

**LAMAR
REDEVELOPMENT
AUTHORITY BOARD
WILL MEET
AT 6:45 P.M.**

**MONDAY,
APRIL 24, 2023**

**REGULAR COUNCIL
MEETING
WILL FOLLOW
AT 7:00 P.M.**

MEETING OF LAMAR REDEVELOPMENT AUTHORITY BOARD
CITY OF LAMAR, COLORADO
April 24, 2023
6:45 p.m.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18

JOE GONZALES

MIKE BELLOMY

GERRY JENKINS

KIRK CRESPIN

MIKE DUFFY

MANUEL TAMEZ

ROB EVANS

KRISTIN SCHWARTZ

LANCE CLARK

GENERAL BUSINESS

Pledge of Allegiance

Meeting Called to Order

Item 1 - Roll Call

Item 2 - Approval of Meeting Minutes – 4/10/23

Item 3 – Payment of Bills

Item 4 - Miscellaneous

City Council Meeting will follow at 7:00 p.m.

**CITY OF LAMAR
MINUTES OF THE LAMAR REDEVELOPMENT
AUTHORITY BOARD
April 10, 2023**

The Lamar Redevelopment Authority Board met in a regular session at 6:40 p.m. in the Council room with Chairman Crespin presiding.

Present: Joe Gonzales, Mike Bellomy, Gerry Jenkins, Kirk Crespin, Mike Duffy, Manuel Tamez, Anne-Marie Crampton, Rob Evans, Kristin Schwartz
Lance Clark arrived 6:44 p.m.

Absent:

Will approve minutes from the March 27, 2023 meeting at next LRA meeting.

10 N. Main St. Grant Application

Boardmember Crampton moved and Boardmember Jenkins seconded to approve both the Façade Application and the Ready to Rent Application for Todd Horning at 10 N. Main Street, both for 20% of expense up to \$20,000.00 and will not include security system with the submission of receipts for reimbursement.

Voting Yes: Gonzales, Bellomy, Jenkins, Crespin, Duffy, Tamez, Crampton
Voting No: None

Chairman Crespin stated "Let the record reflect that all Boardmembers voted an affirmative, motion passes 7-0".

L&C LLC Façade Application Extension

Jake Chamberlain of L&C LLC has requested an additional extension to his Façade Application. He states that if they cannot get the supplies in prior to end of year they will not be asking for an additional extension.

Boardmember Crampton moved and Boardmember Duffy seconded to approve an extension to December 31, 2023.

Voting Yes: Gonzales, Bellomy, Jenkins, Crespin, Duffy, Tamez, Crampton
Voting No: None

Chairman Crespin stated "Let the record reflect that all Boardmembers voted an affirmative, motion passes 7-0".

Miscellaneous

None

Adjournment

There being no further business to come before the Board, Boardmember Jenkins moved and Boardmember Crampton seconded that the meeting adjourn.

Voting Yes: Gonzales, Bellomy, Jenkins, Crespin, Duffy, Tamez, Crampton
Voting No: None

Chairman Crespin stated "Let the record reflect that all Boardmembers voted an affirmative, motion passes 7-0".

The meeting adjourned at 6:55 p.m.

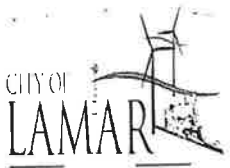
Linda Williams – City Clerk

Kirk Crespin - Chairman

CITY OF LAMAR
81-URBAN REDEVELOPMENT AUTHORITY

CHECK #	CUSTOMER	CHECK AMOUNT	DATE
96341	AMAZON CAPITAL OFFICE FURNITURE- COM DEVELOPMENT	\$ 775.51	4/19/2023

TOTAL	\$ 775.51
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CITY OF LAMAR

102 E PARMENTER ST
LAMAR CO 81052-3239

COPY

PURCHASE ORDER: 431181

Page: 1 of 1

***** VENDOR *****

AMAZON CAPITAL SERVICES INC
ID#A1JJCC84005G8U
PO BOX 035184
SEATTLE WA 98124-5184

***** DELIVER TO *****

CITY OF LAMAR
102 E PARMENTER ST
LAMAR CO 81052-3239

Ordered	Due By	Ship Via	FOB	Terms	Customer No	By
04/18/23	04/30/23			NET 45		KWOODARD <i>[Signature]</i>

Requisition No	Vendor No	Vendor Phone	Vendor Fax	Vendor Contact
URA	3355-1			

No	Quantity	U/M	Description	Unit Price	Extended	G/L Account
1	1.00		OFFICE FURNITURE FOR COM DEVELOPMENT DIRECTOR	775.5100	775.51	81-418-410-4217
				** TOTAL **	775.51	

PAID
APR 19 2023
96341

VENDOR INSTRUCTIONS:

PLEASE SEND INVOICES TO :

CITY OF LAMAR
102 EAST PARMENTER ST
LAMAR CO 81052-3239

C.O.E #98-05409

SPECIAL INSTRUCTIONS:

Ume

4/18/23

[Signature]
AUTHORIZED SIGNATURE



43-1181

Invoice

Invoice # 16G4-M41T-9WGX | April 14, 2023

For customer support, visit www.amazon.com/contact-us.

81-418-410-4217

Invoice summary

Payment due by May 29, 2023

Item subtotal before tax	\$ 775.51
Shipping & handling	\$ 0.00
Promos & discounts	\$ 0.00
Total before tax	\$ 775.51
Tax	\$ 0.00

Amount due \$ 775.51 USD

Account #	A1IKL23LRW12I
Payment terms	Net 45
Purchase date	10-Apr-2023
Purchased by	Kristin Schwartz
PO #	Treasurer
GL code	01-400-430-4217

URA
Amazon
office

Pay by

Electronic funds transfer (EFT/ACH/Wire)

Account name Amazon Capital Services, Inc.
 Bank name Wells Fargo Bank
 ACH routing # (ABA) 121000248
 Bank account # (DDA) 41630410268859777
 SWIFT code (wire transfer) WFBIUS6S

Check

Amazon Capital Services
 PO Box 035184
 Seattle, WA 98124-5184

Registered business name

City of Lamar

Bill to

City of Lamar
 102 E Parmenter St
 Lamar, CO 81052

Ship to

City of Lamar
 102 E Parmenter St
 Lamar, CO 81052

Include Amazon invoice number(s) in the descriptive field of your electronic funds transfer payment, or
 Email ar-businessinvoicing@amazon.com to submit your remittance detail.

Invoice details

Description	Qty	Unit price	Item subtotal before tax	Tax
1 Sauder Harbor View Corner Computer Desk, Curado Cherry finish ASIN: B01L9UT69U Sold by: Amazon.com Services LLC Order # 111-9993002-9130638	1	\$365.99	\$365.99	0.000%
2 Sauder Harbor View Lateral File, Curado Cherry finish ASIN: B075NPLGGN Sold by: Amazon.com Services LLC Order # 111-5653323-4429863	1	\$162.58	\$162.58	0.000%

Description	Qty	Unit price	Item subtotal before tax	Tax
3 Sauder Viabella Storage Cabinet, Curado Cherry finish	1	\$246.94	\$246.94	0.000%

ASIN: B0779FVTQL Sold by: Amazon.com Services LLC
Order # 111-5653323-4429863

Total before tax	\$775.51
Tax	\$0.00
Amount due	\$775.51

FAQs

How is tax calculated?

Visit https://www.amazon.com/gp/help/customer/display.html/ref=hp_leftv4_sib?ie=UTF8&nodeId=202036190

How are digital products and services taxed?

Visit https://www.amazon.com/gp/help/customer/display.html/ref=hp_leftv4_sib?ie=UTF8&nodeId=202074670

CITY OF LAMAR, COLORADO

-AGENDA-

MEETING OF CITY COUNCIL

Monday, April 24, 2023 – 7:00 p.m.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18

JOE GONZALES

MIKE BELLOMY

GERRY JENKINS

KIRK CRESPIN

MIKE DUFFY

MANUEL TAMEZ

ROB EVANS

KRISTIN SCHWARTZ

LANCE CLARK

GENERAL BUSINESS

- I. Invocation – Jeff Alexander
- II. Pledge of Allegiance
- III. Call to Order
- IV. Roll Call
- V. Review Agenda

CONSENT AGENDA

Item 1 - Approval of Council Meeting Minutes – 04/10/23

Item 2 – Approval of Minutes for Board and Commissions _____

- a) Planning & Zoning Commission – 09/29/22
- b) Utilities Board – 03/14/23, 03/28/23

Item 3 – Payment of Bills _____

ORDINANCE 2ND READING

Item 4 - Ord. No.1260 – “An Ordinance Vacating a Portion of the Utility Easement Reserved by City of Lamar, Colorado Ordinance No. 733”

PUBLIC COMMENT

Item 1 - Audience Participation-"During this portion of the meeting, anyone may speak on any subject which does not appear on the agenda. Individual speakers are limited to three minutes each and at the discretion of the Council". (Please provide name and address) _____

REPORTS AND CORRESPONDENCE

Item 1 - City Treasurer's Report

Item 2 – City Clerk's Report

Item 3 – City Administrator's Report

Item 4 – Reports and Correspondence from Council

NEW BUSINESS

Item 1 – Public Hearing for Temporary Modification of Premise for Shae Emick dba/Las Brisas

- A. Proofs of Publication – City Clerk
 - B. Opening Remarks – City Clerk, Chief of Police
 - C. City Council Comments – City Council
 - D. Open to the Floor - Mayor
 - E. Closed to the Floor - Mayor
 - F. City Council Action – City Council
- _____

Item 2 – Fair Election Practices and the Upcoming Election – Concerned Citizens

Item 3 – Award Bid No. 43-006 for City of Lamar Parks and Recreation Department Concession Contract

Item 4 – Approve Facility Use Agreement with Lamarlins for Use of Lamar Swimming Pool

Item 5 – Miscellaneous

Item 6 – Executive Session – For a Conference with the City Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions under C.R.S. Section 24-6-402(4)(b)

NEXT CITY COUNCIL MEETING – Monday, May 8, 2023 @ 7:00 P.M Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting Stephanie Strube at City of Lamar, 102 E Parmenter, Lamar CO 81052, or by phone (719) 336-4376. We would appreciate 48 hours advance notice of the event so arrangements can be made to locate the requested auxiliary aid(s).

CITY OF LAMAR
MINUTES OF THE CITY COUNCIL MEETING
April 10, 2023

The City Council met in a regular session at 7:00 p.m. in the Council Room with Mayor Crespin presiding.

Present: Joe Gonzales, Mike Bellomy, Gerry Jenkins, Kirk Crespin, Mike Duffy, Manuel Tamez, Anne-Marie Crampton, Rob Evans, Kristin Schwartz, Lance Clark

Absent:

Consent Agenda

Councilmember Jenkins moved and Councilmember Crampton seconded to approve the consent agenda Items 1 through 4.

Item #1 – Approval of Regular Meeting Minutes – 3/27/23

Item #2 – Approval of Minutes for Boards and Commissions

- a) Utilities Board – 3/14/23
- b) Adjustment and Appeals – 2/28/23

Item #3 – Payment of Bills

General Fund-Vouchers #96160-#96260

Item #4 – License Renewals

- a) Fermented Malt & Wine – Love’s Country Store, Inc., 301 E. Olive St.
- b) Retail Liquor Store License – Corner Liquor, LLC., 1201 S. Main St.
- c) Tavern Liquor License – Lamar Lanes, LLC., 1704 S. Main St.
- d) Fermented Malt Beverage – Safeway Store #1721, 906 E. Olive St.

Voting Yes: Gonzales, Bellomy, Jenkins, Crespin, Duffy, Tamez, Crampton

Voting No: None

Mayor Crespin stated “Let the record reflect that all Councilmembers voted an affirmative, motion passes 7-0”.

Approval of Check #96161 to Gonzales’s Unlimited

Councilmember Crampton moved and Councilmember Duffy seconded to approve Check #96161 in the amount of \$750.00 to Gonzales’s Unlimited.

Voting Yes: Bellomy, Jenkins, Crespin, Duffy, Tamez, Crampton

Voting No: None

Abstain: Gonzales

Mayor Crespin stated “Let the record reflect that all Councilmembers voted an affirmative, with Councilmember Gonzales abstaining, motion passes 6-0”.

Audience Participation

None

City Treasurer Report

City Treasurer Schwartz reported that they resubmitted the pickle ball grant by March 31, 2023 and should know if a few months if we are awarded. She also stated that they have had their second round of the CPW grant for the archery range. They gave a presentation last Thursday. She stated that Rob did a great job on putting the power point together and the presentation was great. She stated that we should know sometime in May if we are going to be awarded the grant, but could take from June 2023 to March 2024 to receive the notice to proceed.

Mayor Crespin asked how the RFP was going for the Community Development Master Plan. Treasurer Schwartz stated that she has prepared the City's draft with the exception of a couple of exhibits that she is working on and should have those completed by tomorrow. She has received no feedback from the County at this point. She has had the City Administrator review and he had no changes. She is ready to get the RFP sent out, she has a list of consultants from CML and DOLA that have done Comprehensive Plans in the past. City Administrator Evans stated that the County confirmed that they had received the information from the City. She also stated that they are trying something new. They will be posting the RFP on our website along with any addendums that may be needed.

City Clerk Report

City Clerk Williams reported the March revenue report reflected collections of \$368,737.23 which was up 10.5% from March 2022 or \$35,048.72. Year to Date collections were \$1,294,476.13 which was up 5.41% or \$66,428.11 from 2022.

City Clerk Williams gave an election update on petition received regarding marijuana dispensaries and Council terms that will be on the November ballot.

City Administrator Report

Love Where You Live – Community Clean Up

City Administrator Evans announced that again the City would be running Love Where You Live – Community Clean Up Weekends. The Landfill and Transfer Station will be open for free dump weekends April 15th through May 6th.

Coffee with Rob

City Administrator Evans announced his schedule for Coffee with Rob. 7:00 a.m. at the following locations.

April 19 – Lamar Truck Plaza

April 26 – Hickory House

Trailblazer Theatre – Clue on Stage

City Administrator Evans announced that the Trailblazer Theatre Company will present Clue on Stage in the Cultural Events Center April 21-23 and April 28-30, 2023. Tickets sold at the Lamar Public Library.

EV Ride & Drive

City Administrator Evans announced that the EV Ride & Drive is Friday, April 14, 2023, 2:00-6:00 p.m. at the Otero College Campus.

Project Update

City Administrator Evans reported that the self-serve fueling station has been completed at the Airport. They will be hosting a ribbon cutting ceremony at noon on Wednesday, April 12, 2023.

Miscellaneous

Mayor Crespino asked about the signage for Northgate Way Park. There was talk about a sign under the Industrial Park sign. City Administrator Evans stated that they have received approval from CDOT but he does not have an ETA on when those will be installed. Mayor Crespino asked that he do a follow up with CDOT on a time frame.

Councilmember Bellomy asked about signage for Escondido Park. City Administrator Evans stated that the company they were originally going to use went out of business. They are having to look for another vendor to do the signs. He will have an update at the next meeting for Council.

Mayor Crespino asked how the project for the lighting grant was going. City Treasurer Schwartz stated that most of the lights have been installed. Chief Miller stated that the ones at the bathrooms in the park have been installed and the bases have been installed at the skate park. We are waiting on the ones in the Pocket Park because they are hoping to run another project in conjunction with the lighting at the Pocket Park. He stated that they have submitted the first report requesting the first 60%. City Treasurer Schwartz stated that the CDOT grant regarding lighting and heating elements in the Pocket Park can hopefully be run in conjunction with the Lighting Grant at the Pocket Park. The lighting grant has to be completed by June 30, 2023. The lights being installed at the parks are motion detected so if an officer sees lights on after 10:30 p.m. they can go and check on it.

City Administrator Evans announced that they will be holding a work session on Monday, April 17, 2023. Police Department will be doing a presentation of their VR equipment they received for training.

Councilmember Duffy asked how it would work for a community organization helping individuals clean up their property and only be able to do one dump a day. City Administrator Evans stated that the one dump a day is only at the transfer station, they can take as many as they want to the landfill.

Councilmember Bellomy asked for an update on the Creaghe building. City Administrator said that nothing else has been done regarding the asbestos issue. A letter has been sent regarding vacant building, but there has been no response. Chief Miller stated that they would have code enforcement go over and get it written up and notify the property owner.

Councilmember Jenkins asked about the blue building on the corner of Parmenter and Division, the old Atmos Energy building. City Administrator Evans stated that he would have to look into this, unaware of any complaints. She also wanted a reminder put out about yard sale signs being picked up.

Reports and Correspondence from Council

Public Safety Board Update

Councilmember Jenkins stated that a Public Safety Committee meeting was held there were no decisions made due to not having a quorum. They are still down one committee member and are still in the process of creating by-laws.

Resignation

Councilmember Crampton announced that she is resigning her position of Ward I Councilmember and Mayor Pro-Tem effective April 11, 2023 as she is taking a job with the City of Lamar as the new Community Development Director.

Mayor Crespín thanked Anne-Marie for her years of service and presented a plaque of appreciation to her. She will be missed as a councilmember. There will be small reception between the ending of tonight's Council meeting and beginning of the Executive Session.

Mayor Crespín announced what next steps need to take place within the next 30-days for her Ward I replacement. Applications can be picked up at the City Administrators office beginning April 11, 2023 and due back no later than 4:00 p.m. on April 28, 2023. There will be an interview process with the applicants, Council will take a vote to appoint next Ward I member and oath of office will happen on May 8, 2023.

NEW BUSINESS

Approve Proclamation No. 23-03 – “A Proclamation of the City of Lamar Declaring April 27, 2023 as Arbor Day and April 23, 2023 through April 29, 2023 as Arbor Week”

Councilmember Jenkins moved and Councilmember Duffy seconded to approve Proclamation No. 23-03 – “A Proclamation of the City of Lamar Declaring April 27, 2023 as Arbor Day and April 23, 2023 through April 29, 2023 as Arbor Week”.

Voting Yes: Gonzales, Bellomy, Jenkins, Crespín, Duffy, Tamez, Crampton

Voting No: None

Mayor Crespín stated “Let the record reflect that all Councilmembers voted an affirmative, motion passes 7-0”.

Presentation of 2022 Tree City USA Award and Announcement of Activities Regarding Arbor Day and Arbor Week

Jane Felter, President of the Lamar Tree Board announced that they held the poster contest with the 5th graders again this year. The winner was Anthony Rosario, runner ups were Grayden Fernandez and Jason Olivas. Anthony's poster is in the Denver area and the final decision she believes was March 31, 2023 to decide who the grand prize winner will be. The posters used to be on display at the State Capital but are now on display at the Botanical Center. April 27, 2023 will be the day of the Arbor Day program and they will plant 150 trees at the Ira Paulin tree nursery. They are also wanting to open up the next section of nursery to the south, however they need to contact Atmos Energy as they still have gas lines running under ground in that area.

Jane Felter presented the 2022 Tree City USA Award to the City of Lamar.

Schedule Public Hearing for Temporary Modification of Premises for Shae Emick dba/Las Brisas

Councilmember Jenkins moved and Councilmember Duffy seconded to approve the scheduling of Public Hearing for Temporary Modification of Premises for Shae Emick dba/Las Brisas on Monday, April 24, 2023.

Voting Yes: Gonzales, Bellomy, Jenkins, Crespin, Duffy, Tamez, Crampton
Voting No: None

Mayor Crespin stated "Let the record reflect that all Councilmembers voted an affirmative, motion passes 7-0".

Designation of Representative to County Health Pool

Councilmember Crampton moved and Councilmember Duffy seconded to approve Margaret Saldana as the Designee of Representative to County Health Pool.

Voting Yes: Gonzales, Bellomy, Jenkins, Crespin, Duffy, Tamez, Crampton
Voting No: None

Mayor Crespin stated "Let the record reflect that all Councilmembers voted an affirmative, motion passes 7-0".

An Agreement of Memoranda of Understanding with Municipal Judge

Councilmember Crampton moved and Councilmember Jenkins seconded to approve an Agreement of Memoranda of Understanding with Municipal Judge Porter.

Voting Yes: Gonzales, Bellomy, Jenkins, Crespin, Duffy, Tamez, Crampton
Voting No: None

Mayor Crespin stated "Let the record reflect that all Councilmembers voted an affirmative, motion passes 7-0".

Proposed Agreement for Law Enforcement and Security Services

Councilmember Crampton moved and Councilmember Duffy seconded to Agreement for Law Enforcement and Security Services between Lamar Police Department and After-Prom Committee.

Voting Yes: Gonzales, Bellomy, Jenkins, Crespin, Riley, Tamez, Crampton
Voting No: None

Mayor Crespin stated "Let the record reflect that all Councilmembers voted an affirmative, motion passes 7-0".

"An Ordinance of the City of Lamar, Colorado Vacating a Portion of Utility Easement Reserved by the City of Lamar, Colorado Ordinance 619 and by the City of Lamar, Colorado Ordinance 733"

Councilmember Duffy moved and Councilmember Gonzales seconded to approve "An Ordinance of the City of Lamar, Colorado Vacating a Portion of Utility Easement Reserved by the City of Lamar, Colorado Ordinance 619 and by the City of Lamar, Colorado Ordinance 733".

Voting Yes: Gonzales, Bellomy, Jenkins, Crespin, Duffy, Tamez, Crampton
Voting No: None

Mayor Crespin stated "Let the record reflect that all Councilmembers voted an affirmative, motion passes 7-0".

Approve Addendum to Original Contract with Southeastern Colorado Builders Dated January 25, 2022

Councilmember Duffy moved and Councilmember Crampton seconded to approve Addendum to Original contract with Southeastern Colorado Builders for the full replacement of all panels due to more damage than originally showed. Full replacement of panels is an additional \$15,500.00.

Voting Yes: Gonzales, Bellomy, Jenkins, Crespin, Duffy, Tamez, Crampton
Voting No: None

Mayor Crespin stated "Let the record reflect that all Councilmembers voted an affirmative, motion passes 7-0".

Approve the Professional Services Agreement between the City of Lamar, Colorado and SAFEbuilt Colorado, LLC

Councilmember Tamez moved and Councilmember Gonzales seconded to approve the Professional Services Agreement between SAFEbuilt Colorado, LLC and City of Lamar subject to Attorney review and changes.

Voting Yes: Gonzales, Bellomy, Jenkins, Crespin, Duffy, Tamez, Crampton
Voting No: None

Mayor Crespin stated "Let the record reflect that all Councilmembers voted an affirmative, motion passes 7-0".

Miscellaneous

Question on line regarding update on Arby's. Mayor Crespin stated that this is still in the works. There is no ETA at this time, but will have more definitive information at the next meeting.

Executive Session – (1) For Discussion of a Personnel Matter with City Administrator under C.R.S. Section 24-6-402(4)(f) and (2) For the Purpose of Determining Positions Relative to Matters that May be Subject to Negotiations, Developing Strategy for Negotiations, and/or Instructing Negotiators, under C.R.S. 24-6-404(4)(e) Regarding Economic Negotiations

Councilmember Jenkins moved and Councilmember Duffy seconded to enter into an executive session – (1) For Discussion of a Personnel Matter with City Administrator under C.R.S. Section 24-6-402(4)(f) and (2) For the Purpose of Determining Positions Relative to Matters that May be Subject to Negotiations, Developing Strategy for Negotiations, and/or Instructing Negotiators, under C.R.S. 24-6-404(4)(e) Regarding Economic Negotiations.

Voting Yes: Gonzales, Bellomy, Jenkins, Crespin, Duffy, Tamez, Crampton
Voting No: None

Mayor Crespin stated "Let the record reflect that all Councilmembers voted an affirmative, motion passes 7-0".

Regular meeting recessed and executive session convened at 8:17 p.m.

Councilmember Gonzales moved and Councilmember Jenkins seconded that executive session adjourn at 9:41 p.m. and open meeting was reconvened.

Voting Yes: Gonzales, Bellomy, Jenkins, Crespin, Duffy, Tamez, Crampton
Voting No: None

Mayor Crespin stated "Let the record reflect that all Councilmembers voted an affirmative, motion passes 7-0".

Adjournment

There being no further business to come before the Council, Councilmember Jenkins moved and Councilmember Crampton seconded that the meeting adjourn.

Voting Yes: Gonzales, Bellomy, Jenkins, Crespin, Duffy, Tamez, Crampton
Voting No: None

Mayor Crespin stated "Let the record reflect that all Councilmembers voted an affirmative, motion passes 7-0".

The meeting adjourned at 9:42 p.m.

Linda Williams – City Clerk

Kirk Crespin – Mayor

Note to Council: The below minutes were approved at the March 21, 2023 meeting.

Planning and Zoning Commission
Minutes of Meeting
September 29, 2022

Call to Order:

Brenda Reichman called the meeting to order at 6:32 p.m. in the Council Chamber Conference Room on Thursday, September 29, 2022.

In Attendance:

Commission Members Wayne Reinert, Eric George and Warren Camp reported present. Also in attendance were City Administrator Rob Evans and Ivor Hill.

Absent: Tim Courkamp, Clifford Boxley, Director Craig Brooks and Council liaison Joe Gonzales.

A Motion to Accept the Meeting Minutes from September 13, 2022, was made by Warren. Eric Seconded the Motion. All in favor.

Agenda:

Ivor Hill (Southeastern Colorado Mini-Storage) would like to create a residential development in the Mobile Home Zone at 700 E. Parmenter. This Application aims to have the Commission recommend to City Council that a change be made from the Mobile Home Zone to an R-2 Zone.

Discussion:

The Board discussed whether or not the neighbors agree to it. It was mentioned that right now there are four trailer houses that three people occupy. It was also brought up that it would be an improvement of the area. Warren made a Motion that this Commission recommend to City Council to consider changing the Zoning of the area. Wayne Seconded the Motion. All in favor.

Adjournment:

Eric made a Motion to Adjourn the meeting. Wayne Seconded the Motion. Meeting adjourned at 7:14 p.m.

Note to Council: The below minutes were approved at the March 28, 2023 meeting.

**LAMAR UTILITIES BOARD
MINUTES OF THE UTILITIES BOARD MEETING
March 14, 2023**

The Lamar Utilities Board met in regular session at 12:00 p.m. with Chairman Thrall presiding.

Present: Doug Thrall, Patrick Leonard, Clifford Boxley, Roger Stagner, Houssin Hourieh, Lisa Denman, Leala Owen, Linda Williams

Absent: Jay Brooke, Kirk Crespin, Lance Clark

Minutes of Previous Meeting – February 28, 2023

Boardmember Stagner moved and Boardmember Leonard seconded to approve meeting minutes of February 28, 2023.

Voting Yes: Thrall, Leonard, Boxley, Stagner

Voting No: None

Purchase Orders #91976 through #92010

Boardmember Leonard moved and Boardmember Stagner seconded to approve purchase orders #91976 through #92010 in the amount of \$731,096.33.

Voting Yes: Thrall, Leonard, Boxley, Stagner

Voting No: None

Payment of Bills

Boardmember Stagner moved and Boardmember Leonard seconded to approve payment of bills: Vouchers #53114 through #53169 for a total of \$156,625.03.

Voting Yes: Thrall, Leonard, Boxley, Stagner

Voting No: None

System Operating Report

Superintendent Hourieh reported that the line crew completed rebuilding a “H” structure on the 69kv line at Rd JJ and Rd 30 in Bent Bounty. The crew also replaced two decayed power poles with class II, 40 ft. wooden poles at 12th and Pearl St. in Lamar and Near Rd 30 and Hwy 50 in Prowers County.

Superintendent Hourieh reported that the line crew has been performing tree trimming, general line maintenance and applying herbicides for weed control. The wind turbine crew replaced a battery charger on T-3 and replaced a yaw drives and pitch drives oil on all turbines and preparing to start the semi-annual maintenance program.

Superintendent Hourieh announced that to improve substation security, they have installed 4 security cameras at the LAMSO substation and are planning to install additional security cameras at the College, High School, Santa Fe, and 6 Mill substations. They are also improving LUB’s cybersecurity protection measures, which consist of end user email security training, firewall shareware, virus protection software, and cloud backup.

Superintendent Hourieh announced that Core Alternatives have given plans and requested prices for their housing project on S. Memorial Drive.

There being no further business to come before the Board, Boardmember Leonard moved and Boardmember Boxley seconded that the meeting adjourn.

Voting Yes: Thrall, Leonard, Boxley, Stagner

Voting No: None

The meeting adjourned at 12:07 p.m.

Linda Williams – City Clerk

Doug Thrall – Chairman

Note to Council: The below minutes were approved at the April 11, 2023 meeting.

LAMAR UTILITIES BOARD
MINUTES OF THE UTILITIES BOARD MEETING
March 28, 2023

The Lamar Utilities Board met in regular session at 12:00 p.m. with Chairman Thrall presiding.

Present: Jay Brooke, Doug Thrall, Clifford Boxley, Roger Stagner, Lance Clark, Houssin Hourieh, Lisa Denman, Leala Owen, Linda Williams
Kirk Crespino arrived at 12:05 p.m.

Absent: Patrick Leonard

Minutes of Previous Meeting – March 14, 2023

Boardmember Boxley moved and Boardmember Stagner seconded to approve meeting minutes of March 14, 2023.

Voting Yes: Brooke, Thrall, Boxley, Stagner
Voting No: None

Purchase Orders #92011 through #92033

Boardmember Stagner moved and Boardmember Brooke seconded to approve purchase orders #92011 through #92033 in the amount of \$84,132.81.

Voting Yes: Brooke, Thrall, Boxley, Stagner
Voting No: None

Payment of Bills

Boardmember Brooke moved and Boardmember Boxley seconded to approve payment of bills: Vouchers #53170 through #53202 for a total of \$707,413.90.

Voting Yes: Brooke, Thrall, Boxley, Stagner
Voting No: None

System Operating Report

Superintendent Hourieh reported that the sales of electricity through February 2023 are up approximately 3.59% when compared to the same period of time in 2022. Residential sales were up approximately 5.22%, Irrigation sales were down approximately 42.80%, and Commercial/Industrial sales were up approximately 3.96%. These three customer classes represent an estimated 96% of the total system sales.

Superintendent Hourieh reported that late Wednesday, March 22, 2023 the distribution system was impacted by high winds. At around 3:00 p.m. a wild fire broke out at US Hwy 50 and quickly spread north to Hwy 196. The fire burnt 16 poles on the east end 24.9 KV line. This resulted in a power outage to Holly, Hartman, and Bristol. The crew responded by isolating the damaged areas between County Road 18 and County Road 20. The Town of Holly operated their stand-by generator to supply power to Holly, Hartman and Bristol areas, while we supplied power from the west up to the impacted area. The crew continued framing and installing 40' Class II wooden poles to restore normal power delivery by 5:00 p.m. Thursday, March 23, 2023. A special Thanks to the Town of Holly's Staff and Mayor for their on-site assistance and for supplying emergency power.

Superintendent Hourieh also reported that the line crew constructed 260' of 24kv line for Riverside Communications.

There being no further business to come before the Board, Boardmember Brooke moved and Boardmember Boxley seconded that the meeting adjourn.

Voting Yes: Brooke, Thrall, Boxley, Stagner
Voting No: None

The meeting adjourned at 12:11 p.m.

Linda Williams – City Clerk

Doug Thrall – Chairman

City of Lamar
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04/19/23 13:18
ap230_pg.php/Job No: 17132

Batch: 0 Period: 04/19/23

Payment Number	HP/VD	Vendor Number	Name/Description	Invoice/Items	Gross Amount	Discounts/Deductions	Net Paid Pay	Date	Batch Number
FOR BANK ACCOUNT:1 FRONTIER BANK GREEN CHECKS - MULTI FUND									
96261		2690	LEGALSHIELD CORPORATE OFFICE						
			MARCH 2023 LEGAL SHIELD	MARCH-2023	86.75	0.00	11.19		
			MARCH 2023 LEGAL SHIELD	MARCH-2023	86.75	0.00	64.37		
			MARCH 2023 LEGAL SHIELD	MARCH-2023	86.75	0.00	11.19		
			** PAYMENT TOTAL **	3	86.75	0.00	86.75	04/06/23	115465
96262		1	MONSERRAT GALLEGOS MUNGARAY						
			21705/612124800: ACCT 21705 RE	U100001328	12.45	0.00	12.45		
			** PAYMENT TOTAL **	1	12.45	0.00	12.45	04/10/23	115509
96263		1	DANIEL O COVINGTON						
			22280/619190890: ACCT 22280 RE	U100001330	72.34	0.00	47.89		
			** PAYMENT TOTAL **	1	47.89	0.00	47.89	04/10/23	115509
96264		2073	FRONTIER BANK						
			RETURNED CHECK DHICKS/YCHOI	04-13-2023	683.38	0.00	683.38		
			** PAYMENT TOTAL **	1	683.38	0.00	683.38	04/13/23	115570
96265		226	AFLAC PREMIUM HOLDING						
			MARCH 2023 AFLAC PREMIUMS	MARCH-2023	2,940.52	0.00	226.32		
			MARCH 2023 AFLAC PREMIUMS	MARCH-2023	2,940.52	0.00	305.35		
			MARCH 2023 AFLAC PREMIUMS	MARCH-2023	2,940.52	0.00	1,628.54		
			MARCH 2023 AFLAC PREMIUMS	MARCH-2023	2,940.52	0.00	22.62		
			MARCH 2023 AFLAC PREMIUMS	MARCH-2023	2,940.52	0.00	261.52		
			** PAYMENT TOTAL **	5	2,444.35	0.00	2,444.35	04/18/23	115651
96266		666	COMMUNITY STATE BANK						
			HSA ACCT:4901:214:04/15/23	4901:364	80.00	0.00	80.00		
			HSA ACCT:4901:214:04/15/23	4901:55	660.00	0.00	660.00		
			** PAYMENT TOTAL **	2	740.00	0.00	740.00	04/18/23	115653
96267		871	FIDELITY ADVISOR FUNDS						
			POLICE PNS:4901:272:04/15/23	4901:34	2,708.64	0.00	2,708.64		
			POLICE PEN:4901:772:04/15/23	4901:35	3,047.22	0.00	3,047.22		
			PENSION MN:4901:475:04/15/23	4901:52	66.75	0.00	66.75		
			** PAYMENT TOTAL **	3	5,822.61	0.00	5,822.61	04/18/23	115653
96268		910	PEOPLES CREDIT UNION						
			CREDITUNON:4901:303:04/15/23	4901:299	200.00	0.00	200.00		
			CREDITUNON:4901:303:04/15/23	4901:350	124.60	0.00	124.60		
			** PAYMENT TOTAL **	2	324.60	0.00	324.60	04/18/23	115653
96269		960	FAMILY SUPPORT REGISTRY						
			#16288862:4901:478:04/15/23	4901:53	275.50	0.00	275.50		
			** PAYMENT TOTAL **	1	275.50	0.00	275.50	04/18/23	115653
96270		2055	CITY OF LAMAR						
			FED W/H:4901:800:04/15/23	4901:222	604.40	0.00	604.40		

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Batch: 0 Period: 04/19/23

Payment Number	RP/ VD	Vendor Number	Name/ Description	Invoice/ Items	Gross Amount	Discounts/ Deductions	Net Paid Pay Date	Batch Number
			COLO W/H:4901:810:04/15/23	4901:223	547.00	0.00	547.00	
			MEDICARE:4901:701:04/15/23	4901:224	217.91	0.00	217.91	
			MEDICARE:4901:801:04/15/23	4901:225	217.91	0.00	217.91	
			SOC SEC BN:4901:702:04/15/23	4901:226	107.90	0.00	107.90	
			SOC SEC:4901:802:04/15/23	4901:227	107.90	0.00	107.90	
			INTEGRATED:4901:275:04/15/23	4901:238	1,156.85	0.00	1,156.85	
			INTEGRATED:4901:288:04/15/23	4901:239	34.92	0.00	34.92	
			PENSION:4901:775:04/15/23	4901:240	1,301.46	0.00	1,301.46	
			INTEGRATED:4901:788:04/15/23	4901:241	54.32	0.00	54.32	
			FED W/H:4901:800:04/15/23	4901:257	373.95	0.00	373.95	
			COLO W/H:4901:810:04/15/23	4901:258	232.00	0.00	232.00	
			MEDICARE:4901:701:04/15/23	4901:259	96.83	0.00	96.83	
			MEDICARE:4901:801:04/15/23	4901:260	96.83	0.00	96.83	
			SOC SEC BN:4901:702:04/15/23	4901:261	79.36	0.00	79.36	
			SOC SEC:4901:802:04/15/23	4901:262	79.36	0.00	79.36	
			PENSION:4901:275:04/15/23	4901:269	471.23	0.00	471.23	
			FED W/H:4901:800:04/15/23	4901:270	10,066.99	0.00	10,066.99	
			INTEGRATED:4901:288:04/15/23	4901:271	24.57	0.00	24.57	
			VROTHAFT%:4901:293:04/15/23	4901:272	20.66	0.00	20.66	
			PENSION:4901:775:04/15/23	4901:272	530.14	0.00	530.14	
			INTEGRATED:4901:788:04/15/23	4901:273	38.21	0.00	38.21	
			COLO W/H:4901:810:04/15/23	4901:28	70.00	0.00	70.00	
			COLO W/H:4901:810:04/15/23	4901:29	6,018.88	0.00	6,018.88	
			FED W/H:4901:800:04/15/23	4901:293	1,044.63	0.00	1,044.63	
			COLO W/H:4901:810:04/15/23	4901:294	640.31	0.00	640.31	
			MEDICARE:4901:701:04/15/23	4901:295	202.09	0.00	202.09	
			MEDICARE:4901:801:04/15/23	4901:296	202.09	0.00	202.09	
			SOC SEC BN:4901:702:04/15/23	4901:297	311.11	0.00	311.11	
			SOC SEC:4901:802:04/15/23	4901:298	311.11	0.00	311.11	
			MEDICARE:4901:701:04/15/23	4901:30	2,303.70	0.00	2,303.70	
			PENSION:4901:275:04/15/23	4901:309	1,083.38	0.00	1,083.38	
			MEDICARE:4901:801:04/15/23	4901:31	2,303.70	0.00	2,303.70	
			ABT \$457K:4901:280:04/15/23	4901:310	35.00	0.00	35.00	
			ICMA:4901:283:04/15/23	4901:311	13.36	0.00	13.36	
			INTEGRATED:4901:288:04/15/23	4901:312	96.27	0.00	96.27	
			PENSION:4901:775:04/15/23	4901:313	1,218.81	0.00	1,218.81	
			ICMA:4901:783:04/15/23	4901:314	13.36	0.00	13.36	
			INTEGRATED:4901:788:04/15/23	4901:315	149.76	0.00	149.76	
			SOC SEC BN:4901:702:04/15/23	4901:32	4,253.22	0.00	4,253.22	
			SOC SEC:4901:802:04/15/23	4901:33	4,253.22	0.00	4,253.22	

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Batch: 0 Period: 04/19/23

Payment Number	HP/VD	Vendor Number	Name/Description	Invoice/Items	Gross Amount	Discounts/Deductions	Net Paid Pay Date	Batch Number
			FED W/H:4901:800:04/15/23	4901:344	1,227.92	0.00	1,227.92	
			COLO W/H:4901:810:04/15/23	4901:345	834.46	0.00	834.46	
			MEDICARE:4901:701:04/15/23	4901:346	261.74	0.00	261.74	
			MEDICARE:4901:801:04/15/23	4901:347	261.74	0.00	261.74	
			SOC SEC BN:4901:702:04/15/23	4901:348	625.76	0.00	625.76	
			SOC SEC:4901:802:04/15/23	4901:349	625.76	0.00	625.76	
			PENSION:4901:275:04/15/23	4901:366	996.02	0.00	996.02	
			ICMA:4901:283:04/15/23	4901:367	35.62	0.00	35.62	
			INTEGRATED:4901:288:04/15/23	4901:368	198.25	0.00	198.25	
			PENSION:4901:775:04/15/23	4901:369	1,120.53	0.00	1,120.53	
			ICMA:4901:783:04/15/23	4901:370	35.62	0.00	35.62	
			INTEGRATED:4901:788:04/15/23	4901:371	308.40	0.00	308.40	
			ABT \$457K:4901:280:04/15/23	4901:373	75.00	0.00	75.00	
			ABT 457K:4901:284:04/15/23	4901:374	30.45	0.00	30.45	
			FED W/H:4901:800:04/15/23	4901:401	623.28	0.00	623.28	
			COLO W/H:4901:810:04/15/23	4901:402	438.35	0.00	438.35	
			MEDICARE:4901:701:04/15/23	4901:403	178.13	0.00	178.13	
			MEDICARE:4901:801:04/15/23	4901:404	178.13	0.00	178.13	
			SOC SEC BN:4901:702:04/15/23	4901:405	145.15	0.00	145.15	
			SOC SEC:4901:802:04/15/23	4901:406	145.15	0.00	145.15	
			PENSION:4901:275:04/15/23	4901:417	777.82	0.00	777.82	
			ABT 457K:4901:284:04/15/23	4901:418	13.79	0.00	13.79	
			INTEGRATED:4901:288:04/15/23	4901:419	42.15	0.00	42.15	
			PENSION:4901:775:04/15/23	4901:420	875.05	0.00	875.05	
			INTEGRATED:4901:788:04/15/23	4901:421	65.56	0.00	65.56	
			PENSION:4901:275:04/15/23	4901:58	5,135.82	0.00	5,135.82	
			VOL AFT #:4901:276:04/15/23	4901:59	34.18	0.00	34.18	
			VOL AFT \$:4901:277:04/15/23	4901:60	15.00	0.00	15.00	
			ABT \$457K:4901:280:04/15/23	4901:61	100.00	0.00	100.00	
			ICMA:4901:283:04/15/23	4901:62	40.06	0.00	40.06	
			ABT 457K:4901:284:04/15/23	4901:63	83.20	0.00	83.20	
			INTEGRATED:4901:288:04/15/23	4901:64	1,144.51	0.00	1,144.51	
			PENSION:4901:775:04/15/23	4901:65	5,777.84	0.00	5,777.84	
			ICMA:4901:783:04/15/23	4901:66	40.06	0.00	40.06	
			INTEGRATED:4901:788:04/15/23	4901:67	1,780.36	0.00	1,780.36	
			ABT 457K:4901:284:04/15/23	4901:68	73.35	0.00	73.35	
			** PAYMENT TOTAL **	77	65,328.91	0.00	65,328.91	115653
96271		2056	CITY OF LAMAR-PAYROLL	4901:414	75.00	0.00	75.00	
			UTIL BILLS:4901:405:04/15/23	4901:48	25.00	0.00	25.00	
			MISC DEDUC:4901:306:04/15/23					

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Batch: 0 Period: 04/19/23

Payment Number	HP/VD	Vendor Number	Name/Description	Invoice/Items	Gross Amount	Discounts/Deductions	Net Pay	Faid Date	Batch Number
96272		2323	UTIL BILLS:4901:405:04/15/23 ** PAYMENT TOTAL **	4901:49	484.03	0.00	484.03	04/18/23	115653
			FIRE & POLICE PENSION ASSN						
			FIRE FPPA:4901:731:04/15/23	4901:423	391.04	0.00	391.04		
			POL FPPA:4901:730:04/15/23	4901:70	1,213.58	0.00	1,213.58		
			FIRE FPPA:4901:731:04/15/23	4901:71	404.95	0.00	404.95		
			** PAYMENT TOTAL **	3	2,009.57	0.00	2,009.57	04/18/23	115653
96273		2606	WAKEFIELD AND ASSOCIATES 2022CO3010:4901:412:04/15/23	4901:50	214.97	0.00	214.97		
			** PAYMENT TOTAL **	1	214.97	0.00	214.97	04/18/23	115653
96274		2862	SOUTHEAST COLO FOP LODGE #30 PD FOP:4901:309:04/15/23	4901:56	107.50	0.00	107.50		
			** PAYMENT TOTAL **	1	107.50	0.00	107.50	04/18/23	115653
96275		9	ARTS LOCK SERVICE repair lock at police departme	431374	135.00	0.00	135.00		
			** PAYMENT TOTAL **	1	135.00	0.00	135.00	04/19/23	115674
96276		15	LAMAR BMS Water/WW-Service Materials	394446	48.45	0.00	48.45		
			PKMS - BTR HEM	396541	34.17	0.00	34.17		
			PARKS - PVC COUPLING	396857	17.37	0.00	17.37		
			ST- YEL COM GRADE PLUG	397062	12.18	0.00	12.18		
			CEM-FASTENERS/KEY RING	397131	12.21	0.00	12.21		
			Water/WW-Service Materials	397328	31.07	0.00	31.07		
			POOL- ANGLE BRUSH/PASTE	397460	27.98	0.00	27.98		
			PARKS-FASTENERS/PULL ZN	397584	12.78	0.00	12.78		
			** PAYMENT TOTAL **	8	196.21	0.00	196.21	04/19/23	115674
96277		34	DELOAGHS WATER COND INC 2023 WATER SERVICE FOR AIRPORT	03-2023-AIRFORT	102.50	0.00	102.50		
			2023 WATER SERVICE FOR AIRPORT	04-2023-AIRFORT	48.00	0.00	48.00		
			PD WATER RENTAL FEE FOR 2023	04-2023-LPD	23.28	0.00	23.28		
			E911 - 2023 WATER SERVICES	78293	33.80	0.00	33.80		
			** PAYMENT TOTAL **	4	207.58	0.00	207.58	04/19/23	115674
96278		57	AIRGAS USA LLC Fire Equipt - Welding needs	913638753	15.13	0.00	15.13		
			SANIT- INM 25% CD/AR 300	9136489572	165.97	0.00	165.97		
			Water/WW-Service Materials	9136489573	33.25	0.00	33.25		
			AIRPORT- LEASE CYL/NITROGEN/OX	9996145240	46.65	0.00	46.65		
			AIRPORT- LEASE CYL/NITROGEN/OX	9996340387	119.90	0.00	119.90		
			** PAYMENT TOTAL **	5	380.90	0.00	380.90	04/19/23	115674
96279		62	LAMAR AUTO PARTS						

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Payment Number	HP/VD	Vendor Number	Name/Description	Invoice/Items	Gross Amount	Discounts/Deductions	Net Paid Pay Date	Batch Number
			CREDIT MEMO-CORE DEPOSIT/START	673933	158.16-	0.00	158.16-	
			CREDIT MEMO-CORE DEPOSIT/BRADJ	674947	411.18-	0.00	411.18-	
			PWKS- LAMP, OIL FILTER, COOL CON	675132	23.42	0.00	23.42	
			PWKS- LAMP, OIL FILTER, COOL CON	675347	270.31	0.00	270.31	
			CREDIT MEMO-WHEEL CY	676249	11.68-	0.00	11.68-	
			CREDIT MEMO-BRAKE ADJUSTER	677614	245.36-	0.00	245.36-	
			CREDIT MEMO-CORE DEPOSIT	677903	44.00-	0.00	44.00-	
			CREDIT MEMO-CORE DEPOSIT	678483	66.00-	0.00	66.00-	
			CREDIT MEMO-WARRANTY/BALLJOINT	678586	113.50-	0.00	113.50-	
			SANITATION- HOSE/GAUGE/CHUCK	682720	64.78	0.00	64.78	
			Fire Op - Supplies	682722	29.14	0.00	29.14	
			PWKS- LAMP, OIL FILTER, COOL CON	682819	27.22	0.00	27.22	
			PWKS- LAMP, OIL FILTER, COOL CON	682894	12.05	0.00	12.05	
			PWKS- LAMP, OIL FILTER, COOL CON	682895	131.57	0.00	131.57	
			PWKS- LAMP, OIL FILTER, COOL CON	682896	142.78	0.00	142.78	
			PWKS- LAMP, OIL FILTER, COOL CON	683061	131.57	0.00	131.57	
			Fire Op - Supplies	683543	50.87	0.00	50.87	
			Fire Op - Supplies	683557	117.89	0.00	117.89	
			PWKS- LAMP, OIL FILTER, COOL CON	683605	13.10	0.00	13.10	
			SANITATION- HOSE/GAUGE/CHUCK	683623	48.09	0.00	48.09	
			PWKS- LAMP, OIL FILTER, COOL CON	683703	8.99	0.00	8.99	
			PWKS- LAMP, OIL FILTER, COOL CON	683750	2.50	0.00	2.50	
			PWKS- LAMP, OIL FILTER, COOL CON	683770	9.89	0.00	9.89	
			AIRPORT- SANDBLASTER /WD40	683810	67.47	0.00	67.47	
			PWKS- LAMP, OIL FILTER, COOL CON	684067	115.90	0.00	115.90	
			PWKS- LAMP, OIL FILTER, COOL CON	684203	138.32	0.00	138.32	
			PWKS- LAMP, OIL FILTER, COOL CON	684234	12.85	0.00	12.85	
			PWKS- LAMP, OIL FILTER, COOL CON	684253	9.23	0.00	9.23	
			PARKS-FUEL PUMP	684271	23.99	0.00	23.99	
			POOL- DISC	684431	40.00	0.00	40.00	
			PWKS- OIL FILTER/134A/WIPER/FU	684471	25.72	0.00	25.72	
			PWKS- OIL FILTER/134A/WIPER/FU	684502	10.68	0.00	10.68	
			PWKS- OIL FILTER/134A/WIPER/FU	684599	21.33	0.00	21.33	
			PWKS- OIL FILTER/134A/WIPER/FU	684600	8.54	0.00	8.54	
			Fire Op - Supplies	684627	534.99	0.00	534.99	
			PWKS- OIL FILTER/134A/WIPER/FU	684638	122.04	0.00	122.04	
			PWKS- OIL FILTER/134A/WIPER/FU	684663	29.84	0.00	29.84	
			PWKS- OIL FILTER/134A/WIPER/FU	684685	122.04	0.00	122.04	
			** PAYMENT TOTAL **		1,317.23	0.00	1,317.23	
			PUEBLO DEPT OF PUBLIC HEALTH & ENV					

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Batch: 0 Period: 04/19/23

Payment Number	HP/VD	Vendor Number	Name/Description	Invoice/Items	Gross Amount	Discounts/Deductions	Net Pay	Pay Date	Batch Number
			Wa/Ww-Bacti Labs						
			** PAYMENT TOTAL **	1	304.00	0.00	304.00	04/19/23	115674
96281		87	RANCHERS SUPPLY OF LAMAR LLC	MARCH-2023	304.00	0.00	304.00	04/19/23	115674
			SUMP PUMP-POOL						
			PWKS- VALVE, PIPE, TEE, PLUG, HUB	245954	200.72	0.00	200.72		
			PWKS- VALVE, PIPE, TEE, PLUG, HUB	246062	240.03	0.00	240.03		
			Water/Ww-Lift station supplies	246132	68.22	0.00	68.22		
			** PAYMENT TOTAL **	4	521.21	0.00	521.21	04/19/23	115674
96282		89	4 RIVERS EQUIPMENT-AG LLC						
			EQMAINT- REPLACE ENGINE OIL PR	1457644	509.76	0.00	509.76		
			** PAYMENT TOTAL **	1	509.76	0.00	509.76	04/19/23	115674
96283		91	S E COLO POWER ASSOC						
			MARCH 2023 BILLING-AIRP/WT/SAN	MAR-2023	1,915.37	0.00	294.84		
			MARCH 2023 BILLING-AIRP/WT/SAN	MAR-2023	1,915.37	0.00	104.68		
			MARCH 2023 BILLING-AIRP/WT/SAN	MAR-2023	1,915.37	0.00	1,515.85		
			E911 HOLLY TOWER & HWY 89 & AA	MARCH-2023	216.35	0.00	216.35		
			** PAYMENT TOTAL **	4	2,131.72	0.00	2,131.72	04/19/23	115674
96284		109	VALLEY ELECTRONICS						
			WaterWw-PearsonStationMaterial	10140878	2.99	0.00	2.99		
			** PAYMENT TOTAL **	1	2.99	0.00	2.99	04/19/23	115674
96285		162	PRAIRIE MOUNTAIN MEDIA						
			3PBLCHRG LIQ MOD OF PREMISE	101955338-03022023	19.20	0.00	19.20		
			3PBLCHRG LIQ MOD OF PREMISE	101955884-03022023	19.20	0.00	19.20		
			3PBLCHRG LIQ MOD OF PREMISE	101956248-03022023	19.20	0.00	19.20		
			BROWNSFIELD PUBLIC MEETING	101956879-02232023	34.08	0.00	34.08		
			Public Notice	101958372-03022023	20.00	0.00	20.00		
			Public Notice	101959142-03092023	48.96	0.00	48.96		
			JOB ADS	101959955-03092023	90.00	0.00	90.00		
			BID CONCESSION / TOWING	101961885-03162023	32.00	0.00	32.00		
			BID CONCESSION / TOWING	101961886-03162023	34.40	0.00	34.40		
			Board Vacancy ad	101962268-03232023	175.00	0.00	175.00		
			2023 PUBLICATION PAYMENTOFBILL	101962329-03232023	271.60	0.00	271.60		
			JOB ADS	101963951-03302023	90.00	0.00	90.00		
			Public Notice	101964813-03302023	18.40	0.00	18.40		
			P22023-02	101964815-03302023	20.80	0.00	20.80		
			** PAYMENT TOTAL **	14	892.84	0.00	892.84	04/19/23	115674
96286		170	FASTENRL COMPANY						
			SANITATION- FHN/BCS/USS F/W	COLAJ55651	255.41	0.00	255.41		
			EQ MAINT - HCS /FHN/TERMINAL	COLAJ55652	163.77	0.00	163.77		
			** PAYMENT TOTAL **	2	419.18	0.00	419.18	04/19/23	115674

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96287		179	BIG TIMBERS VETERINARY CLINIC					
			PS SPAY AND NEUTER	13340	92.00	0.00	92.00	
			PS SPAY AND NEUTER	13341	15.00	0.00	15.00	
			PS SPAY AND NEUTER	13348	107.00	0.00	107.00	
			PS SPAY AND NEUTER	13388	107.00	0.00	107.00	
			** PAYMENT TOTAL **	4	321.00	0.00	321.00	115674
96288		197	SCHWARTZ MARKETING INC					
			Ads	34082	213.75	0.00	213.75	
			Ads	34095	101.25	0.00	101.25	
			** PAYMENT TOTAL **	2	315.00	0.00	315.00	115674
96289		213	NKC TIRE					
			PWKS- TIRES AND REPAIRS	19785	42.64	0.00	42.64	
			PWKS- TIRES AND REPAIRS	19821	77.04	0.00	77.04	
			PWKS- TIRES AND REPAIRS	19854	1,438.28	0.00	1,438.28	
			EQMAINT- TIRES/REPAIRS	19907	1,484.72	0.00	1,484.72	
			EQMAINT- TIRE STOCK	19932	9,817.92	0.00	9,817.92	
			EQMAINT- TIRES/REPAIRS	19954	77.78	0.00	77.78	
			** PAYMENT TOTAL **	6	12,938.38	0.00	12,938.38	115674
96290		222	BSN SPORTS LLC					
			EQUIPMENT FOR LEAGUES	920858023	88.98	0.00	88.98	
			EQUIPMENT FOR LEAGUES	921162596	3,464.08	0.00	3,464.08	
			CLAY BRICKS	921183444	1,237.37	0.00	1,237.37	
			EQUIPMENT FOR LEAGUES	921243234	408.64	0.00	408.64	
			** PAYMENT TOTAL **	4	5,199.07	0.00	5,199.07	115674
96291		264	PATTIES POTTIES					
			MARCH 2023 POTTY RENTALS	2551	502.50	0.00	502.50	
			MARCH 2023 POTTY RENTALS	2551	502.50	0.00	502.50	
			** PAYMENT TOTAL **	2	502.50	0.00	502.50	115674
96292		361	GALLS LLC					
			PD UNIFORMS & GEAR	024064223	158.15	0.00	158.15	
			PD UNIFORM GEAR	024076371	71.35	0.00	71.35	
			PD UNIFORMS & GEAR	024090076	62.45	0.00	62.45	
			PD UNIFORMS & GEAR	024097550	9.18	0.00	9.18	
			PD UNIFORMS & GEAR	024158274	136.26	0.00	136.26	
			PD UNIFORMS & GEAR	024158468	68.13	0.00	68.13	
			PD UNIFORM GEAR	024158749	106.25	0.00	106.25	
			** PAYMENT TOTAL **	7	611.77	0.00	611.77	115674
96293		374	RON AUSTIN REPAIR SHOP					
			EQMAINT- INTERSTATE BATTERY	16044	539.85	0.00	539.85	
			** PAYMENT TOTAL **	1	539.85	0.00	539.85	115674

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Payment Number	HP/VD	Vendor Number	Name/Description	Invoice/Items	Gross Amount	Discounts/Deductions	Net Pay	Paid Date	Batch Number
96294		423	WALLACE GAS & OIL INC PWKS- PROPANE/ DIESEL AIRPORT- XC 20-50 EQ MAINT- 55/1 RUGGED AW 46 HY LANDFILL- #2 DIESEL/PROPANE LANDFILL- #2 LOW SULFUR DYED LANDFILL- #2 DIESEL/PROPANE ** PAYMENT TOTAL **	5986450 A34300 A34355 B32897 S35619 S35709	18.90 173.04 794.37 36.00 569.50 782.00	0.00 0.00 0.00 0.00 0.00 0.00	18.90 173.04 794.37 36.00 569.50 782.00	04/19/23	115674
96295		482	VICTOR SALCEDO Safety Boots Reimbursement ** PAYMENT TOTAL **	431061	73.10 73.10	0.00 0.00	73.10 73.10	04/19/23	115674
96296		490	LORENZA VAZQUEZ 2022 WOMENS A LEAGUE VOLLEYBAL ** PAYMENT TOTAL **	12-2022	50.00 50.00	0.00 0.00	50.00 50.00	04/19/23	115674
96297		532	JAYSON LOVELAND BURLAP LINER ** PAYMENT TOTAL **	431284	149.10 149.10	0.00 0.00	149.10 149.10	04/19/23	115674
96298		746	VERMEER SALES/SERV OF COLO INC TREE SPADE RENTAL-TREE BOARD ** PAYMENT TOTAL **	10107688	930.00 930.00	0.00 0.00	930.00 930.00	04/19/23	115674
96299		788	LAS BRISAS PD VALE MEETING LUNCH PD VALE MEETING LUNCH ** PAYMENT TOTAL **	431360 431360-1	67.08 71.20 138.28	0.00 0.00 0.00	67.08 71.20 138.28	04/19/23	115674
96300		819	VALLEY TRUCK PARTS INC EQMAINT- BRAKE LINE - L&P WA T ** PAYMENT TOTAL **	45172	40.00 40.00	0.00 0.00	40.00 40.00	04/19/23	115674
96301		851	GERALD C BROOKS SER 4-3-23/4-14-23 #C14-C15 SER 4-3-23/4-14-23 #C14-C15 ** PAYMENT TOTAL **	040723C-14 041423C-15	600.00 387.50 987.50	0.00 0.00 0.00	600.00 387.50 987.50	04/19/23	115674
96302		857	ADAN HERNANDEZ Safety Boots ** PAYMENT TOTAL **	431483	100.00 100.00	0.00 0.00	100.00 100.00	04/19/23	115674
96303		880	JOE GALINDO PD VALE PMT L2105394 ** PAYMENT TOTAL **	431357	500.00 500.00	0.00 0.00	500.00 500.00	04/19/23	115674
96304		884	CURTIS LANE PORTER 2023 MUNICIPAL COURT JUDGE ** PAYMENT TOTAL **	APRIL-2023	1,625.00 1,625.00	0.00 0.00	1,625.00 1,625.00	04/19/23	115674

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96305		919	ALMA ROSA TREJO PD MENDING UNIFORMS/PATCHES ** PAYMENT TOTAL **	022206 1	12.00 12.00	0.00 0.00	12.00 12.00	04/19/23	115674
96306		934	VAN DIEST SUPPLY COMPANY STREET - ROZOL GOPHER BAIT ** PAYMENT TOTAL **	28742 1	807.00 807.00	0.00 0.00	807.00 807.00	04/19/23	115674
96307		940	MY WHOLESALE PRODUCTS PD SUPPLIES CLEANING SUPPLIES-PARKS ** PAYMENT TOTAL **	357610 357613 2	125.55 138.15 263.70	0.00 0.00 0.00	125.55 138.15 263.70	04/19/23	115674
96308		997	CW CONSTRUCTION ESCONDIDO PK SOCCER PRESS BOX Bldg Dept Escondido Park ** PAYMENT TOTAL **	INV0021 INV0022 2	9,900.00 7,200.00 17,100.00	0.00 0.00 0.00	9,900.00 7,200.00 17,100.00	04/19/23	115674
96309		1038	ELECTRA PRO AIRPORT- FUEL PUMPS ** PAYMENT TOTAL **	9896 1	7,486.27 7,486.27	0.00 0.00	7,486.27 7,486.27	04/19/23	115674
96310		1044	TARYN CRIST 2022 WOMENS A LEAGUE VOLLEYBAL ** PAYMENT TOTAL **	12-2022 1	50.00 50.00	0.00 0.00	50.00 50.00	04/19/23	115674
96311		1101	DANIEL A NEUHOLD W/C Janitorial ** PAYMENT TOTAL **	APRIL-2023 1	700.00 700.00	0.00 0.00	700.00 700.00	04/19/23	115674
96312		1105	STAGNER INC QUAD HAULER TRAILER ** PAYMENT TOTAL **	1561 1	3,250.00 3,250.00	0.00 0.00	3,250.00 3,250.00	04/19/23	115674
96313		1163	BEYOND TECHNOLOGY SOURCENOW PRINTING SUPPLIES ** PAYMENT TOTAL **	286886 1	1,096.58 1,096.58	0.00 0.00	1,096.58 1,096.58	04/19/23	115674
96314		1273	HENRY SCHEIN INC Amb Op - Med Supplies ** PAYMENT TOTAL **	36455914 1	407.72 407.72	0.00 0.00	407.72 407.72	04/19/23	115674
96315		1306	HOME STORE LLC paint for rec building ** PAYMENT TOTAL **	155275 1	428.97 428.97	0.00 0.00	428.97 428.97	04/19/23	115674
96316		1511	MR D'S SPORTS & FITNESS CO YOUTH SOCCER SHIRTS ** PAYMENT TOTAL **	041223-LPRSOC 1	1,995.25 1,995.25	0.00 0.00	1,995.25 1,995.25	04/19/23	115674
96317		1681	SE & EC RECYCLING ASSOCIATION 2023 PER CAPITA FEES	4709 1	4,724.40 4,724.40	0.00 0.00	4,724.40 4,724.40	04/19/23	115674

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96318		1954	USA BLUE BOOK	1	4,724.40	0.00	4,724.40	04/19/23	115674
			** PAYMENT TOTAL **						
			Water/WW-Service Materials	260980	170.61	0.00	170.61		
			** PAYMENT TOTAL **						
96319		2161	CIRSA	1	1,000.00	0.00	1,000.00	04/19/23	115674
			Deductibles						
			Deductibles		316.68	0.00	316.68		
			** PAYMENT TOTAL **	2	1,316.68	0.00	1,316.68	04/19/23	115674
96320		2252	ATMOS ENERGY						
			APRIL 2023 BILLING - HICKORY	3014048968-4-23	974.10	0.00	974.10		
			APRIL 2023 BILLING - FIRE #2	3014085221-4-23	213.75	0.00	213.75		
			APRIL 2023 BILLING - RIVERSIDE	3014085490-4-23	166.60	0.00	166.60		
			APRIL 2023 BILLING - CHAMBERS	3014085730-4-2023	110.68	0.00	110.68		
			APRIL 2023 BILLING - WELCOME C	3014085730-4-23	166.02	0.00	166.02		
			APRIL 2023 BILLING - ENG	3015171304-4-23	304.24	0.00	304.24		
			APRIL 2023 BILLING - PWKS	3015171555-4-23	482.27	0.00	482.27		
			APRIL 2023 BILLING - COMPLEX	3015354410-4-23	1,258.36	0.00	1,258.36		
			APRIL 2023 BILLING -RES CENTER	3015354705-4-23	429.16	0.00	429.16		
			** PAYMENT TOTAL **	9	4,105.18	0.00	4,105.18	04/19/23	115674
96321		2355	CENTURYLINK						
			2023 E911 MONTHLY SIP SESSION	APRIL--2023	1,504.44	0.00	1,504.44		
			** PAYMENT TOTAL **	1	1,504.44	0.00	1,504.44	04/19/23	115674
96322		2500	CAPITAL ONE						
			water for council	001329	6.96	0.00	6.96		
			COUNCIL PARTY ANNE-MARIE	00170	46.16	0.00	46.16		
			Amb Op & Eq - Supplies	004756	29.86	0.00	29.86		
			Amb Op & Eq - Supplies	007716	14.70	0.00	14.70		
			MENS GLOVES	00874	153.56	0.00	153.56		
			Water/WW-Office/Service Materi	01301	0.98	0.00	0.98		
			Water/WW-Office/Service Materi	02581	35.75	0.00	35.75		
			Water/WW-Service Materials	02864	12.06	0.00	12.06		
			EASTER EGG HUNT PRIZES	04067	240.00	0.00	240.00		
			Water/WW-Office/Service Materi	05520	41.04	0.00	41.04		
			TECH-PH SURGE/SURGE STRIP	05753	41.38	0.00	41.38		
			Water/WW-Service Materials	05921	11.87	0.00	11.87		
			coffee for breakroom	05924	169.49	0.00	169.49		
			Amb Op & Eq - Supplies	07119	45.54	0.00	45.54		
			EASTER EGG HUNT PRIZES	08207	11.64	0.00	11.64		
			** PAYMENT TOTAL **	15	860.99	0.00	860.99	04/19/23	115674
96323		2511	AMERICAN ENVIRONMENTAL CONSULT						

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Payment Number	BP/VD	Vendor Number	Name/Description	Invoice/Items	Gross Amount	Discounts/Deductions	Net Paid Pay Date	Batch Number
			LANDFILL - CONSULTING	15963				
			** PAYMENT TOTAL **	1	8,762.91	0.00	8,762.91 04/19/23	115674
96324		2521	EATON SALES & SERVICES LLC					
			AIRPORT - NEW QT AND DISPENSER	0135464-IN				
			** PAYMENT TOTAL **	1	14,892.50	0.00	14,892.50 04/19/23	115674
96325		2571	PROCOP					
			Drug Testing	96130	45.00	0.00	45.00	
			Drug Testing	96130-1	55.00	0.00	55.00	
			Drug Testing	96130-2	1,313.00	0.00	1,313.00	
			** PAYMENT TOTAL **	3	1,413.00	0.00	1,413.00 04/19/23	115674
96326		2573	CLEAR CHOICE ANTIFREEZE					
			EOMAIN- ANTIFREEZE	10423462	842.38	0.00	842.38	
			** PAYMENT TOTAL **	1	842.38	0.00	842.38 04/19/23	115674
96327		2614	PARKVIEW MEDICAL CENTER INC					
			PD SANE EXAM	2071040134	750.00	0.00	750.00	
			** PAYMENT TOTAL **	1	750.00	0.00	750.00 04/19/23	115674
96328		2669	BIG R PROPERTIES LLC					
			STREET- GROUNDING PLUG/SPARYGU	138256	121.57	0.00	121.57	
			STREET- GROUNDING PLUG/SPARYGU	138306	15.98	0.00	15.98	
			PARKS-SILCOCK KEY	138365	9.99	0.00	9.99	
			PARKS-PVC/QUICK RELEASE RATCHE	138374	29.95	0.00	29.95	
			AIRPORT- POPCORN 35# BAG	138379	52.99	0.00	52.99	
			COM BLDG-GARDEN HOSE	138381	54.99	0.00	54.99	
			POOL-COUPLING POLY 11/2"	138407	11.99	0.00	11.99	
			POOL-POLY TWIST/TAPE/TRAG INK	138414	41.93	0.00	41.93	
			PD SUPPLIES	138426	1.49	0.00	1.49	
			Fire Ops - Sprinkler rep	138474	31.99	0.00	31.99	
			** PAYMENT TOTAL **	10	372.87	0.00	372.87 04/19/23	115674
96329		2727	HOME DEPOT PRO					
			paper goods for crc and comple	737520734	102.84	0.00	102.84	
			paper goods for crc and comple	738569342	91.25	0.00	91.25	
			** PAYMENT TOTAL **	2	194.09	0.00	194.09 04/19/23	115674
96330		2727	HOME DEPOT PRO					
			paper goods for crc and comple	722468774	78.87	0.00	78.87	
			** PAYMENT TOTAL **	1	78.87	0.00	78.87 04/19/23	115674
96331		2772	CANON FINANCIAL SERVICES INC					
			COPIER LEASE-TECH	30184989	48.78	0.00	48.78	
			** PAYMENT TOTAL **	1	48.78	0.00	48.78 04/19/23	115674
96332		2821	CHARTER COMMUNICATIONS					
			W/C Cable TV	0016640040223	101.24	0.00	101.24	

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96333		2917	** PAYMENT TOTAL ** COLORADO ANALYTICAL LAB INC	1	101.24	0.00	101.24 04/19/23	115674
			WasteWater-Weekly Sewer Sample	230328012	68.00	0.00	68.00	
			WasteWater-Weekly Sewer Sample	230330036	68.00	0.00	68.00	
			Water/WW-Lift station supplies	230405023	68.00	0.00	68.00	
			Water/WW-Lift station supplies	230406040	68.00	0.00	68.00	
			** PAYMENT TOTAL **	4	272.00	0.00	272.00 04/19/23	115674
96334		2948	CORPORATE BILLING LLC EQMAINT- PUMPS AND FREIGHT	XAL21017823:01	805.49	0.00	805.49	
			** PAYMENT TOTAL **	1	805.49	0.00	805.49 04/19/23	115674
96335		2982	COLORADO FIRE SPRINKLER Water/WW-Lift station supplies	11843	750.00	0.00	750.00	
			** PAYMENT TOTAL **	1	750.00	0.00	750.00 04/19/23	115674
96336		3130	ASSA ABLOY ENTRANCE SYSTEMS USA INC repair front door at complex	SEI-1616342	904.30	0.00	904.30	
			** PAYMENT TOTAL **	1	904.30	0.00	904.30 04/19/23	115674
96337		3132	MUNICIPAL EMERGENCY SERVICES Fire Eq - SCBA Testing	IN1859530	2,518.67	0.00	2,518.67	
			** PAYMENT TOTAL **	1	2,518.67	0.00	2,518.67 04/19/23	115674
96338		3224	HIGH PLAINS COMMUNITY HEALTH Pre-Employment Physicals	701336-1	82.00	0.00	82.00	
			Pre-Employment Physicals	702342	82.00	0.00	82.00	
			** PAYMENT TOTAL **	2	164.00	0.00	164.00 04/19/23	115674
96339		3229	BRANNAN AGGREGATES STREET- 1/2" ASPHALT AGGREGATE	335792	8,041.00	0.00	8,041.00	
			** PAYMENT TOTAL **	1	8,041.00	0.00	8,041.00 04/19/23	115674
96340		3257	EMERGENCY NETWORK SECURITY SYSTEMS ALARM MONITORING-COM BLDG	7700642	444.00	0.00	444.00	
			** PAYMENT TOTAL **	1	444.00	0.00	444.00 04/19/23	115674
96341		3355	AMAZON CAPITAL SERVICES INC OFFICE CHAIRS AND FLOOR MATS	149Y-6PWT-4T7R	293.94	0.00	293.94	
			first aide kit for CRC	14GC-4RQJ-1HNG	203.45	0.00	203.45	
			OFFICE FURNITURE-COM DEV DIREC	16G4-M4IT-9MGX	775.51	0.00	775.51	
			AIRPORT- TESLONG 360 BORESCOPE	16TW-LWY7-3YXN	599.97	0.00	599.97	
			Fire Ops-DRY ERASE BOARD	1JKL-93JT-7KXX	25.99	0.00	25.99	
			PD TABLETS & SUPPLIES	1TU3-VHYQ-3C4Y	778.14	0.00	778.14	
			tv antenna for CRC	1VTJ-KK6Q-6VMQ	50.97	0.00	50.97	
			PD TABLETS & SUPPLIES	1XCW-LQWR-CF77	87.96	0.00	87.96	
			Fire Eq - Cases for Tablets	1XY6-VQPK-4Y6F	170.40	0.00	170.40	
			** PAYMENT TOTAL **	9	2,986.33	0.00	2,986.33 04/19/23	115674

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Payment Number	HP/VD	Vendor Number	Name/Description	Invoice/Items	Gross Amount	Discounts/Deductions	Net Paid Pay Date	Batch Number
96342		3392	PARKER MECHANICAL repair for streets and rec repair for streets and rec ** PAYMENT TOTAL **	57176 57526 2	150.00 330.64 480.64	0.00 0.00 0.00	150.00 330.64 480.64	04/19/23 04/19/23 115674
96343		3397	HELTON & WILLIAMS PC INC WATER/WW-Engineer WATER/WW-Engineer ** PAYMENT TOTAL **	2911 2912 2	1,476.30 1,894.50 3,370.80	0.00 0.00 0.00	1,476.30 1,894.50 3,370.80	04/19/23 04/19/23 115674
96344		3723	DIRECTV LLC 2023 DIRECTV SERVICES FOR AIR ** PAYMENT TOTAL **	035101100X230414 1	84.44 84.44	0.00 0.00	84.44 84.44	04/19/23 115674
96345		3832	ALBERTS WATER & WASTEWATER SPECIALISTS I Water/WW ORC Contract Monthly ** PAYMENT TOTAL **	042023-419 1	2,224.25 2,224.25	0.00 0.00	2,224.25 2,224.25	04/19/23 115674
96346		3882	MONSON CUMMINS & SHOHET LLC WaterWasteWater-Attorney ** PAYMENT TOTAL **	MARCH-2023 1	4,450.62 4,450.62	0.00 0.00	4,450.62 4,450.62	04/19/23 115674
96347		3898	WATER TECHNOLOGY GROUP WaterWW-Service Materials ** PAYMENT TOTAL **	5561248 1	731.36 731.36	0.00 0.00	731.36 731.36	04/19/23 115674
96348		3918	CINTAS CORP LOC #562 MARCH-COMPLEX MOPS/TOWEL/MICRO MARCH-STREETS MATS/TOWELS/AIR MARCH-SANITATION UNIFORMS MARCH-STREETS UNIFORMS MARCH-BLDG MAINT UNIFORMS MARCH-COM BLDG MOPS/TOWELS/AIR MARCH-ENGINEER MATS MARCH-ENGINEERS UNIFORMS MARCH-EQ MAINT TOWELS/MATS/HAN MARCH-WATER UNIFORMS MARCH-EQUIP MAINT UNIFORMS MARCH-PKS/REC/CEM UNIFORMS MARCH-COMPLEX MOPS/TOWEL/MICRO MARCH-STREETS MATS/TOWELS/AIR MARCH-SANITATION UNIFORMS MARCH-BLDG MAINT UNIFORMS MARCH-EQ MAINT TOWELS/MATS/HAN MARCH-COM BLDG MOPS/TOWELS/AIR MARCH-STREETS UNIFORMS	4148543186 4148543328 4148543430 4148543487 4148543494 4148543510 4148543539 4148543586 4148543587 4148543621 4148543645 4148543683 4149244782 4149244836 4149244937 4149244958 4149244970 4149245025 4149245032	156.86 51.97 151.91 487.87 45.67 248.33 14.06 16.45 112.29 120.48 43.82 169.07 156.86 63.76 301.17 57.22 57.62 248.33 139.82	0.00 0.00	156.86 51.97 151.91 487.87 45.67 248.33 14.06 16.45 112.29 120.48 43.82 169.07 156.86 63.76 301.17 57.22 57.62 248.33 139.82	

City of Lamar
Payment Register Print

Batch: 0 Period: 04/19/23

Payment Number	HP/VD	Vendor Number	Name/Description	Invoice/Items	Gross Amount	Discounts/Deductions	Net Pay Date	Batch Number
			MARCH-ENGINEER MATS	4149245065	14.06	0.00	14.06	
			MARCH-ENGINEERS UNIFORMS	4149245145	16.45	0.00	16.45	
			MARCH-EQUIP MAINT UNIFORMS	4149245148	43.82	0.00	43.82	
			MARCH-WATER UNIFORMS	4149245158	518.17	0.00	518.17	
			MARCH-PKS/REC/CEM UNIFORMS	4149245165	169.07	0.00	169.07	
			MARCH-COMPLEX MOPS/TOWELS/WIPE	4149956016	156.86	0.00	156.86	
			MARCH-STREETS MATS, TOWELS, SOAP	4149956101	51.97	0.00	51.97	
			MARCH-SANITATION UNIFORMS	4149956168	114.60	0.00	114.60	
			MARCH-BLDG MAINT UNIFORMS	4149956248	45.67	0.00	45.67	
			MARCH-STREETS UNIFORMS	4149956274	139.82	0.00	139.82	
			MARCH-COM BLDG MOPS, TOWELS, AIR	4149956279	248.33	0.00	248.33	
			MARCH-ENGINEER BLACK MATS	4149956324	14.06	0.00	14.06	
			MARCH-ENGINEER UNIFORMS	4149956371	16.45	0.00	16.45	
			MARCH-EQ MATS/TOWELS/SOAP	4149956387	70.72	0.00	70.72	
			MARCH-PKS/CEM/REC UNIFORMS	4149956423	169.07	0.00	169.07	
			MARCH-WATER UNIFORMS	4149956477	335.00	0.00	335.00	
			MARCH-EQUIP UNIFORMS	4149956493	43.82	0.00	43.82	
			MARCH-COMPLEX MOPS/TOWELS/WIPE	4150651338	156.86	0.00	156.86	
			MARCH-STREETS MATS, TOWELS, SOAP	4150651514	63.76	0.00	63.76	
			MARCH-SANITATION UNIFORMS	4150651544	114.60	0.00	114.60	
			MARCH-STREETS UNIFORMS	4150651672	204.58	0.00	204.58	
			MARCH-COM BLDG MOPS, TOWELS, AIR	4150651673	248.33	0.00	248.33	
			MARCH-BLDG MAINT UNIFORMS	4150651694	45.67	0.00	45.67	
			MARCH-ENGINEER BLACK MATS	4150651698	14.06	0.00	14.06	
			MARCH-EQ MATS/TOWELS/SOAP	4150651743	57.62	0.00	57.62	
			MARCH-PKS/CEM/REC UNIFORMS	4150651779	169.07	0.00	169.07	
			MARCH-WATER UNIFORMS	4150651798	111.28	0.00	111.28	
			MARCH-ENGINEER UNIFORMS	4150651802	16.45	0.00	16.45	
			MARCH-EQUIP UNIFORMS	4150651845	43.82	0.00	43.82	
			WT CREDIT - B KINCADE	9219189638	9.20-	0.00	9.20-	
			WT CREDIT - B KINCADE	9219189649	9.20-	0.00	9.20-	
			WT CREDIT - B KINCADE	9219189662	406.89-	0.00	406.89-	
			WT CREDIT - B KINCADE	9219189676	223.72-	0.00	223.72-	
			WT CREDIT - B KINCADE	9219189689	36.99-	0.00	36.99-	
			** PAYMENT TOTAL **	53	5,371.60	0.00	5,371.60	04/19/23 115674
96349		3921	BUENCO COLORADO LLC	SJ-6072767	350.00	0.00	350.00	
			SPORTS CLAY		350.00	0.00	350.00	04/19/23 115674
			** PAYMENT TOTAL **	1				
96350		3926	CORE & MAIN LP		665.00	0.00	665.00	
			Water/WW--Service materials					

City of Lamar
Payment Register Print

Batch: 0 Period: 04/19/23

Payment Number	HP/VD	Vendor Number	Name/Description	Invoice/Items	Gross Amount	Discounts/Deductions	Net Paid Pay Date	Batch Number
96351		3997	** PAYMENT TOTAL ** FIRST BANK CARD AIRPORT UPS PD SKUNK TRAPS Office Supplies-HR LANDFILL- FRIEDERICHS PIT 112 LexisNexis-Co Revised Statutes Continuing Education WC-AMAZON/PLASTIC MILL UTILITY BILLING ENVELOPES UTILITY BILLING PAPER Office Supplies-HR PD LODGING/BRENDA/TRAINING PD LODGING/CAMPBELL/TRAINING PD REG. FOR COURT TRAINING Water/WasteWater WASTEWATER-UPS Sewer Samples Water/WW-CO Rural Water Assoc Wastewater- UPS Sewer samples Daylight Donuts-Council mtg CML Conference-Rob CML Lodging-Gaylord of Rockies ** PAYMENT TOTAL **	1 000065VV79093 431016 431054 431077 43124 43261 43471 43500 43501 43567 43686 43687 43689 43782 43858 43874 43876 43984 43989 43991	665.00 43.10 234.06 47.77 809.56 115.08 113.00 160.66 2,483.00 1,565.00 97.86 113.00 295.32 52.00 45.34 44.77 280.00 203.71 42.23 350.00 342.76 7,438.22	0.00 0.00	665.00 04/19/23 43.10 234.06 47.77 809.56 115.08 113.00 160.66 2,483.00 1,565.00 97.86 113.00 295.32 52.00 45.34 44.77 280.00 203.71 42.23 350.00 342.76 7,438.22	115674
96352		4116	** PAYMENT TOTAL ** L N CURTIS & SONS Fire OP Lettering ** PAYMENT TOTAL **	1 INV692970	57.63 57.63	0.00 0.00	57.63 04/19/23 57.63 04/19/23	115674
96353		4198	COLORADO DIVISION OF FIRE Fire Op - Burkhart FFI ** PAYMENT TOTAL **	1 23-62479	20.00 20.00	0.00 0.00	20.00 04/19/23 20.00 04/19/23	115674
96354		4456	** PAYMENT TOTAL ** WAXIE SANITARY SUPPLY INC soap and drain maintainer soap and drain maintainer oxivir disinfectant for comple ** PAYMENT TOTAL **	3 81525343 81528259 81634845	11.68 188.79 222.00 422.47	0.00 0.00 0.00 0.00	11.68 188.79 222.00 422.47	115674
96355		6085	EMPLOYERS COUNCIL SERVICES INC Membership 5-1-23/4-30-2024 ** PAYMENT TOTAL **	1 0000460010	3,550.00 3,550.00	0.00 0.00	3,550.00 04/19/23 3,550.00 04/19/23	115674
96356		99999	CLAUDIA CASILLAS REFUND SPRING SOCCER ** PAYMENT TOTAL **	1 04-06-2023	48.00 48.00	0.00 0.00	48.00 04/19/23 48.00 04/19/23	115674

City of Lamar
Payment Register Print

Batch: 0 Period: 04/19/23

Payment Number	EP/VD	Vendor Number	Name/Description	Invoice/Items	Gross Amount	Discounts/Deductions	Net Paid Pay Date	Batch Number
96357		99999	WENDY GONZALES REFUND OF POCKET PK RENTAL ** PAYMENT TOTAL **	04-11-2023 1	48.00 48.00	0.00 0.00	48.00 48.00	04/19/23 115674
96358		3439	ELECTRO-MECH SCOREBOARDS Parks & Rec Scoreboard ** PAYMENT TOTAL **	0066110 1	19,010.00 19,010.00	0.00 0.00	19,010.00 19,010.00	04/19/23 115681
BANK TOTALS				PAYMENTS: 98	252,040.74	0.00	252,040.74	
				VOIDS: 0				

Agenda Item No. 4

Council Date: 4/24/2023

LAMAR CITY COUNCIL

AGENDA ITEM COMMENTARY

Ord. No. 1260 - "An Ordinance Vacating a Portion of the Utility Easement Reserved by City of
ITEM TITLE: Lamar, Colorado Ordinance No. 733"

INITIATOR: Stephanie Strube

CITY ADMINISTRATOR'S REVIEW: *JSK*

ACTION PROPOSED: Approve ordinance on second reading

STAFF INFORMATION SOURCE: Stephanie Strube, Building Official

BACKGROUND: An application to build the Cobblestone Hotel was submitted by Lamar Hospitality LLC on January 6, 2022. The current sewer line fell in the middle of the property where the hotel was to be built. It was necessary to vacate the current easement and move the sewer line which in turn created a new easement. A new deed of easement has been submitted as well. The matter was properly advertised in the Lamar Ledger on March 2, 2023, posted at the property for fifteen days. A Public Hearing was held on March 21, 2023. The Planning and Zoning Commission would like to recommend to City Council that a portion of the utility easement be vacated.

At the April 10, 2023 City Council meeting, City Council voted 7-0 to pass the ordinance on first reading.

RECOMMENDATION: Pass the ordinance on second reading.

ORDINANCE NO. 1260

AN ORDINANCE VACATING A PORTION OF THE UTILITY EASEMENT RESERVED BY CITY OF LAMAR, COLORADO ORDINANCE No. 733

WHEREAS, proper application was made to the Planning & Zoning Commission of the City of Lamar, Colorado for vacation of a portion of utility easements which are the subject of a reservation for utility easements of City of Lamar, Colorado Ordinance No. 619 and the City of Lamar, Colorado Ordinance No. 733; and

WHEREAS, the planning & Zoning Commission of the City of Lamar, Colorado has considered citizen comments regarding vacating a portion of utility easements which are the subject of a reservation for utility easements of City of Lamar, Colorado Ordinance No. 619 and City of Lamar, Colorado Ordinance No.733; and

WHEREAS, a public hearing was held before the Planning & Zoning Commission on March 21, 2023; and

WHEREAS, the Planning & Zoning Commission has recommended to the City Council that a portion of utility easement which are the subject of a reservation for utility easements of City of Lamar, Colorado Ordinance No. 619 and City of Lamar, Colorado Ordinance No. 733 be vacated consistent with Applicant's request;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMAR, COLORADO:

1. That the portion of the utility easement described as:

A portion of the alley vacated and reserved as a utility easement by Ordinance 619, recorded as Reception No. 369565, and the Right-of Way vacated and reserved as a utility easement by Ordinance 733, recorded as Reception No. 402962, being a portion of Tract 3 of the Land Survey Plat of Forest Park Place, recorded May 24,2000, as Reception No. 488769 of the Official Records of Prowers County, State of Colorado, lying within the SE1/4 of Section 30, Township 22 South, Range 46 West of the 6th Principal Meridian, being more particularly described as follows:

COMMENCING at the southeast corner of said Tract 3; thence along the south line of said Tract 3, S87°56'36"W (Bearings are based on the north line of Tract 3, and Survey Plat of Forest Park, recorded May 24, 2000, recorded as Reception No 488769 of the Official Records of Prowers County, State of Colorado, being monumented at the northwest corner of said Tract 3 with 1-1/2" aluminum cap, stamped "26978", flush with grade, and measured to bear S87°53'28"E, a distance of 392.50 feet.), a distance of 125.26 feet, to the point of intersection between the east line, said point also being the POINT OF BEGINNING; thence continuing along said south line S87°56'36"W, a distance of 20.07 feet, to the point of intersection between the west line of said utility easement and said south line; thence along said west line, N02°17'22"W, a distance of 136.56 feet, to the northeast corner of said utility easement recorded as Reception 369565, said point also being a point on the south line of said utility easement recorded as Reception No. 402962; thence departing said west line, along said south line, S87°54'03"W, a distance of 231.43 feet, to a point on the west line of said Tract 3 and said utility easement; thence along said west line, N02°09'35"W, a distance of 24.97 feet, to a point on the north line of said Tract 3 and said utility easement; thence along said north line, N87°53'28"E, a distance of 392.50 feet, to a point on the east line of said Tract 3 and said utility easement; thence along said east line, S02°02'23"E, a distance of 25.00 feet, to a point on the south line of said utility easement; thence along said south line, S87°53'14"W, a distance of 140.79 feet to a point on the east line of said utility easement recorded as Reception 369565; thence leaving said south line, along said east line S02°12'55"E, a distance of 136.57 feet, to the POINT OF BEGINNING.

Containing 12,565 Sq. Ft. or 0.288 acres, more or less.

be and hereby is VACATED.

2. Should the portion of the easement so vacated be determined an alley or roadway of the town (now City) of Lamar, Prowers County, Colorado, said the portion of the easement so vacated is VACATED pursuant to C.R.S. §43-2-303(1)(a).
3. That the City Clerk and designated City employee are hereby instructed to make all necessary changes to the official map of the City of Lamar to reflect the within vacation.

INTRODUCED, READ IN FULL, PASSED ON FIRST READING AND ORDERED PUBLISHED this 10th day of April, 2023.

CITY OF LAMAR, COLORADO

ATTEST:

By _____
Kirk Crespin, Mayor

By _____
Linda Williams, City Clerk

PASSED ON SECOND READING AND ORDERED PUBLISHED this _____ day of _____, 2023.

CITY OF LAMAR, COLORADO

ATTEST:

By _____
Kirk Crespin, Mayor

By _____
Linda Williams, City Clerk

CITY ADMINISTRATOR'S REPORT

TO: Mayor & City Council Members

FROM: Rob Evans, City Administrator

DATE: April 24, 2023

1. Oath of Office for New Police Officer – Troy Appel
2. Coffee with Rob at 7:00 a.m. – April 26 – Hickory House
3. Addiction Support Workshop, April 28-29, 2023, 10:00am-3:00pm on Friday for Providers and 6:00-8:00pm on Friday and 9:00-12:00am on Saturday for Parents & Caregivers
4. Trailblazer Theatre Company – Clue: On Stage! - April 28 and 29 at 7 pm and April 30 at 2 pm. Tickets sold at Lamar Public Library.
5. Free Dump Weekends – April 29 and May 6, 2023
6. 5K Run and Walk – Saturday, April 29, 2023 – 9:00 a.m. – Willow Valley Route
7. Council Common Grounds, Wednesday, May 3, 2023, 7:00 a.m., in Cultural Events Center
8. Library Craft Fair & Farm Market, Saturday, May 6, 2023, 9:00-1:00, in Cultural Events Center
9. Kids Fishing Day, Sunday, May 7, 2023 at Holly – 10 a.m. to 2 p.m.
10. Wild West BBQ Cook-off, May 12-13, 2023, at Willow Creek Park
11. Prowers Medical Center Health Fair–Every Wednesday April 12–July 26, 7-9 am
12. Projects Update
13. Miscellaneous



Addiction Support Workshop

Location

Specific locations to be announced.

Parents & Caregivers

All workshops run Friday (6-8 pm) and continue on Saturday (9am-12pm).

Providers

All workshops run Friday (10am-3pm).

Alamosa

March 31-April 1

March 31

Sterling

April 14-15

April 14

Lamar

April 28-29

April 28

Steamboat Springs

May 5-6

May 5

Addiction tears at the seams, threatening the very fabric of our families and communities. The Colorado Agricultural Addiction and Mental Health Program Addiction Support Workshops are designed to help families and providers in our rural communities who are seeking to care for teens (adolescents) suffering with addiction. The workshops provide effective tools for combating addiction, resource identification, safety planning, parenting tools, addiction education, and maintaining caretaker health. Separate workshops for providers and families will help meet the individual needs of participants and protect the process for each.

If you have a family member suffering with addiction visit: www.CAAMHPforHealth.org/AddictionSupportFamily

If you are a provider providing care around addiction visit: www.CAAMHPforHealth.org/AddictionSupportProvider



Colorado Agricultural
Addiction and Mental
Health Program



COLORADO
Behavioral Health
Administration

Wendy Buxton-Andrade, ADS
Prowers County ??Commissioner, District??
Cell: ??719-691-4910

Serving the people of Prowers County??with integrity??

??



Clue

ON STAGE

HIGH SCHOOL
EDITION

Based on the screenplay by

JONATHAN LYNN

Written by

SANDY RUSTIN

PRESENTS

Additional Material by Hunter Foster and Eric Price
Based on the Paramount Pictures Motion Picture
Based on the Hasbro board game CLUE
Original Music by Michael Holland

Tickets

\$10 in advance; \$12 day of the show

Cultural Events Center, Lamar Public Library

Online Sales at

www.onthestage.tickets/trailblazer-theatre-company



7 p.m. Friday, April 21

7 p.m. Saturday, April 22

2 p.m. Sunday, April 23

7 p.m. Friday, April 28

7 p.m. Saturday, April 29

2 p.m. Sunday, April 30

Buy Tickets Now

Brenda VanCampen

From: No Reply Library
Sent: Monday, April 17, 2023 11:04 AM
To: Brenda VanCampen
Subject: Opening Weekend for Clue: On Stage!

Opening Night is Friday!

Support Your Local Teens and Community Theatre!



LHS 2-Club

5K RUN & WALK



To Support the Domestic Safety Resource Center

SATURDAY

There will be **APRIL 29**

PRIZES &

WRISTBANDS

Willow Valley Route

@ 9am

REGISTRATION \$10 PER PERSON

Lamar Public Library's

SPRING * FLING
CRAFT FAIR
& FARM MARKET

Lamar Public Library's Cultural Events Center
102 E. Parmenter
Lamar, CO 81052

*Hosting some of the best small businesses and local
artisans southeastern Colorado has to offer!*

April 1

May 6 June 3

9am-1pm

VENDORS NEEDED!

**Vendors and Local Artisans: Please call 719-336-4632
For more information and to reserve your table!**

Lamar Public Library's CRAFT FAIR / FARMER'S MARKET
719-336-4632 – 102 E. Parmenter – Lamar, CO 81052
First Saturday of Every Month

VENDOR APPLICATION FORM

VENDOR INFORMATION

COMPANY / BUSINESS NAME :		BUSINESS LICENSE NUMBER :	
CONTACT NAME :		Tax Exempt? YES/NO	Tax Exempt Number :
VENDOR ADDRESS :			
PHONE – MOBILE :	PHONE – OFFICE :	EMAIL :	
Item Information : Please list all items to be sold at vendor booth			

Please attach copy of participants driver's license to vendor application

DISCLAIMER

Any vendor participating in Lamar Public Library's Monthly Craft Fair is required to have a business license and submit sales tax on any amount sold.
 Application for a business license can be found at: www.ci.lamar.co.us .
 Questions about a business license? Call Missy Mason at (719) 336-4376
 Business Licenses are \$10.00 per year and expire on the last day of every year.

All Participants must sign release form:

Vendor agrees that Lamar Public Library / City of Lamar and their representatives shall have no responsibility whatsoever for any loss or damage to the Vendor's equipment, supplies, goods, or other property.

Signature: _____ DATE: _____



PROWERS MEDICAL CENTER 2023 HEALTH FAIR

Every Wednesday

April 12 - July 26

7:00 - 9:00 a.m.

Prowers Medical Center - Education Room

Health Fair Participants Must Pre-Register

Call (719) 336-8363

between 8 a.m. - 5 p.m.,
Monday through Friday,
to schedule your wellness
screening appointment.

\$25

Wellness Screen Includes:

- Lipid Profile
- Kidney Functions
- Electrolytes
- Liver Enzymes
- Thyroid Test
- A1C
- Complete Blood Count (CBC)
- Prostate Specific Antigen (PSA) for men

Expeditious Results

Test results will be:

- Finalized within 72 hours.
- Sent to your medical provider.
- Available on our Patient Portal.

Please supply a self-addressed, stamped envelope if you'd like to receive your results by mail.

For the most accurate results, fast for at least 12 hours prior to your appointment.

**LAMAR CITY COUNCIL
AGENDA ITEM COMMENTARY**

ITEM TITLE: Public Hearing for Temporary Modification of Premise for Shae Emick dba/Las Brisas

INITIATOR: City Clerk, Police Chief

CITY ADMINISTRATOR'S REVIEW ACE

ACTION PROPOSED: Hold Public Hearing for Temporary Modification of Premise for Shae Emick dba/Las Brisas

STAFF INFORMATION SOURCE: City Clerk, Police Chief

BACKGROUND:

Shae Emick owner of Las Brisas Restaurant submitted application for a temporary Modification of Premise to her current liquor license to host a private party on May 6, 2023. She is requesting the modification to allow for the closure of W. Elm Street from Main Street to the Alleyway between Main St. and 5th St. The area to be modified will be enclosed in the fencing that has been approved for special events in the past and will not include the sidewalk area on the N. side of Elm Street. She is requesting the closure from 8:00 a.m. on May 6, 2023 to 10:00 a.m. on May 7, 2023

Shae Emick submitted application on March 16, 2023 with fees for the temporary modification of premise. At the April 10, 2023 Council meeting, Council approved to schedule public hearing for the temporary modification of premise on April 24, 2023 as close to 7:00 p.m. as possible. Notice was posted on site and in newspaper on or before April 13, 2023.

RECOMMENDATION: Approve Temporary Modification of Premise and approval to use City property or such other action deemed appropriate by Council and authorize the Mayor to sign.

CITY OF LAMAR POLICE DEPARTMENT

Application for Modification of Premise

1. *Name and address of Applicant*} *Shae Emick*
 }*Las Brisas*
 }*302 South Main St.*
 }*Lamar, CO 81052*

2. *Trade Name and Address* } *Las Brisas*
 }*302 South Main St.*
 }*Lamar, CO 81052*

3. *Date of Application*} *03/16/2023*

4. *Type of Application*} *Temporary Modification of Premise*

5. *Documents Accompanying Application:*
 - A. *Local and State License Fees*} *Submitted with application*
 - B. *Evidence of Correct Zoning*} *N/A*
 - C. *Building Plans and or Sketch of Interior*} *N/A*
 - D. *Distance from a School as per Statute*} *N/A*
 - E. *Deed or Lease or Assignment of Lease or Ownership*} *Owned*

6. *Evidence of Public Notice:*
 - A. *Posting of Premises*} *Posted on or by 4/13/2023*
 - B. *Legal Publication*} *Posted in local papers by 4/13/2023*

7. *Investigation: Police Department Case*} *#L2301173*
 - A. *Shae Emick, owner of Las Brisas, located at 302 South Main, has submitted the application.*
 - B. *Their present license #03-09157 expires on January 25, 2024.*
 - C. *The owner has also applied for Temporary Modification of Premise for an event held on May 6, 2023, starting at 4 P.M to 12 A.M. The street closure will be from 8 A.M on May 6th, 2023 through 10 A.M on May 7, 2023. Ms. Emick is requesting Elm St. to be blocked off from Main St. to the alley in the 100 block of W Elm St.*
 - D. *Cooperation with law enforcement has been excellent*

8. *Findings of fact:*
 - A. *The applicant has legal possession of the premises.*
 - B. *The application is legal and timely with the required fees attached.*
 - C. *It is my recommendation that the renewal be approved.*



CHIEF OF POLICE

04/18/23

DATE

MAR 16 2023

Permit Application and Report of Changes

All Answers Must Be Printed in Black Ink or Typewritten

1. Applicant is a <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company					License Number 03-C9157	
2. Name of Licensee Sue Emick DBA Las Brisas			3. Trade Name of Establishment (DBA)			
4. Address of Premises (specify exact location of premises) 800 South Main Street			5. Business Email Address semick@me.com			
City Lamar	County Prowers	State CO	ZIP 81052	Business Phone Number 719-940-0017		
SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.						
Section A – Manager Reg/Change			Section C			
<input type="checkbox"/> Manager's Registration (Hotel & Restr.) \$30.00 <input type="checkbox"/> Manager's Registration (Tavern) \$30.00 <input type="checkbox"/> Manager's Registration (Lodging & Entertainment) \$30.00 <input type="checkbox"/> Change of Manager (Other Licenses pursuant to section 44-3-301(8), C.R.S.) NO FEE			<input type="checkbox"/> Retail Warehouse Storage Permit (ea) \$100.00 <input type="checkbox"/> Wholesale Branch House Permit (ea) \$100.00 <input type="checkbox"/> Change Corp. or Trade Name Permit (ea) \$50.00 <input type="checkbox"/> Change Location Permit (ea) \$150.00 <input type="checkbox"/> Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change \$150.00 <input checked="" type="checkbox"/> Change, Alter or Modify Premises \$150.00 x 2 Total Fee: \$300.00			
<p><i>Please note that Manager's Registration for Hotel & Restaurant, Lodging & Entertainment, and Tavern licenses requires a local fee with submission to the local licensing authority as well. Please reach out to local licensing authorities directly regarding local processing and fees.</i></p>			<input type="checkbox"/> Addition of Optional Premises to Existing H/R \$100.00 x Total Fee:			
Section B – Duplicate License			<input type="checkbox"/> Addition of Related Facility to an Existing Resort or Campus Liquor Complex \$160.00 x Total Fee:			
<input type="checkbox"/> Duplicate License \$50.00			<input type="checkbox"/> Campus Liquor Complex Designation No Fee <input type="checkbox"/> Sidewalk Service Area \$75.00			

Do Not Write in This Space – For Department of Revenue Use Only		
Date License Issued	License Account Number	Period
<small>The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.</small>		TOTAL AMOUNT DUE \$.00

Storage Permit	<p>5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit</p> <p><input type="checkbox"/> Retail Warehouse Permit for:</p> <p style="margin-left: 20px;"><input type="checkbox"/> On-Premises Licensee (Taverns, Restaurants etc.)</p> <p style="margin-left: 20px;"><input type="checkbox"/> Off-Premises Licensee (Liquor stores)</p> <p><input type="checkbox"/> Wholesalers Branch House Permit</p> <p>Address of storage premise: _____</p> <p>City _____, County _____ ZIP _____</p> <p>Attach a deed/lease or rental agreement for the storage premises.</p> <p>Attach a detailed diagram of the storage premises.</p>								
Change Trade Name or Corporate Name	<p>6. Change of Trade Name or Corporation Name</p> <p><input type="checkbox"/> Change of Trade name/DBA only</p> <p><input type="checkbox"/> Corporate Name Change (Attach the following supporting documents)</p> <p style="margin-left: 20px;">1. Certificate of Amendment filed with the Secretary of State, or</p> <p style="margin-left: 20px;">2. Statement of Change filed with the Secretary of State, <u>and</u></p> <p style="margin-left: 20px;">3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 50%; padding: 2px;">Old Trade Name</td> <td style="width: 50%; padding: 2px;">New Trade Name</td> </tr> <tr> <td style="padding: 2px;"> </td> <td style="padding: 2px;"> </td> </tr> <tr> <td style="padding: 2px;">Old Corporate Name</td> <td style="padding: 2px;">New Corporate Name</td> </tr> <tr> <td style="padding: 2px;"> </td> <td style="padding: 2px;"> </td> </tr> </table>	Old Trade Name	New Trade Name			Old Corporate Name	New Corporate Name		
Old Trade Name	New Trade Name								
Old Corporate Name	New Corporate Name								
Change of Location	<p>7. Change of Location</p> <p>NOTE TO RETAIL LICENSEES: An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 44-3-311(1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.</p> <p>Date filed with Local Authority _____ Date of Hearing _____</p> <p>(a) Address of current premises _____</p> <p style="margin-left: 20px;">City _____ County _____ ZIP _____</p> <p>(b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee)</p> <p style="margin-left: 20px;">Address _____</p> <p style="margin-left: 20px;">City _____ County _____ ZIP _____</p> <p>(c) New mailing address if applicable.</p> <p style="margin-left: 20px;">Address _____</p> <p style="margin-left: 20px;">City _____ County _____ State _____ ZIP _____</p> <p>(d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.</p>								

8. Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change

Select the option that applies to your situation:

Make a current Primary Manufacturing Location (Location 1) into a Noncontiguous Location (Location 2); or

Make a current Noncontiguous Manufacturing Location (Location 1) into a Primary Manufacturing Location (Location 2).

(a) Address of Location 1: _____
 City _____ County _____ ZIP _____

(b) Address of Location 2: _____
 City _____ County _____ ZIP _____

9. Change of Manager or to Register the Manager of a Tavern, Hotel and Restaurant, Lodging & Entertainment liquor license or licenses pursuant to section 44-3-301(8), C.R.S.

(a) Change of Manager

Former manager's name _____

New manager's name _____

(b) Date of Employment _____

Has manager ever managed a liquor licensed establishment?..... Yes No

Does manager have a financial interest in any other liquor licensed establishment?..... Yes No

If yes, give name and location of establishment _____

10. Modification of Premises, Addition of an Optional Premises, Addition of Related Facility, or Addition of a Sidewalk Service Area

NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.

(a) Describe change proposed Requesting street to be blocked off on 5-6-2023. Reopen on 5-7-2023

Graduation party 4pm to 12am. Block street by 8am 5-6-23

(b) If the modification is temporary, when will the proposed change: Remove barricade between 8am - 10am 5-7-23

Start 5-6-2023 (mo/day/year) End 5-7-2023 (mo/day/year)

NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00

(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

(If yes, explain in detail and describe any exemptions that apply)..... Yes No

(d) Is the proposed change in compliance with local building and zoning laws?..... Yes No

(e) If this modification is for an additional Hotel and Restaurant Optional Premises has the local authority authorized by resolution or ordinance the issuance of optional premises?..... Yes No

(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.

(g) Attach any existing lease that is revised due to the modification.

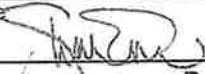
(h) For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), 1 C.C.R. 203-2, include documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.

Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change

Change of Manager

Modify Premises or Addition of Optional Premises, Related Facility, or Sidewalk Service Area

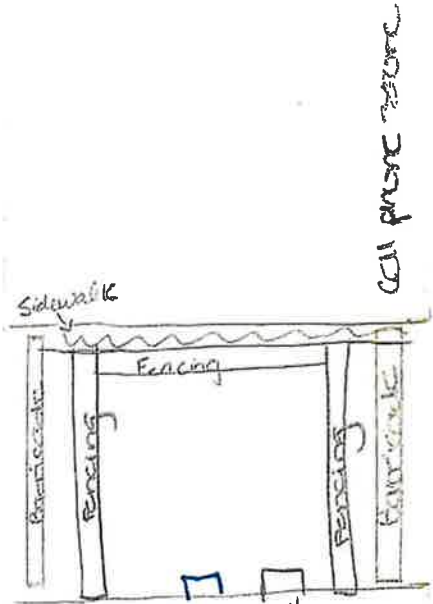
Campus Liquor Complex Designation	<p>11. Campus Liquor Complex Designation</p> <p>An institution of higher education or a person who contracts with the institution to provide food services</p> <p>(a) I wish to designate my existing _____ Liquor License # _____ to a Campus Liquor Complex <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
Additional Related Facility	<p>12. Additional Related Facility</p> <p>To add a Related Facility to an existing Resort or Campus Liquor Complex, include the name of the Related Facility and include the address and an outlined drawing of the Related Facility Premises.</p> <p>(a) Address of Related Facility _____</p> <p>(b) Outlined diagram provided <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

Oath of Applicant		
I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge		
Signature 	Print name and Title <i>Eric Emick Owner</i>	Date <i>2-16-23</i>
Report and Approval of LOCAL Licensing Authority (CITY / COUNTY)		
The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 44, Articles 4 and 3, C.R.S., as amended. Therefore, This Application is Approved.		
Local Licensing Authority (City or County)		Date filed with Local Authority
Signature	Title	Date
Report of STATE Licensing Authority		
The foregoing has been examined and complies with the filing requirements of Title 44, Article 3, C.R.S., as amended.		
Signature	Title	Date

3

parking lot

Alley



Main street

1st street

Alley

1. enter and exit through building NOT street.

Las Brisas

Front Entrance

Main street

6

Agenda Item No. 2

Council Date: 04-24-2023

LAMAR CITY COUNCIL
AGENDA ITEM COMMENTARY

ITEM TITLE: Fair Election Practices and the Upcoming Election

INITIATOR: Concerned Citizens of Lamar

CITY ADMINISTRATOR'S REVIEW: 

ACTION PROPOSED: Discussion

STAFF INFORMATION SOURCE: _____

.....
BACKGROUND: Concerned Citizens of Lamar have asked to be on the agenda for discussion of Fair Election Practices and the Upcoming Election.

RECOMMENDATION:

Campaign and Political Finance Manual



Colorado
Secretary of State

Revised March 2023

Using the Campaign and Political Finance (CPF) Manual

This manual provides guidelines and helpful tips for compliance with the law. It is also a useful guide for conducting research. You may wish to begin at the end – with the Appendix – and read Article XXVIII of the Colorado Constitution, the FCPA (Fair Campaign Practices Act) statutes, and the Rules Concerning Campaign and Political Finance.

This manual may also refer to the Colorado Constitution as the Constitution or Article XXVIII (also known as Amendment 27) and Title 1 Article 45 of the Colorado Revised Statutes (C.R.S.) simply as C.R.S. “Rule” refers to the Rules Concerning Campaign and Political Finance. TRACER refers to the Secretary of State’s online campaign finance filing system, accessible at <http://tracer.sos.colorado.gov>

REMEMBER: You must read Article XXVIII of the Colorado Constitution; Colorado Revised Statutes (C.R.S.) Title 1, Article 45 and the accompanying Rules Concerning Campaign and Political Finance to fully understand Colorado Campaign and Political Finance procedures and requirements.

NOTICE

The Secretary of State’s Office created this manual for reference and training purposes only. The manual is not a substitute for legal advice and actual knowledge of the campaign finance laws and regulations.

A NOTE ABOUT HOME RULE

State campaign finance law may not apply to home rule counties and municipalities (those that have adopted their own charter and local ordinances) in certain circumstances. Candidates and committees in a home rule county or those participating in municipal elections should consult the county or municipal clerk’s office for information about applicable campaign finance laws. Statutory counties and municipalities follow state campaign finance laws.

Contact Information

Compliance Questions

Phone: (303) 894-2200 & (dial 3 then 1)
E-mail: cpfhelp@coloradosos.gov
Address: 1700 Broadway Suite 550
Denver, CO 80290
Web: www.coloradosos.gov
TRACER: <http://tracer.sos.colorado.gov>

Enforcement Questions

Phone: (303) 894-2200 ext 6383
E-mail: CPFComplaints@coloradosos.gov
Fax: (303) 869-4861

Quick Reference of Changes to this Version

From the April 2020 version, the changes to the CPF Manual include:

CHANGES TO THE MANUAL

This version incorporates legislative changes adopted by the General Assembly during the 2022 legislative session. Specifically:

- SB22-237
 - o The Act modifies the process to determine whether an organization is an issue committee, defines “direct ballot issue or ballot question expenditure” and requires additional disclaimers statements and disclosure of direct ballot issue or ballot question expenditures.
- HB22-1060
 - o The Act established contribution limits for the office of school district director. Aggregate contributions to candidates for school district director from persons other than Small Donor Committees are set at \$2,500 and aggregate limits from Small Donor Committees to candidates for school district director are set at \$25,000.
- HB22-1156
 - o The Act changes the post-election report deadline from 30 days to 35 days and exempts political parties from filing major contribution reports during an off-election year. The Act also makes changes related personal financial disclosure statement filings by incumbents.
- New Rules adopted in March 2023 to adjust contribution limits and voluntary spending limits for inflation between 2018 and 2022.

Recent Court Decisions Affecting Campaign Finance

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PART THREE: INDEPENDENT EXPENDITURES, ELECTIONEERING COMMUNICATIONS, FUNDRAISING, AND DISCLAIMER STATEMENTS

INDEPENDENT EXPENDITURES AND INDEPENDENT EXPENDITURE COMMITTEES

Colorado law defines independent expenditures as expenditures made by individuals, businesses, and other entities—without the support of or coordination with a candidate, candidate committee, or candidate’s agent.

No foreign corporations may make independent expenditures in connection with an election in Colorado.

Expenditures made by a candidate committee in support of the candidacy, or those controlled by or coordinated with a candidate or their agent, do not constitute independent expenditures.

An **Independent Expenditure Committee** must register with the Secretary of State within two business days of the time when any natural person, group, business, or other entity makes independent expenditures totaling more than \$1,000, or accepts donations for independent expenditures in excess of \$1,000. The committee must establish a separate bank account to use exclusively for independent expenditures. Independent Expenditure committees differ from Political committees in that Independent Expenditure Committees do not coordinate activity with a candidate or political party.

Independent expenditure committees may accept unlimited donations, but may not contribute to candidate committees or coordinate expenditures with candidates. Committees organized to contribute to candidates and coordinate with candidates are political committees. (See page 20)

Independent expenditure committees report on the schedule outlined for political committees. Independent expenditure committees must itemize all expenditures of more than \$20 (either one-time expenditures or expenditures greater than \$20 in aggregate during a reporting period) and all donations of more than \$250. Independent expenditure committees must also disclose the occupation and employer information for donors giving \$250 or more for the purpose of making an independent expenditure.

Independent expenditure committees must file a separate **48 Hour Notice of Independent Expenditure** in addition to the regular disclosure report within 48 hours of obligating funds for expenditures of more than \$1,000 made within 30 days of a primary or general election.

Donations from Covered Organizations

In addition to other reporting requirements, any person who receives a contribution, donation, or transfer of \$10,000 or more from a covered organization that is earmarked for the purpose of making an independent expenditure or electioneering communication must report additional information to the appropriate filing officer in the form of a written affirmation provided by the covered organization.

A covered organization is any corporation, including entities established under section 501(c) or 527 of the Internal Revenue Code, labor organization or independent expenditure committee.

The information a covered organization must disclose in the written affirmation statement varies depending on the type of covered organization in question.

For-Profit Covered Organization

- ◆ Name of the covered organization
- ◆ Principal place of business
- ◆ Amount of the contribution, donation or transfer
- ◆ Name of the person who received the contribution, donation or transfer
- ◆ Name of all beneficial owners and their current residence or business address

Beneficial owners of a corporation include all officers, directors and owners of more than 5% of the corporation. If the beneficial owner exercises control over the entity through another legal entity, the affirmation must also list those entities and owners similar to how a filer must report a contribution from an LLC.

Non-Profit Covered Organization

- ◆ Name of the covered organization
- ◆ Principal place of business
- ◆ Amount of the contribution, donation or transfer
- ◆ Name of the person who received the contribution, donation or transfer
- ◆ Names of persons who transferred \$5,000 or more to the covered organization for the purpose of making an independent expenditure or electioneering communication during the 12 months prior to the date of the transfer.

Independent Expenditure Committee

- ◆ Name of the covered organization
- ◆ Principal place of business

- ◆ Amount of the contribution, donation or transfer

Additionally, each covered organization must include a statement in their affirmation from the chief executive officer or head of the covered organization certifying that the contribution, donation, or transfer was not made in cooperation with or at the request of a candidate or political party or their agents.

After reaching the \$10,000 threshold, Colorado law requires the covered organization to provide a new affirmation statement for each qualifying subsequent donation during that calendar year.

ELECTIONEERING COMMUNICATIONS

An Electioneering Communication is any communication broadcasted by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences or otherwise distributed that:

- (I) Unambiguously refers to any candidate; and
- (II) Is broadcasted, printed, mailed, delivered, or distributed from 30 days before a primary election through the general election or 60 days before the biennial school election; and
- (III) Is broadcasted to, printed in a newspaper distributed to, mailed to, delivered by hand to, or otherwise distributed to an audience that includes members of the electorate for such public office.

There are some exceptions to what is considered an electioneering communication including communications that are made during the regular course and scope of a person's business. Additionally, a communication must do more than simply refer to a candidate; the communication must also express electoral advocacy and seek to influence the outcome of a Colorado election.

Colorado law requires any person, including a candidate and/or candidate committee, spending \$1,000 or more per calendar year for an electioneering

communication distributed from 30 days before the primary election through the general election or 60 days before the biennial school election, to report these expenditures.

Colorado law prohibits foreign citizens, foreign governments, and foreign corporations from making electioneering communications or regular biennial school electioneering communications.

Electioneering reports are due at the same time as committee reports for contributions and expenditures. Registered committees need not file a separate report if they identify contributions and expenditures as Electioneering Communication transactions at the time of entry into TRACER and provide additional required information such as the name of the candidate or candidates unambiguously referred to in the communication.

Reports must include all spending made on electioneering communications, and the name and address of contributors giving more than \$250 per year for electioneering.

Electioneering reports must include occupation and employer of “natural persons” contributing more than \$250 per year for electioneering communications.

Please note that many electioneering communications may also meet the definition of an independent expenditure, and are therefore subject to additional legal requirements pertaining to independent expenditures.

Relevant legal provisions:

Definition	Art. XXVIII, Sec. 2(7); Rule 11
Reporting	Art. XXVIII, Sec. 6, 1-45-108, C.R.S; Rule 11.5
Sanctions	Art. XXVIII, Sec. 10

FUNDRAISING

Note: The information contained in this section

provides only examples of some types of activity related to fundraising. If you have further questions about fundraising activities, please contact Campaign Finance Support for guidance, or an attorney for legal advice.

Fish Bowls and Pass the Hat Events

Traditional fish bowls and pass-the-hat events are permissible provided the committee lists all contributions received of \$20 or more during a reporting period on the contribution and expenditure report, including names and addresses of the contributors and employer and occupation for contributions totaling \$100 or more. If an individual contributor gives \$20 or more (either at one time or once an aggregate of \$20 or more is reached) during a reporting period, the contributor must be listed individually on the report, regardless of the amount of each contribution. It is helpful to provide envelopes printed with spaces to enter this information at your event.

If the committee is required to provide the occupation and employer information for a contributor and fails to do so within 30 days, the contribution must be returned on the 31st day.

Meet and Greet Events

The law treats these events the same whether they are held in a rented space or someone’s private home. A committee or party must report anything of value it receives, even if it is food brought for attendees to eat while they mingle. Committees must report the food as a contribution at its fair market value.

Cost of Admission to Fundraising Events

Any amount paid for a ticket to a fundraising event in excess of the value of a meal or other amenities provided (which is typically stated) constitutes a contribution to the organization benefitting from the event. For example, if a ticket to an event is \$100 and the meal costs \$25, the ticket purchaser makes a contribution of \$75 to the entity hosting the event.

Silent Auctions

When reporting items donated for silent auctions, committees may choose to:

- ◆ Report the estimated fair market value of the item at the time it is received as a non-monetary in-kind contribution and then report any bid over that amount as a contribution from the purchaser; or
- ◆ Wait to report receipt of the item until someone purchases it at an auction and then report the purchase price as the fair market value of the non-monetary, in-kind contribution from the donor.

A donated item is not considered a “pledge” and therefore a committee does not have to report it until it is “purchased” at an auction.

Committees that receive an item in a different reporting period from when it is auctioned should estimate and report the fair market value in the reporting period in which the item is received.

Unless the committee decides to count any over-bid as a contribution from the purchaser, all contributions are counted against the person or organization that donated the item according to the fair market value which is set by the purchase price.

If the committee estimates the fair market value of an item and then someone purchases the item for a different amount, the committee should amend the contribution amount on any previous disclosure reports.

Non-monetary (in-kind) Contributions of Goods or Services

The use of a space (room, building, etc.), telephones, office equipment, printed material, or any other goods or services by a committee or party is considered a contribution to the committee or party from the person who owns the space, office equipment, business providing the service, etc. Such a contribution

is therefore subject to contribution limits and prohibitions. For example, law typically prohibits the contribution/donation of the use of a ballroom at a corporate-owned hotel (whether donated outright, or given for use at a reduced rate) as a corporate contribution with the possible exception if, and only if, the hotel provides free use to other entities in the usual course of its business.

Contributions from a Couple or Joint Account Holders

A contribution cannot come from two people. Therefore, couples and joint account holders should each write their own separate checks, and note in the “memo” space which person the contribution is from. If committees receive a contribution or donation from a joint account and the contributors or donors are not specified, the committee may choose to either apportion the entire amount to the member of the joint account who signed the check, or apportion the contribution or donation between members of the joint account. If the committee apportions a contribution or donation between joint account holders, the committee must notify each member of the joint account of the apportionment. The apportionment must also comply with individual contribution limits.

Online Contributions: PayPal and other Payment Intermediary Services

Committees may use PayPal or other payment intermediary services to accept campaign contributions. The amount the contributor agrees to contribute is the contribution amount. The committee should report any fees charged by the service provider for the transaction as expenditures.

Fundraising During the Regular Session of the General Assembly

General Assembly (GA) members, executive office holders, and candidates for these offices may not accept contributions from lobbyists, principals of

lobbyists, or political committees who retain a lobbyist while in regular session.

Additionally, Colorado law prohibits the governor and candidates for governor from accepting contributions from lobbyists and their principals during consideration of legislation pending signature (usually 30 days following the adjournment of the regular session of the General Assembly).

Contributions from lobbyists are considered received at the time the contribution leaves the possession of the lobbyist, as opposed to contributions from non-lobbyists, which are considered received at the time of deposit.

Candidate Committees Sharing Expenses

Candidate committees may share expenses for the cost of brochures, offices, office equipment, etc. so long as each committee pays for its proportionate cost of the expense. If one committee pays for the entire cost initially and the other committee reimburses the paying committee within 30 days, then the purchase and reimbursement do not constitute contributions from one candidate committee to the other. Contributions from one candidate committee to another are prohibited.

DISCLAIMER STATEMENTS

Independent Expenditures

In addition to other reporting requirements, independent expenditure communications of more than \$1,000 must contain a disclaimer. Broadcast communications must include:

- ◆ A statement that “The communication has been paid for by (full name of the person paying for the communication)”; and
- ◆ A statement identifying a natural person who is the registered agent if the person who paid for the independent expenditure is not a natural person

The statement for broadcast communications must comply with Federal Communications Commission (FCC) requirements for size, duration, and placement.

A disclaimer for a non-broadcast independent expenditure communication must be clear, conspicuous, readable, and contain:

- ◆ The name of the person making/paying for the independent expenditure; and
- ◆ A specific statement that the advertisement or communication is not authorized by any candidate; and
- ◆ Printed text no less than 15 percent of the size of the largest font used in the communication (but no less than 8-point font).

These requirements do not apply to bumper stickers, pins, buttons, pens, and similar small items upon which the disclaimer cannot be reasonably printed.

Failure to file independent expenditure reports on or before the required due date will result in a penalty of \$50 per day until the report is filed, including weekends and holidays. Additionally, independent expenditure committees who fail to file three consecutive reports may be subject to \$500-\$1,000 per day in additional penalties.

Ballot Issue/Question Communications

Any issue committee, small scale issue committee, or other person making an expenditure in excess of or spending more than \$1,000 per calendar year on a communication that is broadcast, mailed, placed on a website, media service, or online forum, or that is otherwise distributed, supporting or opposing a ballot issue or ballot question must include a disclaimer statement in the communication.

The disclaimer statement must include:

- ◆ A statement that “The communication has been paid for by (full name of the person paying for the communication)”; and

- ◆ A statement identifying a natural person who is the registered agent if the person who paid for the communication is not a natural person

Electioneering Communications

Any issue committee, small scale issue committee, or other person making an expenditure in excess of or spending more than \$1,000 per calendar year on an electioneering communication that is broadcast, mailed, placed on a website, media service, or online forum, or that is otherwise distributed, must include a disclaimer statement in the communication.

The disclaimer statement must include:

- ◆ A statement that “The communication has been paid for by (full name of the person paying for the communication)”; and
- ◆ A statement identifying a natural person who is the registered agent if the person who paid for the communication is not a natural person

The Federal Communications Commission (FCC) regulates political advertising for television and radio and may require a “Paid for by” statement. For more information, visit their website at www.fcc.gov. In some instances, a newspaper or other publication may require, at its own discretion, the inclusion of a “Paid for by” statement as a condition of publishing the communication.

The FCC regulates prerecorded telephone calls, or robocalls, that involve state candidates and issues. Such calls must state at the beginning of the message on whose behalf the call is made and regulations prohibit such calls from being made to certain numbers, including emergency numbers, guest/patient rooms at a hospital, etc. For more information please refer to the FCC at www.fcc.gov.

Other Communications

Any issue committee, small scale issue committee, or other person making an expenditure in excess of or spending more than \$1,000 per calendar year on a communication that must be disclosed and that is

broadcast, mailed, placed on a website, media service, or online forum, or that is otherwise distributed, must include a disclaimer statement in the communication.

The disclaimer statement must include:

- ◆ A statement that “The communication has been paid for by (full name of the person paying for the communication)”; and
- ◆ A statement identifying a natural person who is the registered agent if the person who paid for the communication is not a natural person

Note: This requirement includes communications that fall outside of the electioneering communication timeframe that would otherwise be reported as expenditures on required disclosure reports by registered committees.

Any communication that meets the definition of a Direct Ballot Issue or Ballot Question Expenditure and that is broadcast, mailed, placed on a website, media service, or online forum, or that is otherwise distributed to voters eligible to vote on the ballot issue or ballot question must include a disclaimer statement in the communication.

The disclaimer statement must include:

- ◆ A statement that “The communication has been paid for by (full name of the person paying for the communication)”; and
- ◆ A statement identifying a natural person who is the registered agent if the person who paid for the communication is not a natural person

Note: There is no dollar threshold that triggers a disclaimer statement for this type of communication. Any direct Ballot Issue or Ballot Question Expenditure communication must include a disclaimer statement regardless of the cost of the communication.

Relevant legal provisions

Definitions	Art. XXVIII, Sec. 2(9); 1-45-103, C.R.S.
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Disclaimer Requirements	Art. XXVIII, Sec. 5; 1-45-107.5 (5), C.R.S., 1-45-108.3 , C.R.S.
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Article XXVIII, Colorado Constitution; Title 1 Article 45, C.R.S.; and Rules Concerning Campaign and Political Finance

COLORADO CONSTITUTION

ARTICLE XXVIII

(Amendment 27)

Campaign and Political Finance

Editor's note: (1) Section 1(4) of article V of the state constitution provides that initiated and referred measures shall take effect from and after the official declaration of the vote thereon by the proclamation of the Governor. The Governor's proclamation on Amendment 27 implementing this article was issued on December 20, 2002; however, § 13 of this article provides that the effective date of this article is December 6, 2002. (See L. 2003, p. 3609.)

(2) (a) In 2008, Amendment 54 amended § 13 of this article creating an exception to the effective date stating that the provisions of this article amended or added by Amendment 54 concerning sole source government contracts are effective December 31, 2008; however, the Governor's proclamation date on Amendment 54 was January 8, 2009.

(b) In the case of **Dallman v. Ritter**, the Denver District Court declared Amendment 54, which amended certain provision of this article, unconstitutional and issued a preliminary injunction enjoining the enforcement of Amendment 54 (see **Dallman v. Ritter**, 225 P.3d 610 (Colo. 2010)). The Colorado Supreme Court affirmed the district court's ruling (see **Dallman v. Ritter**, 225 P.3d 610 (Colo. 2010)).

(3) In the case of **In re Interrogatories by Ritter**, the Supreme Court declared §§ 3(4) and 6(2) of this article unconstitutional in light of *Citizens United v. Federal Election Commission*, 558 U.S. ___, 130 S.Ct. 876, 175 L. Ed.2d 753 (2010).

Cross references: For the "Fair Campaign Practices Act", see article 45 of title 1.

Law reviews: For article, "The Colorado Constitution in the New Century", see 78 U. Colo. L. Rev. 1265 (2007).

Section 1. Purpose and findings. The people of the state of Colorado hereby find and declare that large campaign contributions to political candidates create the potential for corruption and the appearance

of corruption; that large campaign contributions made to influence election outcomes allow wealthy individuals, corporations, and special interest groups to exercise a disproportionate level of influence over the political process; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; that because of the use of early voting in Colorado timely notice of independent expenditures is essential for informing the electorate; that in recent years the advent of significant spending on electioneering communications, as defined herein, has frustrated the purpose of existing campaign finance requirements; that independent research has demonstrated that the vast majority of televised electioneering communications goes beyond issue discussion to express electoral advocacy; that political contributions from corporate treasuries are not an indication of popular support for the corporation's political ideas and can unfairly influence the outcome of Colorado elections; and that the interests of the public are best served by limiting campaign contributions, encouraging voluntary campaign spending limits, providing for full and timely disclosure of campaign contributions, independent expenditures, and funding of electioneering communications, and strong enforcement of campaign finance requirements.

Source: Initiated 2002: Entire article added, L. 2003, p. 3597. For the effective date of this article, see the editor's note following the article heading.

Section 2. Definitions. For the purpose of this article and any statutory provisions pertaining to campaign finance, including provisions pertaining to disclosure:

(1) "Appropriate officer" means the individual with whom a candidate, candidate committee, political committee, small donor committee, or issue committee must file pursuant to section 1-45-109 (1), C.R.S., or any successor section.

(2) "Candidate" means any person who seeks nomination or election to any state or local public office that is to be voted on in this state at any primary election, general election, school district election, special district election, or municipal election. "Candidate" also includes a judge or justice of any court of record who seeks to be retained in office pursuant to the provisions of section 25 of article VI. A person is a candidate for election if the person has publicly announced an intention to seek election to public office or retention of a judicial office and thereafter has received a contribution or made an expenditure in support of the candidacy. A person remains a candidate for purposes of this article so long as the candidate maintains a registered candidate committee. A person who maintains a candidate committee after an election cycle, but who has not publicly announced an intention to seek election to public office in the next or any subsequent election cycle, is a candidate for purposes of this article.

(3) "Candidate committee" means a person, including the candidate, or persons with the common purpose of receiving contributions or making expenditures under the authority of a candidate. A

contribution to a candidate shall be deemed a contribution to the candidate's candidate committee. A candidate shall have only one candidate committee. A candidate committee shall be considered open and active until affirmatively closed by the candidate or by action of the secretary of state.

(4) "Conduit" means a person who transmits contributions from more than one person, directly to a candidate committee. "Conduit" does not include the contributor's immediate family members, the candidate or campaign treasurer of the candidate committee receiving the contribution, a volunteer fund raiser hosting an event for a candidate committee, or a professional fund raiser if the fund raiser is compensated at the usual and customary rate.

(4.5) "Contract holder" means any non-governmental party to a sole source government contract, including persons that control ten percent or more shares or interest in that party; or that party's officers, directors or trustees; or, in the case of collective bargaining agreements, the labor organization and any political committees created or controlled by the labor organization;

Editor's note: Subsection (4.5) was declared unconstitutional (see the editor's note following this section).

(5) (a) "Contribution" means:

(I) The payment, loan, pledge, gift, or advance of money, or guarantee of a loan, made to any candidate committee, issue committee, political committee, small donor committee, or political party;

(II) Any payment made to a third party for the benefit of any candidate committee, issue committee, political committee, small donor committee, or political party;

(III) The fair market value of any gift or loan of property made to any candidate committee, issue committee, political committee, small donor committee or political party;

(IV) Anything of value given, directly or indirectly, to a candidate for the purpose of promoting the candidate's nomination, retention, recall, or election.

(b) "Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate, candidate committee, political committee, small donor committee, issue committee, or political party; a transfer by a membership organization of a portion of a member's dues to a small donor committee or political committee sponsored by such membership organization; or payments by a corporation or labor organization for the costs of establishing, administering, and soliciting funds from its own employees or members for a political committee or small donor committee.

(6) "Election cycle" means either:

(a) The period of time beginning thirty-one days following a general election for the particular office and ending thirty days following the next general election for that office;

(b) The period of time beginning thirty-one days following a general election for the particular office and ending thirty days following the special legislative election for that office; or

(c) The period of time beginning thirty-one days following the special legislative election for the particular office and ending thirty days following the next general election for that office.

(7) (a) "Electioneering communication" means any communication broadcasted by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences or otherwise distributed that:

(I) Unambiguously refers to any candidate; and

(II) Is broadcasted, printed, mailed, delivered, or distributed within thirty days before a primary election or sixty days before a general election; and

(III) Is broadcasted to, printed in a newspaper distributed to, mailed to, delivered by hand to, or otherwise distributed to an audience that includes members of the electorate for such public office.

(b) "Electioneering communication" does not include:

(I) 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 a candidate or political party;

(II) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party;

(III) Any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;

(IV) Any communication that refers to any candidate only as part of the popular name of a bill or statute.

(8) (a) "Expenditure" means any purchase, payment, distribution, loan, advance, deposit, or gift of money by any person for the purpose of expressly advocating the election or defeat of a candidate or supporting or opposing a ballot issue or ballot question. An expenditure is made when the actual spending occurs or when there is a contractual agreement requiring such spending and the amount is determined.

(b) "Expenditure" does not include:

(I) 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 a candidate or political party;

(II) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party;

(III) Spending by persons, other than political parties, political committees and small donor committees, in the regular course and scope of their business or payments by a membership organization for any communication solely to members and their families;

(IV) Any transfer by a membership organization of a portion of a member's dues to a small donor committee or political committee sponsored by such membership organization; or payments made by a corporation or labor organization for the costs of establishing, administering, or soliciting funds from its own employees or members for a political committee or small donor committee.

(8.5) "Immediate family member" means any spouse, child, spouse's child, son-in-law, daughter-in-law, parent, sibling, grandparent, grandchild, stepbrother, stepsister, stepparent, parent-in-law, brother-in-law, sister-in-law, aunt, niece, nephew, guardian, or domestic partner;

Editor's note: Subsection (8.5) was declared unconstitutional (see the editor's note following this section).

(9) "Independent expenditure" means an expenditure that is not controlled by or coordinated with any candidate or agent of such candidate. Expenditures that are controlled by or coordinated with a candidate or candidate's agent are deemed to be both contributions by the maker of the expenditures, and expenditures by the candidate committee.

(10) (a) "Issue committee" means any person, other than a natural person, or any group of two or more persons, including natural persons:

(I) That has a major purpose of supporting or opposing any ballot issue or ballot question; or

(II) That has accepted or made contributions or expenditures in excess of two hundred dollars to support or oppose any ballot issue or ballot question.

(b) "Issue committee" does not include political parties, political committees, small donor committees, or candidate committees as otherwise defined in this section.

(c) An issue committee shall be considered open and active until affirmatively closed by such committee or by action of the appropriate authority.

(11) "Person" means any natural person, partnership, committee, association, corporation, labor organization, political party, or other organization or group of persons.

(12) (a) "Political committee" means any person, other than a natural person, or any group of two or more persons, including natural persons that have accepted or made contributions or expenditures in excess of \$200 to support or oppose the nomination or election of one or more candidates.

(b) "Political committee" does not include political parties, issue committees, or candidate committees as otherwise defined in this section.

(c) For the purposes of this article, the following are treated as a single political committee:

(I) All political committees established, financed, maintained, or controlled by a single corporation or its subsidiaries;

(II) All political committees established, financed, maintained, or controlled by a single labor organization; except that, any political committee established, financed, maintained, or controlled by a local unit of the labor organization which has the authority to make a decision independently of the state and national units as to which candidates to support or oppose shall be deemed separate from the political committee of the state and national unit;

(III) All political committees established, financed, maintained, or controlled by the same political party;

(IV) All political committees established, financed, maintained, or controlled by substantially the same group of persons.

(13) "Political party" means any group of registered electors who, by petition or assembly, nominate candidates for the official general election ballot. "Political party" includes affiliated party organizations at the state, county, and election district levels, and all such affiliates are considered to be a single entity for the purposes of this article, except as otherwise provided in section 7.

(14) (a) "Small donor committee" means any political committee that has accepted contributions only from natural persons who each contributed no more than fifty dollars in the aggregate per year. For purposes of this section, dues transferred by a membership organization to a small donor committee sponsored by such organization shall be treated as pro-rata contributions from individual members.

(b) "Small donor committee" does not include political parties, political committees, issue committees, or candidate committees as otherwise defined in this section.

(c) For the purposes of this article, the following are treated as a single small donor committee:

(I) All small donor committees established, financed, maintained, or controlled by a single corporation or its subsidiaries;

(II) All small donor committees established, financed, maintained, or controlled by a single labor organization; except that, any small donor committee established, financed, maintained, or controlled by a local unit of the labor organization which has the authority to make a decision independently of the state and national units as to which candidates to support or oppose shall be deemed separate from the small donor committee of the state and national unit;

(III) All small donor committees established, financed, maintained, or controlled by the same political party;

(IV) All small donor committees established, financed, maintained, or controlled by substantially the same group of persons.

(14.4) "Sole source government contract" means any government contract that does not use a public and competitive bidding process soliciting at least three bids prior to awarding the contract. This provision applies only to government contracts awarded by the state or any of its political subdivisions for amounts greater than one hundred thousand dollars indexed for inflation per the United States bureau of labor statistics consumer price index for Denver-Boulder-Greeley after the year 2012, adjusted every four years, beginning January 1, 2012, to the nearest lowest twenty five dollars. This amount is cumulative and includes all sole source government contracts with any and all governmental entities involving the contract holder during a calendar year. A sole source government contract includes collective bargaining agreements with a labor organization representing employees, but not employment contracts with individual employees. Collective bargaining agreements qualify as sole source government contracts if the contract confers an exclusive representative status to bind all employees to accept the terms and conditions of the contract;

Editor's note: Subsection (14.4) was declared unconstitutional (see the editor's note following this section).

(14.6) "State or any of its political subdivisions" means the state of Colorado and its agencies or departments, as well as the political subdivisions within this state including counties, municipalities, school districts, special districts, and any public or quasi-public body that receives a majority of its funding from the taxpayers of the state of Colorado.

Editor's note: Subsection (14.6) was declared unconstitutional (see the editor's note following this section).

(15) "Unexpended campaign contributions" means the balance of funds on hand in any candidate committee at the end of an election cycle, less the amount of all unpaid monetary obligations incurred prior to the election in furtherance of such candidacy.

Source: Initiated 2002: Entire article added, L. 2003, p. 3597. For the effective date of this article, see the editor's note following the article heading. **Initiated 2008:** (4.5), (8.5), (14.4), and (14.6) added, effective December 31, 2008, see L. 2009, p. 3381.

Editor's note: (1) In 2008, Amendment 54 amended § 13 of this article creating an exception to the effective date stating that the provisions of this article amended or added by Amendment 54 concerning sole source government contracts are effective December 31, 2008; however the Governor's proclamation date on Amendment 54 was January 8, 2009.

(2) In the case of **Dallman v. Ritter**, the Denver District Court declared the provisions of subsections (4.5), (8.5), (14.4), and (14.6) unconstitutional and issued a preliminary injunction enjoining the enforcement of Amendment 54 (see **Dallman v. Ritter**, 225 P.3d 610 (Colo. 2010)). The Colorado Supreme Court affirmed the district court's ruling (see **Dallman v. Ritter**, 225 P.3d 610 (Colo. 2010)).

Cross references: For the definition of "major purpose", as used in subsection (10)(a)(I), see § 1-45-103 (12)(b).

Section 3. Contribution limits. (1) Except as described in subsections (2), (3), and (4) of this section, no person, including a political committee, shall make to a candidate committee, and no candidate committee shall accept from any one person, aggregate contributions for a primary or a general election in excess of the following amounts:

(a) Five hundred dollars to any one:

(I) Governor candidate committee for the primary election, and governor and lieutenant governor candidate committee, as joint candidates under 1-1-104, C.R.S., or any successor section, for the general election;

(II) Secretary of state, state treasurer, or attorney general candidate committee; and

(b) Two hundred dollars to any one state senate, state house of representatives, state board of education, regent of the university of Colorado, or district attorney candidate committee.

(2) No small donor committee shall make to a candidate committee, and no candidate committee shall accept from any one small donor committee, aggregate contributions for a primary or a general election in excess of the following amounts:

(a) Five thousand dollars to any one:

(I) Governor candidate committee for the primary election, and governor and lieutenant governor candidate committee, as joint candidates under 1-1-104, C.R.S., or any successor section, for the general election;

(II) Secretary of state, state treasurer, or attorney general candidate committee; and

(b) Two thousand dollars to any one state senate, state house of representatives, state board of education, regent of the university of Colorado, or district attorney candidate committee.

(3) (a) No political party shall accept aggregate contributions from any person, other than a small donor committee as described in paragraph (b) of this subsection (3), that exceed three thousand dollars per year at the state, county, district, and local level combined, and of such amount no more than twenty-five hundred dollars per year at the state level;

(b) No political party shall accept aggregate contributions from any small donor committee that exceed fifteen thousand dollars per year at the state, county, district, and local level combined, and of such amount no more than twelve thousand, five hundred dollars at the state level;

(c) No political party shall accept contributions that are intended, or in any way designated, to be passed through the party to a specific candidate's candidate committee;

(d) In the applicable election cycle, no political party shall contribute to any candidate committee more than twenty percent of the applicable spending limit set forth in section 4 of this article.

(e) Any unexpended campaign contributions retained by a candidate committee for use in a subsequent election cycle shall be counted and reported as contributions from a political party in any subsequent election for purposes of paragraph (d) of this subsection (3);

(4) (a) It shall be unlawful for a corporation or labor organization to make contributions to a candidate committee or a political party, and to make expenditures expressly advocating the election or defeat of a candidate; except that a corporation or labor organization may establish a political committee or small donor committee which may accept contributions or dues from employees, officeholders, shareholders, or members.

(b) The prohibition contained in paragraph (a) of this subsection (4) shall not apply to a corporation that:

(I) Is formed for the purpose of promoting political ideas and cannot engage in business activities; and

(II) Has no shareholders or other persons with a claim on its assets or income; and

(III) Was not established by and does not accept contributions from business corporations or labor organizations.

Editor's note: Subsection (4) was declared unconstitutional (see editor's note following this section).

(5) No political committee shall accept aggregate contributions or pro-rata dues from any person in excess of five hundred dollars per house of representatives election cycle.

(6) No candidate's candidate committee shall accept contributions from, or make contributions to, another candidate committee, including any candidate committee, or equivalent entity, established under federal law.

(7) No person shall act as a conduit for a contribution to a candidate committee.

(8) Notwithstanding any other section of this article to the contrary, a candidate's candidate committee may receive a loan from a financial institution organized under state or federal law if the loan bears the usual and customary interest rate, is made on a basis that assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule. The contribution limits described in this section shall not apply to a loan as described in this subsection (8).

(9) All contributions received by a candidate committee, issue committee, political committee, small donor committee, or political party shall be deposited in a financial institution in a separate account whose title shall include the name of the committee or political party. All records pertaining to such accounts shall be maintained by the committee or political party for one-hundred eighty days following any general election in which the committee or party received contributions unless a complaint is filed, in which case they shall be maintained until final disposition of the complaint and any consequent litigation. Such records shall be subject to inspection at any hearing held pursuant to this article.

(10) No candidate committee, political committee, small donor committee, issue committee, or political party shall accept a contribution, or make an expenditure, in currency or coin exceeding one hundred dollars.

(11) No person shall make a contribution to a candidate committee, issue committee, political committee, small donor committee, or political party 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 made to any candidate committee, issue committee, political committee, small donor committee, or political party, nor shall any person make such reimbursement except as provided in subsection (8) of this section.

(12) No candidate committee, political committee, small donor committee, or political party shall knowingly accept contributions from:

(a) Any natural person who is not a citizen of the United States;

(b) A foreign government; or

(c) Any foreign corporation that does not have the authority to transact business in this state pursuant to article 115 of title 7, C.R.S., or any successor section.

(13) Each limit on contributions described in subsections (1), (2), (3) (a), (3) (b) and (5) of this section, and subsection (14) of section 2, shall be adjusted by an amount based upon the percentage change over a four year period in the United States bureau of labor statistics consumer price index for Denver- Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest twenty-five dollars. The first adjustment shall be done in the first quarter of 2007 and then every four years thereafter. The secretary of state shall calculate such an adjustment in each limit and specify the limits in rules promulgated in accordance with article 4 of title 24, C.R.S., or any successor section.

Source: Initiated 2002: Entire article added, L. 2003, p. 3601. For the effective date of this article, see the editor's note following the article heading.

Editor's note: In the case of *In re Interrogatories by Ritter*, the Supreme Court declared subsection (4) of this section unconstitutional in light of *Citizens United v. Federal Election Commission*, 558 U.S. ___, 130 S.Ct. 876, 175 L. Ed.2d 753 (2010).

Section 4. Voluntary campaign spending limits. (1) Candidates may certify to the secretary of state that the candidate's candidate committee shall not exceed the following spending limits for the applicable election cycle:

(a) Two and one-half million dollars combined for a candidate for governor and governor and lieutenant governor as joint candidates under 1-1-104, C.R.S., or any successor section;

(b) Five hundred thousand dollars for a candidate for secretary of state, attorney general, or treasurer;

(c) Ninety thousand dollars for a candidate for the state senate;

(d) Sixty-five thousand dollars for a candidate for the state house of representatives, state board of education, regent of the university of Colorado, or district attorney.

(2) Candidates accepting the campaign spending limits set forth above shall also agree that their personal contributions to their own campaign shall be counted as political party contributions and subject to the aggregate limit on such contributions set forth in section 3 of this article.

(3) Each candidate who chooses to accept the applicable voluntary spending limit shall file a statement to that effect with the secretary of state at the time that the candidate files a candidate affidavit as currently set forth in section 1-45-110(1), C.R.S., or any successor section. Acceptance of the applicable voluntary spending limit shall be irrevocable except as set forth in subsection (4) of this section and shall subject the candidate to the penalties set forth in section 10 of this article for exceeding the limit.

(4) If a candidate accepts the applicable spending limit and another candidate for the same office refuses to accept the spending limit, the accepting candidate shall have ten days in which to withdraw acceptance. The accepting candidate shall have this option of withdrawing acceptance after each additional non-accepting candidate for the same office enters the race.

(5) The applicable contribution limits set forth in section 3 of this article shall double for any candidate who has accepted the applicable voluntary spending limit if:

(a) Another candidate in the race for the same office has not accepted the voluntary spending limit; and

(b) The non-accepting candidate has raised more than ten percent of the applicable voluntary spending limit.

(6) Only those candidates who have agreed to abide by the applicable voluntary spending limit may advertise their compliance. All other candidates are prohibited from advertising, or in any way implying, their acceptance of voluntary spending limits.

(7) Each spending limit described in subsection (1) of this section shall be adjusted by an amount based upon the percentage change over a four year period in the United States bureau of labor statistics consumer price index for Denver-Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest twenty-five dollars. The first adjustment shall be done in the first quarter of 2007 and then every four years thereafter. The secretary of state shall calculate such an adjustment in each limit and specify the limits in rules promulgated in accordance with article 4 of title 24, C.R.S., or any successor section.

Source: Initiated 2002: Entire article added, L. 2003, p. 3604. For the effective date of this article, see the editor's note following the article heading.

Section 5. Independent expenditures. (1) Any person making an independent expenditure in excess of one thousand dollars per calendar year shall deliver notice in writing to the secretary of state of such independent expenditure, as well as the amount of such expenditure, and a detailed description of the use of such independent expenditure. The notice shall specifically state the name of the candidate whom the independent expenditure is intended to support or oppose. Each independent expenditure in excess of one-thousand dollars shall require the delivery of a new notice. Any person making an independent expenditure within thirty days of a primary or general election shall deliver such notice within forty-eight hours after obligating funds for such expenditure.

(2) Any person making an independent expenditure in excess of one thousand dollars shall disclose, in the communication produced by the expenditure, the name of the person making the expenditure and the specific statement that the advertisement of material is not authorized by any candidate. Such disclosure shall be prominently featured in the communication.

(3) Expenditures by any person on behalf of a candidate for public office that are coordinated with or controlled by the candidate or the candidate's agent, or political party shall be considered a contribution to the candidate's candidate committee, or the political party, respectively.

(4) This section 5 applies only to independent expenditures made for the purpose of expressly advocating the defeat or election of any candidate.

Source: Initiated 2002: Entire article added, L. 2003, p. 3605. For the effective date of this article, see the editor's note following the article heading.

Section 6. Electioneering communications. (1) Any person who expends one thousand dollars or more per calendar year on electioneering communications shall submit reports to the secretary of state in accordance with the schedule currently set forth in 1-45-108 (2), C.R.S., or any successor section. Such reports shall include spending on such electioneering communications, and the name, and address, of any person that contributes more than two hundred and fifty dollars per year to such person described in this section for an electioneering communication. In the case where the person is a natural person, such reports shall also include the occupation and employer of such natural person. The last such report shall be filed thirty days after the applicable election.

(2) Notwithstanding any section to the contrary, it shall be unlawful for a corporation or labor organization to provide funding for an electioneering communication; except that any political committee or small donor committee established by such corporation or labor organization may provide funding for an electioneering communication.

Editor's note: Subsection (2) was declared unconstitutional (see editor's note following this section).

Source: Initiated 2002: Entire article added, L. 2003, p. 3605. For the effective date of this article, see the editor's note following the article heading.

Editor's note: In the case of *In re Interrogatories by Ritter*, the Supreme Court declared subsection (2) of this section unconstitutional in light of *Citizens United v. Federal Election Commission*, 558 U.S. ___, 130 S.Ct. 876, 175 L. Ed.2d 753 (2010).

Section 7. Disclosure. The disclosure requirements relevant to candidate committees, political committees, issue committees, and political parties, that are currently set forth in section 1-45-108, C.R.S., or any successor section, shall be extended to include small donor committees. The disclosure requirements of section 1-45-108, C.R.S., or any successor section, shall be extended to require disclosure of the occupation and employer of each person who has made a contribution of one hundred dollars or more to a candidate committee, political committee, issue committee, or political party. For purposes of this section and 1-45-108, C.R.S., or any successor section, a political party shall be treated as separate entities at the state, county, district, and local levels.

Source: Initiated 2002: Entire article added, L. 2003, p. 3606. For the effective date of this article, see the editor's note following the article heading.

Section 8. Filing - where to file - timeliness. The secretary of state shall promulgate rules relating to filing in accordance with article 4 of title 24, C.R.S., or any successor section. The rules promulgated pursuant to this section shall extend section 1-45-109, C.R.S., or any successor section to apply to small donor committees.

Source: Initiated 2002: Entire article added, L. 2003, p. 3606. For the effective date of this article, see the editor's note following the article heading.

Section 9. Duties of the secretary of state - enforcement. (1) The secretary of state shall:

(a) Prepare forms and instructions to assist candidates and the public in complying with the reporting requirements of this article and make such forms and instructions available to the public, municipal clerks, and county clerk and recorders free of charge;

(b) Promulgate such rules, in accordance with article 4 of title 24, C.R.S., or any successor section, as may be necessary to administer and enforce any provision of this article;

(c) Prepare forms for candidates to declare their voluntary acceptance of the campaign spending limits set forth in section 4 of this article. Such forms shall include an acknowledgment that the candidate voluntarily accepts the applicable spending limit and that the candidate swears to abide by those spending limits. These forms shall be signed by the candidate under oath, notarized, filed with the secretary of state, and available to the public upon request;

(c) Maintain a filing and indexing system consistent with the purposes of this article;

(e) Make the reports and statements filed with the secretary of state's office available immediately for public inspection and copying. The secretary of state may charge a reasonable fee for providing copies of reports. No information copied from such reports shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose;

(f) Refer any complaints filed against any candidate for the office of secretary of state to the attorney general. Any administrative law judge employed pursuant to this section shall be appointed pursuant to part 10 of article 30 of title 24, C.R.S., or any successor section. Any hearing conducted by an administrative law judge employed pursuant to subsection (2) of this section shall be conducted in accordance with the provisions of section 24-4-105, C.R.S., or any successor section.

(2) (a) Any person who believes that a violation of section 3, section 4, section 5, section 6, section 7, or section 9 (1) (e), of this article, or of sections 1-45-108, 1-45-114, 1-45-115, or 1-45-117 C.R.S., or any successor sections, has occurred may file a written complaint with the secretary of state no later than one hundred eighty days after the date of the alleged violation. The secretary of state shall refer the complaint to an administrative law judge within three days of the filing of the complaint. The administrative law judge shall hold a hearing within fifteen days of the referral of the complaint, and shall render a decision within fifteen days of the hearing. The defendant shall be granted an extension of up to thirty days upon defendant's motion, or longer upon a showing of good cause. If the administrative law judge determines that such violation has occurred, such decision shall include any appropriate order, sanction, or relief authorized by this article. The decision of the administrative law judge shall be final and subject to review by the court of appeals, pursuant to section 24-4-106 (11), C.R.S., or any successor section. The secretary of state and the administrative law judge are not necessary parties to the review. The decision may be enforced by the secretary of state, or, if the secretary of state does not file an enforcement action within thirty days of the decision, in a private cause of action by the person filing the complaint. Any private action brought under this section shall be brought within one year of the date of the violation in state district court. The prevailing party in a private enforcement action shall be entitled to reasonable attorneys fees and costs.

(b) The attorney general shall investigate complaints made against any candidate for the office of secretary of state using the same procedures set forth in paragraph (a) of this subsection (2). Complainant shall have the same private right of action as under paragraph (a) of this subsection (2).

(c) A subpoena issued by an administrative law judge requiring the production of documents by an issue committee shall be limited to documents pertaining to contributions to, or expenditures from, the committee's separate account established pursuant to section 3(9) of this article to support or oppose a ballot issue or ballot question. A subpoena shall not be limited in this manner where such issue committee fails to form a separate account through which a ballot issue or ballot question is supported or opposed.

Source: Initiated 2002: Entire article added, L. 2003, p. 3606. For the effective date of this article, see the editor's note following the article heading.

Editor's note: In subsection (1) of this section, it appears that the fourth paragraph should have been lettered as paragraph (d) instead of (c); however, the original document filed with the secretary of state contains the lettering reflected in this section.

Section 10. Sanctions. (1) Any person who violates any provision of this article relating to contribution or voluntary spending limits shall be subject to a civil penalty of at least double and up to five times the amount contributed, received, or spent in violation of the applicable provision of this article. Candidates shall be personally liable for penalties imposed upon the candidate's committee.

(2) (a) The appropriate officer shall impose a penalty of fifty dollars per day for each day that a statement or other information required to be filed pursuant to section 5, section 6, or section 7 of this article, or sections 1-45-108, 1-45-109 or 1-45-110, C.R.S., or any successor sections, is not filed by the close of business on the day due. Upon imposition of a penalty pursuant to this subsection (2), the appropriate officer shall send the person upon whom the penalty is being imposed proper notification by certified mail of the imposition of the penalty. If an electronic mail address is on file with the secretary of state, the secretary of state shall also provide such notification by electronic mail. Revenues collected from fees and penalties assessed by the secretary of state or revenues collected in the form of payment of the secretary of state's attorney fees and costs pursuant to this article shall be deposited in the department of state cash fund created in section 24-21-104 (3), C.R.S., or any successor section.

(b) (l) Any person required to file a report with the secretary of state and upon whom a penalty has been imposed pursuant to this subsection (2) may appeal such penalty by filing a written appeal with the secretary of state no later than thirty days after the date on which notification of the imposition of the penalty was mailed to such person's last known address in accordance with paragraph (a) of this subsection (2). Except as provided in paragraph (c) of this subsection (2), the secretary shall refer the appeal to an administrative law judge. Any hearing conducted by an administrative law judge pursuant to

this subsection (2) shall be conducted in accordance with the provisions of section 24-4-105, C.R.S., or any successor section. The administrative law judge shall set aside or reduce the penalty upon a showing of good cause, and the person filing the appeal shall bear the burden of proof. The decision of the administrative law judge shall be final and subject to review by the court of appeals pursuant to section 24-4-106 (11), C.R.S., or any successor section.

(II) If the administrative law judge finds that the filing of an appeal brought pursuant to subparagraph (I) of this paragraph (b) was frivolous, groundless, or vexatious, the administrative law judge shall order the person filing the appeal to pay reasonable attorney fees and costs of the secretary of state in connection with such proceeding.

(c) Upon receipt by the secretary of state of an appeal pursuant to paragraph (b) of this subsection (2), the secretary shall set aside or reduce the penalty upon a showing of good cause.

(d) Any unpaid debt owing to the state resulting from a penalty imposed pursuant to this subsection (2) shall be collected by the state in accordance with the requirements of section 24-30-202.4, C.R.S., or any successor section.

(3) Failure to comply with the provisions of this article shall have no effect on the validity of any election.

Source: Initiated 2002: Entire article added, L. 2003, p. 3608. For the effective date of this article, see the editor's note following the article heading.

Section 11. Conflicting provisions declared inapplicable. Any provisions in the statutes of this state in conflict or inconsistent with this article are hereby declared to be inapplicable to the matters covered and provided for in this article.

Source: Initiated 2002: Entire article added, L. 2003, p. 3609. For the effective date of this article, see the editor's note following the article heading.

Section 12. Repeal of conflicting statutory provisions. Sections 1-45-103, 1-45-105.3, 1-45-107, 1-45-111, and 1-45-113 are repealed.

Source: Initiated 2002: Entire article added, L. 2003, p. 3609. For the effective date of this article, see the editor's note following the article heading.

Section 13. APPLICABILITY AND EFFECTIVE DATE. The provisions of this article shall take effect on December 6, 2002, and be applicable for all elections thereafter, except that the provisions of this article concerning sole source government contracts shall take effect on December 31, 2008. Legislation may be enacted to facilitate its operation, but in no way limiting or restricting the provisions of this article or the powers herein granted.

Editor's note: This section was declared unconstitutional (see the editor's note following this section).

Source: Initiated 2002: Entire article added, L. 2003, p. 3609. For the effective date of this article, see the editor's note following the article heading. **Initiated 2008:** Entire section amended, effective December 31, 2008, see L. 2009, p. 3381.

Editor's note: (1) In 2008, Amendment 54 amended § 13 of this article creating an exception to the effective date stating that the provisions of this article amended or added by Amendment 54 concerning sole source government contracts are effective December 31, 2008; however the Governor's proclamation date on Amendment 54 was January 8, 2009.

(2) In the case of **Dallman v. Ritter**, the Denver District Court declared the provisions of this section unconstitutional and issued a preliminary injunction enjoining the enforcement of Amendment 54 (see **Dallman v. Ritter**, 225 P.3d 610 (Colo. 2010)). The Colorado Supreme Court affirmed the district court's ruling (see **Dallman v. Ritter**, 225 P.3d 610 (Colo. 2010)).

Section 14. 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.

Source: Initiated 2002: Entire article added, L. 2003, p. 3609. For the effective date of this article, see the editor's note following the article heading.

Section 15. Because of a presumption of impropriety between contributions to any campaign and sole source government contracts, contract holders shall contractually agree, for the duration of the contract and for two years thereafter, to cease making, causing to be made, or inducing by any means, a contribution, directly or indirectly, on behalf of the contract holder or on behalf of his or her immediate family member and for the benefit of any political party or for the benefit of any candidate for any elected office of the state or any of its political subdivisions.

Editor's note: This section was declared unconstitutional (see the editor's note following this section).

Source: Initiated 2008: Entire section added, effective December 31, 2008, see L. 2009, p. 3380.

Editor's note: (1) In 2008, Amendment 54 amended § 13 of this article creating an exception to the effective date stating that the provisions of this article amended or added by Amendment 54 concerning sole source government contracts are effective December 31, 2008; however the Governor's proclamation date on Amendment 54 was January 8, 2009.

(2) In the case of **Dallman v. Ritter**, the Denver District Court declared the provisions of this section unconstitutional and issued a preliminary injunction enjoining the enforcement of Amendment 54 (see **Dallman v. Ritter**, 225 P.3d 610 (Colo. 2010)). The Colorado Supreme Court affirmed the district court's ruling (see **Dallman v. Ritter**, 225 P.3d 610 (Colo. 2010)).

(3) This section did not contain a headnote as it appeared on the ballot.

Section 16. To aid in enforcement of this measure concerning sole source contracts, the executive director of the department of personnel shall promptly publish and maintain a summary of each sole source government contract issued. Any contract holder of a sole source government contract shall promptly prepare and deliver to the executive director of the department of personnel a true and correct "Government Contract Summary," in digital format as prescribed by that office, which shall identify the names and addresses of the contract holders and all other parties to the government contract, briefly describe the nature of the contract and goods or services performed, disclose the start and end date of the contract, disclose the contract's estimated amount or rate of payment, disclose the sources of payment, and disclose other information as determined by the executive director of the department of personnel which is not in violation of federal law, trade secrets or intellectual property rights. The executive director of the department of personnel is hereby given authority to promulgate rules to facilitate this section.

Editor's note: This section was declared unconstitutional (see the editor's note following this section).

Source: Initiated 2008: Entire section added, effective December 31, 2008, see L. 2009, p. 3380.

Editor's note: (1) In 2008, Amendment 54 amended § 13 of this article creating an exception to the effective date stating that the provisions of this article amended or added by Amendment 54 concerning sole source government contracts are effective December 31, 2008; however the Governor's proclamation date on Amendment 54 was January 8, 2009.

(2) In the case of **Dallman v. Ritter**, the Denver District Court declared the provisions of this section unconstitutional and issued a preliminary injunction enjoining the enforcement of Amendment 54 (see **Dallman v. Ritter**, 225 P.3d 610 (Colo. 2010)). The Colorado Supreme Court affirmed the district court's ruling (see **Dallman v. Ritter**, 225 P.3d 610 (Colo. 2010)).

(3) This section did not contain a headnote as it appeared on the ballot.

Section 17. (1) Every sole source government contract by the state or any of its political subdivisions shall incorporate article XXVIII, section 15, into the contract. Any person who intentionally accepts contributions on behalf of a candidate committee, political committee, small donor committee, political party, or other entity, in violation of section 15 has engaged in corrupt misconduct and shall pay restitution to the general treasury of the contracting governmental entity to compensate the governmental entity for all costs and expenses associated with the breach, including costs and losses involved in securing a new contract if that becomes necessary. If a person responsible for the bookkeeping of an entity that has a sole source contract with a governmental entity, or if a person acting on behalf of the governmental entity, obtains knowledge of a contribution made or accepted in violation of section 15, and that person intentionally fails to notify the secretary of state or appropriate government officer about the violation in writing within ten business days of learning of such contribution, then that person may be contractually liable in an amount up to the above restitution.

(2) Any person who makes or causes to be made any contribution intended to promote or influence the result of an election on a ballot issue shall not be qualified to enter into a sole source government contract relating to that particular ballot issue.

(3) The parties shall agree that if a contract holder intentionally violates section 15 or section 17 (2), as contractual damages that contract holder shall be ineligible to hold any sole source government contract, or public employment with the state or any of its political subdivisions, for three years. The governor may temporarily suspend any remedy under this section during a declared state of emergency.

(4) Knowing violation of section 15 or section 17 (2) by an elected or appointed official is grounds for removal from office and disqualification to hold any office of honor, trust or profit in the state, and shall constitute misconduct or malfeasance.

(5) A registered voter of the state may enforce section 15 or section 17 (2) by filing a complaint for injunctive or declaratory relief or for civil damages and remedies, if appropriate, in the district court.

Editor's note: This section was declared unconstitutional (see the editor's note following this section).

Source: Initiated 2008: Entire section added, effective December 31, 2008, see L. 2009, p. 3380.

Editor's note: (1) In 2008, Amendment 54 amended § 13 of this article creating an exception to the effective date stating that the provisions of this article amended or added by Amendment 54 concerning sole source government contracts are effective December 31, 2008; however the Governor's proclamation date on Amendment 54 was January 8, 2009.

(2) In the case of **Dallman v. Ritter**, the Denver District Court declared the provisions of this section unconstitutional and issued a preliminary injunction enjoining the enforcement of Amendment 54 (see **Dallman v. Ritter**, 225 P.3d 610 (Colo. 2010)). The Colorado Supreme Court affirmed the district court's ruling (see **Dallman v. Ritter**, 225 P.3d 610 (Colo. 2010)).

(3) This section did not contain a headnote as it appeared on the ballot.

Colorado Revised Statutes
ELECTION CAMPAIGN REGULATIONS

ARTICLE 45

Fair Campaign Practices Act

Editor's note: (1) This article was added in 1974. This article was repealed and reenacted by initiative in 1996, resulting in the addition, relocation, and elimination of sections as well as subject matter. The vote count on the measure at the general election held November 5, 1996, was as follows:

FOR: 928,148

AGAINST: 482,551

(2) For amendments to this article prior to 1996, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated.

Cross references: For public official disclosure law, see part 2 of article 6 of title 24.

Law reviews: For article, "Fair Campaign Practices Act: Killing Trees for Good Government", see 26 Colo. Law. 101 (Sept. 1997). For article, "Public Moneys and Ballot Issues Under the Fair Campaign Practices Act", see 34 Colo. Law. 81 (Sept. 2005). For article, "Campaign Finance Law in Colorado", see 46 Colo. Law. 35 (June 2017).

1-45-101. Short title. This article shall be known and may be cited as the "Fair Campaign Practices Act".

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997.

Editor's note: This section is similar to former § 1-45-101 as it existed prior to 1996.

1-45-102. Legislative declaration. The people of the state of Colorado hereby find and declare 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, establishing campaign spending limits, full and timely disclosure of campaign contributions, and strong enforcement of campaign laws.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **Initiated 2012, (Amendment 65):** Entire section amended, L. 2013, p. 3301, effective upon proclamation of the Governor, January 1, 2013.

Editor's note: (1) This section is similar to former § 1-45-102 as it existed prior to 1996.

(2) This section was amended by initiative in 2012. The vote count on the measure at the general election held November 6, 2012, was as follows:

FOR: 1,276,432

AGAINST: 988,542

1-45-103. Definitions - repeal. As used in this article 45, unless the context otherwise requires:

(1) "Appropriate officer" shall have the same meaning as set forth in section 2 (1) of article XXVIII of the state constitution.

(1.3) "Ballot issue" shall have the same meaning as set forth in section 1-1-104 (2.3); except that, for purposes of section 1-45-117, "ballot issue" shall mean both a ballot issue as defined in this subsection (1.3) and a ballot question.

(1.5) "Ballot question" shall have the same meaning as set forth in section 1-1-104 (2.7).

(2) "Candidate" shall have the same meaning as set forth in section 2 (2) of article XXVIII of the state constitution.

(3) "Candidate committee" shall have the same meaning as set forth in section 2 (3) of article XXVIII of the state constitution.

(4) "Candidate committee account" shall mean the account established by a candidate committee with a financial institution pursuant to section 3 (9) of article XXVIII of the state constitution.

(5) "Conduit" shall have the same meaning as set forth in section 2 (4) of article XXVIII of the state constitution.

(6) (a) "Contribution" shall have the same meaning as set forth in section 2 (5) of article XXVIII of the state constitution.

(b) "Contribution" includes, 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, an amount equal to the value in excess of such compensation or consideration as determined by the candidate committee.

(c) "Contribution" also includes:

(I) Any payment, loan, pledge, gift, advance of money, or guarantee of a loan made to any political organization;

(II) Any payment made to a third party on behalf of and with the knowledge of the political organization; or

(III) The fair market value of any gift or loan of property made to any political organization.

(d) "Contribution" does not include the payment of legal fees to advise a candidate on compliance with campaign laws or regulations or to represent a candidate or candidate committee in any action in which the candidate or committee has been named as a defendant. Such legal services are not undertaken "for the benefit of any candidate committee" or "for the purpose of promoting the candidate's nomination, retention, recall, or election" as those phrases are used in section 2 (5)(a)(II) and (5)(a)(IV) of article XXVIII of the state constitution.

(e) "Contribution" does not include an intervention by the secretary of state, as authorized by section 1-45-111.5 (1.5)(g), in any action brought to enforce the provisions of article XXVIII of the state constitution or this article 45.

(7) "Corporation" means a domestic corporation incorporated under and subject to the "Colorado Business Corporation Act", articles 101 to 117 of title 7, C.R.S., a domestic nonprofit corporation incorporated under and subject to the "Colorado Revised Nonprofit Corporation Act", articles 121 to 137 of title 7, C.R.S., or any corporation incorporated under and subject to the laws of another state. For purposes of this article, "domestic corporation" shall mean a for-profit or nonprofit corporation incorporated under and subject to the laws of this state, and "nondomestic corporation" shall mean a corporation incorporated under and subject to the laws of another state or foreign country. For purposes of this article, "corporation" includes the parent of a subsidiary corporation or any subsidiaries of the parent, as applicable.

(7.2) "Direct ballot issue or ballot question expenditure" means direct spending in support of or opposition to any single ballot issue or ballot question by a person who does not otherwise meet the requirements of an issue committee. Contributions to an issue committee are not direct ballot issue or ballot question expenditures.

(7.3) (a) "Donation" means:

- (I) The payment, loan, pledge, gift, or advance of money, or the guarantee of a loan, made to any person for the purpose of making an independent expenditure;
- (II) Any payment made to a third party that relates to, and is made for the benefit of, any person that makes an independent expenditure;
- (III) The fair market value of any gift or loan of property that is given to any person for the purpose of making an independent expenditure; or
- (IV) Anything of value given, directly or indirectly, to any person for the purpose of making an independent expenditure.

(b) "Donation" shall not include a transfer by a membership organization of a portion of a member's dues for an independent expenditure sponsored by such membership organization.

(7.5) "Earmark" means a designation, instruction, or encumbrance that directs the transmission and use by the recipient of all or part of a donation to a third party for the purpose of making:

- (a) Independent expenditures greater than one thousand dollars to support or oppose a specified candidate;
- (b) Electioneering communications greater than one thousand dollars; or
- (c) Contributions or expenditures greater than one thousand dollars to support or oppose a specified ballot issue or ballot question.

(8) "Election cycle" shall have the same meaning as set forth in section 2 (6) of article XXVIII of the state constitution.

(9) "Electioneering communication" has the same meaning as set forth in section 2 (7) of article XXVIII of the state constitution. For purposes of the disclosure required by section 1-45-108, "electioneering communication" also includes any communication that satisfies all other requirements set forth in said section 2 (7) of article XXVIII but that is broadcast, printed, mailed, delivered, or distributed between the primary election and the general election.

(10) (a) "Expenditure" has the same meaning as set forth in section 2 (8) of article XXVIII of the state constitution.

(b) "Expenditure" does not include legal services paid to defend a candidate or candidate committee against any action brought to enforce the provisions of article XXVIII of the state constitution or this article 45.

(10.5) "Foreign corporation" means:

(a) A parent corporation or the subsidiary of a parent corporation formed under the laws of a foreign country that is functionally equivalent to a domestic corporation;

(b) A parent corporation or the subsidiary of a parent corporation in which one or more foreign persons hold a combined ownership interest that exceeds fifty percent;

(c) A parent corporation or the subsidiary of a parent corporation in which one or more foreign persons hold a majority of the positions on the corporation's board of directors; or

(d) A parent corporation or the subsidiary of a parent corporation whose United States-based operations, or whose decision-making with respect to political activities, falls under the direction or control of a foreign entity, including the government of a foreign country.

(11) "Independent expenditure" shall have the same meaning as set forth in section 2 (9) of article XXVIII of the state constitution.

(11.5) "Independent expenditure committee" means one or more persons that make an independent expenditure in an aggregate amount in excess of one thousand dollars or that collect in excess of one thousand dollars from one or more persons for the purpose of making an independent expenditure.

(12) (a) "Issue committee" shall have the same meaning as set forth in section 2 (10) of article XXVIII of the state constitution.

(b) purposes of section 2 (10)(a)(I) of article XXVIII of the state constitution, "major purpose" means support of or opposition to a ballot issue or ballot question that is reflected by:

(I) An organization's specifically identified objectives in its organizational documents at the time it is established or as such documents are later amended; or

(II) An organization's demonstrated pattern of conduct based upon it:

(A) and (B) (Deleted by amendment, L. 2022.)

(C) During the combined period of the current calendar year and the preceding two calendar years, making either contributions to one or more statewide Colorado issue committees or direct ballot issue or ballot question expenditures, in either support of or opposition to one or

more statewide Colorado ballot issues or ballot questions, that exceeded thirty percent of the total dollar amount of all funds spent by the organization for any purpose and in any location during the entire preceding and current calendar years;

(D) During the combined period of the current calendar year and the preceding two calendar years, making either contributions to a single statewide Colorado issue committee or direct ballot issue or ballot question expenditures, in either support of or opposition to a single statewide Colorado ballot issue or ballot question, that exceeded twenty percent of the total dollar amount of all funds spent by the organization for any purpose and in any location; or

(E) Acting as an issue committee's funding intermediary by making contributions to an issue committee from funds earmarked for the issue committee.

(c) provisions of paragraph (b) of this subsection (12) are intended to clarify, based on the decision of the Colorado court of appeals in *Independence Institute v. Coffman*, 209 P.3d 1130 (Colo. App. 2008), cert. denied, 558 U.S. 1024, 130 S. Ct. 165, 175 L. Ed. 479 (2009), section 2 (10)(a)(I) of article XXVIII of the state constitution and not to make a substantive change to said section 2 (10)(a)(I).

(12.5) "Media outlet" means a publication or broadcast medium that transmits news, feature stories, entertainment, or other information to the public through various distribution channels, including, without limitation, newspapers; magazines; radio; and broadcast, cable, or satellite television.

(12.7) "Obligating" means, in connection with a named candidate, agreeing to spend in excess of one thousand dollars for an independent expenditure or to give, pledge, loan, or purchase one or more goods, services, or other things of value that have a fair market value in excess of one thousand dollars as an independent expenditure. "Obligating" shall not require that the total amount in excess of one thousand dollars be finally determined at the time of the agreement to spend moneys for an independent expenditure or to give, pledge, loan, or purchase anything of value.

(13) "Person" shall have the same meaning as set forth in section 2 (11) of article XXVIII of the state constitution.

(14) "Political committee" shall have the same meaning as set forth in section 2 (12) of article XXVIII of the state constitution.

(14.5) "Political organization" means a political organization defined in section 527 (e)(1) of the federal "Internal Revenue Code of 1986", as amended, that is engaged in influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any state or local public office in the state and that is exempt, or intends to seek any exemption, from taxation pursuant to section 527 of the internal revenue code. "Political organization" shall not be construed to have the same meaning as "political organization" as defined in section 1-1-104 (24) for purposes of the "Uniform Election Code of 1992", articles 1 to 13 of this title.

(15) "Political party" shall have the same meaning as set forth in section 2 (13) of article XXVIII of the state constitution.

(15.3) "Regular biennial school election" means the election that is described in section 22-31-104 (1), C.R.S.

(15.5) "Regular biennial school electioneering communication" has the same meaning as "electioneering communication" as defined in section 2 (7) of article XXVIII of the state constitution; except that, for purpose of the definition of regular biennial school electioneering communication only, "candidate" as referenced in section 2 (7)(a)(I) of said article means a candidate in a regular biennial school election and the requirements specified in section 2 (7)(a)(II) mean a communication that is broadcast, printed, mailed, delivered, or distributed within sixty days before a regular biennial school election. Except as otherwise specified in this subsection (15.5), the definition of "regular biennial school electioneering communication" is the same as that of "electioneering communication".

(15.7) "School district director" means a person serving as a director on the board of education of any school district within the state, including a school district composed of a city and county.

(16) "Small donor committee" shall have the same meaning as set forth in section 2 (14) of article XXVIII of the state constitution.

(16.3) (a) "Small-scale issue committee" means an issue committee that has accepted or made contributions or expenditures in an amount that does not exceed five thousand dollars during an applicable election cycle for the major purpose of supporting or opposing any ballot issue or ballot question.

(b) The following are treated as a single small-scale issue committee:

(I) All small-scale issue committees that support or oppose a common ballot measure if the committees are established, financed, maintained, or controlled by a single corporation or its subsidiaries;

(II) All small-scale issue committees that support or oppose a common ballot measure if the committees are established, financed, maintained, or controlled by a single labor organization or the affiliated local units it directs; or

(III) All small-scale issue committees that support or oppose a common ballot measure if the committees are established, financed, maintained, or controlled by substantially the same person, group of persons, or other organizations.

(16.4) "Special school election" means any school election provided for by law and held at a time other than the regular biennial school election.

(16.5) "Spending" means funds expended influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any state or local public office in the state and includes, without limitation, any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything else of value by any political organization, a contract, promise, or agreement to expend funds made or entered into by any political organization, or any electioneering communication by any political organization.

(17) "Subsidiary" means a business entity having more than half of its stock owned by another entity or person, or a business entity of which a majority interest is controlled by another person or entity.

(18) "Unexpended campaign contributions" shall have the same meaning as set forth in section 2 (15) of article XXVIII of the state constitution.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 98:** (1) added and (8) amended, p. 223, § 1, effective April 10; (1.5) amended and (14) added, p. 954, § 1, effective May 27. **L. 99:** (5) amended, p. 1390, § 12, effective June 4. **L. 2000:** (1.3), (4)(a)(V), and (4.5) added and (4)(a)(III), (10)(b), and (12) amended, pp. 122, 123, §§ 2, 3, effective March 15; (8) amended, p. 1724, § 1, effective June 1. **L. 2002:** (8)(a)(I) amended and (8)(a)(III) added, p. 198, § 1, effective April 3; (1.5) and (2) amended, p. 1576, § 1, effective July 1. **Initiated 2002:** Entire section repealed, effective upon proclamation

of the Governor (see editor's note, (2)). **L. 2003:** Entire section RC&RE, p. 2156, § 1, effective June 3. **L. 2007:** (7) amended, p. 1766, § 1, effective June 1; (6)(c), (14.5), and (16.5) added, pp. 1225, 1224, §§ 2, 1, effective July 1. **L. 2009:** (1.3) and (1.5) added, (HB 09-1153), ch. 174, p. 774, § 1, effective September 1. **L. 2010:** (7) amended and (7.3), (7.5), (10.5), (11.5), (12.5), and (12.7) added, (SB 10-203), ch. 269, p. 1229, § 2, effective May 25; (12) amended, (HB 10-1370), ch. 270, p. 1241, § 4, effective January 1, 2011. **L. 2011:** (12)(c) amended, (HB 11-1303), ch. 264, p. 1148, § 2, effective August 10. **L. 2016:** (16.3) added, (SB 16-186), ch. 269, p. 1113, § 1, effective June 10; (15.3) and (15.5) added, (HB 16-1282), ch. 267, p. 1105, § 1, effective August 10. **L. 2018:** (6)(d) and (6)(e) added and (10) amended, (HB 18-1047), ch. 155, p. 1091, § 1, effective April 23. **L. 2019:** IP and (7.5) amended and (16.3) R&RE, (HB 19-1318), ch. 328, p. 3040, § 1, effective August 2; IP and (9) amended, (SB 19-068), ch. 69, p. 250, § 1, effective August 2. **L. 2022:** (7.2) added and (7.5) and (12)(b)(II) amended (SB 22-237), ch. 400, p. 2851, § 1, effective June 7; (15.7) and (16.4) added, (HB 22-1060), ch. 99, p. 472, § 1, effective July 1.

Editor's note: (1) This section is similar to former § 1-45-103 as it existed prior to 1996. (2) (a) Subsection (4) of section 1 of article V of the state constitution provides that initiated and referred measures shall take effect from and after the official declaration of the vote thereon by the proclamation of the Governor. The measure enacting article XXVIII of the state constitution takes effect upon proclamation of the vote by the Governor. The Governor's proclamation was issued on December 20, 2002. However section 13 of the measure enacting article XXVIII of the state constitution provides that the effective date of article XXVIII is December 6, 2002.

(b) Prior to the recreation and reenactment of this section in 2003, this section was repealed by an initiated measure that was adopted by the people in the general election held November 5, 2002. Section 12 of article XXVIII provides for the repeal of this section. For the text of the initiative and the vote count, see Session Laws of Colorado 2003, p. 3609.

(3) Prior to the reenactment of subsection (16.3) on August 2, 2019, subsection (16.3)(c) provided for the repeal of subsection (16.3), effective June 30, 2019. (See. L. 2016, p. 1113.)

(4) Section 10 of chapter 99 (HB 22-1060), Session Laws of Colorado 2022, provides that the act changing this section takes effect July 1, 2022, and applies to the portion of any election cycle or for the portion of the calendar year remaining after July 1, 2022, and for any election cycle or calendar year commencing after July 1, 2022.

Cross references: (1) For the legislative declaration in the 2010 act amending subsection (7) and adding subsections (7.3), (7.5), (10.5), (11.5), (12.5), and (12.7), see section 1 of chapter 269, Session Laws of Colorado 2010.

(2) For the legislative declaration in the 2010 act amending subsection (12), see section 1 of chapter 270, Session Laws of Colorado 2010.

(3) For the legislative declaration in the 2011 act amending subsection (12)(c), see section 1 of chapter 264, Session Laws of Colorado 2011.

1-45-103.7. Contribution limits - county offices - school district director - treatment of independent expenditure committees - contributions from limited liability companies - voter instructions on spending limits - definitions. (1) Nothing in article XXVIII of the state constitution or this article shall be construed to prohibit a corporation or labor organization from making a contribution to a political committee.

(1.5) (a) (I) The maximum amount of aggregate contributions that any one person other than a small donor committee or a political party may make to a candidate committee of a candidate for a county office, and that a candidate committee for such candidate may accept from any such person, is one thousand two hundred fifty dollars for the primary election and one thousand two hundred fifty dollars for the general election.

(II) The maximum amount of aggregate contributions that any one small donor committee may make to a candidate committee of a candidate for a county office, and that a candidate committee for such candidate may accept from any one small donor committee, is twelve thousand five hundred dollars for the primary election and twelve thousand five hundred dollars for the general election.

(III) The maximum amount of aggregate contributions that a political party may make to a candidate committee of a candidate for a county office, and that a candidate committee for such candidate may accept from any political party, is twenty-two thousand one hundred twenty-five dollars for the applicable election cycle.

(b) Candidates may accept contributions subject to the aggregate limits specified in subsection (1.5)(a)(I) or (1.5)(a)(II) of this section in accordance with subsection (3) of this section.

(c) Any monetary amount specified in subsection (1.5)(a) of this section must be adjusted in accordance with the adjustments made to other contribution limits as specified in section 3 (13) of article XXVIII of the state constitution.

(d) The requirements of sections 1-45-108 and 1-45-109, as applicable, apply to any contribution made or received that is subject to subsection (1.5)(a) of this section.

(e) For purposes of this subsection (1.5), "county office" means a county commissioner, county clerk and recorder, sheriff, coroner, treasurer, assessor, or surveyor.

(1.7) (a) The maximum amount of aggregate contributions that a person, excluding a small donor committee, may make to a candidate committee of a candidate for school district director, and that a candidate committee for such candidate may accept from any one person excluding a small donor committee for a regular biennial school election or special school election, as applicable, is two thousand five hundred dollars.

(b) The maximum amount of aggregate contributions that a small donor committee may make to a candidate committee of a candidate for school district director, and that a candidate committee for such candidate may accept from any one small donor for a regular biennial or special school election, as applicable, is twenty-five thousand dollars.

(c) Any monetary amount specified in subsection (1.7)(a) or (1.7)(b) of this section must be adjusted in accordance with the adjustments made to other contribution limits as specified in section 3 (13) of article XXVIII of the state constitution.

(d) The requirements of sections 1-45-108 and 1-45-109, as appropriate, apply to any contribution made or received for any four-year election cycle that is subject to subsection (1.7)(a) or (1.7)(b) of this section.

(2) A political committee may receive and accept moneys contributed to such committee by a corporation or labor organization pursuant to subsection (1) of this section for disbursement to a candidate committee or political party without depositing such moneys in an account separate from the account required to be established for the receipt and acceptance of all contributions by all committees or political parties in accordance with section 3 (9) of article XXVIII of the state constitution.

(2.5) (a) An independent expenditure committee differs from a political committee in that an independent expenditure committee does not coordinate its activities with a candidate or political party.

(b) An independent expenditure committee shall not be treated as a political committee and, therefore, is not subject to the requirements of section 3 (5) of article XXVIII of the state constitution.

(3) A candidate committee established in the name of a candidate affiliated with either a major political party or a minor political party who is running in a primary election may accept:

(a) The aggregate contribution limit specified in section 3 (1) of article XXVIII of the state constitution for a primary election at any time after the date of the primary election in which the candidate in whose name the candidate committee is accepting contributions is on the primary election ballot; or

(b) The aggregate contribution limit specified in section 3 (1) of article XXVIII of the state constitution for a general election at any time prior to the date of the primary election in which the candidate in whose name the candidate committee is accepting contributions is on the primary election ballot.

(4) A candidate committee established in the name of a candidate affiliated with either a major political party or a minor political party running in a primary election may expend contributions received and accepted for a general election prior to the date of the primary election in which the candidate in whose name the candidate committee is accepting contributions is on the primary election ballot. A candidate committee established in the name of a candidate affiliated with a major political party or a minor political party running in a primary election who wins the primary election may expend contributions received and accepted for a primary election in the general election.

(4.5) (a) A candidate committee established in the name of a candidate who is a write-in candidate, an unaffiliated candidate, or the candidate of a minor political party who is not running in a primary election may accept from any one person the aggregate contribution limit specified in either section 3 (1) of article XXVIII of the state constitution or subsection (1.5)(a) of this section applicable to the office he or she is seeking at any point during the election cycle in which the candidate in whose name the candidate committee is accepting contributions is on the general election ballot.

(b) A candidate committee established in the name of a candidate who is a write-in candidate, an unaffiliated candidate, or the candidate of a minor political party who is not running in a primary election may expend contributions received and accepted in accordance with paragraph (a) of this subsection (4.5) at any point during the election cycle in which the candidate in whose name the candidate committee is accepting contributions is on the general election ballot.

(5) (a) No limited liability company shall make any contribution to a candidate committee or political party if one or more of the individual members of the limited liability company is:

- (I) A corporation;
- (II) A labor organization;
- (III) A natural person who is not a citizen of the United States;

- (IV) A foreign government;
- (V) A professional lobbyist, volunteer lobbyist, or the principal of a professional or volunteer lobbyist, and the contribution is prohibited under section 1-45-105.5 (1); or
- (VI) Otherwise prohibited by law from making the contribution.

(b) No limited liability company shall make any contribution to a political committee if one or more of the individual members of the limited liability company is:

- (I) An entity formed under and subject to the laws of a foreign country;
- (II) A natural person who is not a citizen of the United States; or
- (III) A foreign government.

(c) Notwithstanding any other provision of this subsection (5), no limited liability company shall make any contribution to a candidate committee or political party if either the limited liability company has elected to be treated as a corporation by the internal revenue service pursuant to 26 CFR 301.7701-3 or any successor provision or the shares of the limited liability company are publicly traded. A contribution by a limited liability company with a single natural person member that does not elect to be treated as a corporation by the internal revenue service pursuant to 26 CFR 301.7701-3 shall be attributed only to the single natural person member.

(d) (I) Any limited liability company that is authorized to make a contribution shall, in writing, affirm to the candidate committee, political committee, or political party to which it has made a contribution, as applicable, that it is authorized to make a contribution, which affirmation shall also state the names and addresses of all of the individual members of the limited liability company. No candidate committee, political committee, or political party shall accept a contribution from a limited liability company unless the written affirmation satisfying the requirements of this paragraph (d) is provided before the contribution is deposited by the candidate committee, political committee, or political party. The candidate committee, political committee, or political party receiving the contribution shall retain the written affirmation for not less than one year following the date of the end of the election cycle during which the contribution is received.

(II) Any contribution by a limited liability company, and the aggregate amount of contributions from multiple limited liability companies attributed to a single member of any such company under this subparagraph (II), shall be subject to the limits governing such contributions under section 3 of article XXVIII of the state constitution. A limited liability company that makes any contribution to a candidate committee, political committee, or political party shall, at the time it makes the contribution, provide information to the recipient committee or political party as to the amount of the total contribution attributed to each member of the limited liability company. The attribution shall reflect the capital each member of the limited liability company has invested in the company relative to the total amount of capital invested in the company as of the date the company makes the campaign contribution, and for a single member limited liability company, the

contribution shall be attributed to that single member. The limited liability company shall then deduct the amount of the contribution attributed to each of its members from the aggregate contribution limit applicable to multiple limited liability companies under this subparagraph (II) for purposes of ensuring that the aggregate amount of contributions from multiple limited liability companies attributed to a single member does not exceed the contribution limits in section 3 of article XXVIII of the state constitution. Nothing in this subparagraph (II) shall be construed to restrict a natural person from making a contribution in his or her own name to any committee or political party to the extent authorized by law.

(5.3) An issue committee or small-scale issue committee shall not knowingly accept contributions from:

- (a) Any natural person who is not a citizen of the United States;
- (b) A foreign government; or
- (c) Any foreign corporation that does not have the authority to transact business in this state pursuant to article 115 of title 7 or any successor section.

(5.5) A natural person who is not a citizen of the United States, a foreign government, or a foreign corporation shall not establish, register, or maintain a political committee, small donor committee, political party, issue committee, or small-scale issue committee, or make an electioneering communication or regular biennial school electioneering communication.

(6) No nondomestic corporation may make any contribution under article XXVIII of the state constitution or this article that a domestic corporation is prohibited from making under article XXVIII of the state constitution or this article.

(6.5) Notwithstanding any other provision of law, a candidate committee established in the name of a candidate may expend contributions received and accepted by the committee during any particular election cycle to reimburse the candidate for reasonable and necessary expenses for the care of children or other dependents the candidate incurs directly in connection with the candidate's campaign activities during the election cycle. The candidate committee shall disclose the expenditures in the same manner as any other expenditures the committee is required to disclose under section 1-45-108 (1)(a)(I).

(7) (a) Any person who believes that a violation of subsection (1.5), (1.7), (5), or (6) of this section has occurred may file a written complaint with the secretary of state in accordance with section 1-45-111.7 (2).

(b) Any person who has violated subsection (1.5), (1.7), (5)(a), (5)(b), (5)(c), or (6) of this section is subject to a civil penalty of at least double and up to five times the amount contributed or received in violation of the applicable provision.

(c) Any person who has violated any of the provisions of subsection (5)(d)(I) of this section is subject to a civil penalty of fifty dollars per day for each day that the written affirmation regarding the membership of a limited liability company has not been filed with or retained by the candidate committee, political committee, or political party to which a contribution has been made.

(8) As used in this section, "limited liability company" has the same meaning as "domestic limited liability company" as defined in section 7-90-102 (15) or "foreign limited liability company" as defined in section 7-90-102 (24).

(9) (a) The voters instruct the Colorado congressional delegation to propose and support, and the Colorado state legislature to ratify, an amendment to the United States Constitution that allows Congress and the states to limit campaign contributions and spending, to ensure that all citizens, regardless of wealth, can express their views to one another and their government on a level playing field.

(b) The provisions of this subsection shall take effect on January 1, 2013, and be applicable thereafter.

(10) For purposes of this section, the terms "unaffiliated", "major political party", and "minor political party" have the same meanings as specified in the "Uniform Election Code of 1992", articles 1 to 13 of this title.

(11) (a) If, within the six months before becoming a candidate for public office, a person actively solicits funds for an independent expenditure committee with the intent of benefiting his or her future candidacy, any expenditure made by that independent expenditure committee in that candidate's race is presumed to be controlled by or coordinated with that candidate and deemed to constitute both a contribution by the maker of the expenditures, and an expenditure by the candidate committee.

(b) If any complaint filed under section 1-45-111.7 for a violation of this subsection (11) fails to state sufficient facts to support the allegations of the complaint, upon a final agency action, the respondent to such a complaint may apply to the state district court for an award of the person's attorneys fees and costs in connection with defending against the complaint if the district court determines that the complaint was frivolous, vexatious, or for the purpose of harassment.

Source: L. 2003: Entire section added, p. 2160, § 6, effective June 3. L. 2004: Entire section amended, p. 863, § 1, effective May 21. L. 2007: (5), (6), (7), and (8) added, p. 1766, § 2, effective June 1. L. 2008: (5)(d)(II) amended, p. 440, § 1, effective April 14. L. 2010: (2.5) added and (6) and (8) amended, (SB 10-203), ch. 269, p. 1230, § 3, effective May 25. **Initiated 2012, (Amendment 65):** (9) added, L. 2013, p. 3301, effective upon proclamation of the Governor, January 1, 2013. L. 2014: IP(3) and (4) amended and (4.5) and (10) added, (HB 14-1335), ch. 145, p. 494, § 2, effective May 2. L. 2018: (2.5) and (8) amended, (HB 18-1047), ch. 155, p. 1092, § 2, effective April 23. L. 2019: (7)(a) amended, (SB 19-232), ch. 330, p. 3065, § 2, effective July 1; (1.5) added and (4.5)(a) and (7)(b) amended, (HB 19-1007), ch. 97, p. 356, § 1, effective August 2; (5.3), (5.5), and (11) added, (HB 19-1318), ch. 328, p. 3041, § 2, effective August 2; (6.5) added, (SB 19-229), ch. 354, p. 3260, § 1, effective September 1. L. 2022: (1.7) added and (7) amended, (HB 22-22-1060), ch. 99, p. 472, § 2, effective July 1.

Editor's note:(1) Subsection (9) was added by initiative in 2012. The vote count on the measure at the general election held November 6, 2012, was as follows:

FOR: 1,276,432

AGAINST: 988,542

(2) Section 10 of chapter 99 (HB 22-1060), Session Laws of Colorado 2022, provides that the act changing this section takes effect July 1, 2022, and applies to the portion of any election cycle or for the portion of the calendar year remaining after July 1, 2022, and for any election cycle or calendar year commencing after July 1, 2022.

Cross references: (1) For the legislative declaration in the 2010 act adding subsection (2.5) and amending subsections (6) and (8), see section 1 of chapter 269, Session Laws of Colorado 2010.

(2) For the legislative declaration in HB 14-1335, see section 1 of chapter 145, Session Laws of Colorado 2014.

1-45-104. Contribution limits. (Repealed)

Source: **Initiated 96:** Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. L. 98: (13)(a)(II) amended, p. 632, § 2, effective May 6; (13)(c) amended, p. 950, § 1, effective May 27; (14) added, p. 955, § 2, effective May 27. L. 99: IP(2) amended, p.

1391, § 13, effective June 4. **L. 2000:** Entire section repealed, p. 129, § 12, effective March 15.

Editor's note: This section was similar to former § 1-45-111 as it existed prior to 1996.

1-45-105. Voluntary campaign spending limits. (Repealed)

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 98:** (3) amended, p. 951, § 2, effective May 27. **L. 2000:** Entire section repealed, p. 129, § 12, effective March 15.

Editor's note: This section was similar to former § 1-45-112 as it existed prior to 1996.

1-45-105.3. Contribution limits. (Repealed)

Source: L. 2000: Entire section added with relocations, p. 118, § 1, effective March 15. **L. 2002:** (4)(a.5) added, p. 1929, § 1, effective June 7. **Initiated 2002:** Entire section repealed, effective upon proclamation of the Governor (see editor's note, (2)).

Editor's note: (1) The provisions of this section were similar to several former provisions of § 1-45-104 as they existed prior to 2000.

(2) (a) Subsection (4) of section 1 of article V of the state constitution provides that initiated and referred measures shall take effect from and after the official declaration of the vote thereon by the proclamation of the Governor. The measure enacting article XXVIII of the state constitution takes effect upon proclamation of the vote by the Governor. The Governor's proclamation was issued on December 20, 2002. However, section 13 of the measure enacting article XXVIII of the state constitution provides that the effective date of article XXVIII is December 6, 2002.

(b) This section was repealed by an initiated measure that was adopted by the people in the general election held November 5, 2002. Section 12 of article XXVIII provides for the repeal of this section. For the text of the initiative and the vote count, see Session Laws of Colorado 2003, p. 3609.

1-45-105.5. Contributions to members of general assembly and governor during consideration of legislation. (1) (a) No professional lobbyist, volunteer lobbyist, or principal of a professional lobbyist or volunteer lobbyist shall make or promise to make a contribution to, or solicit or promise to solicit a contribution for:

(I) A member of the general assembly or candidate for the general assembly, when the general assembly is in regular session;

(II) (A) The governor or a candidate for governor when the general assembly is in regular session or when any measure adopted by the general assembly in a regular session is pending before the governor for approval or disapproval; or

(B) The lieutenant governor, the secretary of state, the state treasurer, the attorney general, or a candidate for any of such offices when the general assembly is in regular session.

(b) As used in this subsection (1):

(I) "Principal" means any person that employs, retains, engages, or uses, with or without compensation, a professional or volunteer lobbyist. One does not become a principal, nor may one be considered a principal, merely by belonging to an organization or owning stock in a corporation that employs a lobbyist.

(II) The terms "professional lobbyist" and "volunteer lobbyist" shall have the meanings ascribed to them in section 24-6-301, C.R.S.

(c) (I) Nothing contained in this subsection (1) shall be construed to prohibit lobbyists and their principals from raising money when the general assembly is in regular session or when regular session legislation is pending before the governor, except as specifically prohibited in paragraph (a) of this subsection (1).

(II) Nothing contained in this subsection (1) shall be construed to prohibit a lobbyist or principal of a lobbyist from participating in a fund-raising event of a political party when the general assembly is in regular session or when regular session legislation is pending before the governor, so long as the purpose of the event is not to raise money for specifically designated members of the general assembly, specifically designated candidates for the general assembly, the governor, or specifically designated candidates for governor.

(III) A payment by a lobbyist or a principal of a lobbyist to a political party to participate in such a fund-raising event shall be reported as a contribution to the political party pursuant to section 1-45-108; except that, if the lobbyist or principal of a lobbyist receives a meal in return for a portion of the payment, only the amount of the payment in excess of the value of the meal shall be considered a contribution to the political party. The political party shall determine the value of the meal received for such payment, which shall approximate the actual value of the meal.

(IV) A gift of a meal described in subparagraph (III) of this paragraph (c) by a lobbyist or a principal of a lobbyist to a candidate elected to any office described in paragraph (a) of this subsection (1) but who has not yet been sworn into such office shall be reported as follows:

(A) The lobbyist shall report the value of the meal in the lobbyist disclosure statement filed pursuant to section 24-6-302, C.R.S.

(B) The elected candidate who has not yet been sworn into office shall report the value of the meal in the public official disclosure statement filed pursuant to section 24-6-203, C.R.S.

Source: L. 2000: Entire section added with relocations, p. 118, § 1, effective March 15.

L. 2012: IP(1)(c)(IV) and (1)(c)(IV)(B) amended, (HB 12-1070), ch. 167, p. 586, § 5, effective August 8.

Editor's note: This section is similar to former § 1-45-104 (13) as it existed prior to 2000.

1-45-106. Unexpended campaign contributions. (1) (a) (I) Subject to the requirements of section 3 (3)(e) of article XXVIII of the state constitution, unexpended campaign contributions to a candidate committee may be:

(A) Contributed to a political party;

(B) Contributed to a candidate committee established by the same candidate for a different public office, subject to the limitations set forth in section 3 of article XXVIII of the state constitution, if the candidate committee making such a contribution is affirmatively closed by the candidate no later than ten days after the date such a contribution is made;

(C) Donated to a charitable organization recognized by the internal revenue service;

(D) Returned to the contributors, or retained by the committee for use by the candidate in a subsequent campaign.

(II) Except as authorized by section 1-45-103.7 (6.5), in no event shall contributions to a candidate committee be used for personal purposes not reasonably related to supporting the election of the candidate.

(III) 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 this subsection (1), no later than nine 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.

(b) In addition to any use described in paragraph (a) of this subsection (1), a person elected to a public office may use unexpended campaign contributions held by the person's candidate committee for any of the following purposes:

- (I) Voter registration;
- (II) Political issue education, which includes obtaining information from or providing information to the electorate;
- (III) Postsecondary educational scholarships;
- (IV) To defray reasonable and necessary expenses related to mailings and similar communications to constituents;
- (V) 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.

(2) (Deleted by amendment, L. 2000, p. 123, § 4, effective March 15, 2000.)

(3) Unexpended contributions to an issue committee may be donated to any charitable organization recognized by the Internal Revenue Service or returned to the contributor.

(4) This section shall apply to unexpended campaign contributions transferred from a political committee formed prior to January 15, 1997, to a candidate committee registering after January 15, 1997, pursuant to section 1-45-108.

(5) Notwithstanding any other provision of law, any unexpended campaign contributions retained by a candidate committee for use in a subsequent election cycle shall be counted and reported as contributions from a political party in any subsequent election in accordance with the requirements of section 3 (3)(e) of article XXVIII of the state constitution.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 98:** (1) amended, p. 955, § 3, effective May 27. **L. 2000:** (1)(a) and (2) amended, p. 123, § 4, effective March 15. **L. 2003:** IP(1)(a)(I) amended and (5) added, p. 2157, § 2, effective June 3. **L. 2010:** (1)(a)(I)(B) amended, (SB 10-041), ch. 151, p. 522, § 1, effective

July 1. **L. 2019:** (1)(a)(II) amended, (SB 19-229), ch. 354, p. 3260, § 2, effective September 1.

Editor's note: This section is similar to § 1-45-109 as it existed prior to 1996.

1-45-107. Independent expenditures. (Repealed)

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **Initiated 2002:** Entire section repealed, effective upon proclamation of the Governor (see editor's note, (2)).

Editor's note: (1) This section was similar to former § 1-45-110.5 as it existed prior to 1996.

(2) (a) Subsection (4) of section 1 of article V of the state constitution provides that initiated and referred measures shall take effect from and after the official declaration of the vote thereon by the proclamation of the Governor. The measure enacting article XXVIII of the state constitution takes effect upon proclamation of the vote by the Governor. The Governor's proclamation was issued on December 20, 2002. However, section 13 of the measure enacting article XXVIII of the state constitution provides that the effective date of article XXVIII is December 6, 2002.

(b) This section was repealed by an initiated measure that was adopted by the people in the general election held November 5, 2002. Section 12 of article XXVIII provides for the repeal of this section. For the text of the initiative and the vote count, see Session Laws of Colorado 2003, p. 3609.

1-45-107.5. Independent expenditures - restrictions on foreign corporations - registration - disclosure - disclaimer requirements - definitions. (1) Notwithstanding any other provision of law, no natural person who is not a citizen of the United States, foreign government, or foreign corporation may expend moneys on an independent expenditure in connection with an election in the state, and no independent expenditure committee may knowingly accept a donation from any natural person who is not a citizen of the United States, any foreign government, or any foreign corporation.

(2) In accordance with the decision of the supreme court of Colorado in the case of *In re Interrogatories Propounded by Governor Bill Ritter, Jr., Concerning the Effect of Citizens United v. Federal Election Comm'n*, 558 U.S. ___ (2010), on Certain Provisions of Article XXVIII of the Constitution of the State of Colorado, 227 P.3d 892 (Colo. 2010), notwithstanding sections 3 (4)(a) and 6 (2) of article XXVIII of the state constitution, corporations and labor

organizations shall not be prohibited from making independent expenditures. All such expenditures shall be disclosed in accordance with the requirements of this article and article XXVIII of the state constitution. For purposes of this article and article XXVIII of the state constitution, any use of the word "person" shall be construed to include, without limitation, any corporation or labor organization.

(3) (a) Any person that accepts a donation that is given for the purpose of making an independent expenditure in excess of one thousand dollars or that makes an independent expenditure in excess of one thousand dollars shall register with the appropriate officer within two business days of the date on which an aggregate amount of donations accepted or expenditures made reaches or exceeds one thousand dollars.

(b) The registration required by paragraph (a) of this subsection (3) shall include a statement listing:

- (I) The person's full name, spelling out any acronyms used therein;
- (II) A natural person authorized to act as a registered agent;
- (III) A street address and telephone number for the principal place of operations; and
- (IV) The aggregate ownership interest in the person held by foreign persons calculated as of the time the person registers with the appropriate officer under paragraph (a) of this subsection (3).

(c) If the person identified in subparagraph (I) of paragraph (b) of this subsection (3) is a corporation, a subsidiary may register on behalf of its parent corporation or for other subsidiaries of the parent corporation, and the parent corporation may register on behalf of all of its subsidiaries. In each such case, the registered agent of the person registering shall serve as the registered agent for all such affiliated corporations. Registration of a subsidiary shall include the name of its parent corporation as well as any names under which the subsidiary does business.

(d) If the person identified in subparagraph (I) of paragraph (b) of this subsection (3) is a labor organization, a local labor organization may register on behalf of any affiliated local, national, or international labor organization that will be making independent expenditures, and a national or international labor organization may register on behalf of any affiliated local labor organization that will be making independent expenditures. In each such case, the registered agent of the labor organization that is registering shall serve as the registered agent for each affiliated local, national, or international labor organization.

(4) (a) In addition to any other applicable disclosure requirements specified in this article or in article XXVIII of the state constitution, any person making an independent expenditure in an aggregate amount in excess of one thousand dollars in any one calendar year shall report the following to the appropriate officer:

(I) The person's full name, or, if the person is a subsidiary of a parent corporation, the full name of the parent corporation, spelling out any acronyms used therein;

(II) All names under which the person does business in the state if such names are different from the name identified pursuant to subparagraph (I) of this paragraph (a);

(III) The address of the home office of the person, or, if the person is a subsidiary of a parent corporation, the home office of the parent corporation; and

(IV) The name and street address in the state of its registered agent.

(b) (I) Any person who expends an aggregate amount in excess of one thousand dollars or more per calendar year for the purpose of making an independent expenditure shall report to the appropriate officer, in accordance with the requirements of this section, the name and address of any person that, for the purpose of making an independent expenditure, donates more than two hundred fifty dollars per year to the person expending one thousand dollars or more on an independent expenditure.

(II) If the person making the donation of two hundred fifty dollars or more is a natural person, the disclosure required by subparagraph (I) of this paragraph (b) shall also include the donor's occupation and employer.

(III) If the person making the donation of two hundred fifty dollars or more is not a natural person, the disclosure required by this paragraph (b) shall also include:

(A) The donor's full name, or, if the donor is a subsidiary of a parent corporation, the full name of the parent corporation, spelling out any acronyms used therein;

(B) All names under which the donor does business in the state if such names are different from the name identified pursuant to subparagraph (I) of this paragraph (b);

(C) The address of the home office of the donor, or, if the donor is a subsidiary of a parent corporation, the home office of the parent corporation; and

(D) The name and street address in the state of the donor's registered agent.

(c) The information required to be disclosed pursuant to paragraph (a) of this subsection must be reported in accordance with the schedule specified in section 1-45-108 (2) for political committees; except that any person making an independent expenditure in excess of one thousand dollars within thirty days before a primary, general, or regular biennial school election shall provide such report within forty-eight hours after obligating moneys for the independent expenditure.

(5) (a) In addition to any other applicable requirements provided by law, and subject to the provisions of this section, any communication that is broadcast, printed, mailed, delivered; placed on a website, streaming media service, or online forum for a fee; or that is otherwise distributed that constitutes an independent expenditure for which the person making the independent expenditure expends in excess of one thousand dollars on the communication shall include in the communication a statement that:

(I) The communication has been "paid for by (full name of the person paying for the communication)"; and

(II) Identifies a natural person who is the registered agent if the person identified in subsection (5)(a)(I) of this section is not a natural person.

(b) In the case of a broadcast or online video or audio communication, the statement required by subsection (5)(a) of this section shall satisfy all applicable requirements promulgated by the federal communications commission for size, duration, and placement.

(c) In the case of a nonbroadcast communication, including an online communication, the secretary of state shall, by rule, establish size and placement requirements for the disclaimer statement. If the size, format, or display requirements of the communication make it impracticable to include a disclaimer statement on the communication, the rules must require that the disclaimer statement be available by means of a direct link from the communication to the web page or application screen containing the statement.

(6) Any person that expends an aggregate amount in excess of one thousand dollars on an independent expenditure in any one calendar year shall deliver written notice to the appropriate officer that shall list with specificity the name of the candidate whom the independent expenditure is intended to support or oppose. Where the independent expenditure is made within thirty days before a primary, general, or regular biennial school election, the notice required by this subsection (6) must be delivered within forty-eight hours after the person obligates moneys for the independent expenditure.

(7) Any person that accepts any donation that is given for the purpose of making an independent expenditure or expends any moneys on an independent expenditure in an aggregate amount in excess of one thousand dollars in any one calendar year shall establish a separate account in a financial institution, and the title of the account shall indicate that it is used for such purposes. All such donations accepted by such person for the making of any such independent expenditures shall only be deposited into the account, and any moneys expended for the making of such independent expenditure shall only be withdrawn from the account. As long as the person uses a separate account for the purposes of this subsection (7), in any complaint relating to the use

of the person's account, no discovery may be made of information relating to the identity of the person's members and general donors and any discovery is limited to the sources, amounts, and uses of donations deposited into and expenditures withdrawn from the account.

(8) Any person that expends moneys on an independent expenditure in excess of one thousand dollars, regardless of the medium of the communication produced by the expenditure, shall disclose to the secretary of state, in accordance with the schedule specified in section 1-45-108 (2) for political committees, any donation in excess of twenty dollars given in that reporting period for the purpose of making an independent expenditure.

(9) Repealed.

(10) Any earmarked donation given for the purpose of making an independent expenditure in excess of one thousand dollars shall be disclosed as a donation from both the original source of the donation and the person transferring the donation.

(11) On reports it files with the appropriate official, an independent expenditure committee that obligates in excess of one thousand dollars for an independent expenditure shall disclose a good faith estimate of the fair market value of the expenditure if the committee does not know the actual amount of the expenditure as of the date that a report is required to be filed with the appropriate official.

(12) All information required to be disclosed to the secretary of state under this section shall be posted on the website of the secretary within two business days after its receipt by the secretary.

(13) Notwithstanding any other provision of this section, any requirement contained in this section that is applicable to a corporation shall also be applicable to a labor organization.

(14) (a) Any covered organization that contributes, donates, or transfers ten thousand dollars or more to any person, earmarked for the purpose of making an independent expenditure or electioneering communication, during any one calendar year, shall provide to the recipient of the contribution, donation, or transfer an affirmation, in writing, that includes the information listed in subsection (14)(d) of this section. After reaching the ten thousand dollar threshold, the covered organization shall provide a new affirmation statement for each qualifying subsequent contribution, donation, or transfer during that calendar year.

(b) Any covered organization that transfers ten thousand dollars or more to any person, earmarked for the purpose of that person making a contribution, donation, or transfer to pay for an independent expenditure or electioneering communication, during any one calendar year, shall provide to the recipient of the transfer an affirmation, in writing, that includes the information listed in subsection (14)(d) of this section. After reaching the ten thousand dollar threshold, the covered organization shall provide a new affirmation statement for each qualifying subsequent transfer during that calendar year.

(c) A person shall not accept a contribution, donation, or transfer as described in subsection (14)(a) or (14)(b) of this section from a covered organization unless the covered organization provides a written affirmation to the recipient satisfying the requirements of subsection (14)(d) of this section. The recipient shall include the written affirmation when reporting the independent expenditure or electioneering communication to the appropriate filing officer and shall retain the written affirmation for not less than one year following the date of the end of the election cycle during which the affirmation was received.

(d) The affirmation required by this subsection (14) must include:

(I) The name of the covered organization and its principal place of business;

(II) The amount of the contribution, donation, or transfer and the name of the person who received the contribution, donation, or transfer;

(III) (A) If the covered organization is a for-profit corporation, each beneficial owner's name and current residence or business address and, if a listed beneficial owner exercises control over the entity through another legal entity, such as a corporation, partnership, limited liability company, or trust, each such other legal entity and each such beneficial owner who will use that other entity to exercise control over the entity.

(B) For purposes of this subsection (14)(d)(III), "beneficial owner" means a corporation's officers, directors, and owners of more than five percent of the corporation.

(IV) (A) If the covered organization is not a for-profit corporation but is subject to disclosure under subsection (14)(a) or (14)(b) of this section, a list of any person who transferred five thousand dollars or more to the covered organization and who earmarked that transfer of funds for the purpose of making an independent expenditure or electioneering communication as determined by the earlier of either the preceding twelve-month period that ends on the date of the transmission of the independent expenditure or electioneering communication or that ends on the date of the transfer.

(B) A covered organization is not required to include a natural person's name if disclosure of that person would lead to a reasonable probability of harm, threats, harassment, or reprisals to the person or to individuals affiliated with that person.

(C) A covered organization may only redact a person's name from its report under subsection (14)(d)(IV)(B) of this section if the person has affirmed on a form provided by the secretary of state, under oath, that the person believes there is a reasonable probability that they will be subject to harm, threats, harassment, or reprisal if disclosed. The covered organization shall retain the affirmation for not less than one year and shall produce the affirmation to the secretary of state's office in response to a request for information related to any investigation of a campaign finance violation. The affirmation must remain confidential during the pendency of any investigation and complaint with a hearing officer under section 1-45-117.5. Following a final agency decision finding that the individual whose name was redacted does not meet the requirements of this subsection (14)(d)(IV)(C), including the applicable period for appeal, the affirmation is no longer confidential and is subject to public review.

(D) If the contribution, donation, or transfer under subsection (14)(a) or (14)(b) of this section is from another covered organization, the covered organization shall provide a list of persons who transferred to that covered organization consistent with subsections (14)(d)(IV)(B) and (14)(d)(IV)(C) of this section.

(V) A covered organization need not include a transfer made for a commercial transaction in the ordinary course of any trade or business conducting by the covered organization.

(VI) A certification by the chief executive officer or person who is the head of the covered organization stating that the contribution, donation, or transfer is not made in cooperation, consultation, or concert with or at the request or suggestion of a candidate, authorized committee, or agent of a candidate, political party, or agent of a political party.

(e) For purposes of this subsection (14), "covered organization" means a corporation, including an entity organized under section 501(c) or 527 of the internal revenue code, a labor organization, or an independent expenditure committee. It does not include a small donor committee, political party committee, or candidate committee. For purposes of this subsection (14), "transfer", "donate", or "contribute" does not include the provision of funds to a vendor or in payment of a contract for goods or services.

Source: L. 2010: Entire section added, (SB 10-203), ch. 269, p. 1231, § 4, effective May 25. **L. 2016:** (4)(c) and (6) amended, (HB 16-1282), ch. 267, p. 1106, § 2, effective August 10. **L. 2018:** (9) repealed, (HB 18-1047), ch. 155, p. 1092, § 3, effective April 23. **L. 2019:** (1) and amended and (14) added, (HB 19-1318), ch. 328, p. 3042, § 3, effective August 2.

Cross references: For the legislative declaration in the 2010 act adding this section, see section 1 of chapter 269, Session Laws of Colorado 2010.

1-45-108. Disclosure - definitions - repeal. (1) (a) (I) Subject to subsection (1.5) of this section, all candidate committees, political committees, issue committees, small donor committees, and political parties shall report to the appropriate officer their contributions received, including the name and address of each person who has contributed twenty dollars or more; expenditures made, and obligations entered into by the committee or party.

(II) Subject to subsection (1.5) of this section, in the case of contributions made to a candidate committee, political committee, issue committee, and political party, the disclosure required by this section shall also include the occupation and employer of each person who has made a contribution of one hundred dollars or more to such committee or party.

(III) Any person who expends one thousand dollars or more per calendar year on electioneering communications or regular biennial school electioneering communications shall report to the secretary of state, in accordance with the disclosure required by this section, the amount expended on the communications and the name and address of any person that contributes more than two hundred fifty dollars per year to the person expending one thousand dollars or more on the communications. If the person making a contribution of more than two hundred fifty dollars is a natural person, the disclosure required by this section must also include the person's occupation and employer. Electioneering communication reports must include the name of the candidate or candidates unambiguously referred to in the electioneering communication or regular biennial school electioneering communication. In accordance with section 1-45-103 (9), an electioneering communication includes any communication that satisfies all other requirements set forth in section 2 (7) of article XXVIII of the state constitution but that is broadcast, printed, mailed, delivered, or distributed between the primary election and the general election.

(IV) In the case of a limited liability company, the disclosure required by this section shall include, in addition to any other information required to be disclosed, each contribution from the limited liability company regardless of the dollar amount of the contribution.

(V) Any disbursement not otherwise defined as an expenditure may be reported to the appropriate officer.

(VI) Any person, after expending five thousand dollars in aggregate in a calendar year on direct ballot issue or ballot question expenditures, shall, for each additional expenditure of one thousand dollars or more, report to the secretary of state in accordance with the disclosure required by this section: The amount of the expenditure, the purpose for which the expenditure

was made, the date of the expenditure, name and address of the payee, and the ballot question or ballot issue supported or opposed. Such a report must be filed with the secretary of state no later than forty-eight hours after the direct ballot issue or ballot question expenditure was made.

(b) (Deleted by amendment, L. 2003, p. 2158, § 3, effective June 3, 2003.)

(c) A candidate committee in a special district election is not required to file reports under this section until the committee has received contributions or made expenditures exceeding two hundred dollars in the aggregate during the election cycle.

(d) For purposes of this section, a political party shall be treated as a separate entity at the state, county, district, and local levels.

(e) A candidate's candidate committee may reimburse the candidate for expenditures the candidate has made on behalf of the candidate committee. Any such expenditures may be reimbursed at any time. Notwithstanding any other provision of law, any expenditure reimbursed to the candidate by the candidate's candidate committee within the election cycle during which the expenditure is made shall be treated only as an expenditure and not as a contribution to and an expenditure by the candidate's candidate committee. Notwithstanding the date on which any such expenditure is reimbursed, the expenditure shall be reported at the time it is made in accordance with the requirements of this section.

(1.5) Notwithstanding any other provision of law, in light of the opinion of the United States court of appeals for the tenth circuit in the case of Coalition for Secular Government v. Williams, no. 14-1469 (10th circuit March 2, 2016), that affirmed the order of the federal district court in the case of Coalition for Secular Gov't v. Gessler, case no. 12 CV 1708, the disclosure requirements specified in subsection (1)(a)(I) or (1)(a)(II) of this section and the reporting requirements specified in subsection (3.3) or (6) of this section shall not apply to a small-scale issue committee. A small-scale issue committee shall disclose or file reports about the contributions 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:

(a) A small-scale issue committee that accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle that does not exceed two hundred dollars is not required to disclose or file reports about the contributions or expenditures it has made or received or otherwise register as an issue committee in connection with accepting or making such contributions or expenditures.

(b) (I) A small-scale issue committee that accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle of between two hundred dollars and five thousand dollars shall register with the appropriate officer within ten business days of the date on

which the aggregate amount of contributions or expenditures exceeds two hundred dollars. The registration required by this subsection (1.5)(b)(I) must include a statement listing:

(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 street address for the principal place of business of the committee;
(D) The purpose or nature of interest of the committee; and
(E) The name of the financial institution in which, in a separate account bearing the name of the committee, all contributions received by the committee are deposited.

(II) A small-scale issue committee described in subsection (1.5)(b)(I) of this section is not required to make any disclosure about any contributions or expenditures it has made or received.

(c) (I) At such time as an issue committee that began as a small-scale issue committee accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle that exceeds five thousand dollars, the committee shall report to the appropriate officer, for each particular contribution or expenditure accepted or made, the name and address of each person who has made such contribution and the amount of each specific contribution and expenditure accepted or made by the committee.

(II) At such time as any issue committee that began as a small-scale issue committee accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle that exceeds five thousand dollars, the committee shall make disclosure of any contributions or expenditures it accepts or makes on or after the date on which such aggregate amount exceeds five thousand dollars in compliance with all applicable requirements under this article 45 pertaining to the disclosure by an issue committee of its contributions or expenditures accepted or made.

(III) Within fifteen days of a small-scale issue committee becoming subject to the applicable requirements governing an issue committee under this article 45, the committee through its registered agent shall report this change in the committee's status to the secretary of state.

(2) (a) (I) Except as provided in subsections (2)(a)(V), (2.1), (2.5), (2.7), and (6) of this section, such reports that are required to be filed with the secretary of state must be filed:

(A) Quarterly in off-election years no later than the fifteenth calendar day following the end of the applicable quarter;

(B) On the first Monday in May and on each Monday every two weeks thereafter before the primary election;

(C) On the first day of each month beginning the sixth full month before the major election; except that no monthly report shall be required on the first day of the month in which the major election is held;

(D) On the first Monday in September and on each Monday every two weeks thereafter before the major election;

(E) Thirty-five days after the major election in election years; and

(F) Fourteen days before and thirty days after a special legislative election held in an off- election year.

(II) Such reports that are required to be filed with the municipal clerk and such reports required to be filed pursuant to section 1-45-109 (1)(a)(II) and (1)(c) must be filed on the twenty-first day and on the Friday before and thirty-five days after the primary election, where applicable, and the major election in election years and annually in off-election years on the first day of the month in which the anniversary of the major election occurs.

(III) For purposes of this section, "election year" means every even-numbered year for political parties and political committees and each year in which the particular candidate committee's candidate, or issue committee's issue, appears on the ballot, including a regular biennial school election; and "major election" means the election that decides an issue committee's issue, the election that elects a person to the public office sought by the candidate committee's candidate, and a regular biennial school election.

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

(V) Any political committee, small donor committee, independent expenditure committee, or political organization that is participating in a regular biennial school election shall file its disclosure reports in accordance with the filing schedule specified in sub- subparagraphs (C) to (E) of subparagraph (I) of this paragraph (a) as of the date the committee or organization, as applicable, makes an expenditure or undertakes spending in connection with that election.

(b) The reports required by this section shall also include the balance of funds at the beginning of the reporting period, the total of contributions received, the total of expenditures made during the reporting period, and the name and address of the financial institution used by the committee or party.

(c) All reports filed with the secretary of state pursuant to this subsection (2) shall be for the reporting periods established pursuant to rules promulgated by the secretary of state in accordance with article 4 of title 24, C.R.S.

(d) A candidate committee for a former officeholder or a person not elected to office that has no change in the balance of funds maintained by such committee, receives no contributions, makes no expenditures, and enters into no obligations during a reporting period shall not be required to file a report under this section for such period.

(e) The reporting period for all reports required to be filed with the municipal clerk and such reports required to be filed pursuant to section 1-45-109 (1)(a)(II) and (1)(c) shall close five calendar days prior to the effective date of filing.

(2.1) Except as otherwise provided in subsection (2.2) of this section, in the case of a regular biennial school election or a special school election, a candidate committee for school district director shall file reports that are required to be filed with the secretary of state according to the filing schedule specified in subsections (2)(a)(I)(A), (2)(a)(I)(C), (2)(a)(I)(D), and (2)(a)(I)(E) of this section.

(2.2) In connection with a recall election of a school district director, reports of contributions and expenditures must be filed in accordance with the deadlines that are specified in subsection (6) of this section.

(2.3) Repealed.

(2.5) (a) Except as provided in subsection (2.5)(b) of this section, and in addition to any report required to be filed with the secretary of state or municipal clerk under this section, all candidate committees, issue committees, and political parties must file a report with the secretary of state of any contribution of one thousand dollars or more at any time within thirty days preceding the date of the primary election, general election, regular biennial school election, or special school election, as applicable. This report must be filed with the secretary of state no later than twenty-four hours after the receipt of said contribution.

(b) Notwithstanding the provisions of subsection (2.5)(a) of this section, the following committees need not file the reports described in subsection (2.5)(a) of this section in the following instances:

- (I) An issue committee need not report a contribution of one thousand dollars or more preceding a primary election;
- (II) A committee for a candidate not on the ballot need not report a contribution of one thousand dollars or more during the off-election year;
- (III) A candidate or candidate committee for school board need not report a contribution of one thousand dollars or more during the off-election year; and
- (IV) A political party during the off-election year.

(2.7) Any candidate or candidate committee supporting any candidate, including an incumbent, in a recall election, shall file reports of contributions and expenditures with the

appropriate officer fourteen and seven days before the recall election and thirty days after the recall election.

(3) Except as otherwise provided in subsection (3.5) of this section, all candidate committees, political committees, small donor committees, and political parties shall register with the appropriate officer before accepting or making any contributions. Registration shall include a statement listing:

- (a) The organization's full name, spelling out any acronyms used therein;
- (b) A natural person authorized to act as a registered agent;
- (c) A street address and telephone number for the principal place of operations;
- (d) All affiliated candidates and committees;
- (e) The purpose or nature of interest of the committee or party.
- (f) (Deleted by amendment, L. 2010, (SB 10-041), ch. 151, p. 522, § 2, effective July 1, 2010.)

(3.3) Subject to subsections (1.5) and (7) of this section, each issue committee shall register with the appropriate officer within ten calendar days of accepting or making contributions or expenditures in excess of two hundred dollars to support or oppose any ballot issue or ballot question or upon receipt of the notice from the secretary of state pursuant to section 1-40-113 (1)(b). If required to register under the requirements of this subsection (3.3), the registration of the issue committee must include a statement containing the items listed in paragraphs (a) to (e) of subsection (3) of this section in connection with other committees and a political party.

(3.5) Any political committee that has registered with the federal election commission may file with the appropriate officer a copy of the registration filed with the federal election commission and, insofar as such registration contains substantially the same information required by subsection (3) of this section, the political committee shall be considered to have registered with the appropriate officer for purposes of subsection (3) of this section and, therefore, shall be authorized to accept or make contributions as permitted by law. Any political committee that satisfies the requirements of this subsection (3.5) shall be subject to all other legal requirements pertaining to contributions and disclosure that are applicable to political committees.

(4) (Deleted by amendment, L. 2010, (SB 10-041), ch. 151, p. 522, § 2, effective July 1, 2010.)

(5) The registration and reporting requirements of this section shall not apply to that part of the organizational structure of a political party which is responsible for only the day-to-day operations of such political party at the national level if copies of the reports required to be filed with the Federal Election Commission pursuant to the "Federal Election Commission Act of 1971", as amended, are filed with the secretary of state and include the information required by this section.

(6) Subject to subsection (1.5) of this section, any issue committee whose purpose is the recall of any elected official shall register with the appropriate officer within ten calendar days of accepting or making contributions or expenditures in excess of two hundred dollars to support or oppose the recall. Reports of contributions and expenditures shall be filed with the appropriate officer within fifteen days of the filing of the committee registration and every thirty days thereafter until the date of the recall election has been established and then fourteen days and seven days before the recall election and thirty days following the recall election.

(7) (a) Notwithstanding any other provision of law, and subject to subsection (7)(b) of this section, a matter is considered a ballot issue or a ballot question for the purpose of determining whether an issue committee has been formally established, thereby necessitating compliance with any disclosure and reporting requirements of this article 45 and article XXVIII of the state constitution, at the earliest of the following:

(I) A title for the matter has been designated and fixed in accordance with law and any motion for rehearing has been heard;

(II) The matter has been referred to the voters by the general assembly or the governing body of any political subdivision of the state with authorization to refer matters to the voters;

(III) In the case of a citizen referendum petition, the matter has been submitted for format approval in accordance with law;

(IV) A petition concerning the matter has been circulated and signed by at least one person; except that, where a matter becomes a ballot issue or ballot question upon such signing, any person opposing the matter shall not be considered to be an issue committee for purposes of this article and article XXVIII of the state constitution until one such person knows or has reason to know of the circulation; or

(V) A signed petition has been submitted to the appropriate officer in accordance with law.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (7), where a

matter concerns a municipal annexation brought pursuant to article 12 of title 31, C.R.S., the matter shall not be considered to be a ballot issue or ballot question for the purpose of determining whether an issue committee has been formally established, thereby necessitating compliance with any disclosure and reporting requirements of this article and article XXVIII of the state constitution, unless and until the first notice of the annexation election has been published in accordance with the requirements of section 31-12-112 (6), C.R.S.

(8) (a) Any expenditure or spending on a covered communication that is controlled by or coordinated with a candidate or candidate's agent or a political party is considered both a contribution by the maker of the expenditure or spending, and an expenditure by the candidate committee.

(b) For purposes of this subsection (8), "covered communication" includes:

(I) A communication that expressly advocates for the election or defeat of a candidate;

(II) An electioneering communication as defined in section 2 (7) of article XXVIII of the state constitution and section 1-45-103 (9), or regular biennial electioneering communication as defined in section 1-45-103 (15.5); and

(III) A communication by a political organization that influences or attempts to influence the selection, nomination, election, or appointment of a candidate to public office.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 98:** (1), (2)(a), and IP(3) amended, p. 223, § 2, effective April 10; (2)(c) added, p. 951, § 3, effective May 27. **L. 99:** (2)(a) amended and (2)(c)(V) and (2)(c)(VI) added, p. 1391, §§ 14, 15, effective June 4. **L. 2000:** (2)(a) and (2)(c) amended and (2)(d), (2.3), and (2.5) added, pp. 124, 125, §§ 5, 6, effective March 15; (1) amended, p. 1725, § 2, effective June 1; (2)(e) added, p. 791, § 2, effective August 2. **L. 2001:** (3)(f) added, p. 808, § 1, effective August 8; (2.3) amended, p. 1111, § 2, effective September 1. **L. 2002:** IP(2)(a)(I) and (6) amended and (2.7) added, p. 198, § 2, effective April 3; (1)(c) added, p. 1640, § 33, effective June 7. **L. 2003:** (1)(a), (1)(b), (2.3)(a), (2.5), IP(3), and (3)(f) amended and (1)(d) added, p. 2158, § 3, effective June 3. **L. 2004:** (1)(e) and (3.5) added and IP(3) amended, p. 864, §§ 2, 3, effective May 21. **L. 2007:** IP(2)(a)(I) amended, p. 2017, § 2, effective June 1; IP(2)(a)(I) and (2)(a)(I)(B) amended, p. 1299, § 2, effective July 1. **L. 2008:** (1)(a)(IV) added, p. 441, § 2, effective April 14. **L. 2009:** (2)(a)(II), (2)(e), and (2.5) amended, (HB 09-1357), ch. 361, p. 1871, § 1, effective July 1; IP(3) and (3)(f) amended and (3.3) and (7) added, (HB 09-1153), ch. 174, p. 774, § 2, effective September 1. **L. 2010:** (1)(a)(III), (3)(f), (3.3), (4), and (6) amended,

(SB 10-041), ch. 151, p. 522, § 2, effective July 1; (3.3) amended, (HB 10-1370), ch. 270, p. 1241, § 5, effective January 1, 2011. L. 2012: (2)(a)(I)(B) amended, (SB 12-014), ch. 1, p. 1, § 1, effective January 30; (1)(c) amended, (HB 12-1269), ch. 83, p. 274, § 1, effective August 8. L. 2016: (1)(a)(I), (1)(a)(II), (3.3), and (6) amended and (1.5) added, (SB 16-186), ch. 269, p. 1114, § 2, effective June 10; (1)(a)(III), IP(2)(a)(I), (2)(a)(III), and (2.5) amended and (2)(a)(V) added, (HB 16-1282), ch. 267, p. 1106, § 3; effective August 10. L. 2018: (1)(a)(III), (2.5), IP(7)(a), and (7)(a)(I) amended and (1)(a)(V) added, (HB 18-1047), ch. 155, p. 1093, § 4, effective April 23. L. 2019: (1)(a)(III) amended, (SB 19-068), ch. 69, p. 250, § 2, effective August 2; (1.5) R&RE and (8) added, (HB 19-1318), ch. 328, p. 3044, § 4, effective August 2. L. 2022: IP(2)(a)(I) and (2.5)(a) amended and (2.1) and (2.2) added, (HB 22-1060), ch. 99, p. 473, § 3, effective July 1; IP(2)(a)(I), (2)(a)(I)(E), (2)(a)(II), (2.5)(b)(II), and (2.5)(b)(III) amended and (2.5)(b)(IV) added, (HB 22-1156), ch. 108, p. 495, § 1, effective August 10; (1)(a)(VI) added, (SB 22-237), ch. 400, p. 2852, § 2, effective September 1.

Editor's note: (1) This section is similar to former § 1-45-108 as it existed prior to 1996.

(2) The numbering of this section originated in an initiated measure. As a result of an amendment to this section by House Bill 00-1194, subsections (2)(a)(I) and (2)(a)(II) as they existed prior to March 15, 2000, were renumbered on revision as (2)(a)(III) and (2)(a)(IV).

(3) Subsection (2.3)(b) provided for the repeal of subsection (2.3), effective January 1, 2007. (See L. 2001, p. 1111.)

(4) Amendments to subsection (3.3) by Senate Bill 10-041 and House Bill 10-1370 were harmonized.

(5) Prior to the reenactment of subsection (1.5) on August 2, 2019, subsection (1.5)(d) provided for the repeal of subsection (1.5), effective June 30, 2019. (See. L. 2016, p. 1114.)

(6) Amendments to subsection IP(2)(a)(I) by HB 22-1060 and HB 22-1156 were harmonized.

(7) Section 10 of chapter 99 (HB 22-1060), Session Laws of Colorado 2022, provides that the act changing this section takes effect July 1, 2022, and applies to the portion of any election cycle or for the portion of the calendar year remaining after July 1, 2022, and for any election cycle or calendar year commencing after July 1, 2022.

Cross references: For the legislative declaration in the 2010 act amending subsection (3.3), see section 1 of chapter 270, Session Laws of Colorado 2010.

1-45-108.3. Disclaimer statement - committees - electioneering communications - direct ballot issue or ballot question expenditures. (1) A candidate committee, political committee, issue committee, small donor committee, political organization, political party, or other person making an expenditure in excess of or spending more than one thousand dollars per calendar year on a communication that must be disclosed under article XXVIII of the state constitution or under this article 45 or supports or opposes a ballot issue or ballot question, and that is broadcast, printed, mailed, delivered; placed on a website, streaming media service, or online forum for a fee; or that is otherwise distributed shall include in the communication a disclaimer statement in accordance with subsection (2) of this section.

(2) The disclaimer statement required by subsection (1) of this section must conform to the requirements specified in section 1-45-107.5 (5) for content, size, duration, and placement.

(3) In addition to any other applicable requirements provided by law, any person who expends one thousand dollars or more per calendar year on electioneering communications or regular biennial school electioneering communications shall, in accordance with the requirements specified in section 1-45-107.5 (5), state in the communication the name of the person making the communication. For purposes of this subsection (3), an "electioneering communication" also includes any communication that satisfies all other requirements set forth in section 2 (7) of article XXVIII of the state constitution but that is broadcast, printed, mailed, delivered, or distributed between the primary election and the general election.

(4) Any person who makes a direct ballot issue or ballot question expenditure shall, pursuant to section 1-45-107.5 (5), state their name in any communication that is broadcast, printed, mailed, or delivered; placed on a website, streaming media service, or online forum for a fee; or that is otherwise distributed to persons who are eligible to vote on the ballot issue or ballot question and is produced or funded, either in whole or in part, by the person who made the direct ballot issue or ballot question expenditure.

Source: L. 2010: Entire section added, (HB 10-1370), ch. 270, p. 1242, § 6, effective January 1, 2011. **L. 2019:** (3) added, (SB 19-068), ch. 69, p. 251, § 3, effective August 2; entire section amended, (HB 19-1318), ch. 328, p. 3046, § 5, effective August 2. **L. 2022:** (4) added, (SB 22-237), ch. 400, p. 2853, § 3, effective June 7.

Cross references: For the legislative declaration in the 2010 act adding this section, see section 1 of chapter 270, Session Laws of Colorado 2010.

1-45-108.5. Political organizations - disclosure. (1) Any political organization shall report to the appropriate officer in accordance with the requirements of sections 1-45-108 and 1-45-109:

(a) Any contributions it receives, including the name and address of each person who has contributed twenty dollars or more to the political organization in the reporting period, and the occupation and employer of each natural person who has made a contribution of one hundred dollars or more to the political organization; and

(b) Any spending by the political organization that exceeds twenty dollars in any one reporting period.

(2) No political organization shall accept a contribution, or undertake spending, in currency or coin exceeding one hundred dollars.

(3) Nothing in this section shall be construed to:

(a) Require any political organization to make any additional disclosure pursuant to this section to the extent the political organization is already providing disclosure as a committee or political party in a manner that satisfies the requirements of sections 1-45-108 and 1-45-109; or

(b) Authorize the secretary of state to require disclosure of the name of any natural person that is a member of an entity unless the natural person has made a contribution to a political organization in the amount of twenty dollars or more in a reporting period.

Source: L. 2007: Entire section added, p. 1225, § 3, effective July 1.

1-45-109. Filing - where to file - timeliness. (1) For the purpose of meeting the filing and reporting requirements of this article 45:

(a) The following shall file with the secretary of state:

(l) Candidates for statewide office, the general assembly, district attorney, district court judge, school district director, or any office representing more than one county; the candidate committees for such candidates; political committees in support of or in opposition to such candidates; issue committees in support of or in opposition to an issue on the ballot in more than one county; small donor committees making contributions to such candidates; and persons expending one thousand dollars or more per calendar year on electioneering communications.

(II) Candidates in special district and school district director elections; the candidate committees of such candidates; political committees in support of or in opposition to such candidates; issue committees supporting or opposing a special district ballot issue; and small donor committees making contributions to such candidates.

(b) Candidates in municipal elections, their candidate committees, any political committee in support of or in opposition to such candidate, an issue committee supporting or opposing a municipal ballot issue, and small donor committees making contributions to such candidates shall file with the municipal clerk.

(c) All other candidates, candidate committees, issue committees, political committees, and small donor committees shall file with the secretary of state.

(2) (a) Reports required to be filed by this article 45 are timely if received by the appropriate officer not later than the close of business on the due date.

(b) A person upon whom a penalty has been imposed for failure to file a statement or other information required to be filed pursuant to section 5, 6, or 7 of article XXVIII of the state constitution or section 1-45-108, this section, or section 1-45-110 by the due date may appeal the penalty by filing a written appeal with the appropriate officer no later than thirty days after the date on which notification of the imposition of the penalty was mailed to the person's last-known address. Upon receipt of an appeal pursuant to this paragraph (b), the appropriate officer shall set aside or reduce the penalty upon a showing of good cause.

(3) In addition to any other reporting requirements of this article, every incumbent in public office and every candidate elected to public office is subject to the reporting requirements of section 24-6-203, C.R.S.

(4) (a) All reports required to be filed by this article 45 are public records and are open to inspection by the public during regular business hours. A copy of the report must be kept by the appropriate officer and a copy shall be made available immediately in a file for public inspection. When the secretary of state is the appropriate officer, the secretary shall make reports viewable on the secretary of state's official website.

(b) and (c) Repealed.

(5) (a) The secretary of state shall operate and maintain a website so as to allow any person who wishes to review reports filed with the secretary of state's office pursuant to this article electronic read-only access to such reports free of charge.

(b) All reports required to be filed by this article that are electronically filed pursuant to subsection (6) of this section shall be made available immediately on the website.

(c) The website shall enable a user to produce summary reports based on search criteria that shall include, but not be limited to the reporting period, date, name of the person making a contribution or expenditure, candidate, and committee.

(d) At the earliest practicable date, the secretary of state shall develop and implement improvements to the website's design and structure to improve the public's ability to navigate, search, browse, download, and analyze information. Such improvements shall include but need not be limited to:

(I) Enhanced searching and summary reporting, including additional search fields such as zip code, employer, and vendor, the ability to search across multiple committees and all filers, the ability to filter or limit searches, such as by election cycle or candidate, the inclusion of smart-search features such as "name sounds like" or "name contains", and numerical totaling of amounts shown on search results;

(II) Features that facilitate the ability to download raw data and search results in one or more common formats to enable offline sorting and analyzing;

(III) Detailed, technical instructions for users;

(IV) Information to help users determine the scope of candidates' and committees' reports and campaign data available online, including explanations of which types of reports are available, the period covered by the online data, and which specific reports can be viewed for each campaign committee; and

(V) Resources that give the public comparative context when viewing campaign finance data, such as compilations of the total amounts of money raised and spent by individual candidates, lists of total amounts raised and spent by all statewide and legislative candidates, and compilations of fundraising and spending across candidates and election cycles.

(e) The secretary of state may promulgate rules necessary for the implementation of this subsection (5). Such rules shall be promulgated in accordance with article 4 of title 24, C.R.S.

(6) (a) The secretary of state shall establish, operate, and maintain a system that enables electronic filing using the internet of the reports required by this article to be filed with the secretary of state's office. In accordance with the provisions of section 24-21-111 (1), C.R.S., the secretary may require any filing under this section to be made by electronic means as determined by the secretary. The rules for use of the electronic filing system shall be promulgated by the secretary in accordance with article 4 of title 24, C.R.S.

(b) Any person required to file with the secretary of state's office shall use the electronic filing system described in paragraph (a) of this subsection (6) in order to meet the filing

requirements of this article, if so required by the secretary in accordance with paragraph (a) of this subsection (6), except insofar as an alternate method of filing may be permitted by the secretary. Where a person uses such electronic filing system to meet the filing requirements of this article, the secretary of state shall acknowledge by electronic means the receipt of such filing.

(7) (Deleted by amendment, L. 2007, p. 1296, § 1, effective July 1, 2007.)

(8) (a) (Deleted by amendment, L. 2007, p. 1296, § 1, effective July 1, 2007.)

(b) (I) (Deleted by amendment, L. 2007, p. 1296, § 1, effective July 1, 2007.)

(II) and (III) (Deleted by amendment, L. 2009, (HB 09-1357), ch. 361, p. 1872, § 2, effective July 1, 2009.)

(c) (I) (Deleted by amendment, L. 2007, p. 1296, § 1, effective July 1, 2007.)

(II) (Deleted by amendment, L. 2009, (HB 09-1357), ch. 361, p. 1872, § 2, effective July 1, 2009.)

(9) Subsection (1) of this section shall not be construed to require the secretary of state to review reports electronically filed by persons beyond the duties specified in section 9 of article XXVIII of the state constitution.

(10) to (12) Repealed.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 2000:** (4), (5), and (6) amended, p. 125, § 7, effective March 15. **L. 2001:** amended and (7), (8), and (9) added, p. 808, § 2, effective August 8; (6)(b) amended, p. 1111, § 3, effective September 1. **L. 2002:** (1) and (4)(a) amended, p. 1640, § 34, effective June 7. **L. 2003:** (1) and (7)(b) amended, p. 2159, § 4, effective June 3. **L. 2005:** (9) amended, p. 760, § 7, effective June 1. **L. 2007:** (5), (6), (7), (8), and (9) amended, p. 1296, § 1, effective July 1; (2) amended, p. 1983, § 37, effective August 3. **L. 2009:** (1), (5)(a), (6), (8)(b)(II), (8)(b)(III), (8)(c)(II), and (9) amended and (10) added, (HB 09-1357), ch. 361, p. 1872, § 2, effective July 1. **L. 2010:** (11) added, (SB 10-203), ch. 269, p. 1235, § 5, effective May 25; (4)(b) and (6) amended, (SB 10-041), ch. 151, p. 523, § 3, effective July 1. **L. 2017:** (4)(b) amended and (4)(c) and (12) added, (HB 17-1155), ch. 236, p. 966, § 1, effective August 9. **L. 2018:** IP(1), (1)(a)(I), (2)(a), (4)(a), (4)(b), and (4)(c)(I) amended, (HB 18-1047), ch. 155, p. 1094, § 5, effective April 23. **L. 2019:** (4)(b), (4)(c), (11), and (12) repealed, (SB 19-232), ch. 330, p. 3065, § 3, effective July 1. **L. 2022:** (1)(a)(II) amended, (HB 22-1060), ch. 99, p. 474, § 4, effective July 1.

Editor's note: (1) This section is similar to former § 1-45-104 as it existed prior to 1996.

(2) Subsection (10)(e) provided for the repeal of subsection (10), effective January 1, 2011. (See L. 2009, p. 1872.)

(3) Section 10 of chapter 99 (HB 22-1060), Session Laws of Colorado 2022, provides that the act changing this section takes effect July 1, 2022, and applies to the portion of any election cycle or for the portion of the calendar year remaining after July 1, 2022, and for any election cycle or calendar year commencing after July 1, 2022.

Cross references: For the legislative declaration in the 2010 act adding subsection (11), see section 1 of chapter 269, Session Laws of Colorado 2010.

1-45-110. Candidate affidavit - disclosure statement. (1) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the appropriate officer within ten days, that the candidate is familiar with the provisions of this article; except that an individual who is a candidate in a special legislative election that filed a candidate affidavit for the preceding general election shall not be required to comply with the provisions of this section, and except that a candidate in a special district election shall file the candidate affidavit or, alternatively, a copy of the candidate's self-nomination and acceptance form or letter submitted in accordance with section 1-13.5-303, if such form or letter contains a statement that the candidate is familiar with the provisions of this article, no later than the date established for certification of the special district's ballot pursuant to section 1-5-203 (3)(a). A candidate in a municipal election may comply with this section by filing a candidate affidavit pursuant to section 31-10-302 (6), C.R.S., if such affidavit contains a statement that the candidate is familiar with the provisions of this article.

(2) (a) Except as provided in paragraph (b) of this subsection, each candidate for the general assembly, governor, lieutenant governor, attorney general, state treasurer, secretary of state, state board of education, regent of the University of Colorado, and district attorney shall file a statement disclosing the information required by section 24-6-202 (2) with the appropriate officer, on a form approved by the secretary of state, within ten days of filing the affidavit required by subsection (1) of this section.

(b) No candidate listed in paragraph (a) of this subsection shall be required to file another disclosure statement if the candidate had already filed such a statement less than ninety days prior to filing the affidavit required by subsection (1) of this section.

(2.5) A candidate seeking reelection does not have to file another disclosure statement required by subsection (2)(a) of this section if the incumbent has filed the annual report required by section 24-6-202 (2).

(3) If any person fails to file the affidavit or the disclosure statement required by subsection (2) of this section, the designated election official certifying the ballot in accordance with section 1-5-203 (3)(a) shall send a notice to the person by certified mail, return receipt requested, to the person's mailing address. The notice must state that the person will be disqualified as a candidate if the person fails to file the appropriate document within five business days of the receipt of the notice. If the person fails to file the appropriate document within that time frame, the designated election official shall disqualify the candidate.

(4) Any disclosure statement required by subsection (2) of this section shall be amended no more than thirty days after any termination or acquisition of interests as to which disclosure is required.

(5) If a person is defeated as a candidate or withdraws from the candidacy, that person shall not be required to comply with the provisions of this section after the withdrawal or defeat.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. L. 99: (1) amended, p. 1392, § 16, effective June 4. L. 2002: (1) amended, p. 1641, § 35, effective June 7. L. 2010: (3) amended, (SB 10-041), ch. 151, p. 524, § 4, effective July 1. L. 2014: (1) amended, (HB 14-1164), ch. 2, p. 74, § 44, effective February 18. L. 2018: amended, (HB 18-1047), ch. 155, p. 1095, § 6, effective April 23. L. 2022: (2.5) added, (HB 22-1156), ch. 108, p. 496, § 2, effective August 10.

Editor's note: This section is similar to former § 1-45-105 as it existed prior to 1996.

Cross references: For the legislative declaration in HB 14-1164, see section 1 of chapter 2, Session Laws of Colorado 2014.

1-45-111. Duties of the secretary of state - enforcement. (Repealed)

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. L. 2000: (1)(a.5) added and (1)(b) and (2) amended, p. 126, § 8, effective

March 15; (2)(d) added, p. 1725, § 3, effective June 1. **Initiated 2002:** Entire section repealed, effective upon proclamation of the Governor (see editor's note, (2)).

Editor's note: (1) This section was similar to former §§ 1-45-113 and 1-45-114 as they existed prior to 1996.

(2) (a) Subsection (4) of section 1 of article V of the state constitution provides that initiated and referred measures shall take effect from and after the official declaration of the vote thereon by the proclamation of the Governor. The measure enacting article XXVIII of the state constitution takes effect upon proclamation of the vote by the Governor. The Governor's proclamation was issued on December 20, 2002. However, section 13 of the measure enacting article XXVIII of the state constitution provides that the effective date of article XXVIII is December 6, 2002.

(b) This section was repealed by an initiated measure that was adopted by the people in the general election held November 5, 2002. Section 12 of article XXVIII provides for the repeal of this section. For the text of the initiative and the vote count, see Session Laws of Colorado 2003, p. 3597.

1-45-111.5. Duties of the secretary of state - enforcement - sanctions - definitions.

(1) The secretary of state shall promulgate such rules, in accordance with article 4 of title 24, C.R.S., as may be necessary to enforce and administer any provision of this article.

(1.5) (a) Any person who believes that a violation of article XXVIII of the state constitution, the secretary of state's rules concerning campaign and political finance, or this article 45 has occurred may file a written complaint with the secretary of state in accordance with section 1-45-111.7.

(b) Any person who commits a violation of either the secretary of state's rules concerning campaign and political finance or this article that is not specifically listed in article XXVIII of the state constitution shall be subject to any of the sanctions specified in section 10 of article XXVIII of the state constitution or in this section.

(c) In addition to any other penalty authorized by article XXVIII of the state constitution or this article 45, a hearing officer may impose a civil penalty of fifty dollars per day for each day that a report, statement, or other document required to be filed under this article 45 that is not specifically listed in article XXVIII of the state constitution is not filed by the close of business on the day due. Any person who fails to file three or more successive committee registration reports or reports concerning contributions, expenditures, or donations in accordance with the requirements of section 1-45-107.5 shall be subject to a civil penalty of up to five hundred dollars for each day that a report, statement, or other document required to be filed by an independent expenditure

committee is not filed by the close of business on the day due. Any person who knowingly and intentionally fails to file three or more reports due under section 1- 45-107.5 shall be subject to a civil penalty of up to one thousand dollars per day for each day that the report, statement, or other document is not filed by the close of business on the day due. Imposition of any penalty under this subsection (1.5)(c) shall be subject to all applicable requirements specified in section 10 of article XXVIII of the state constitution governing the imposition of penalties.

(d) In connection with a complaint brought to enforce any requirement of article XXVIII of the state constitution or this article 45, a hearing officer may order disclosure of the source and amount of any undisclosed donations or expenditures.

(e) In connection with any action brought to enforce any provision of article XXVIII of the state constitution or this article 45, the membership lists of a membership organization, a labor organization or, in the case of a publicly held corporation, a list of the shareholders of the corporation, shall not be disclosed by means of discovery or by any other manner.

(f) Any person who is fined up to one thousand dollars per day for a knowing and intentional failure to file under paragraph (c) of this subsection (1.5) shall, if the person has shareholders or members, notify such shareholders or members of the penalty and the adjudicated violations on its publicly accessible website in a prominent manner for not less than one hundred eighty days after the final adjudication. A copy of this notice, with the website address used, shall be filed with the secretary of state and shall be a public record.

(g) The secretary of state has, as a matter of right, the right to intervene in any action pending before the office of administrative courts or the court of appeals that is brought to enforce the provisions of article XXVIII of the state constitution or this article.

(2) A party in any action brought to enforce the provisions of article XXVIII of the state constitution or of this article 45 is entitled to the recovery of the party's reasonable attorney fees and costs from any attorney or party who has brought or defended the action, either in whole or in part, upon a determination by the hearing officer that the action, or any part thereof, lacked substantial justification or that the action, or any part thereof, was commenced for delay or harassment or if it finds that an attorney or party unnecessarily expanded the proceeding by other improper conduct, including abuses of discovery procedures available under the Colorado rules of civil procedure. Notwithstanding any other provision of this subsection (2), no attorney fees may be awarded under this subsection (2) unless the court or hearing officer, as applicable, has first considered and issued written findings regarding the provisions of section 13-17-102 (5) and (6). Either party in an action in which the hearing officer awarded attorney fees and costs may apply to a district court to convert an award of attorney fees and costs into a district court judgment. Promptly upon the conversion of the award of attorney fees and costs into a district court judgment,

the clerk of the district court shall mail notice of the filing of the judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice must include the name and post-office address of the judgment creditor and the judgment creditor's lawyer, if any, in this state. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk. Lack of mailing notice of filing by the clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed. For purposes of this subsection (2), "lacked substantial justification" means substantially frivolous, substantially groundless, or substantially vexatious.

(3) Upon a determination by the hearing officer that an issue committee failed to file a report required pursuant to section 1-45-108, the hearing officer shall direct the issue committee to file any such report within ten days containing all required disclosure of any previously unreported contributions or expenditures and may, in addition to any other penalty, impose a penalty not to exceed twenty dollars for each contribution received and expenditure made by the issue committee that was not timely reported.

(4) (a) Upon failure of a witness or party to comply with an administrative subpoena issued in relation to an alleged campaign finance violation pursuant to article XXVIII of the state constitution or this article, the party that requested the administrative subpoena or the issuing agency may petition the district court ex parte with a copy of the petition sent to the subpoenaed witness or party and the administrative law judge by regular mail, for an order directing the witness or party to comply with the administrative subpoena.

(b) If the petition required by paragraph (a) of this subsection (4) shows to the district court's satisfaction that the administrative subpoena was properly served pursuant to rule 4 of the Colorado rules of civil procedure, the district court shall order the subpoenaed witness or party to appear before the district court and show cause why the witness or party should not be ordered to comply with the administrative subpoena. A copy of the petition and the court order shall be served, pursuant to rule 5 of the Colorado rules of civil procedure, on the witness or party at least fifteen days before the date designated for the witness or party to appear before the district court.

(c) At a show cause hearing ordered by the district court pursuant to paragraph (b) of this subsection (4), the court shall review the administrative subpoena and any evidence presented by the parties to determine compliance with the Colorado rules of civil procedure. The subpoenaed witness or party shall bear the burden of showing good cause as to why he or she should not be ordered to comply with the administrative subpoena.

(d) If the court determines that the subpoenaed witness or party is required to comply with the administrative subpoena:

(I) The district court shall order compliance forthwith and may impose remedial and punitive fines, including attorneys' fees and costs, for the witness's or party's failure to comply with the administrative subpoena; and

(II) The hearing officer shall schedule a hearing on the complaint to occur on a day after the occurrence of the required deposition and such other discovery as may be warranted due to such deposition.

(e) If the subpoenaed witness or party fails to appear at the show cause hearing, the district court may issue a bench warrant for the arrest of the subpoenaed witness or party and may impose other sanctions pursuant to the Colorado rules of civil procedure.

(5) Repealed.

Source: **L. 2003:** Entire section added, p. 2160, § 6, effective June 3. **L. 2005:** (2) amended, p. 852, § 4, effective June 1. **L. 2008:** (1.5) added and (2) amended, p. 349, § 1, effective April 10. **L. 2010:** (1.5)(c), (1.5)(d), (1.5)(e), and (1.5)(f) added, (SB 10-203), ch. 269, p. 1236, § 6, effective May 25; (3) added, (HB 10-1370), ch. 270, p. 1242, § 7, effective January 1, 2011. **L. 2011:** (4) added, (HB 11-1117), ch. 35, p. 97, § 1, effective March 21. **L. 2016:** (5) added, (SB 16-106), ch. 290, p. 1175, § 1, effective August 10. **L. 2018:** (1.5)(a) and (2) amended and (1.5)(g) added, (HB 18-1047), ch. 155, p. 1095, § 7, effective April 23. **L. 2019:** (1.5)(a) to (1.5)(e), (2), (3), and (4)(d)(II) amended and (5) repealed, (SB 19-232), ch. 330, p. 3066, § 4, effective July 1.

Editor's note: *In Holland v. Williams*, 457 F. Supp. 3d 979 (D. Colo. 2018), the United States District Court for the District of Colorado held that the enforcement provisions in article XXVIII, section 9(2)(a), of the state constitution and subsection (1.5)(a) of this section are facially unconstitutional under the first and fourteenth amendments to the United States Constitution.

Cross references: (1) For the legislative declaration in the 2010 act adding subsections (1.5)(c), (1.5)(d), (1.5)(e), and (1.5)(f), see section 1 of chapter 269, Session Laws of Colorado 2010.

(2) For the legislative declaration in the 2010 act adding subsection (3), see section 1 of chapter 270, Session Laws of Colorado 2010.

1-45-111.7. Campaign finance complaints - initial review - curing violations - investigation and enforcement - hearings - advisory opinions - document review - collection of debts resulting from campaign finance penalties - definitions. (1) Definitions. As used in this section, unless the context otherwise requires:

- (a) "Article XXVIII" means article XXVIII of the state constitution.
- (b) "Deputy secretary" means the deputy secretary of state appointed pursuant to section 24-21-105 or the deputy secretary's designee.
- (c) "Division" means the division within the office of the secretary responsible for administering the state's laws governing campaign and political finance.
- (d) "Hearing officer" means a person authorized to conduct a hearing under section 24-4-105 (3).
- (e) "Rules" means the rules of the secretary concerning campaign and political finance.
- (f) "Secretary" means the secretary of state or the secretary's designate.

(2) **Filing complaints.** (a) Any person who believes that a violation has occurred of article XXVIII, this article 45, or the rules may file a complaint with the secretary.

(b) A complaint must be filed no later than one hundred eighty days after the date on which the complainant either knew or should have known, by the exercise of reasonable diligence, of the alleged violation.

(c) Any complaint must be filed in writing and signed by the complainant on the form provided by the secretary. The complaint must identify one or more respondents and include the information required to be provided on the form.

(d) Upon receipt of a complaint, the division shall notify the respondent of the complaint by e-mail or by regular mail if e-mail is unavailable.

(e) The division shall forward any complaint made against a candidate for secretary or the secretary to the department of law for the review of the complaint by the attorney general to act on behalf of the division in accordance with applicable requirements of this section.

(3) **Initial review.** (a) The division shall conduct an initial review of a complaint filed under subsection (2) of this section to determine whether the complaint:

- (I) Was timely filed under subsection (2)(b) of this section;
 - (II) Specifically identifies one or more violations of article XXVIII, this article 45, or the rules;
- and
- (III) Alleges sufficient facts to support a factual and legal basis for the violations of law alleged in the complaint.

(b) Within ten business days of receiving a complaint, the division shall take one or more of the actions specified in this subsection (3)(b):

(I) If the division makes an initial determination that the complaint was not timely filed, has not specifically identified one or more violations of article XXVIII, this article 45, or the rules, or does not assert facts sufficient to support a factual or legal basis for an alleged violation, the division shall prepare and file with the deputy secretary a motion to dismiss the complaint. The deputy secretary shall make a determination on the motion to dismiss within five business days, which must be provided to the complainant and the respondent by e-mail or by regular mail if e-mail is unavailable. If the deputy secretary denies the motion, the division shall determine whether to conduct a review under subsection (3)(b)(II) or (3)(b)(III) of this section. The final determination by the deputy secretary on the motion to dismiss constitutes final agency action and is subject to judicial review by a state district court under section 24-4-106.

(II) If the division makes an initial determination that the complaint alleges one or more curable violations as addressed in subsection (4) of this section, the division shall notify the respondent and provide the respondent an opportunity to cure the violations.

(III) If the division makes an initial determination that the complaint has specifically identified one or more violations of article XXVIII, this article 45, or the rules, and has alleged facts sufficient to support a factual or legal basis for each alleged violation, and that either a factual finding or a legal interpretation is required, the division shall conduct additional review under subsection (5) of this section within thirty days to determine whether to file a complaint with a hearing officer.

(4) Curing violations. (a) Upon the division's initial determination that a complaint alleges a failure to file or otherwise disclose required information, or alleges another curable violation, the division shall notify the respondent by e-mail or by regular mail if e-mail is unavailable of the curable deficiencies alleged in the complaint.

(b) The respondent has ten business days from the date the notice is e-mailed or mailed to file an amendment to any relevant report that cures any deficiencies specified in the notice.

(c) The respondent shall provide the division with notice of the respondent's intent to cure on the form provided by the secretary and include a copy of any amendments to any report containing one or more deficiencies.

(d) Upon receipt of the respondent's notice of an intent to cure, the division may ask the respondent to provide additional information and may grant the respondent an extension of time to file an amended notice of intent to cure in order to respond to any such request.

(e) (I) After the period for cure has expired, the division shall determine whether the respondent has cured any violation alleged in the complaint and, if so, whether the respondent has

substantially complied with its legal obligations under article XXVIII, this article 45, and the rules in accordance with subsection (4)(f) of this section.

(II) If the division determines that the respondent has substantially complied with its legal obligations, the division shall prepare and file with the deputy secretary a motion to dismiss the complaint. The motion must be accompanied by a draft order specifying the manner in which the respondent has satisfied the factors specified in subsection (4)(f) of this section. The deputy secretary shall make a determination on the motion to dismiss, which must be provided to the complainant and the respondent by e-mail or by regular mail if e-mail is unavailable. If the deputy secretary denies the motion, the division shall determine whether to conduct a review under subsection (3)(b)(II) or (3)(b)(III) of this section. The determination by the deputy secretary under this subsection (4)(e)(II) is final agency action and is subject to judicial review by a state district court under section 24-4-106.

(III) If the division determines that the respondent has failed to substantially comply under subsection (4)(f) of this section, the division shall conduct an additional review under subsection (5)(a) of this section to determine whether to file the complaint with a hearing officer.

(f) In determining whether an entity substantially complied with its legal obligations under article XXVIII, this article 45, or the rules the division must consider:

(I) The extent of the respondent's noncompliance;

(II) The purpose of the provision violated and whether that purpose was substantially achieved despite the noncompliance; and

(III) Whether the noncompliance may properly be viewed as an intentional attempt to mislead the electorate or election officials.

(g) If the division determines that the respondent failed to cure any alleged deficiency, the division shall conduct an additional review under subsection (5)(a) of this section to determine whether to file a complaint with a hearing officer.

(5) Investigations and enforcement. (a) (I) The division shall investigate each complaint that was not dismissed during either its initial review or by means of the cure proceedings in accordance with subsection (3) or (4) of this section to determine whether to file a complaint with a hearing officer. The division may also initiate an investigation under subsection (7)(b) of this section.

(II) For the purpose of an investigation relating to a complaint filed under subsection (2)(a) of this section or an investigation initiated by the division under subsection (7)(b) of this section, the division may request the production of any documents or other tangible things that are believed to be relevant or material to the investigation, and shall establish the relevance and materiality in writing. Notwithstanding any other provision of law, documents or other tangible things provided to the division during the course of an investigation under this subsection (5) are not subject to

inspection or copying under the "Colorado Open Records Act", part 2 of article 72 of title 24. Notwithstanding any other provision of law, documents or other tangible things provided to the division during the course of an investigation under this subsection (5) and other materials prepared or assembled to assist the secretary's designee in reaching a decision are work product as defined in section 24-72-202 (6.5)(a) and are not public records subject to inspection under part 2 of article 72 of title 24.

(III) If the division receives a person's membership list or donor list during the course of the division's initial review under subsection (3) of this section, investigation under this subsection (5), or the cure process, including the determination of substantial compliance, as described in subsection (4) of this section, the division shall not disclose such list or the identity of any member or donor to any person. Notwithstanding any other provision of law, any such membership or donor list is not a public record subject to inspection, copying, or any other form of reproduction under part 2 of article 72 of title 24.

(IV) The division shall determine whether it will file a complaint with a hearing officer within thirty days after initiating an investigation. If the division makes a determination that a complaint should not be filed with a hearing officer because there is not sufficient information to support the allegations contained in the complaint or for any other reason, it shall prepare and file with the deputy secretary a motion to dismiss the complaint. The deputy secretary shall make a determination on the motion to dismiss within thirty-five days of the initial determination of the division under this subsection (5)(a)(IV), or the initiation of an investigation by the division under subsection (7)(b) of this section, which must be provided to the complainant and the respondent by e-mail or by regular mail if e-mail is unavailable. If the deputy secretary denies the motion, the division has fourteen business days to file a complaint with a hearing officer under this subsection (5).

(V) If the division files a complaint with a hearing officer under this subsection (5), it is responsible for conducting such discovery as may be necessary for effectively prosecuting the complaint, supplementing or amending the complaint with such additional or alternative claims or allegations as may be supported by the division's investigation, amending the complaint to strike allegations or claims that are not supported by the division's investigation, and in all other respects prosecuting the complaint.

(b) A complainant or any other nonrespondent is not a party to the division's initial review, cure proceedings, investigation, or any proceedings before a hearing officer as described in this section. A complainant may seek permission from the hearing officer to file a brief as an amicus curiae. A person's status as a complainant is not sufficient to establish that he or she may be affected or aggrieved by the secretary's action on the complaint. To the extent this subsection (5)(b) conflicts in any respect with section 24-4-105 or 24-4-106, this subsection (5)(b) controls. A

complainant may also seek judicial review by a state district court of a final agency action under section 24-4-106.

(6) Conduct of hearings. (a) Any hearing conducted by a hearing officer under this section must be in accordance with section 24-4-105; except that a hearing officer shall schedule a hearing within thirty days of the filing of the complaint, which hearing may be continued upon the motion of any party for up to thirty days or a longer extension of time upon a showing of good cause.

(b) Any initial determination made by a hearing officer must be made in accordance with section 24-4-105 and is subject to review by the deputy secretary. The final agency decision is subject to review under section 24-4-106.

(7) Document review. (a) In addition to any other powers and duties it possesses under law, the division may also review any document the secretary receives for filing under article XXVIII, this article 45, or the rules.

(b) In connection with the review of other available information regarding a potential violation under this subsection (7):

(I) If the division determines that a person violated or potentially violated any of the provisions of article XXVIII, this article 45, or the rules, the division shall either notify the person of his or her opportunity to cure the identified deficiencies in accordance with subsection (4) of this section or notify the person that the division is initiating an investigation under subsection (5) of this section. The division shall send the notification by e-mail or by regular mail if e-mail is unavailable.

(II) If the division initiates an investigation or files a complaint with a hearing officer in connection with its review, the procedures described in subsections (5) and (6) of this section apply.

(c) As used in this subsection (7), "review" means the factual inspection of any document required to be filed with the secretary for campaign finance registration, reporting, or disclosure in order to assess the document's accuracy and completeness and the timeliness of the document's filing.

(8) Advisory opinions. (a) Any person seeking guidance on the application of article XXVIII, this article 45, or the rules may request that the secretary issue an advisory opinion regarding that person's specific activity.

(b) The secretary shall determine, at the secretary's discretion, whether to issue an advisory opinion under subsection (8)(a) of this section. In making this determination, the secretary shall consider factors including whether:

(I) The advisory opinion will terminate a controversy or remove one or more uncertainties as to the application of the law to the requestor's situation;

(II) The request involves a subject, question, or issue that concerns a formal or informal matter or investigation currently pending before the secretary or a court; and

(III) The request seeks a ruling on a moot or hypothetical question.

(c) A person may rely on an advisory opinion issued by the secretary as an affirmative defense to any complaint filed under this section.

(d) A refusal by the secretary to issue an advisory opinion does not constitute a final agency action that is subject to appeal.

(9) **Miscellaneous matters - debt collection - municipal complaints.** (a) The secretary may pursue collection of any outstanding debt resulting from a campaign finance penalty that the secretary deems collectible.

(b) Any complaint arising out of a municipal campaign finance matter must be exclusively filed with the clerk of the applicable municipality.

Source: L. 2019: Entire section added, (SB 19-232), ch. 330, p. 3059, § 1, effective July L. 2021: (9)(a) amended, (SB 21-055), ch. 12, p. 75, § 2, effective March 21.

1-45-112. Duties of municipal clerk. (1) The municipal clerk shall:

(a) Develop a filing and indexing system for their offices consistent with the purposes of this article;

(b) Keep a copy of any report or statement required to be filed by this article for a period of one year from the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for one year after the candidate leaves office;

(c) Make reports and statements filed under this article available to the public for inspection and copying no later than the end of the next business day after the date of filing. No information copied from such reports and statements shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

(d) Upon request by the secretary of state, transmit records and statements filed under this article to the secretary of state;

(e) Notify any person under their jurisdiction who has failed to fully comply with the provisions of this article and notify any person if a complaint has been filed with the secretary of state alleging a violation of this article.

(f) Repealed.

(2) The secretary of state shall reimburse the municipal clerk of each municipality at the rate of two dollars per candidate per election to help defray the cost of implementing this article.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 2008:** (1)(f) repealed, p. 350, § 2, effective April 10. **L. 2009:** IP(1) and (2) amended, (HB 09-1357), ch. 361, p. 1874, § 3, effective July 1.

Editor's note: This section is similar to former § 1-45-115 as it existed prior to 1996.

1-45-112.5. Immunity from liability. (1) Any individual volunteering his or her time on behalf of a candidate or candidate committee shall be immune from any liability for a fine or penalty imposed pursuant to section 10 (1) of article XXVIII of the state constitution in any proceeding that is based on an act or omission of such volunteer if:

(a) The volunteer was acting in good faith and within the scope of such volunteer's official functions and duties for the candidate or candidate committee; and

(b) The violation was not caused by willful and intentional misconduct by such volunteer.

(2) Subsection (1) of this section shall be administered in a manner that is consistent with section 1 of article XXVIII of the state constitution and with the legislative declaration set forth in section 1-45-102.

(3) Any media outlet shall be immune from civil liability in any court where the media outlet:

(a) Withdraws advertising time reserved by an independent expenditure committee that fails to register in accordance with the requirements of section 1-45-107.5 (3)(a); or

(b) Elects to void an advertising contract and the advertisement:

(I) Is paid for by an independent expenditure committee that fails to register under section 1-45-107.5 (3)(a);

(II) Is paid for by an independent expenditure committee that is registered under section 1-45-107.5 (3)(a) but the committee fails to file a disclosure report under section 1-45-108 (2) through the date of the most recent required report; or

(III) Fails to satisfy the requirements of section 1-45-107.5 (5)(a).

(4) An affected media outlet may void a contract that implicates paragraph (b) of subsection (3) of this section in the solè discretion of the media outlet.

Source: L. 2003: Entire section added, p. 2160, § 6, effective June 3. L. 2010: (3) and added, (SB 10-203), ch. 269, p. 1237, § 7, effective May 25.

Cross references: For the legislative declaration in the 2010 act adding subsections (3) and (4), see section 1 of chapter 269, Session Laws of Colorado 2010.

1-45-113. Sanctions. (Repealed)

Source: **Initiated 96:** Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. L. 98: (6) added, p. 633, § 3, effective May 6; (6) added, p. 952, § 4, effective May 27. L. 2000: (1), (2), (3), and (4) amended, p. 127, § 9, effective March 15. L. 2001: (4) amended, p. 1110, § 1, effective September 1. **Initiated 2002:** Entire section repealed, effective upon proclamation of the Governor (see editor's note, (2)).

Editor's note: (1) This section was similar to former § 1-45-121 as it existed prior to 1996.

(2) (a) Subsection (4) of section 1 of article V of the state constitution provides that initiated and referred measures shall take effect from and after the official declaration of the vote thereon by the proclamation of the Governor. The measure enacting article XXVIII of the state constitution takes effect upon proclamation of the vote by the Governor. The Governor's proclamation was issued on December 20, 2002. However, section 13 of the measure enacting article XXVIII of the state constitution provides that the effective date of article XXVIII is December 6, 2002.

(b) This section was repealed by an initiated measure that was adopted by the people in the general election held November 5, 2002. Section 12 of article XXVIII provides for the repeal of this section. For the text of the initiative and the vote count, see Session Laws of Colorado 2003, p. 3609.

1-45-114. Expenditures - political advertising - rates and charges. (1) No candidate shall pay to any radio or television station, newspaper, periodical, 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.

(2) Any radio or television station, newspaper, or periodical that charges a candidate committee a lower rate for use of space, materials, or services than the rate such station, newspaper, periodical, or supplier charges another candidate committee for the same public office for comparable use of space, materials, or services shall report the difference in such rate as a contribution to the candidate committee that is charged such lower rate pursuant to section 1-45-108.

(3) 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.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 2000:** Entire section amended, p. 128, § 10, effective March 15. **L. 2003:** (2) amended, p. 2160, § 5, effective June 3.

Editor's note: This section is similar to former § 1-45-118 as it existed prior to 1996.

1-45-115. 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.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997.

Editor's note: This section is similar to former § 1-45-119 as it existed prior to 1996.

1-45-116. Home rule counties and municipalities. Any home rule county or municipality may adopt ordinances or charter provisions with respect to its local elections that are more stringent than any of the provisions contained in this act. Any home rule county or municipality which adopts such ordinances or charter provisions shall not be entitled to reimbursement pursuant to subsection 1-45-112 (2). The requirements of article XXVIII of the state constitution and of this article shall not apply to home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address the matters covered by article XXVIII and this article.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 2003:** Entire section amended, p. 2161, § 7, effective June 3.

Editor's note: This section is similar to former § 1-45-120 (1) as it existed prior to 1996.

1-45-117. State and political subdivisions - limitations on contributions. (1) (a) (I) No agency, department, board, division, bureau, commission, or council of the state or any political subdivision of the state shall make any contribution in campaigns involving the nomination, retention, or election of any person to any public office, nor shall any such entity make any donation to any other person for the purpose of making an independent expenditure, nor shall any such entity expend any moneys from any source, or make any contributions, to urge electors to vote in favor of or against any:

(A) Statewide ballot issue that has been submitted for the purpose of having a title designated and fixed pursuant to section 1-40-106 (1) or that has had a title designated and fixed pursuant to that section;

(B) Local ballot issue that has been submitted for the purpose of having a title fixed pursuant to section 31-11-111 or that has had a title fixed pursuant to that section;

(C) Referred measure, as defined in section 1-1-104 (34.5);

(D) Measure for the recall of any officer that has been certified by the appropriate election official for submission to the electors for their approval or rejection.

(II) However, a member or employee of any such agency, department, board, division, bureau, commission, or council may respond to questions about any such issue described in subparagraph (I) of this paragraph (a) if the member, employee, or public entity has not solicited the question. A member or employee of any such agency, department, board, division, bureau, commission, or council who has policy-making responsibilities may expend not more than fifty

dollars of public moneys in the form of letters, telephone calls, or other activities incidental to expressing his or her opinion on any such issue described in subparagraph (I) of this paragraph (a).

(b) (I) Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state, or any political subdivision thereof from expending public moneys or making contributions to dispense a factual summary, which shall include arguments both for and against the proposal, on any issue of official concern before the electorate in the jurisdiction. Such summary shall not contain a conclusion or opinion in favor of or against any particular issue. As used herein, an issue of official concern shall be limited to issues that will appear on an election ballot in the jurisdiction.

(II) Nothing in this subsection (1) shall be construed to prevent an elected official from expressing a personal opinion on any issue.

(III) Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from:

(A) Passing a resolution or taking a position of advocacy on any issue described in subparagraph (I) of paragraph (a) of this subsection (1); or

(B) Reporting the passage of or distributing such resolution through established, customary means, other than paid advertising, by which information about other proceedings of such agency, department, board, division, bureau, or council of the state or any political subdivision thereof is regularly provided to the public.

(C) Nothing in this subsection (1) shall be construed as prohibiting a member or an employee of an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from expending personal funds, making contributions, or using personal time to urge electors to vote in favor of or against any issue described in subparagraph (I) of paragraph (a) of this subsection (1).

(2) The provisions of subsection (1) of this section shall not apply to:

(a) An official residence furnished or paid for by the state or a political subdivision;

(b) Security officers who are required to accompany a candidate or the candidate's family;

(c) Publicly owned motor vehicles provided for the use of the chief executive of the state or a political subdivision;

(d) Publicly owned aircraft provided for the use of the chief executive of the state or of a political subdivision or the executive's family for security purposes; except that, if such use is, in whole or in part, for campaign purposes, the expenses relating to the campaign shall be reported and reimbursed pursuant to subsection (3) of this section.

(3) If any candidate who is also an incumbent inadvertently or unavoidably makes any expenditure which involves campaign expenses and official expenses, such expenditures shall be deemed a campaign expense only, unless the candidate, not more than ten working days after the such expenditure, files with the appropriate officer such information as the secretary of state may by rule require in order to differentiate between campaign expenses and official expenses. Such information shall be set forth on a form provided by the appropriate officer. In the event that public moneys have been expended for campaign expenses and for official expenses, the candidate shall reimburse the state or political subdivision for the amount of money spent on campaign expenses.

(4) (a) Any violation of this section shall be subject to the provisions of sections 9 (2) and 10 (1) of article XXVIII of the state constitution or any appropriate order or relief, including an order directing the person making a contribution or expenditure in violation of this section to reimburse the fund of the state or political subdivision, as applicable, from which such moneys were diverted for the amount of the contribution or expenditure, injunctive relief, or a restraining order to enjoin the continuance of the violation.

(b) If a board, commission, or council is found to have made a contribution or expenditure in violation of this section, an individual member of the board, commission, or council who voted in favor of or otherwise authorized the contribution or expenditure may be ordered to reimburse an amount pursuant to subsection (4)(a) of this section as long as the amount does not exceed the amount ordered to be reimbursed by any other individual of the board, commission, or council who voted in favor or otherwise authorized the contribution or expenditure.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997. **L. 2002:** (4) added, p. 280, § 1, effective August 7. **L. 2008:** (4) amended, p. 350, § 3, effective April 10. **L. 2010:** IP(1)(a)(l) amended, (SB 10-203), ch. 269, p. 1237, § 8, effective May 25. **L. 2015:** (4) amended, (HB 15-1074), ch. 89, p. 256, § 1, effective August 5. **L. 2018:** (4)(b) amended, (HB 18-1047), ch. 155, p. 1096, § 8, effective April 23.

Editor's note: This section is similar to former § 1-45-116 as it existed prior to 1996.

Cross references: For the legislative declaration in the 2010 act amending the introductory portion to subsection (1)(a)(l), see section 1 of chapter 269, Session Laws of Colorado 2010.

1-45-117.5. Media outlets - political records. Any media outlet that is subject to the provisions of 47 U.S.C. sec. 315 (e) shall maintain and make available for public inspection such records as the outlet is required to maintain to comply with federal law or rules.

Source: L. 2010: Entire section added, (SB 10-203), ch. 269, p. 1231, § 4, effective May

25.

Cross references: For the legislative declaration in the 2010 act adding this section, see section 1 of chapter 269, Session Laws of Colorado 2010.

1-45-118. 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.

Source: Initiated 96: Entire article R&RE, effective upon proclamation of the Governor, January 15, 1997.

Rules Concerning Campaign and Political Finance

[8 CCR 1505-6]

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Rule 1. Definitions

- 1.1 "Ballot measure" means ballot issue or ballot question.
- 1.2 "Business Activities" for purposes of Colo. Const. Article XXVIII:
 - 1.2.1 "Business activities" means providing goods or services that result in income or any other revenue-generating activity not expressly for political purposes.
 - 1.2.2 "Cannot engage in business activities," means that the articles of incorporation and bylaws, either expressly or implicitly, prohibit the corporation from engaging in any business activities.

[*McConnell v. Federal Elections Commission*, 540 U.S. 93 (2003)]

- 1.3 "Committee" as used generally in these rules includes candidate committee, political committee, small donor committee, issue committee, small-scale issue committee, independent expenditure committee, political party, and political organization.
- 1.4 "Contribution" has the same meaning as set forth in Colo. Const. article XXVIII, section 2(5)(a), and section 1-45-103(6), C.R.S.
 - 1.4.1 A contribution does not include an endorsement of a candidate or an issue by any person, or include interest earned in an interest-bearing bank account, dividend income from invested committee funds, earned income from commercially reasonable transactions, or transfers of money within a political party.
 - 1.4.2 Volunteer services
 - (a) Time-based services volunteered by an individual are not considered a contribution if the individual receives no direct or indirect compensation for the time volunteered.
 - (b) If an individual volunteers only a portion of his or her time-based services, the volunteered portion is not considered a contribution.
 - (c) Any unpaid services that create a thing of value are not considered a contribution. If volunteer services yield a thing of value, "contribution" only includes the reasonable value of the materials involved, unless the value is de minimis.
 - 1.4.3 "Contribution in support of the candidacy" as outlined in Colo. Const. Article XXVIII, Section 2(2), includes all contributions given directly to, or expenditures or spending coordinated with, a candidate for a specific public office, including those to a person who maintains a candidate committee after an election cycle.

- 1.5 "Designated filing agent" means any natural person appointed by a committee who is responsible for timely filing campaign finance reports.
- 1.6 "Frequent filing schedule" means:
- 1.6.1 For state and school district director candidates and committees, the filing schedule outlined in sections 1-45-108 (2)(a)(I)(B), (2)(a)(I)(C), (2)(a)(I)(D), and (2)(a)(I)(E), C.R.S.;
 - 1.6.2 For a county, municipal, and special district candidate or committee, the filing schedule outlined in section 1-45-108 (2)(a)(II), C.R.S.; and
 - 1.6.3 For political committees, small donor committees, independent expenditure committees, and political organizations participating in a regular biennial school election, the filing schedule outlined in sections 1-45-108(2)(a)(I)(C), (2)(a)(I)(D), and (2)(a)(I)(E), C.R.S.
 - 1.6.4 For issue committees supporting or opposing a ballot measure that attempts access to or will appear on an upcoming ballot, the filing schedule outlined in sections 1-45-108(1)(a)(I)(B), 1-45-108(2)(a)(I)(C), (2)(a)(I)(D), and (2)(a)(I)(E), C.R.S.
- 1.7 "Independent expenditure committee" has the same meaning as set forth in section 1-45-103(11.5), C.R.S.
- 1.8 "Infrequent filing schedule" means:
- 1.8.1 For a state and school district director candidate or committee, the quarterly filing schedule outlined in section 1-45-108(2)(a)(I)(A), C.R.S.; and
 - 1.8.2 For a county, municipal, or special district candidate or committee, the annual filing schedule outlined in section 1-45-108(2)(a)(II), C.R.S.
 - 1.8.3 For issue committees supporting or opposing a ballot measure that will not appear on an upcoming ballot, the filing schedule outlined in sections 1-45-108(2)(a)(I)(A) and (2)(a)(II) C.R.S.
- 1.9 "Issue committee" means a person or a group of people that meets both of the conditions in Colo. Const. Article XXVIII, Section 2(10)(a)(I) and 2(10)(a)(II). An "Issue committee" does not include a married couple.
- 1.10 "Limited liability company" or "LLC" has the same meaning as set forth in section 1-45-103.7(8), C.R.S.
- 1.11 "Member", as used in Colo. Const. Article XXVIII, Sections 2(5)(b), 2(8)(b)(IV), and 2(14)(a) only, means a person who pays membership dues.

- 1.12 "Municipal campaign finance matter" as used in section 1-45-111.7(9)(b), C.R.S., means any campaign finance matter exclusively related to a municipal campaign, including matters involving a candidate for a municipal office; a municipal ballot issue or ballot question; and contributions or expenditures made by any person, committee, or group to support or oppose any candidate for municipal office, or municipal ballot issue or ballot question. This definition is not limited to home rule municipalities that have adopted their own campaign finance rules or regulations, but applies to all municipalities.
- 1.13 "Non-public information" means confidential material in any form that is not available to the general public, including a non-public campaign plan, communications plan, campaign budget, specification of unmet and potentially unmet campaign needs, proposed or actual media buy, list or description of households or voters who will receive or have received materials under a mailing or other distribution program, polling or focus group results, or other proprietary material. "Non-public information," does not include communications dealing solely with candidate positions on legislative or policy issues.
- 1.14 "Person", for the purpose of Colo. Const. Article XXVIII, Section 7, means any natural person.
- 1.15 "Per day" means "per calendar day" unless otherwise indicated.
- 1.16 "Per year" means "per calendar year" unless otherwise indicated.
- 1.17 "Political committee" has the same meaning as set forth in Colo. Const. Article XXVIII, section 2(12), and does not include a married couple.
- 1.18 "Principal" as used in section 1-45-105.5, C.R.S., means any person that employs, retains, engages, or uses, with or without compensation, a professional or volunteer lobbyist. A person serving as an officer, employee, member, shareholder, or partner of an organization or business entity that employs, retains, engages, or uses a lobbyist is not considered a principal.
- 1.19 "Public office" means any office voted for in this state at any election. "Public office" does not include the office of president or vice president of the United States, the office of senator or representative in the Congress of the United States, or any office within a political party.
- 1.20 "Publicly announced an intention to seek election to public office or retention of a judicial office" means:
- 1.20.1 Registering a candidate committee; or
- 1.20.2 Announcing an intention to seek public office or retention of a judicial office through:
- (a) A speech, advertisement, or other communication reported or appearing in public media; or

- (b) A statement made in any place accessible to the public; or
- (c) A statement made in a manner that a reasonable person would expect to become public.

[Colo. Const. Article XXVIII, Section 2(2)]

- 1.21 "Registered agent" is a natural person or candidate designated to receive mailings, to address concerns and questions regarding a committee, and is responsible for timely filing campaign finance reports. [Sections 1-45-108(3)(b) and 1-45-109(4)(b), C.R.S.]
- 1.22 "Standalone Candidate" means a candidate without a committee who does not accept contributions.
- 1.23 "Support or oppose", for the purpose of Colo. const. Article XXVIII, Section 2(12)(a), means that the entity that contributed or made an expenditure did so in coordination with the candidate or candidate committee. If no such coordination exists, the entity is not a political committee.
- 1.24 "Transfer" as used in section 1-45-107.5(14), C.R.S., means the disposition of or parting with funds by check, electronic transfer, or other means. It does not include payment to a vendor or payment of a contract for goods or services.

Rule 2. Candidates and Candidate Committees

2.1 Standalone Candidates

- 2.1.1 A standalone candidate need not register a candidate committee.
- 2.1.2 A standalone candidate must file disclosure reports for all reporting periods in which he or she makes expenditures. [Sections 1-45-108 and 1-45-109, C.R.S.]

2.2 Candidate committees

- 2.2.1 A candidate may serve as the candidate committee's registered agent or appoint another natural person to be the registered agent. Only the registered agent, the designated filing agent, or the candidate may file the contribution and expenditure report.
- 2.2.2 Once assigned a candidate committee must follow the frequent filing schedule for the remainder of the year, except as outlined in Rule 17.5.
- 2.2.3 A candidate committee may accept the contribution limit specified in Colo. Const. Article XXVIII, Section 3(1) and section 1-45-103.7(1.5), C.R.S. for the primary election even if the primary election is canceled under section 1-4-104.5(1), C.R.S. or the candidate is running unopposed.

2.2.4 Managing unexpended campaign contributions

- (a) A candidate committee must report its unexpended balance as the ending balance at the end of the election cycle. A candidate committee must report its unexpended balance from the report filed 35 days after the major election as the beginning balance in the next election cycle. The candidate committee's beginning balance must reflect what amount is retained for use in a subsequent election cycle and what amount is retained for use as unexpended funds.
- (b) Candidates seeking re-election to the same office
 - (1) A candidate committee may retain contributions to use in a subsequent election cycle for the same public office, in an amount not to exceed the political party contribution limit in Colo. Const. Article XXVIII, Section 3(3) and section 1-45-103.7(1.5)(a)(III), C.R.S. (as adjusted by Rule 10.17).
 - (2) If a candidate committee retains contributions to use in a subsequent election cycle for the same office, the amount retained counts toward the limit on contributions from a political party.
 - (3) If a candidate committee retains contributions from a prior election cycle in excess of the political party contribution limit, the candidate committee may not use those funds for any subsequent election cycle but may retain them for use in accordance with section 1-45-106(1)(b), C.R.S., if applicable. The committee may also contribute the funds to a political party, donate the funds to a charitable organization recognized by the Internal Revenue Service, or return the funds to contributors.
- (c) Candidates seeking election to a different office
 - (1) A candidate committee may transfer funds to a candidate committee established by the same candidate for a different public office, subject to the political party contribution limit for the new office sought. [Colo. Const. Article XXVIII, Section 3]
 - (2) Contributions from persons or committees made to the prior candidate committee do not apply toward the contribution limits for the new candidate committee.
 - (3) A candidate committee transferring funds to a candidate committee for a different office must terminate within ten days of registering the new candidate committee.
 - (4) A candidate seeking election to a state, county, or local office may not transfer funds from a federal candidate committee to a Colorado candidate committee that is subject to the provisions of the Fair Campaign Practices Act.

- (5) If a candidate committee transfers funds in excess of the political party contribution limit, the candidate committee may only retain them for use in accordance with section 1-45-106(1)(b), C.R.S. if applicable. The committee may also contribute the funds to a political party, donate the funds to a charitable organization recognized by the Internal Revenue Service, or return the funds to contributors.
- (d) Candidates not seeking re-election or election to a new office
 - (1) A candidate committee that wishes to terminate and will not transfer funds to a new candidate committee may give remaining contributions to:
 - (A) A political party, in an amount not to exceed the limit in Colo. Const. Article XXVIII Section 3(3) (as adjusted by Rule 10.17);
 - (B) A charitable organization recognized by the I.R.S.;
 - (C) The original contributors; or
 - (D) If elected to office, the candidate may use the remaining contributions for voter registration, political issue education, postsecondary educational scholarships, communication with constituents, or for expenses directly related to the officeholder's official duties.

[Section 1-45-106(1)(a)(l) and (b), C.R.S.]

2.2.5 Disposition of debt in anticipation of committee termination

- (a) A candidate committee must report all contributions received during the election cycle and those contributions are subject to the contribution limit, regardless of debt carried over from a prior election cycle.
- (b) Financial obligations incurred by a candidate committee in an election cycle that are not paid within a commercially reasonable period of time, not to exceed one year after the close of that election cycle, are "contributions" from the person extending credit.

2.3 Candidate affidavits. A candidate required to file with the Secretary of State must file a candidate affidavit electronically using the Secretary of State's online campaign finance filing system. [Sections 1-45-110(1) and 24-21-111, C.R.S.]

2.4 Personal financial disclosures

2.4.1 A candidate need not file a new personal financial disclosure statement if the candidate filed either a full or amended disclosure statement less than 90 days before filing a candidate affidavit. [Section 1-45-110(2)(a) and (b), C.R.S.]

- 2.4.2 An amended or updated disclosure statement satisfies the full disclosure statement requirement if all required amended statements have been filed since the filing of the full disclosure statement. [Sections 1-45-110 and 24-6-202, C.R.S.]
- 2.4.3 If a candidate withdraws his or her candidacy by submitting appropriate documentation before filing the disclosure statement required in section 1-45-110(2)(a), C.R.S., the candidate need not file a disclosure statement. Any fines that the candidate accrued before withdrawing may be waived by the appropriate filing office.
- 2.4.4 Personal financial disclosures may be submitted by fax or email and are considered timely if received by 11:59 p.m. MT on the date due.
- 2.4.5 Incumbents seeking reelection need not file a new personal financial disclosure statement if they have already filed their annual personal financial disclosure statement. [Section 24-6-202(4)(b), C.R.S.]
- 2.4.6 A person who sits on a board or committee need not disclose the board or committee membership on a personal finance disclosure if the person does not:
 - (a) Receive compensation; or
 - (b) Individually control board funds.
- 2.5 For special district candidates and committees, election cycle means the period of time beginning thirty-one days following the special district election for the particular office and ending thirty days following the next special district election for that office.

Rule 3. Political Committees and Small Donor Committees

- 3.1 A political committee or small donor committee may not make contributions to an issue committee or small-scale issue committee, except to the extent that a contribution is for the purchase of items such as event tickets, merchandise, or services. [Colo. Const. Article XXVIII, Section 2(12)(a)]
- 3.2 A political committee may change its registration to a small donor committee without terminating the political committee if it has never accepted contributions of more than \$50 per natural person per year.
- 3.3 Only the following qualify as a contribution or expenditure made to "support or oppose" a candidate, as those terms are used in the definition of "political committee" in subsection (12) (a) of section 2 of article XXVIII of the Colorado Constitution:
 - 3.3.1 Contribution to the candidate committee: must be a payment, loan, pledge, gift, or advance of money, guarantee of a loan, or the gift or loan of property, made by the political

committee and given directly to the candidate committee for the purpose of promoting the candidate's nomination, retention, recall, or election; or

3.3.2 Expenditure from the political committee: must be coordinated with a candidate committee or political party and be intended to:

- (a) Support that candidate's nomination, retention, recall, or election; or
- (b) Oppose a competing candidate's nomination, retention, recall, or election.

3.4 Where there is no coordination as described in Rule 3.3, and the aggregate amount of the expenditures is in excess of one thousand dollars, the entity is an independent expenditure committee rather than a political committee. If the person or group meets the registration requirements of an independent expenditure committee, it must register as an independent expenditure committee.

Rule 4. Issue Committees

4.1 An issue committee may support or oppose more than one ballot measure if the committee registration form states each measure, describes each measure, and states whether the committee supports or opposes the measure.

[Colo. Const. Article XXVIII, Section 2(10)(a)(I) and (2)(10)(a)(II)]

4.2 If an issue committee supports or opposes a ballot measure on an upcoming ballot, the issue committee must file on a frequent filing schedule. See Rule 17.2.3.

4.3 Termination. An issue committee may file a termination report at any time if the following conditions are met:

4.3.1 The committee no longer has a major purpose of supporting or opposing a ballot measure and no longer intends to accept or make contributions or expenditures to support or oppose a ballot issue or ballot question; and

4.3.2 The committee's TRACER account reflects no cash on hand and no outstanding debts, obligations, or penalties.

4.4 Small-scale issue committees

4.4.1 A small-scale issue committee may support or oppose more than one ballot measure if the committee registration form states each measure, describes each measure, and states whether the committee supports or opposes the measure.

[Colo. Const. Article XXVIII, Section 2(10)(a)(I) and (2)(10)(a)(II)]

- 4.4.2 The notification required by section 1-45-108(1.5)(c)(III), C.R.S. must be submitted on the form provided by the Secretary of State.
 - 4.4.3 The disclosure report required by section 1-45-108(1.5)(c)(I), C.R.S., must be filed with the appropriate officer within five calendar days after notification to the appropriate officer that the small-scale issue committee qualifies as an issue committee under section 1-45-108(1.5)(c)(III), C.R.S.
 - 4.4.4 Upon conversion of a small-scale issue committee to an issue committee, the issue committee's first report of contributions and expenditures must reflect the small-scale issue committee's funds on hand as a beginning balance.
 - 4.4.5 A small-scale issue committee may terminate by filing an affirmation indicating the committee has no outstanding debts or obligations and wishes to terminate.
 - 4.4.6 A small-scale issue committee required to register under section 1-45-108(1.5), C.R.S. may register and report as an issue committee at any time.
- 4.5 For issue committees and small-scale issue committees, the election cycle is a calendar year, beginning January 1 and ending December 31. This rule does not apply to issue committees formed to support or oppose a recall.

Rule 5. Independent Expenditures and Independent Expenditure Committees

- 5.1 An independent expenditure committee must report donations over twenty dollars given for the purpose of making an independent expenditure.
- 5.1.1 An independent expenditure committee must itemize donations of \$250 or more per year given for the purpose of making an independent expenditure and include the name and address of the donor.
 - 5.1.2 If the committee is unable to gather the information required by section 1-45-107.5(4)(b)(II), or (III), C.R.S., within 30 days after receipt of the donation, the committee must return the donation to the donor no later than the 31st day after receipt.
 - 5.1.3 An independent expenditure committee must itemize independent expenditures made in an aggregate amount of \$1,000 in any one calendar year and include the information required by section 1-45-107.5, C.R.S.
- 5.2 An independent expenditure committee may not coordinate its campaign-related expenditures with a candidate, candidate committee, or political party. Nothing in these rules limits joint fundraising efforts or the transfer of funds raised through joint fundraising efforts by an independent expenditure committee or other committee as long as each committee pays its allocated share of joint

fundraising expenses and no committee participating in the joint fundraising activity receives more than its allocated share of funds raised in accordance with applicable contribution limits.

Rule 6. Political Parties

- 6.1 The appropriate filing officer for a state or county political party is the Secretary of State. [Section 1-45-108(1)(a)(I), C.R.S.]
- 6.2 Transfers of money within a party
 - 6.2.1 A party may transfer money from one level of the organization to another without limit.
 - 6.2.2 The party must disclose transfers as "other income" in accordance with Rule 10.15.
- 6.3 Home rule jurisdictions
 - 6.3.1 A political party in a home rule jurisdiction that maintains a separate account in accordance with Rule 14.3 may not include contributions to, or expenditures from that separate account in reports filed with the Secretary of State.
 - 6.3.2 If a political party receives contributions into a separate account in accordance with Rule 14.3, the party may not transfer funds from that account to other county parties or to a state party.

Rule 7. Federal PACs and 527 Political Organizations

- 7.1 Federal PACs
 - 7.1.1 A Federal PAC that qualifies as a political committee under Colo. Const. Article XXVIII, section 2(12), must register with the Secretary of State's office as a state political committee and follow all requirements for state political committees; except that a Federal PAC is not required to form a separate bank account for the state political committee so long as the funds used for the state political committee can be separately identified. Nothing in this rule requires a Federal PAC to observe Colorado requirements for contributions, expenditures, or other campaign finance activity for federal elections or elections in states other than Colorado.
- 7.2 Political organizations.
 - 7.2.1 A political organization must file on the frequent filing schedule for a political committee in an even-numbered year, and on the infrequent filing schedule in an odd-numbered year, according to the filing schedules set forth in section 1-45-108(2), C.R.S.

- 7.2.2 A political organization that receives no contributions and spends less than \$20 during a reporting period is not required to file a disclosure report for that reporting period. [Section 1-45-108.5(1)(b), C.R.S.]
- 7.2.3 A political organization must file all disclosure reports required by section 1-45-108.5, C.R.S., with the appropriate filing officer. For the purposes of this rule, the appropriate filing officer is the same for political organizations as for political committees.

Rule 8. Registering a Committee

- 8.1 The committee registration must include the purpose or nature of interest of the committee or party.
 - 8.1.1 A candidate committee must identify the name of the candidate.
 - 8.1.2 A political committee, independent expenditure committee, small donor committee, or political organization must identify the types of candidates it supports or opposes, and the offices they seek and, as applicable, public policy position(s).
 - 8.1.3 An issue committee or small-scale issue committee must identify the ballot measure it will support or oppose, if known. If particular ballot measures are not known, the issue committee or small-scale issue committee must identify the policy position it will support or oppose.

Rule 9. Registered Agents

- 9.1 The registered agent or a designated filing agent for any committee must sign the committee's registration form and all disclosure reports. For registration forms and reports filed by a candidate or candidate committee, the candidate must sign. For purposes of this requirement, an electronic login will fulfill the signature requirement.
- 9.2 Resignation of the registered agent
 - 9.2.1 A committee may assign a new registered agent by filing an amended committee registration. For a candidate committee, upon resignation of the registered agent the candidate becomes the registered agent until a new agent is assigned. For all other committees, the registered agent's name remains on file until the committee assigns a new registered agent.
 - 9.2.2 A committee must file an amended committee registration form within ten days after the resignation of a registered agent or the appointment of a new registered agent. A committee must have an active registered agent at all times. [Section 1-45-108(3)(b), C.R.S.; Rule 12.1]

Rule 10. Managing Contributions and Expenditures

10.1 Unexpended campaign contributions.

10.1.1 For purposes of section 1-45-106(1), C.R.S., contributions to a candidate committee become unexpended campaign contributions at the earliest of the following:

- (a) The end of the election cycle; or
- (b) When the candidate withdraws from the political race and intends to terminate his or her candidate committee.

10.1.2 For purposes of section 1-45-106(3), C.R.S., contributions to an issue committee become unexpended contributions at the end of the election cycle in which the committee supported or opposed a ballot measure, or one that attempted access to the ballot. Funds do not become unexpended contributions if the issue committee supports or opposes, or intends to support or oppose, another ballot measure or measures.

10.1.3 Unexpended contributions may not be used for personal purposes except, on or after September 1, 2019, to reimburse a candidate for reasonable and necessary expenses for the care of a child or a dependent as allowed under section 1-45-103.7(6.5), C.R.S.

10.2 Except for independent expenditure committees and small-scale issue committees, committees must report contributions as follows:

10.2.1 Committees must individually list all contributions of \$20 or more received during a reporting period, including names and addresses of the contributors. If a contributor gives \$20 or more in the aggregate during the reporting period, the committee must individually list the contributor on the report, regardless of the amount of each contribution. [Section 1-45-108(1), C.R.S.]

10.2.2 A committee may report all other receipts and contributions less than \$20 in total as non-itemized contributions for the reporting period, except for contributions from an LLC. A committee must itemize all contributions from an LLC, regardless of amount. [Section 1-45-103.7(5)(d), C.R.S.]

10.2.3 Disclosure of occupation and employer

- (a) The requirement to disclose a contributor's or donor's occupation and employer applies only to any one-time contribution or donation, and not to the person's aggregate contributions or donations.
- (b) Except for a committee exercising its right to cure under section 1-45-111.7(4), C.R.S., if a committee does not report required occupation and employer

information, and the committee is unable to gather the information within 30 days after receipt of the contribution, the committee must return the contribution to the contributor no later than the 31st day after receipt.

- 10.3 Except for independent expenditure committees and small-scale issue committees, committees must report expenditures as follows:
- 10.3.1 A committee must list all expenditures of \$20 or more during a reporting period, including the name and address of payees. The committee may report any disbursement not defined as an expenditure to the appropriate officer.
 - 10.3.2 A committee must list individual expenditures in amounts less than \$20 that aggregate to total \$20 or more to the same payee during the reporting period.
 - 10.3.3 A committee may report all other expenditures less than \$20 during a reporting period in total as non-itemized expenditures.

[Section 1-45-108(1), C.R.S.]

- 10.4 Date of a contribution or donation.
- 10.4.1 A contribution or donation by check or money order is accepted, at the earliest on the date that it is received or at the latest, on the date that the contribution or donation is deposited into the committee account. If a committee receives a donation by check or money order at least five business days before the end of a reporting period, the committee must deposit the check or money order or return to the contributor before that reporting period closes.
 - 10.4.2 A cash contribution or donation is accepted the date the cash is in the committee's possession.
 - 10.4.3 A contribution or donation made by credit card, PayPal, or other payment intermediary service is accepted on the date the contributor or donor authorizes the payment, or if unknown, on the date the payment intermediary service electronically transfers the contribution or donation.
 - 10.4.4 A non-monetary or in-kind contribution or donation is accepted on the date the committee takes possession of the item, or has the right to possess or use the item.
 - 10.4.5 For purposes of section 1-45-105.5, C.R.S., concerning contributions by lobbyists to certain state officers and candidates when legislation is under consideration, a contribution is accepted when the pledge is made or possession of the check is transferred to any person not under the control of the issuer, whichever is sooner.

- 10.4.6 If a committee accepts a contribution or donation from a joint account and the contributor or donor is not specified, the committee may apportion the entire amount to the joint account who signed the check or determine how to apportion the contribution or donation between joint account holders. If the committee apportions a contribution or donation between joint account holders, the committee must notify each joint account holder of the apportionment.
- 10.4.7 Any other contribution or donation is accepted on the date its received.
- 10.5 A committee must maintain all financial records for 180 days after any general election cycle in which the committee received contributions. If a complaint is filed against the committee, the committee must maintain financial records until final disposition of the complaint and any consequent litigation. The committee must maintain covered organization and LLC affirmations for one year after the end of the election cycle.
- 10.6 If a committee receives a contribution in excess of the contribution limit, the committee must return the excess to the contributor within ten days of receipt or within three days after receiving notification from the appropriate filing office, whichever is sooner, and will not be held liable.
- 10.7 A committee may accept contributions in cryptocurrency, up to the acceptable limit for a cash or coin contribution. The amount of the contribution is the value of the cryptocurrency at the time of the contribution. The committee must report any gain or loss after the contribution as other income or receipts.
- 10.8 Contributions by anonymous contributor
- 10.8.1 A committee may not keep anonymous contributions of \$20 or more.
- 10.8.2 Anonymous contributions are contributions where the identity of the contributor or other required reporting information is unknown.
- 10.8.3 A committee must donate an anonymous contribution of \$20 or more to a charitable organization recognized by the Internal Revenue Service, or transmit the contribution to the State Treasurer within 30 days after receipt.
- 10.9 Reporting contributions and loans:
- 10.9.1 If a candidate does not accept voluntary spending limits, the candidate may make unlimited contributions from his or her personal funds to his or her candidate committee.
- 10.9.2 A candidate who accepts voluntary spending limits may make a loan to his or her candidate committee in any amount, so long as the unpaid balance of any loan does not exceed the contribution limit in Colo. Const. Article XXVIII, Sections 3 and 4(2) at any time.

10.10 If all candidates who declined voluntary spending limits have withdrawn from the race or lost in the primary election, a candidate who accepted voluntary spending limits may not continue to accept contributions double the standard limits.

10.11 Cost-sharing by candidates. Each candidate committee that shares the cost of brochures, office space, or other overhead must pay its proportionate share of the cost within 30 days of the expenditure. The reimbursing committee must report the payment as an expenditure and the reimbursed committee must report it as a returned expenditure. A committee need not report discounts resulting from shared expenses as contributions.

10.12 Reimbursement of expenditures – payments by credit card or payment intermediary service

10.12.1 A committee must report a reimbursement of \$20 or more and include the purpose, payee, and amount of the reimbursement.

10.12.2 For the purpose of reporting, simply disclosing that a payment was made to a credit card company or a payment intermediary service such as PayPal is not adequate. The committee must itemize all payments of \$20 or more made with a credit card or through a payment intermediary service, including the name and address of the original payee, amount, original date of expenditure, and purpose of the expenditure.

10.12.3 An immediate reimbursement for committee expenses is not a contribution.

[Section 1-45-108(1)(e), C.R.S.]

10.13 Loans to a candidate committee

10.13.1 Financial institution loans to a candidate committee under Colo. Const. Article XXVIII, Section 3(8) may not be forgiven.

10.13.2 Candidate loans to his or her committee

(a) A candidate may make an interest-free loan to his or her candidate committee. Any foregone interest is not a contribution to the committee.

(b) A committee must report the interest repaid for a loan made under Colo. Const. Article XXVIII, Section 3(8) as an expenditure.

(c) A candidate may forgive a loan he or she loaned to his or her own committee. The amount of unpaid debt forgiven by the candidate remains a contribution and is not considered a returned contribution.

10.14 A committee may deposit committee money in more than one financial institution. [Colo. Const. Article XXVIII, Section 3(9)]

10.15 Other income

10.15.1 A committee may invest its funds in any type of account or instrument of a government regulated financial institution.

10.15.2 A committee must disclose all interest or dividends earned on its bank account, earned income from a commercially reasonable transaction, or transfers of money within a political party as other income on the committee's reports. These other receipts are not subject to contribution limits.

10.16 Disclosure of contributions by limited liability companies (LLCs) [Section 1-45-103.7(5), (6), (7), and (8), C.R.S.]

10.16.1 The affirmation must include the occupation and employer of any member attributed with contributing \$100 or more.

10.16.2 The affirmation provided by an LLC under section 1-45-103.7, C.R.S., must include the name and address of each LLC member, the amount attributed to each member, and, if more than \$100 is attributed to a member, the occupation and employer of that member. When reporting the contribution, the committee must select the "LLC" contributor type and include the name and address of the LLC, the name and address of each member, and the amount attributed to each member. Attribution is determined by the pro-rata share of ownership.

10.16.3 A committee must return any contribution received from an LLC that does not comply with the affirmation requirements in section 1-45-103.7, C.R.S., and this rule to the contributor within 30 days.

10.16.4 A committee must itemize each contribution received from an LLC on disclosure reports, regardless of the dollar amount.

10.16.5 Any contribution from an LLC counts against contribution limits for both the individual members to whom the contribution is attributed and the LLC itself. [Colo. Const. Article XXVIII, Section 3(9)]. An LLC may not make a contribution that exceeds the limit for a "person" established in Colo. Const. Article XXVIII, Section 3, as adjusted by Rule 10, regardless of the amount attributed to each individual member.

10.17 Current adjusted limits

10.17.1 Adjusted limits made in the first quarter of 2023 and effective until the next adjustment is made in 2027:

- (a) There is no adjustment to the contribution limits on individual donations to small donor committees outlined in Article XXVIII, Section 2(14).

- (b) The aggregate limits on contributions from any person for a primary or a general election, described in Colo. Const. Article XXVIII, Section 3(1), are adjusted as follows:
- (1) \$725 to any one:
 - (A) Governor candidate committee for the primary election, and Governor and Governor and Lieutenant Governor candidate committee, as joint candidates under section 1-1-104, C.R.S., or any successor section, for the general election;
 - (B) Secretary of State, State Treasurer, or Attorney General candidate committee.
 - (2) \$225 to any one State Senate, State House of Representatives, State Board of Education, Regent of the University of Colorado, or any District Attorney candidate committee.
- (c) The aggregate limits on contributions from a small donor committee for a primary or a general election, described in Colo. Const. Article XXVIII, Section 3(2), are adjusted as follows:
- (1) \$7,825 to any one:
 - (A) Governor candidate committee for the primary election, and Governor and Lieutenant Governor candidate committee, as joint candidates under section 1-1-104, C.R.S., or any successor section, for the general election;
 - (B) Secretary of State, State Treasurer, or Attorney General candidate committee; and
 - (2) \$3,100 to any one State Senate, State House of Representatives, State Board of Education, Regent of the University of Colorado, or any District Attorney candidate committee.
- (d) The aggregate limits on contributions from any person to a political party, described in Colo. Const. Article XXVIII, Section 3(3)(a), are adjusted as follows:
- (1) \$4,675 per year at the state, county, district, and local level combined; and
 - (2) Of such, no more than \$3,875 at the state level.
- (e) The aggregate limits on contributions from a small donor committee to a political party, described in Colo. Const. Article XXVIII, Section 3(3)(b), are adjusted as follows:

- (1) \$23,600 per year at the state, county, district, and local level combined; and
 - (2) Of such, no more than \$19,650 at the state level.
- (f) The aggregate limits on pro-rata contributions or dues made to political committees, described in Colo. Const. Article XXVIII, Section 3(5), are adjusted to \$725 per house of representatives election cycle.
- (g) The aggregate limits on contributions to a county candidate as defined in section 1-45-103.7(1.5)(a)(I), C.R.S. are as follows:
- (1) \$1,425 for a primary or a general election from any person other than a small donor committee or a political party;
 - (2) \$14,400 for a primary or a general election from any small donor committee; and
 - (3) \$25,475 for the election cycle from a political party.
- (h) The aggregate limits on contributions to candidates for school district director are as follows:
- (1) \$2,500 per election cycle from any person other than a small donor committee; and
 - (2) \$25,000 per election cycle from any small donor committee.
- (i) This table contains the contribution limits listed in subsections (a)-(h).

Recipient:	Contributor:				
	Natural Person	Person, other than a natural person	Political committee	Small donor committee	Political party
Political committee	\$725 per election cycle	\$725 per election cycle	\$725 per election cycle	\$725 per election cycle	\$725 per election cycle
Small donor committee	\$50 per year	Prohibited	Prohibited	Prohibited	Prohibited
Governor (governor & lt. governor)	\$725 per election cycle*	\$725 per election cycle*	\$725 per election cycle*	\$7,825 per election cycle*	\$789,025 per election cycle
Secretary of state, state treasurer, attorney general	\$725 per election cycle*	\$725 per election cycle*	\$725 per election cycle*	\$7,825 per election cycle*	\$157,750 per election cycle
State senate	\$225 per election cycle*	\$225 per election cycle*	\$225 per election cycle*	\$3,100 per election cycle*	\$28,375 per election cycle
State house of representatives, state board of education, regent of the University of Colorado, district attorney	\$225 per election cycle*	\$225 per election cycle*	\$225 per election cycle*	\$3,100 per election cycle*	\$20,475 per election cycle
Political party	\$4,675 (\$3,875 at the state level) per year	\$4,675 (\$3,875 at the state level) per year	\$4,675 (\$3,875 at the state level) per year	\$23,600 (\$19,650 at the state level) per year	Transfers within a party may be made without limitation.

County candidate	\$1,425 per election cycle*	\$1,425 per election cycle*	\$1,425 per election cycle*	\$14,400 per election cycle*	\$25,475 per election cycle
School district director	\$2,500 per election cycle	\$2,500 per election cycle	\$2,500 per election cycle	\$25,000 per election cycle	\$2,500 per election cycle

* A candidate may accept the contribution limit for both the primary election and the general election.

(j) The voluntary spending limits for a candidate described in Colo. Const. Article XXVIII, Section 4(1), are adjusted as follows:

- (1) The spending limit for Governor, and Governor and Lieutenant Governor as joint candidates under section 1-1-104, C.R.S., or any successor section is adjusted to \$3,945,300.
- (2) The spending limit for a candidate for Secretary of State, Attorney General, or Treasurer is adjusted to \$789,025.
- (3) The spending limit for a candidate for State Senate is adjusted to \$141,975.
- (4) The spending limit for a candidate for State House of Representatives, State Board of Education, Regent of the University of Colorado, or any District Attorney is adjusted to \$102,500.

Candidate	Voluntary Spending Limit
Governor, and Governor and Lieutenant Governor as joint candidates	\$3,945,300
Secretary of State, Attorney General, or State Treasurer	\$789,025
State Senate	\$141,975
State House of Representatives, State Board of Education, Regent of the University of Colorado, or District Attorney	\$102,500

10.18 Major Contributor Reports

10.18.1 Municipal committees required to file major contributor reports under section 1-45-108(2.5), C.R.S. must file with the municipal clerk.

10.18.2 Small-scale issue committees are not required to file major contributor reports under section 1-45-108(2.5), C.R.S.

Rule 11. Electioneering Communications

- 11.1 As used in section 1-45-108(1)(a)(III), C.R.S., the term person includes a corporation or labor organization.
- 11.2 Any person who expends \$1,000 or more per calendar year on electioneering communication or regular biennial school electioneering communication must include the method of communication on the electioneering report.
- 11.3 Persons making electioneering communications or regular biennial school electioneering communications must maintain all financial records for 180 days after the general election or regular biennial school election, as applicable. If a complaint is filed against the person making electioneering communications or regular biennial school electioneering communications, the person must maintain financial records until final disposition of the complaint and any resulting litigation.
- 11.4 Electioneering communication reports must include the name of the candidate(s) unambiguously referred to in the electioneering communication or regular biennial school electioneering communication. [Colo. Const. Article XXVIII, Section 2(7)(a)(I)]
- 11.5 A committee need not file electioneering communication reports separate from regularly filed disclosure reports if the expenditure or spending subject to Colo. Const. Article XXVIII, Section 6 is identified as an electioneering communication or regular biennial school electioneering communication. The disclosure of electioneering communication expenditures or spending on a regularly filed report must include the name of the candidate(s) referred to in the communication.

Rule 12. Changing or Closing a Committee

- 12.1 A committee must report any change to its committee registration statement to the appropriate filing officer within ten days. [Section 1-45-108(3), C.R.S.]
- 12.2 A candidate seeking a different public office must terminate his or her existing candidate committee and register a new candidate committee within ten days. See Rule 2.2.
- 12.3 A committee may file a termination report terminating the committee if the following conditions are met:
 - 12.3.1 The committee no longer intends to receive contributions or make expenditures;
 - 12.3.2 The committee's TRACER account has a zero balance, indicating it has no cash or assets on hand and there are no outstanding debts, penalties, or obligations;

- 12.3.3 A committee may dispose of assets remaining in its possession before termination in the same manner as allowed for unexpended contributions; and
- 12.3.4 The committee has no pending campaign and political finance complaints or related proceedings pending before the elections division or any court.
- 12.4 Administrative committee terminations. The appropriate officer may terminate a standalone candidate or committee if the standalone candidate or committee fails to file any required reports for six consecutive reporting periods or 18 months, whichever is shorter, or files "zero" reports or reports with no activity for the same time period in accordance with the procedures set out in the State Administrative Procedure Act. [Colo. Const. Article XXVIII, Section 2(3), and section 24-4-105, C.R.S.]
- 12.5 If the appropriate filing office receives verifiable information in writing that the candidate is deceased, the appropriate filing office may immediately terminate the candidate's candidate committee.

Rule 13. Corporations and Membership Organizations

- 13.1 A corporation or labor organization may establish a political committee, an independent expenditure committee, and a small donor committee. Each committee is subject to the applicable individual contribution and expenditure limits for that committee. A corporation or labor organization may pay for the costs of establishing, administering, and soliciting funds from its own employees or members. [Colo. Const. Article XXVIII, Sections 2(5)(b) and 2(14)(b)]
- 13.2 Transferring membership dues to a small donor committee, independent expenditure committee, and political committee.
- 13.2.1 A membership organization transferring a portion of a member's dues to a small donor committee, independent expenditure committee, or political committee must provide the respective committee with the member's name, address, amount of dues transferred, and the date of the dues transfer.
- 13.2.2 Each small donor committee, independent expenditure committee, and political committee must keep records of all contributions or donations received in the form of membership dues including the name, address, and amount of the dues transferred. [Section 1-45-108(1)(a)(I), C.R.S.]
- 13.2.3 Each small donor committee and political committee must itemize and report the name and address of each person contributing \$20 or more in a reporting period, including but not limited to contributions in the form of membership dues transferred by a membership organization to the committee. [Colo. Const. Article XXVIII, Section 2(14)(a); section 1-45-108(1)(a), C.R.S.]

- 13.2.4 On each disclosure report, the candidate or registered agent of a committee must certify and declare, under penalty of perjury, that to the best of his or her knowledge or belief all contributions or donations received in a reporting period, including contributions or donations received in the form of membership dues transferred by a membership organization, are from permissible sources. [Colo. Const. Article XXVIII, Section 3]

Rule 14. Local Offices and Home Rule

- 14.1 The requirements of Colo. Const. Article XXVIII and of Article 45 of Title 1, C.R.S., do not apply to home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address any of the matters covered by Colo. Const. Article XXVIII or Article 45 of Title 1. Nothing precludes a home rule municipality from adopting or using Colo. Const. Article XXVIII and of Article 45 of Title 1, C.R.S., for their compliance and enforcement.
- 14.2 During the legislative session, a lobbyist may not contribute to a member of the General Assembly who is a candidate for any state or local office, including any office in a home rule municipality that has adopted charters, ordinances, or resolutions that address any of the matters covered by Colo. Const. Article XXVIII or Article 45 of Title 1.
- 14.3 A political party may establish a separate account for contributions and expenditures made by the party, for the purpose of supporting the party's home rule county or municipal candidates. Contributions to and expenditures from such account do not count against party limits or reported under Colo. Const. Article XXVIII or Article 45 of Title 1, C.R.S.

Rule 15. Recall Elections

- 15.1 The recall election cycle begins on the date the recall petition is approved for circulation by the designated election official and ends on the last day of the final reporting period following the date of the recall election as defined in Rule 15.2.2.
- 15.1.1 If a recall petition is determined to be insufficient, the recall election cycle ends 25 days after the time for protest and final disposition of any protest or appeal of such determination.
- 15.1.2 If a recall election is canceled for any other reason, the recall election cycle ends 25 days after the deadline for filing the recall election petition, or 25 days after the event that caused the designated election official to cancel the election, whichever is later.
- 15.1.3 If a recall election is canceled, all committees that were participating in the recall election except small-scale issue committees must file a report five days after the end of the recall election cycle. The reporting period begins on the first day following the last day of the reporting period for the previous report. If there was no previous report, the reporting period begins on the date the committee registered. The reporting period ends on the last day of the election cycle.

- 15.2 Except for issue committees and small-scale issue committees, committees participating in a recall election must file reports on the fifth day of every month until disclosure under section 1-45-108(2.7), C.R.S. and Rule 15.5 begins.
- 15.2.1 The initial reporting period for committees formed for the purpose of the recall election begins on the date the committee registers with the appropriate filing office.
- 15.2.2 Subsequent reporting periods for a committee participating in the recall election begin on the first day of each month and end on the last day of that month, except that the final reporting period ends 25 days following the date the recall election was held.
- 15.2.3 All other committees whose original formation was not for the purpose of supporting or opposing a recall measure must notify the appropriate officer within ten days after deciding to support or oppose a recall or support or oppose a successor candidate. Once notified, the appropriate officer will place the committee on the recall filing calendar until the end of the recall election cycle.
- 15.3 The incumbent in a recall election is not a candidate for the successor election and may open an issue committee or small-scale issue committee to oppose the recall. The incumbent may not use his or her candidate committee to oppose the recall.
- 15.4 The aggregate contribution limits specified for a general election in Colo. Const. Article XXVIII, Section 3, as adjusted by these Rules, apply to the recall election with respect to each successor candidate.
- 15.5 A committee supporting or opposing a candidate in a recall election must file disclosure reports:
- 15.5.1 14 days before the recall election;
- 15.5.2 Seven days before the recall election; and
- 15.5.3 30 days after the recall election.
- [Section 1-45-108 (2.7), C.R.S.]
- 15.6 Under Colo. Const. Article XXVIII, Section 2(3), a successor candidate must terminate any other active candidate committee for the candidate and open a new candidate committee for the purpose of running in the recall election. Transfer of funds from a previously active candidate committee are subject to Rule 2.2.4.
- 15.7 An issue committee remaining open at the end of the recall election cycle must file reports according to the infrequent filing schedule in Rule 17.2.3(b).

Rule 16. Special Districts

16.1 A special district designated election official or director candidate must file a copy of the self-nomination and acceptance form described in Rule 16.2 with the Secretary of State no later than 60 days before the special district election. This rule does not apply if the special district cancels the election.

16.2 Self-nomination and acceptance forms and affidavits of intent to be a write-in candidate.

16.2.1 The self-nomination and acceptance form and letter, and affidavits of intent to be a write-in candidate must include the following information:

- (a) The candidate's full name;
- (b) The name of the special district and the special district director office sought;
- (c) The date of the election;
- (d) The county in which the district court that authorized the creation of the special district is located;
- (e) The candidate's residence and mailing addresses;
- (f) The candidate's telephone number;
- (g) The candidate's email address;
- (h) The date on which the form, letter, or affidavit was filed by the candidate;
- (i) The candidate's signature; and
- (j) The signature of a registered elector acting as a witness.

[Sections 1-45-110, 1-13.5-303, C.R.S.]

16.3 A special district candidate is not required to file disclosure reports if:

16.3.1 The special district candidate affidavit, the self-nomination and acceptance form or letter, or the affidavit of intent to be a write-in candidate contains a statement substantially stating, "I will not, in my campaign for this office, receive contributions or make expenditures exceeding \$200 in the aggregate during the election cycle, however, if I do so, I will thereafter register and file all disclosure reports required under the Fair Campaign Practices Act;" and

16.3.2 The candidate does not accept contributions or make expenditures exceeding \$200 in the aggregate during the election cycle.

[Colo. Const. Article XXVIII, Section 2(2) and section 1-45-108(1), C.R.S.]

Rule 17. Filing Calendars and Reporting periods

17.1 A committee other than a political organization or small-scale issue committee must file a disclosure report for every reporting period, even if the committee has no activity to report during the reporting period.

17.2 Filing schedules.

17.2.1 A candidate committee files on:

- (a) A frequent filing schedule during the year in which the office to which candidate seeks to be elected is up for election.
- (b) An infrequent filing schedule during any year in which the office to which candidate seeks to be elected is not up for election.
- (c) For purposes of this rule, the office to which the candidate seeks to be elected is the office named in the candidate's most recent candidate affidavit.

17.2.2 A political committee, small donor committee, political party, independent expenditure committee, or political organization files on:

- (a) A frequent filing schedule during any year in which a general election occurs and, if participating in a regular biennial school election, in any year in which a biennial school election occurs.
- (b) An infrequent filing schedule during any year in which no general election occurs, except if the committee is participating in a regular biennial school election.

17.2.3 An issue committee files on:

- (a) A frequent filing schedule during any year in which an issue that the committee supports or opposes appears on, or seeks access to, the ballot.
- (b) An infrequent filing schedule during any year in which the committee does not support or oppose any issues appearing on, or which seek access to, any ballot.

17.2.4 An issue committee must notify the appropriate filing office within ten days after deciding that it will support or oppose a ballot measure on an upcoming ballot.

- (a) Once an issue committee notifies the appropriate filing office of its active status under this Rule, the appropriate filing office will place the committee on a frequent filing schedule.
- (b) Once an issue committee has declared its committee filing status as frequent or infrequent in a particular year, the committee must follow the appropriate filing schedule for the remainder of that election cycle, except that an inactive committee may change its status to active at any time.

17.3 Report periods

17.3.1 The reporting period for any report begins on the first day following the last day of the reporting period for the previous report. The reporting period for any report, except a quarterly report or post-election report, closes five calendar days before the date that the report is due.

17.3.2 Quarterly reporting periods close on the last day of the month. The report is due on or before April 15th, July 15th, October 15th, and January 15th following each calendar quarter. If the filing deadline falls on a Saturday, Sunday, or legal holiday, the filing deadline is the next business day. [Section 1-45-108(2)(a), C.R.S.]

17.3.3 Monthly reports are due on the first calendar day of the following month. If the filing deadline falls on a Saturday, Sunday, or legal holiday, the filing deadline is the next business day. When the filing deadline for a monthly report approximates the filing deadline for a biweekly report, no separate monthly report must be filed, and the biweekly report serves as the monthly report. [Section 1-45-108(2)(a) and (c), C.R.S.]

17.4 Reports for former officeholders, persons not elected to office, and term-limited office holders

17.4.1 Annual reporting

- (a) A candidate committee for a candidate not elected to office, who was formerly in office, or who is term-limited may submit a written request to file only an annual report for each calendar year.
 - (1) Statewide and school district candidate committees must file an annual report not later than January 15th of the following year.
 - (2) All other candidate committees must file an annual report on the first day of the month in which the anniversary of the major election occurs, in accordance with section 1-45-108(2)(a)(II), C.R.S.

- (b) A change in the balance of funds resulting solely from the accrual of interest or dividends to the account and/or the automatic deduction of periodic service fees does not subject a candidate committee to the reporting requirements of section 1-45-108, C.R.S. At a minimum, a candidate committee must file an annual report as set forth in subsection (a) of this Rule.

[Sections 1-45-108(2)(c) and (2)(d), C.R.S.]

17.4.2 The exemption in section 1-45-108(2)(d), C.R.S., applies only to reports where the entire reporting period occurs after the election in which the candidate's name appeared on the ballot.

17.5 Any filing related to a municipal campaign finance matter must be filed with the municipal clerk.

Rule 18. Late Filing Penalties and Waiver Process

18.1 Requests for waiver or reduction of campaign finance penalties

18.1.1 Requests for waiver or reduction of campaign finance penalties due to late or missing filing penalties imposed under Colo. Const. Article xxviii, Section 10(2):

- (a) The filer should provide an explanation that includes all relevant factors relating to the delinquency and any mitigating circumstances, including measures taken to avoid future delinquencies.
- (b) Before the appropriate officer will consider a request, the report must be filed, and a request including the required information must be submitted.
- (c) The appropriate filing office will not consider a waiver request after a penalty has been paid.

18.1.2 Requests for waiver or reduction of campaign finance penalties due to late or missing filings imposed under Colo. Const. Article XXVIII, Section 10(2) must be considered by the appropriate officer according to the following rules:

Scenario - applied in numerical order (i.e. if #1 doesn't apply, move to #2)		Result
#1	A waiver is requested and establishes good cause that made timely filing impracticable (For example, was in the hospital, got in a car accident, was stranded by a blizzard, etc.). The event or events that made timely filing impracticable must occur within a reasonable time of the date on which the report was filed.	Waive penalty in full. A waiver will be granted without consideration of previous delinquencies.
#2	A waiver is requested but does not present circumstances that made timely filing impracticable (For example, forgot, was out of town, electronic calendar crashed), and:	
	(a) Filer had contributions and/or expenditures during the reporting period. The penalty imposed is \$100 or more.	<p>First delinquency in 24 months: The penalty will be reduced to \$50.</p> <p>Second delinquency in 24 months: The penalty will be reduced by 50%.</p> <p>Third (or subsequent) delinquency in 24 months: A reduction in penalty will not be granted.</p> <p>Penalties imposed under this Section are capped at the higher of the contributions or expenditures made during the reporting period. If a delinquency is found to be willful, the penalty cap may be increased to two to five times the higher of the contributions or expenditures made during the reporting period.</p> <p>For purposes of this analysis, previous delinquencies exclude those for which a waiver under scenario #1 was granted.</p>

Scenario - applied in numerical order (i.e. if #1 doesn't apply, move to #2)	Result
(b) Filer has no activity (contributions OR expenditures) during the reporting period and the committee balance is zero. The penalty imposed is \$100 or more.	The penalty will be reduced to \$50.
(c) Filer has a fund balance greater than zero and filer has no activity (contributions OR expenditures) during the reporting period. The penalty imposed is \$100 or more.	<p>First delinquency in 24 months: The penalty will be reduced to \$50.</p> <p>Second delinquency in 24 months: The penalty will be reduced by 50%, subject to a cap of 10% of the fund balance (but not less than \$100).</p> <p>Third (or subsequent) delinquency in 24 months: The penalty is capped at 10% of the fund balance, and a minimum penalty of \$100 will be imposed.</p> <p>If a delinquency is found to be willful, the penalty cap may be increased to 20% to 50% of the fund balance.</p> <p>For purposes of this analysis, previous delinquencies exclude those for which a waiver under scenario #1 was granted.</p>
(d) Filer seeks to terminate active status, has a fund balance of \$1,000 or less, and has no activity (contributions OR expenditures) during the reporting period(s) in question.	Penalties are subject to a cap equal to the total amount of the filer's fund balance as of the date on which the delinquent report was filed, if the committee is promptly terminated.

Scenario - applied in numerical order (i.e. if #1 doesn't apply, move to #2)	Result
<p>#3 A waiver is requested, but submitted more than 30 days after the date of penalty imposition. For purposes of this analysis, a filer has 30 days after the date on which the final notice of penalty imposition is issued following the filing of the delinquent report. Until an outstanding report is filed, penalties continue to accrue at a rate of \$50 per day and no request for waiver will be considered.</p>	<p>A request will not be considered unless good cause has been shown for failure to meet the 30-day waiver filing requirement.</p>

- 18.1.3 The appropriate officer may consider any additional factors that establish good cause or may otherwise be relevant to the request for waiver or reduction of campaign finance penalties for late or missing filings. In considering a request, the appropriate officer may request additional information, including but not limited to financial or other records maintained by the filer.
- 18.1.4 Filers may request that the appropriate officer reconsider a request for waiver or reduction of campaign finance penalties. A filer must submit, in writing any request for reconsideration within 30 days of the date on which the waiver decision was mailed. The filer must present additional material facts that are significantly different than those presented in the original request for reduction or waiver.
- 18.1.5 The appropriate officer will respond to requests for waiver or reduction of campaign finance penalties within 60 days. Failure to respond within 60 days, however, will not constitute an approval of the request.
- 18.1.6 When reduced, penalties are rounded to the highest \$25. The appropriate officer will not reduce a penalty to an amount less than \$25, unless a full waiver has been granted.
- 18.1.7 When applying Rule 18.1.2(2)(d), all outstanding penalties must be considered.

Rule 19. Electronic Filing

- 19.1 All disclosure reports filed with the Secretary of State under Colo. Const. Article XXVIII and Article 45 of Title 1, C.R.S., must be filed electronically on the Secretary of State's Tracer system, except as provided in Rule 19.2. Paper reports will not be accepted. This rule does not apply to personal financial disclosure reports required by section 1-45-110, C.R.S.
- 19.2 In accordance with section 24-21-111, C.R.S., reports are not required to be filed electronically in either of the following circumstances:
- 19.2.1 The Secretary of State has granted an exception to the electronic filing requirement after written application based on hardship or other good cause shown.
- (a) All applications for an exception must include a brief statement of the hardship or good cause. The Secretary of State must receive the application at least 15 calendar days before the applicable filing deadline, unless the exception is based on emergency circumstance. For applications made under emergency circumstances after the deadline, the nature of the emergency must be described in the application.
 - (b) The filing of an application for exception based on emergency circumstances does not delay any reporting deadlines. If a penalty is imposed for failure to file a report on the date due, the penalty may be set aside or reduced in accordance with Colo. Const. Article XXVIII, Section 10(2).
 - (c) The Secretary of State will review and respond in writing to all applications for an exception within three business days.
- 19.2.2 The report is filed using the Secretary of State's Electronic Data Interface (EDI) upon approval of the Secretary of State.
- 19.3 For the purpose of section 1-45-109(2)(a), C.R.S., "close of business" for electronic filing means 11:59 p.m. MT.
- 19.4 If the electronic filing system is unavailable for a total of more than one hour on the due date for filing a report, the Secretary of State may extend the due date for an additional day. [Sections 1-45-108(2.3) and 1-45-109(6), C.R.S.]

Rule 20. Redaction of Sensitive Information

- 20.1 Any person who believes their safety or the safety of an immediate family member may be in jeopardy as a result of information disclosed on any campaign finance registration or report, personal financial disclosure, or gift and honoraria report filed with the Secretary of State, may apply to the Secretary of State to redact sensitive personal information from the online versions of such report(s).
- 20.1.1 The Secretary of State, upon a finding of good cause, may redact the minimum amount of sensitive information necessary to protect the safety of such person or his or her immediate family.
- 20.1.2 If the Secretary of State redacts sensitive information disclosed on a campaign finance report, the original unredacted report remains a public record under Article 72 of Title 24 C.R.S.
- 20.2 Applications for redaction of sensitive information must be submitted in writing and include the requestor's name, the identified entry(s) of concern, a justification for the application, and the committee to whom the contribution(s) was made or expenditure(s) received.
- 20.3 Applications for redaction of sensitive personal information are not subject to disclosure under the Colorado Open Records Act. [Section 24-72-201 et. seq., C.R.S.]

Rule 21. Coordination

- 21.1 "Coordination". Expenditures or spending are coordinated with a candidate committee or political party if:
- 21.1.1 A person makes an expenditure or engages in spending at the request, suggestion, or direction of, in consultation with, or under the control of that candidate committee or political party; or
- 21.1.2 An independent expenditure or electioneering communication is created, produced, or distributed:
- (a) After one or more substantial discussion(s) between the candidate or political party and the person making the expenditure or engaging in the spending,
- (1) In which the person making the expenditure or engaging in the spending received non-public information about the candidate or political party's plans, projects, activities, or needs; and
- (2) The information is material to the creation, production, or dissemination of an independent expenditure or electioneering communication; or

- (b) By a common consultant who provides, or has provided during the election cycle, professional services to the candidate committee or political party as well as to the person making the expenditure or engaging in the spending; and
 - (1) In which the person making the expenditure or engaging in the spending received non-public information about the candidate or political party's plans, projects, activities, or needs; and
 - (2) The information is material to the creation, production, or dissemination of an independent expenditure or electioneering communication.

21.1.3 This rule does not apply to an attorney, accountant, bookkeeper, or registered agent who provides services within the scope of his or her profession.

21.1.4 If a candidate committee or political party and the person making the expenditure or engaging in spending use a common consultant, an independent expenditure or electioneering communication is not coordinated if the consultant places effective barriers (i.e., "firewalls") to the transmission of non-public information between:

- (a) The candidate committee or political party; and
- (b) The person making an independent expenditure or engaging in spending. Physical or technological barriers include appropriate security measures, and must be set forth in a written policy that is distributed to all affected agents, employees, board members, directors, officers, and consultants. A firewall is not effective if non-public material information is nonetheless directly or indirectly transmitted to the person making an expenditure or engaging in spending.

21.1.5 For purposes of this Rule:

- (a) Candidate committee or political party includes any agent, employee, board member, director, or officer of that candidate committee or political party.
- (b) The person making the expenditure or engaging in the spending includes any agent, employee, board member, director, or officer of the person making the expenditure or engaging in the spending.

21.2 Pre-candidacy coordination

21.2.1 For purposes of section 1-45-103.7(11)(a), C.R.S., a person actively solicits funds for an independent expenditure committee with the intent of benefitting his or her future candidacy when the person:

- (a) Organizes, directs, or plans a fundraising event for the independent expenditure committee; or asks for, encourages, or suggests a donation to the independent expenditure committee; and
- (b) Knows or reasonably should know that the independent expenditure committee will support the person's future candidacy.

Rule 22. Disclaimer Statements

22.1 Disclaimer requirement for nonbroadcast communications, including online communications.

22.1.1 Under section 1-45-107.5(5)(c), C.R.S., nonbroadcast communications must contain a clear and conspicuous disclaimer that is clearly readable, printed in text that is no less than 15 percent of the size of the largest font used in the communication, or at least eight-point font, and includes:

- (a) The name of the person that paid for the communication;
- (b) In the case of an independent expenditure, a statement that the communication is not authorized by any candidate; and
- (c) A natural person who is the registered agent if the person identified in subsection (a) above is not a natural person.

22.1.2 These requirements do not apply to bumper stickers, pins, buttons, pens, and similar small items upon which the disclaimer cannot be reasonably printed.

22.1.3 If the size, format, or display requirements of an electronic or online communication make it impracticable to include a disclaimer statement on the communication, the disclaimer statement must be available by means of a direct link from the communication to the web page or application screen containing the statement.

- (a) The information provided in the direct link are subject to all of the size and content requirements in Rule 22.1.1.
- (b) The information provided in the direct link must be clearly and conspicuously displayed, and must be immediately apparent on the screen without receiving or viewing any additional material.
- (c) If the communication is a direct or indirect electronic message to a person, including but not limited to a text message, only the initial communication must contain the direct link.
- (d) For purposes of this Rule, it is impracticable to include a disclaimer statement if it would severely interfere with the ability to convey the intended message.

Rule 23. Complaints filed under section 1-45-111.7, C.R.S.

23.1 Filing Complaints

- 23.1.1 Campaign finance complaints must be filed in writing and can be submitted by hardcopy or electronically. electronic signatures are permitted for any complaint documentation that requires a signature by complaint, respondent, or the elections division.
- 23.1.2 A complaint must identify both a respondent and a complainant. Anonymous complaints or complaints that fail to identify a complainant and respondent may be rejected and not reviewed by the elections division.
- 23.1.3 Complaints that stem from a common set of operative facts as a pending complaint will be consolidated when practicable. When consolidation is not practicable and the outcome of the initial case will be determinative of the later case, a complaint will be stayed until a final agency decision issues on the initial complaint and any appeals are resolved.
- 23.1.4 Violations stemming from late or missing filings that have been waived or are pending a waiver decision under Rule 18 are not subject to the complaint process outlined in section 1-45-111.7, C.R.S.

23.2 Documents related to complaints.

- 23.2.1 The original complaint, notice of initial review, motion to dismiss, an order issued by the Secretary of State's Office, final agency decision, and any complaint filed by the elections division with a hearing officer will be publicly available at the time the elections division provides the document to the respondent.
- 23.2.2 The elections division may redact any document that it will otherwise make available pursuant to this rule if such redaction is necessary to protect any personal private information or personally identifiable information, is not relevant or material to the determination, or is otherwise required under the Colorado Open Records Act.
- 23.2.3 Any document the elections division receives under section 1-45-111.7(5)(a)(III), C.R.S. will not be retained after the time necessary to review, investigate, prosecute a complaint, or any appeal, as applicable.

23.3 Settlement of complaints and fine structure for violations

- 23.3.1 After a complaint has been filed with a hearing officer the elections division may enter into a settlement agreement with the respondent.
- 23.3.2 In reaching a settlement and fine amount, the deputy secretary of state or a hearing officer will consider all of the following factors:

- (a) Specific fine amounts outlined in Rule 23.3.3; and
- (b) Any appropriate specific action in Rule 23.3.4; and
- (c) The mitigating and aggravating factors in Rule 23.3.5 to increase or decrease the monetary fine or terms.

23.3.3 Fine amounts

- (a) Failure to register a committee
 - (1) Amount of contributions or donations accepted or expenditures made while out of compliance, outlined below:
 - (A) Less than \$1,000 fine is at least \$150;
 - (B) Between \$1,001 and up to \$5,000 fine is at least \$300; or
 - (C) Greater than \$5,000 the fine of at least \$300 plus at least 10 percent of total amount of the contributions and expenditures made.
- (b) Failure to file complete and accurate reports
 - (1) Failure to file complete and accurate reports is a \$100 fine per report plus 5 percent of the activity not accurately or completely reported;
 - (2) Failure to file, or file an accurate, candidate affidavit
 - (A) If affidavit is submitted within 14 days of registration deadline the fine is at least \$50; or
 - (B) If affidavit is submitted after 14 days post deadline, the fine is at least \$100.
- (c) Prohibited contributions, donations, and expenditures
 - (1) For accepting a prohibited contribution including accepting an amount that exceeds a contribution limit or making prohibited expenditures, the fine is at least \$100 and 10 percent of the prohibited activity;
 - (2) Prohibited use of unspent campaign funds and exceeding voluntary contribution limits
 - (A) A fine of at least \$250 per violation; and
 - (B) A fine that is up to 25 percent of the amount of the prohibited activity.

- (d) Disclaimer and electioneering communications
 - (1) If noncompliant communication is mitigated prior to the election: a fine of at least 5 percent cost of the noncompliant communication including cost to broadcast; or
 - (2) If noncompliant communication is not mitigated prior to the election: a fine of at least 10 percent of the cost of the communication including cost to broadcast.
- (e) Other violations of campaign and political finance rules and regulations will be assessed penalties based on the circumstances of the violations and factors outlined in Rule 23.3.4.

23.3.4 Specific Action(s)

- (a) In addition to monetary fines the deputy secretary of state or assignee may seek a specific action(s) from the respondent. Specific actions may include:
 - (1) Registering as a committee or candidate in TRACER;
 - (2) Return or donation of prohibited contribution or disgorgement of the value of the improper conduct;
 - (3) Filing or amending disclosure reports;
 - (4) Inclusion or correction of disclaimer on the communication; or
 - (5) Other specific performance or terms that may be warranted.

23.3.5 The elections division may also consider the follow mitigating and aggravating factors:

- (a) Nature and extent of the violation;
- (b) Timing of the violation (including proximity to the election);
- (c) Ability or effort to mitigate the violation;
- (d) Evidence of an intentional act or a pattern or practice of misconduct;
- (e) Extent to which the harm cause by the violation or the value of the violation cannot be reasonably calculated; or
- (f) Other aggravating or mitigating factors may be taken into consideration in reaching a just and equitable outcome.

Parcel Results

119 Results

Parcel ID	Owner	Property Address
0000010180	HOUSING AUTHORITY OF THE CITY OF LAMAR COLORADO THE	INGE ST S 0201-0211
0000010190	HOUSING AUTHORITY OF THE CITY OF LAMAR COLORADO THE	ELM ST W 0200 & SNOWDEN N
0000020011	HOUSING AUTHORITY OF THE CITY OF LAMAR COLORADO THE	04 TH ST N 0302-0316
0000020020	HOUSING AUTHORITY OF THE CITY OF LAMAR COLORADO THE	04 TH ST N 0408-414
0000042016	HOUSING AUTHORITY OF THE CITY OF LAMAR COLORADO THE	PINE ST W 701-719
0000042021	HOUSING AUTHORITY OF THE CITY OF LAMAR COLORADO THE	10 TH ST S 0127-0133
0000010140	LAMAR CITY OF	
0000020000	LAMAR CITY OF	
0000020027	LAMAR CITY OF	MAIN ST N 1002
0000020030	LAMAR CITY OF	MAIN ST S 0114
0000020051	LAMAR CITY OF	
0000020064	LAMAR CITY OF	MAIN ST S 1101
0000020081	LAMAR CITY OF	
0000020490	LAMAR CITY OF	
0000020492	LAMAR CITY OF	
0000020494	LAMAR CITY OF	
0000020495	LAMAR CITY OF	
0000020500	LAMAR CITY OF	OLIVE ST E 0405-0407
0000020510	LAMAR CITY OF	
0000020520	LAMAR CITY OF	
0000020540	LAMAR CITY OF	
0000020550	LAMAR CITY OF	
0000020560	LAMAR CITY OF	CENTENNIAL PARK
0000020570	LAMAR CITY OF	CENTENNIAL PARK
0000020578	LAMAR CITY OF	ESCONDIDO PARK
0000020580	LAMAR CITY OF	NORTH SIDE PARK
0000020590	LAMAR CITY OF	LAMAR LIGHT & POWER OFFICES
0000020620	LAMAR CITY OF	
0000020630	LAMAR CITY OF	
0000020640	LAMAR CITY OF	
0000020650	LAMAR CITY OF	MCCORKLE PARK
0000020670	LAMAR CITY OF	
0000020680	LAMAR CITY OF	
0000020690	LAMAR CITY OF	02 ND ST N 0111
0000020720	LAMAR CITY OF	
0000020741	LAMAR CITY OF	ENCHANTED FOREST
0000020742	LAMAR CITY OF	TREE NURSERY
0000020743	LAMAR CITY OF	
0000020744	LAMAR CITY OF	
0000020750	LAMAR CITY OF	
0000020760	LAMAR CITY OF	
0000020770	LAMAR CITY OF	HICKORY ST W 0110
0000020771	LAMAR CITY OF	
0000020780	LAMAR CITY OF	
0000020920	LAMAR CITY OF	06 TH ST S 0610 COMMUNITY BLDG
0000021010	LAMAR CITY OF	PARMENTER ST E 0102 CITY OFFICES

Parcel ID ↕	Owner ▼
0000021020	LAMAR CITY OF
0000021031	LAMAR CITY OF
0000021032	LAMAR CITY OF
0000021040	LAMAR CITY OF
0000021050	LAMAR CITY OF
0000021070	LAMAR CITY OF
0000021100	LAMAR CITY OF
0000021110	LAMAR CITY OF
0000021132	LAMAR CITY OF
0000021140	LAMAR CITY OF
0000021181	LAMAR CITY OF
0000021211	LAMAR CITY OF
0000021220	LAMAR CITY OF
0000021270	LAMAR CITY OF
0000021300	LAMAR CITY OF
0000021351	LAMAR CITY OF
0000021360	LAMAR CITY OF
0000021361	LAMAR CITY OF
0000021362	LAMAR CITY OF
0000021370	LAMAR CITY OF
0000021380	LAMAR CITY OF
0000022100	LAMAR CITY OF
0000022920	LAMAR CITY OF
0000023000	LAMAR CITY OF
0000023600	LAMAR CITY OF
0000024930	LAMAR CITY OF
0000026308	LAMAR CITY OF
0000080349	LAMAR CITY OF
0000082624	LAMAR CITY OF
0000082840	LAMAR CITY OF
0000082850	LAMAR CITY OF
0000082860	LAMAR CITY OF
0000082870	LAMAR CITY OF
0000082880	LAMAR CITY OF
0000082890	LAMAR CITY OF
0000082900	LAMAR CITY OF
0000082910	LAMAR CITY OF
0000082930	LAMAR CITY OF
0000082950	LAMAR CITY OF
0000082960	LAMAR CITY OF
0000082970	LAMAR CITY OF
0000082980	LAMAR CITY OF
0000082990	LAMAR CITY OF
0000083000	LAMAR CITY OF
0000083010	LAMAR CITY OF
0000083020	LAMAR CITY OF
0000083030	LAMAR CITY OF
0000083040	LAMAR CITY OF
0000083050	LAMAR CITY OF

Property Address ↕
 WILLOW CREEK PARK
 SANDOVAL LN 0395
 SANDOVAL LN
 PARKVIEW AVE 1107
 LAMAR LIGHT & POWER OFFICES

02 ND ST N 0103 CITY OFFICES
 02 ND ST N 0100 CITY OFFICES

LAMAR LIGHT & POWER OFFICES
 80+ ACRES IN INDUSTRIAL PARK

ANNEXATION COUNTRY VILLAGE
 BEECH ST E 0109 WELCOME CENTER, DEPOT
 ENCHANGED FOREST

FAIRMONT CEMETERY, DOB POUND, SHOP
 CITY FARM

CITY FARM

Parcel ID	Owner	Property Address
0000083060	LAMAR CITY OF	
0000083070	LAMAR CITY OF	
0000083080	LAMAR CITY OF	
0000083090	LAMAR CITY OF	
0000083100	LAMAR CITY OF	
0000083110	LAMAR CITY OF	
0000083120	LAMAR CITY OF	
0000083130	LAMAR CITY OF	
0000083133	LAMAR CITY OF	
0000083570	LAMAR CITY OF	
0000083580	LAMAR CITY OF	
0000083590	LAMAR CITY OF	
0000083610	LAMAR CITY OF	CITY FARM
0000083620	LAMAR CITY OF	CITY FARM
0000083640	LAMAR CITY OF	CITY FARM
0000083650	LAMAR CITY OF	CITY FARM
0000084810	LAMAR CITY OF	GG.2 CO RD 03670 AIRPORT
0000084860	LAMAR CITY OF	MAIN ST S 2100 BALL FIELDS
0000084910	LAMAR CITY OF	LAMAR GARDENS
0000085090	LAMAR CITY OF	
0000097300	LAMAR CITY OF	HH CO RD 04496 LAMAR MUNICIPAL AIRPORT
0000020578	LAMAR CITY OF (ESCONDIDO PARK)	
0000023712	LAMAR CITY OF (NORTH GATEWAY PARK)	VALCO RD N
0000020790	LAMAR CITY OF A HOME RULE CITY	JACKSON AVE 0300
0000021090	LAMAR HOUSING AUTHORITY OF CITY OF LAMAR	CEDAR ST E 0206

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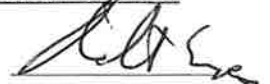
Council Date: 04/24/2023

LAMAR CITY COUNCIL
AGENDA ITEM COMMENTARY

ITEM TITLE: Award Bid 43-006 for City of Lamar Parks and Recreation Department Concession Contract

INITIATOR: Kristin Schwartz and Rick Akers

CITY ADMINISTRATOR'S REVIEW:



ACTION PROPOSED: Award Bid 43-006

STAFF INFORMATION SOURCE: Kristin Schwartz, Rick Akers

BACKGROUND: The City of Lamar solicited proposals for operation of the City owned concession stand located at the Lamar Sports Complex. Bid packets were provided to local contractors and the request for proposal was advertised in the local paper on March 8, 2023. One proposal was received and accepted by the City Treasurer by 5:00 p.m. on April 4, 2023. The bid opening was held on April 5, 2023. The City Treasurer reviewed the proposal as specified in the request for proposal. The only bid received was from Sergio Sigala in the amount of 13%.

RECOMMENDATION: Staff recommends that the award for the operation of the City owned concession stand located at the Lamar Sports Complex be awarded to Sergio Sigala and allow the Mayor to sign the contract with Sergio Sigala upon approval of the agreements by the City Attorney, City Treasurer and Parks and Rec Director.

CITY OF LAMAR
 43-006
 CONCESSION
 LAMAR SPORTS
 COMPLEX

4/5/2023

BIDDERS	3 SG				
ITEM 1: CONCESSION CONTRACT LAMAR SPORTS COMPLEX	GRANADA				
GROSS SALES ,AFTER TAXES	13%				
MAY 1, 2023 TO AUG 31, 2023					
PER BID INSTRUCTIONS					
PROOF OF INSURANCE:					
CITY SALES TAX LICENSE:	YES				
PRESENT FOR BID OPENING:					
KRISTIN SCHWARTZ-TREASURER					
3SG-SERGIO & TRACEY SIGALA					
<i>Soni McPherson</i>					
<i>Karen Woodard</i>					

INSTRUCTIONS: Bids are to be returned by 5:00 P.M. on the return date indicated. Any bid received after the time and date specified will not be considered. Any bid received by a vendor that does not have a current Business / Sales Tax License with the City of Lamar will not be considered. All bids must be enclosed in a sealed envelope plainly marked with the bidder's business name, contact name, address, phone number, bid number and item. No facsimile bids will be accepted. Failure to complete the bid form or meet the requirements specified may constitute grounds for rejection of a bid. Prices quoted shall be on a "F.O.B. Lamar" or "Delivered" basis. Please make note if your bid does not meet all of the specifications and list those items that may differ. The City of Lamar reserves the right to reject any or all bids, to make minor alterations to the specifications, and to accept the proposal that is in the best interest of the City of Lamar.

For further information contact: Kendra Cope _____ at __719-336-2774_____

Return Date: April 4, 2023 At 5:00 P.M.

Bid Opening: April 5, 2023 At 10:00 A.M.

- ALL BIDDERS ARE ENCOURAGED TO ATTEND THE BID OPENING AND CITY COUNCIL MEETING WHEN SAID BID IS TO BE AWARDED
- ALL BIDDERS MUST HAVE A CURRENT BUSINESS / SALES TAX LICENSE AND MUST NOT BE IN DEFAULT ON THE PAYMENT OF TAXES, LICENSES OR ANY OTHER MONIES DUE THE CITY OF LAMAR
- PROOF OF INSURANCE MUST BE PROVIDED TO THE CITY WITHIN 10 WORKING DAYS OF AWARD OF BID BY THE CITY COUNCIL AND PRIOR TO ANY ACTIVITIES RELATED TO THE BID
- IT IS THE RESPONSIBILITY OF THE BIDDER TO COMPLY WITH ALL LAWS AND ORDINANCES RELATING TO THE CONTRACT OR SERVICE

Vendor's Address:

SERGIO SIGALA
PO BOX 12
GRANADA CO 81041

Phone:

Please return bid to the following address with the Bidder's Business Name, Contact Name, Address, Phone Number, Bid Number and Item Number on the outside of the envelope to:

CITY OF LAMAR
OFFICE OF THE CITY TREASURER
102 EAST PARMENTER STREET
LAMAR, CO 81052

Bid Response By:

Sergio Sigala owner
Signature Title

Bid Invitation By:

Kristin Schwartz
Kristin Schwartz, City Treasurer

ITEM #	QANTITY	DESCRIPTION	TOTAL PRICE	COMPLETION DATE
1		Concession Contract located at the Lamar Sports Complex Per bid specifications City of Lamar will receive <u>13</u> % of Gross sales		

Bids submitted will be considered valid for thirty (30) days after bid opening date.

City of Lamar
Parks & Recreation Department
Bid Instructions
Concession Contract

Date of contract: May 1, 2023 to August 31, 2023

1. The contract consists of the operation of the City owned concession stand located at the Lamar Sports Complex.
2. The concessionaire will be required to open at ALL functions held at this location.
3. The concessionaire must meet and follow all City of Lamar and State Health Regulations pertaining to this business.
4. The concessionaire must obtain and provide to the City of Lamar the necessary licenses and/or permits at the time of execution of the contract.
5. The concessionaire must have a public liability policy that shall provide limits of not less than \$150,000.00 for one person or occurrence, and \$600,000.00 in aggregate which shall include product liability coverage.
6. The concessionaire must carry, in its discretion, casualty insurance for their personal property and equipment used in the operation of this agreement.
7. The concessionaire must carry the required amount of workman's comp. coverage for their employees.
8. The concessionaire must operate the stand in a workmanlike manner, keeping the City's facilities free from trash, rubbish and debris and maintaining a clean and safe environment.
9. All equipment used at the concession stand must be approved by the Health Inspector.
10. The concessionaire is required to have a City sale tax license. Sales tax applies to all sales.
11. The City may place reasonable limitations and restrictions upon items to be sold by the operator. The menu must be reviewed and approved in advance by the Leisure Services Director of his/hers representative.
12. The City of Lamar will receive ___% of the gross sales, after taxes, by the 25 of the following month.
13. The City reserves the right to negotiate with the successful bidder for one (1) additional year.

The contract award will be based on the ability to provide quality and trustworthy service to the public.

BID ITEM(S): CONCESSION CONTRACT 4-PLEX

CITY OF LAMAR BID CHECKLIST

LICENSES, INSURANCE, BONDS, ETC.	RECEIVED		NOT REQUIRED	COMMENTS
	YES	NO		
BID SPECIFIED STARTING AND COMPLETION DATES			X	
BID DEPOSIT RECEIVED - 5% OF TOTAL BID			X	
BID DEPOSITS RETURNED TO ALL UNSUCCESSFUL BIDDERS			X	
CITY OF LAMAR BUSINESS / SALES TAX LICENSE LICENSE NUMBER 3997	X			
PERFORMANCE BOND - 100% OF BID AMOUNT			X	
WARRANTY BOND - _____% OF BID AMOUNT			X	
PROOF OF WORKMAN'S COMPENSATION INSURANCE COVERAGE			X	
PROOF OF PUBLIC LIABILITY INSURANCE COVERAGE EQUAL TO OR GREATER THAN \$150,000/PERSON AND \$600,000/INCIDENT			X	
CONTRACTOR'S LICENSE OBTAINED			X	
LIEN WAIVERS ON MATERIAL AND LABOR HAVE BEEN SUPPLIED TO THE BUILDING CODES OFFICIAL			X	
CONTRACT(S) HAVE BEEN EXECUTED BY THE COUNCIL AND BIDDER			X	



Linda Williams, City Clerk

4/14/2023

Date



Kristin Schwartz, City Treasurer

4/14/2023

Date

Agenda Item No. 4

Council Date: 04/24/2023

LAMAR CITY COUNCIL
AGENDA ITEM COMMENTARY

ITEM TITLE: Approve Facility Use Agreement with Lamarlins for Use of Lamar Swimming Pool

INITIATOR: Kendra Cope, Parks & Rec Facilities Manager CITY ADMINISTRATOR'S REVIEW *RCB*

ACTION PROPOSED: Approve the Facility Use Agreement with Lamarlins for Use of Lamar Swimming Pool

STAFF INFORMATION SOURCE: Kendra Cope, Rick Akers, Kristin Schwartz

BACKGROUND:

The City of Lamar enters into a Facility Use Agreement each year with the Lamarlins for the use of the Lamar Swimming Pool, with the exception of the Concession Stand, from May 1, 2023 to August 31, 2023.

RECOMMENDATION: Approve the Facilities Use Agreement and Allow the Mayor to sign the Agreement.

FACILITIES USE AGREEMENT – LAMARLINS

THIS AGREEMENT entered into as of April 24, 2023 at Lamar, Prowers County, Colorado, by and between the City of Lamar, Colorado, a Colorado Home Rule Municipal Corporation, hereinafter called and referred to as **CITY**, whose address is 102 East Parmenter Street, Lamar, Colorado 81052, and **Lamarlins**, hereinafter called and referred to as **USER**, whose address is P.O. Box 49, Lamar, Colorado, 81052;

WITNESSETH:

That, for and in consideration of mutual promises and covenants, hereinafter set forth, and the payment provided for, the parties agree as follows:

1. **PURPOSE OF AGREEMENT:** That City shall make available to User, and User shall accept of City, usage of certain portions of City's LAMAR SWIMMING POOL, located at 610 S. 6th Street, Lamar, Colorado, for personal training of User's participants.

2. **FEE FOR USAGE:** User shall pay to City for the use privilege hereinabove set forth, the sum of Zero Dollars.

3. **TERM OF AGREEMENT:** The term of this agreement shall be deemed to be May 1, 2023 to August 31, 2023.

4. **PORTIONS OF FACILITY GRANTED:** User shall be entitled to utilize, on a regular basis, all areas within the Lamar Swimming Pool except the Concession Stand Area..

5. **USER'S SUPERVISION-DUTY:** User shall be responsible for adequate supervision of all participants and spectators utilizing City's facility during User's usage of said facility.

6. **FACILITY DAMAGE:** User shall be responsible for any and all damages inflicted upon City facilities, which damages, if any, are a result of User's use of said facilities, or User's failure of adequate supervision of User's participants within said facilities. User's usage of said facilities shall be conducted in accordance with all of City's rules, regulations, and ordinances existing for proper conduct upon and within said facilities, and for proper care and maintenance of same.

7. **STANDARDS OF USAGE:** User shall use the premises in a safe manner, and shall comply with all applicable Municipal, State, and Federal laws, rules and regulations as prescribed by City's fire and police departments and other governmental authorities.

8. **INDEMNIFICATION, HOLD HARMLESS, AND INSURANCE REQUIREMENT:** User does hereby agree to indemnify and hold harmless City, it's officers, agents, and employees, from all loss, cost and expense arising out of any liability, or claim of liability, for injuries to persons or property sustained or claimed to have been sustained by anyone, by reason of the use and occupation of these facilities by User, whether such use is authorized or not, or by any act or omission of User or any of its officers, agents, employees, guests, patrons, participants, or invitees.

This indemnification and hold harmless statement is not intended to, and shall not; extend to claims for personal injury or property damage arising from latent or patent defects in the described premises, or any other dangerous condition not subject to User's control.

User further agrees to provide to City at the time of execution of this agreement a comprehensive liability insurance policy, including public liability and property damage, written by a company approved by City's Parks and Recreation Director, covering premises, operations, and productions of user in amounts as stipulated below:

For any one person:	\$150,000.00
For any one accident:	\$600,000.00

City shall be named as an insured in any insurance policy required under this agreement, but the policies shall contain a provision waiving all subrogation's rights against City.

Certified copies of above policy or a certificate evidencing its existence or a binder shall be delivered to City upon the execution of the within agreement. In the event a binder is delivered, it shall be replaced within ten (10) days by a certified copy of the policy. Each copy or certificate shall contain a valid provision or endorsement that the policy may not be canceled, terminated, or modified without giving thirty (30) day's written notice to City.

A renewal policy shall be delivered to the City at least ten (10) days prior to a policy's expiration date except for any policy expiring on or after the expiration date of this agreement.

9. ADMISSION FEES: User shall be entitled to establish, collect, and retain any and all fees set by user in respect of its activities upon the subject premises, with accounting made available to City each month.

10. CONTACT PERSONS: The spokesperson and responsible party on behalf of City in respect of all matters arising under this agreement shall be the Parks and Recreation Director for the City of Lamar.

The spokespersons and responsible parties on behalf of User for all matters arising under the within agreement shall be Lamarlins.

11. CLOSURE OF FACILITIES: It is expressly understood that City's facilities are subject to closure on most regular business holidays throughout the year, and that usage of City's facilities should not be scheduled for such holiday closures.

12. EXECUTION OF AGREEMENT: It is expressly understood that this agreement must be executed by all parties hereto prior to any use and occupation of the subject premises by User.

13. FUTURE AGREEMENTS: The within agreement being for a term certain, and subject to termination, without notice, it is expressly acknowledged that any

future use of the subject premises by User shall be negotiated at a future time, and upon terms and conditions then mutually agreed upon.

14. BINDING EFFECT: The within agreement shall be and become binding upon, and ensure to the benefit of, the parties hereto and their successors. No assignment or sub-letting of the within agreement shall be allowed, without prior written consent thereto by City's Parks and Recreation Director.

Any action necessary to construe, enforce, or interpret the terms of the within agreement shall be brought and maintained in the District Court in and for Prowers County, Colorado, with the prevailing party therein being absolutely entitled, as a matter of contract law and agreement, to recover its costs, fees, and expenses therein incurred, including reasonable attorneys and expert witness fees.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their signatures as of the date and year first above written.

CITY OF LAMAR, COLORADO

By _____
KIRK CRESPIAN, MAYOR DATE

ATTEST:

By _____
LINDA WILLIAMS, CITY CLERK DATE

APPROVED:

By _____
PARKS & RECREATION DIRECTOR DATE

By  _____ 4/4/23
LAMARLINS DATE

 _____ 4/4/23

Agenda Item No 6

Council Date 4/24/23

LAMAR CITY COUNCIL

EXECUTIVE SESSION COMMENTARY

Executive Session – For a Conference with the City Attorney for the Purpose of Receiving
ITEM TITLE: Legal Advice Regarding C.R.S. Section 24-6-402(4)(b)

INITIATOR: Rob Evans, City Administrator

CITY ADMINISTRATOR'S REVIEW: RUE

ACTION PROPOSED: _____

STAFF INFORMATION SOURCE: _____

BACKGROUND: The executive session is for the purpose of receiving legal advice from the City Attorney under C.R.S. Section 24-6-402(4)(b)

RECOMMENDATION:



CITY OF LAMAR

102 E. Parmenter St., Lamar, CO 81052-3299
 Phone - 719.336.4376 • Fax - 719.336.2787

2023 UTILITY REVENUE REPORT

<u>MONTHLY</u>	<u>MARCH 2023</u>	<u>MARCH 2022</u>	<u>%</u>
ELECTRICITY:	\$908,406.49	\$859,712.83	5.66%
SEWER:	\$43,216.72	\$43,553.28	-0.77%
TRASH:	\$130,165.85	\$129,287.43	0.68%
WATER:	\$71,670.00	\$87,016.55	-17.64%
MONTHLY TOTAL	\$1,153,459.06	\$1,119,570.09	3.03%

	<u>2023 YEAR TO DATE</u>	<u>2022 YEAR TO DATE</u>	<u>%</u>
ELECTRICITY:	\$2,977,615.89	\$2,783,344.24	6.98%
SEWER:	\$129,127.46	\$130,269.00	-0.88%
TRASH:	\$398,269.87	\$378,644.13	5.18%
WATER:	\$247,250.70	\$256,586.24	-3.64%
YTD TOTAL	\$3,752,263.92	\$3,548,843.61	5.73%

CITY OF LAMAR
Sales of Water, Sewer and Garbage

Mar-23

Mar-22

DESCRIPTION	NUMBER OF METERS	AMOUNT	CUBIC FEET	DESCRIPTION	NUMBER OF METERS	AMOUNT	CUBIC FEET
Residential Sales	2,833	41,182.50	1,192,377	Residential Sales	2,844	48,976.67	1,772,306
City Commercial Sales	547	22,900.71	716,993	City Commercial Sales	541	28,522.18	1,049,505
TOTAL CITY	3,380	64,083.21	1,909,370	TOTAL CITY	3,385	77,498.85	2,821,811
Rural Residential Sales	125	4,101.75	79,204	Rural Residential Sales	123	4,828.88	121,842
Rural Commercial Sales	17	2,453.04	77,021	Rural Commercial Sales	17	3,576.82	127,233
TOTAL RURAL	142	6,554.79	156,225	TOTAL RURAL	140	8,405.70	249,075
TOTAL WATER SALES REVENUE	3,522	\$ 70,638.00	2,065,595	TOTAL WATER SALES REVENUE	3,525	\$ 85,904.55	3,070,886
CONNECT/DISCONNECT FEE BILLED	12	352.00		CONNECT/DISCONNECT FEE BILLED	14	364.00	
CONNECT/DISCONNECT FEE PAID	34	680.00		CONNECT/DISCONNECT FEE PAID	36	748.00	
TOTAL WATER REVENUE	3,522	\$ 71,670.00	2,065,595	TOTAL WATER REVENUE	3,525	\$ 87,016.55	3,070,886
Total Consumption YTD	→→→→→	→→→→→	8,369,651	Total Consumption YTD	→→→→→	→→→→→	9,018,568
Sewer	3,375	43,216.72		Sewer	3,363	43,553.28	
TOTAL SEWER REVENUE		\$ 43,216.72		TOTAL SEWER REVENUE		\$ 43,553.28	
TOTAL WATER/SEWER REVENUE		\$ 114,886.72		TOTAL WATER/SEWER REVENUE		\$ 130,569.83	
INFORMATION ONLY				INFORMATION ONLY			
Fairmount Cemetery	2	152.55	9	Fairmount Cemetery	2	152.55	18
City Departments	51	2,395.81	16,506	City Departments	52	2,514.65	25,453
TOTAL CITY COST	53	\$ 2,548.36	16,515	TOTAL CITY COST	54	\$ 2,667.20	25,471
Garbage Billed	4,311	\$ 95,658.12		Garbage Billed	4,282	\$ 95,567.73	
Cardboard Run Billed	59	\$ 2,228.62		Cardboard Run Billed	57	\$ 2,191.50	
Rolloff charges billed thru U/B	24	\$ 10,033.50		Rolloff charges billed thru U/B		\$ 8,056.00	
Rolloff charges billed thru AR	20	\$ 9,976.50		Rolloff charges billed thru AR		\$ 5,525.00	
Landfill charges billed thru AR	62	\$ 9,291.90		Landfill charges billed thru AR		\$ 8,220.20	
TOTAL GARBAGE BILLED		\$ 127,188.64		TOTAL GARBAGE BILLED		\$ 119,560.43	
Landfill / Transfer station	318	\$ 2,943.21		Landfill / Transfer station		\$ 7,883.00	
Rolloffs Prepaid at complex		\$ -		Rolloff charges prepaid at complex		\$ 1,810.00	
CON/DISC Paid due to 2mo nonpay		\$ 34.00		TR CON/DISC Paid due to 2mos non pay		\$ 34.00	
TOTAL GARBAGE REVENUE		\$ 2,977.21		TOTAL GARBAGE REVENUE		\$ 9,727.00	
TOTAL TRASH		\$ 130,165.85		TOTAL TRASH		\$ 129,287.43	

STAGE 1 MANDATORY WATER USE GUIDELINES

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INFO FROM WA PERIOD BILLING SUMMARY

	BILLED	CONSUMP	AVE CONSUMP	CHARGES	# metered
CIW - COM - IN WINTER READ	28	7,224	258	482.64	
CI - COM - IN TOWN	376	463,845	1,234	13,592.66	
CO - COM - OUT TOWN	14	74,000	5,286	2,267.33	
CWI - COM - CAR WASH - IN TOWN	4	100,081	25,020	1,772.18	
GIW - GOVT - IN WINTER READ	2	2,380	1,190	197.05	
GI - GOVT - IN TOWN	113	137,230	1,214	6,296.12	
GO - GOVT - OUT TOWN	2	2,895	1,448	142.71	
NI - NON PRF - IN TOWN	24	6,233	260	560.06	
NO - NON PRF - OUT TOWN	1	126	126	43.00	
RIW - RESI - IN WINTER READ	4	1,118	280	55.37	
RI - RESI - IN TOWN	2,829	1,191,259	421	41,127.13	
RO - RESI - OUT TOWN	125	79,204	634	4,101.75	
	3,522	2,065,595	586	70,638.00	

INFO FROM MC PERIOD BILLING SUMMARY		
	# Cust Billed	Total Charges
WA CON BILLED	12	240.00
WA DISC BILLED	8	112.00
		352.00

INFO FROM 61-340-344-3446		
	# Cust Paid	Total Charges
WA CON PAID	34	680.00
WA DISC PAID		680.00

INFO FROM 61-340-344-3446

CONNECTS & SERV BILLED - J/E	352.00	
CONNECTS & SERV BILLED - C/R	680.00	

INFO FROM SW PERIOD BILLING SUMMARY

	BILLED	CONSUMP	AVE CONSUMP	CHARGES	# metered
CI - COM IN TOWN	406	460	460	6,915.42	1
CO - COM - OUT TOWN	11			370.07	
CWI - COM - CAR WASH - IN TOWN	4	100,081	25,020	688.80	4
GI - GOVT - IN TOWN	54			1,316.78	
NI - NON PRF - IN TOWN	23			313.82	
NO - NON PRF - OUT TOWN	1			22.64	
RI - RESI - IN TOWN	2,819			30,881.82	
RO - RESI - OUT TOWN	57			2,707.37	
	3,375			43,216.72	

INFO FROM TR PERIOD BILLING

SUMMARY

CI - COM - IN TOWN	657		24,402.08
CO - COM - OUT TOWN	61		3,447.35
GI - GOVT - IN TOWN	103		4,776.50
NI - NON PRF - IN TOWN	25		705.80
NO - NON PRF - OUT TOWN	1		0.00
RI - RESI - IN TOWN	3,355		59,233.14
RO - RESI - OUT TOWN	109		2,952.00
	4,311		95,516.87

INFO FROM CB PERIOD BILLING

SUMMARY

CI - COM - IN TOWN	52		1,816.62
CO - COM - OUT TOWN	5		231.75
GI - GOVT - IN TOWN	2		180.25
	59		2,228.62

TR33- Misc Charge & Adjustments (Report with rolloff billing)

*Extra Trash Pickup Billed	141.25		
*Extra Cardboard Pickup Billed	-		
*Rolloffs Billed Thru Utility Billing	10,033.50	10,174.75	# of rolloffs 24
	34.00	10,208.75	

*Trash Con/Disc billed due to 2mos nonpay

*Extra Trash picked billed for previous month(October)

*Other Trash/Rolloff billed/adjustments thru Utility Billing

ADJUSTMENT GARBAGE (on MC page)	10,208.75	TOTAL MISCELLANEOUS CHARGES \$	10,208.75
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(-)AR rolloff billing sent to collections

INFO FROM GL# 41-311-348-3482

ROLLOFFS BILLED THRU A/R	INV	20	9,976.50
ROLLOFFS PREPAID AT COMPLEX	C/R		
TRASH CON/DISC PAID DUE TO NONPAY	C/R		

INO FROM GL# 41-311-348-3484

LANDFILL CHARGES BILL THRU A/R	INV	62	9,291.90
LANDFILL/TRASH PREPAID AT COMPLEX	C/R		
			9291.90

INFO FROM 41-311-348-3498

LANDFILL FEES PAID AT THE GATE	309	\$	2,749.21
TRANSFER STATION FEE PAID AT GAT	9	\$	194.00
DEMOS PREPAID AT COMPLEX		\$	-
DEMOS BILLED THRU A/R	INV	\$	-
	318	\$	2,943.21