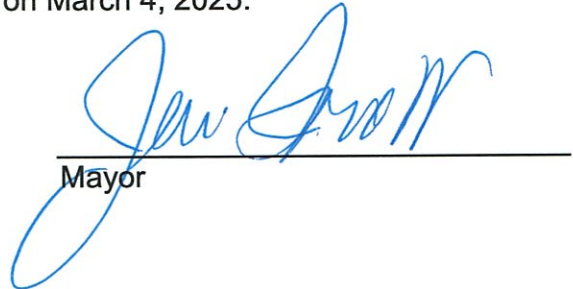
Ballot issue or ballot question (also referred to as *issue*) shall mean any measure put to a vote of the registered electors of the City by the City Council at any election held under the provisions of the Charter. For purposes of this Article V, *ballot issue or ballot question* (or *issue*) shall also mean any measure for which recall, initiative or referendum proceedings have been commenced pursuant to Article IX, Section 1(b), Article X, Section 1(b), and Article X, Section 6(b), respectively, of the Charter.

Section 6. Section 7-149 of the Code of the City of Fort Collins is hereby amended to read as follow:

Sec. 7-149. - Administrative authority.

The City Clerk is authorized to engage an outside party to assist in investigating and review of complaints under this Article. The City Clerk is charged with ultimate authority to pursue complaints under this Article and is hereby authorized to adopt administrative regulations consistent with the provisions of this Article.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.



Mayor

ATTEST:



City Clerk



Effective Date: March 14, 2025
Approving Attorney: Sara Arfmann