

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 ~~one~~ **two** hundred dollars (\$~~2~~**400**.) 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~~ **one hundred and fifty** dollars (~~\$75~~**\$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 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.* ~~No later than ten (10) business days after receiving~~ **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.**

(eg) 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.

(fh) 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.

(gi) *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.

(hj) *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.

(ik) *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.

(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.

- (12) A committee must file reports on the following dates:
- a. the sixty-third (63rd) day before the election;
 - ~~a~~.b. the thirty-fifth (35th) day before the election;
 - ~~b~~.c. the twenty-first (21st) day before the election;
 - ~~c~~.d. the fourteenth (14th) day before the election;
 - ~~d~~.e. no later than noon on the Friday before the election;
 - ~~e~~.f. the ~~thirty-fifth~~ twenty-eighth (28th) day after the election; and
 - f.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