

# Political Committee Guidelines

Updated February 2019

**This document is valid for the  
April 2, 2019 Regular  
Municipal Election**



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## **INTRODUCTION**

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The *Political Committee Guidelines* are furnished as a source of general information about the regulations governing political committees formed for the purpose of supporting or opposing one or more candidates. These guidelines contain basic information and are not intended to be comprehensive in scope or depth. If you have questions regarding the interpretation of applicable laws and regulations for your particular situation, you may wish to consult with a private attorney who can provide you with that interpretation. If there is any inconsistency between these guidelines and the applicable provisions of the City Code, City Charter, or state law, the provisions of the Code, Charter, or state law take precedence.

Collectively, regulations governing political committees in Fort Collins are unique to Fort Collins and are applicable only in the context of a Fort Collins municipal election.

## **ELECTION ADMINISTRATION**

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All regular and special municipal elections are administered by the City Clerk's Office under the provisions of the City Code, the City Charter, and Colorado law. In the case of a special municipal election held in conjunction with the Larimer County General or Coordinated Election, the City will contract with Larimer County for the conduct of the election.

All information regarding the conduct of the election and requirements of a political committee should be obtained from the City Clerk's Office. Other City departments and other entities, such as Larimer County, are not familiar with the requirements of the City Code and Charter. The City Clerk's Office will assist you through the election process as much as possible. However, the City Clerk's Office cannot provide legal advice.

The City Clerk's Office is open from 8:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of legal holidays.



## ELECTIONEERING

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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.

For municipal elections, electioneering is prohibited within 100 feet of City Hall, Building A, 300 LaPorte Avenue.

## ELECTION SIGNS

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Election signs fall within the definition of temporary signs and must meet all standards in Land Use Code Section 3.8.7.2. Permits are not required for placement of non-banner temporary signs on private property; however, permission must be obtained from the property owner before signs are placed on private property. 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 (Sec. 17-42) and the Land Use Code (Sec. 3.8.7.2). 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.

The number and size of temporary signs allowed in **residential and nonresidential zones** is contained in Land Use Code Section 3.8.7.2(F). The signs cannot include lighting.

Election signs are allowed on a lot at any time prior to the Election to which the sign relates.

## IDENTIFICATION OF WRITTEN CAMPAIGN MATERIALS

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Whenever a political 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 political committee. (City Code Section 7-140).

These forms of communication include, but are not limited to, websites or social media of a political committee available to the general public 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**

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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.

The City Code sections relating to noncommercial door-to-door solicitation may be found in [Chapter 15, Division 1 of City Code](#).

## **LITTERING**

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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**

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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 \$2,650 or by imprisonment not to exceed 180 days, or both. [City Code Section 1-15]

# CAMPAIGN REPORTING REQUIREMENTS

## GENERAL

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The Fort Collins City Council has established election campaign 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](#).

## POLITICAL COMMITTEES

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The City Code defines a *political committee* as:

- (1) Two (2) or more persons who are elected, appointed or chosen, or have associated themselves, for the purpose of accepting contributions or making expenditures to support or oppose (1) or more candidates; or
- (2) Any person that has accepted contributions for the purpose of supporting or opposing (1) or more candidates.

“Political committee” does not include issue committees, small-scale issue committees, or candidate committees as otherwise defined in Section 7-132 of the City Code.

“Person” is defined as any individual, partnership, committee, association, corporation, labor organization or other organization or group of persons.

## REGISTRATION

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All political committees are required to register with the City Clerk before accepting any contributions. [City Code Section 7-134]

All contact information provided on the registration form, including e-mail and website addresses, will be provided to the general public as a part of general election information and posted on the City’s website with other election-related information. The provision of e-mail and website addresses on the registration form is optional. However, if provided, the information becomes a part of the public record and will be made available to the public without express permission from the committee.

A Committee Registration form is available for download from the City’s website. The form is also available upon request in the City Clerk’s Office.

## CAMPAIGN REPORTS

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All political committees are required to report to the City Clerk all contributions and contributions in kind received, including the name and address of each person who has made contributions or contributions in kind in the amount of \$20 or more; expenditures made; and obligations entered into by the committee. [City Code Section 7-136(a)]

Reports are due on:

- 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 35th day after the election
- the 70th day after the election

A political committee must be terminated by the 70th day after the election.

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

**TIP: In the first report, due on the 35th day before the election, the *Funds on Hand at Beginning of Reporting Period*, should always be \$0.00.**

All reports must be submitted on [forms](#) provided by the City Clerk and must be complete in all respects. The City Clerk's Office may contact the committee's registered agent if clarification is needed regarding any report filed.

**Reports must be current as of two days prior to the filing date.**

A campaign report is considered timely if the paper report is received by the City Clerk's office by the end of the business day on the date due or if a copy is filed electronically not later than midnight MST on the date due. The report due by noon on the Friday before the election is due by noon, regardless of the manner of filing.

All campaign reports will be scanned as an image and published on the City's website. Reports that have been typed or handwritten in black ink produce the best images.

[Campaign Report forms](#), in Excel format, are available for download from the City's website. Paper forms can be provided if necessary.

## BANK ACCOUNTS

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All contributions received by a political committee must be deposited and maintained in a financial institution in a separate account, the title of which must include the name of the committee. Documentation of the account, satisfactory to the City Clerk, is required with the committee registration.

**Note:** Although the City Code requires that the account include the name of the committee, it is recommended the account be opened as a personal checking account. Other types of accounts, such as non-profit or corporate, require additional documentation that candidates do not typically have at the local campaign level.



## **RECORDKEEPING**

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All records pertaining to contributions and related accounts must be maintained by the committee for one (1) year following any election in which the committee received contributions unless a complaint has been filed under Section 7-145(a) of the City Code alleging a violation of the provisions of Chapter 7, Article V of the City Code 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 must be maintained until final disposition of the complaint and any consequent court proceedings. Such records are subject to inspection in connection with any investigation or other action to enforce the terms of Chapter 7, Article V of the City Code. (See Complaints, page 13)

All expenditures must be documented and all records pertaining to those expenditures, including but not limited to invoices, receipts, instruments of payment, and copies of any public communications produced as a result of the expenditure, must be maintained by the committee for one (1) year following any election in which the committee expended the funds unless a complaint has been filed under Subsection 7-145(a) alleging a violation of the provisions of Chapter 7, Article V, or the person or committee has received notice of an investigation or prosecution of a violation of Chapter 7, Article V, in which case they must be maintained until final disposition of the complaint and any consequent court proceedings. Documentation must include the name and address of the vendor(s) or payee(s) providing the property, materials, or services and the amount of the expenditure. The 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 Chapter 7, Article V.

## **CONTRIBUTION AND EXPENDITURE LIMITS**

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There are no limits on the amount of contributions (individual or aggregate) that a political committee may receive, nor are there limits on the amount of expenditures made by a political committee. However, contributions and expenditures must be reported as noted earlier in this Section.

## **EXPENDITURES FOR POLITICAL ADVERTISING**

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If any radio or television station, newspaper, or periodical charges a political committee a lower rate for use of space, materials, or services than the rate charged another political committee for comparable use of space materials, or services, the difference in such rate must be reported as a contribution in kind to the political committee that was charged the lower rate.

## **REPORTS ARE PUBLIC RECORD**

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Any report submitted pursuant to Article V, Chapter 7 of the City Code will be made available for public inspection. In addition, all campaign reports will be available on the City's website under the link for upcoming election.

No information contained in any campaign report may be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

## **TERMINATION OF A POLITICAL COMMITTEE**

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A political committee must properly dispose of all remaining funds and must file a termination report by the 70th day after the election.

## **UNEXPENDED CAMPAIGN CONTRIBUTIONS**

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Any unexpended contributions 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 (City Code Section 7-46). Funds on hand following the election may not be used for any other purpose.

## **ALLEGATION OF CAMPAIGN VIOLATION**

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Any candidate or registered elector who has reason to believe a violation of Chapter 7, Article V, of the City Code, has occurred by any candidate, candidate committee, issue committee, small-scale issue committee or political committee may file a written complaint to the City Clerk, no later than sixty (60) days after the alleged violation has occurred.

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.

Any complaint received by the City Clerk will be forwarded to the City Attorney, who will evaluate the complaint for probable cause.

## **EVALUATION OF CAMPAIGN COMPLAINT**

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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 will notify the City Clerk, who will, in turn, notify the complainant in writing.

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. 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 will notify the City Clerk, who will, in turn, notify the complainant and respondent in writing.

## **CONFLICTS OF INTEREST**

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Notwithstanding the above, nothing in City Code Chapter 7, Article 5 shall be read to preclude the City Attorney from declaring a conflict of interest and taking appropriate action in accordance with the 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**

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Nothing precludes 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 Chapter 7 of the City Code, regardless of whether a complaint had been filed pursuant to Chapter 7, Article V.

## **ADMINISTRATIVE PROCEDURES**

The City Manager is charged with ultimate authority to pursue complaints under Article 5 and is hereby authorized to adopt administrative regulations consistent with the provisions of Article 5.

## **ACTION BY COMPLAINANT**

After having received written notification from the City Clerk pursuant to § 7-146 that the City Attorney determined filing a summons and complaint is inappropriate, or after one hundred eighty (180) days of filing the complaint, whichever is first, the complainant may bring a civil action in District Court.

The complainant has one (1) year from the date of the violation to bring such suit. The complainant may sue to compel compliance with this Article, provided however, that complainant must first file a complaint with the City Clerk, pursuant to Section 7-145, and otherwise exhausts his or her administrative remedies.

Any person who knowingly violates this Article may be civilly liable in an amount up to two thousand dollars (\$2,000), or, if applicable, three (3) times the amount of the discrepancy, whichever is greater.

Reasonable attorneys' fees for the prevailing party may be awarded if the amount of civil liability alleged is greater than seven thousand five hundred dollars (\$7,500).

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

See City Code Section 1-15 for general penalty and surcharges for civil infractions.