

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING PART 2 (FAIR CAMPAIGN PRACTICES; CANDIDATE AND COMMITTEE FUNDS AND DISCLOSURES) OF ARTICLE 2 (CAMPAIGN DISCLOSURES) OF CHAPTER 5 (ELECTIONS) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO CAMPAIGN PRACTICES

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

Section 1. Section 202 (Definitions) of Part 2 (Fair Campaign Practices; Candidate and Committee Funds and Disclosures) of Article 2 (Campaign Disclosures) of Chapter 5 (Elections) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

5.2.202: DEFINITIONS:

* * *

~~IMMEDIATE FAMILY MEMBER: 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, uncle, niece, nephew, guardian, or domestic partner.~~

~~INDIRECT INTEREST OR INVESTMENT: Any investment or interest owned or held by an agent on the person's behalf, or owned or held by a trust of which the person is a beneficiary.~~

ISSUE COMMITTEE: Any person, other than a natural person, or any group of two (2) or more persons, including natural persons: a) that has a major purpose of supporting or opposing any ballot question or b) that has accepted or made contributions or expenditures in excess of **five thousand** ~~two hundred~~ dollars (\$**5,000.00**) to support or oppose any ballot question. The term does not include political committees or candidate committees. An issue committee shall be considered open and active until affirmatively closed by the committee.

* * *

POLITICAL COMMITTEE: Any person, other than a natural person, or any group of two (2) or more persons, including natural persons that have accepted or made contributions or expenditures in excess of two hundred dollars (\$200.00) to

support or oppose the nomination or election of one or more candidates. The term does not include political parties, issue committees, or candidate committees. The following are treated as a single political committee:

- A. ~~e)~~~~a~~All political committees established, financed, maintained, or controlled by a single corporation or its subsidiaries;
- B. ~~b)~~~~a~~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;
- C. ~~e)~~~~a~~All political committees established, financed, maintained, or controlled by the same political party; and
- D. ~~d)~~~~a~~All political committees established, financed, maintained, or controlled by substantially the same group of persons. A political committee shall be considered open and active until affirmatively closed by the committee.

SMALL SCALE ISSUE COMMITTEE: An issue committee that has accepted or made contributions or expenditures in an amount that does not exceed five thousand dollars (\$5,000.00) during an applicable election cycle for the major purpose of supporting or opposing any initiative or ballot question. The following are treated as a single small scale issue committee:

- A. All small scale issue committees that support or oppose a common ballot question if the committees are established, financed, maintained, or controlled by a single corporation or its subsidiaries;
- B. All small scale issue committees that are established financed, maintained or controlled by a single labor organization or the affiliated local units it directs; or
- C. 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.

Section 2. Section 203 (Candidate and Committee Funds and Disclosures; Conduits) of Part 2 (Fair Campaign Practices; Candidate and Committee Funds and Disclosures) of Article 2 (Campaign Disclosures) of Chapter 5 (Elections) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

5.2.203: CANDIDATE AND COMMITTEE FUNDS **REPORTING** AND DISCLOSURES; CONDUITS:

* * *

B. Each candidate **and** candidate committee, ~~and political committee~~ shall file disclosure statements if its expenditures or receipts exceed twenty dollars (\$20.00) during the election cycle. ~~Dues transferred by a membership organization to a political committee shall be counted for as pro rata contributions from its members.~~

C. **Each political committee shall file disclosure statements if its expenditures or receipts exceed two hundred (\$200.00) during the election cycle. Dues transferred by a membership organization to a political committee shall be counted for as pro rata contributions from its members.**

D. **Any small scale issue committee that accepts contributions or makes expenditures that do not exceed two hundred dollars (\$200.00) during any applicable election cycle is not required to register as a small scale issue committee or to make disclosures about the contributions it has received or the expenditures it has made.**

E. **Any small scale issue committee that accepts contributions or makes expenditures in an aggregate amount that exceeds two hundred dollars (\$200.00) but is less than five thousand dollars (\$5,000.00) during any applicable election cycle shall register as a small scale issue committee with the City Clerk within ten (10) business days of the date on which the aggregate amount of contributions or expenditures exceeds two hundred dollars (\$200.00). The registration required by this subsection D shall be made on a form provided by the City Clerk which shall include the following:**

1. **The Committee's full name, spelling out any acronyms used in the name;**

2. The name of a natural person authorized to act as a registered agent of the committee;
3. A street address for the principal place of business of the committee; and
4. 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.

F.G. Each issue committee **and each small scale issue committee** shall file disclosure statements once it has accepted contributions **or has made expenditures that exceed five thousand** ~~two hundred~~ dollars (\$25,000.00) ~~or greater during the election cycle or has made expenditures of two hundred dollars (\$25,000.00) or greater during the election cycle.~~

1. **At such time as any issue committee that began as a small scale issue committee accepts contributions or makes expenditures that exceed five thousand dollars (\$5,000.00), 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.**
2. **Within fifteen (15) days of a small scale issue committee becoming subject to the requirements governing an issue committee, the committee, through its registered agent, shall report this change in the committee's status to the City Clerk.**

G.D. For elections held in April of an odd numbered year, ~~each~~ candidate and committee disclosure statements shall be filed on the following reporting dates: 1) October 1, November 1, and December 1 prior to an April election, 2) January 1, January 15, February 1, February 15, and March 1, March 15 prior to an April election, 3) the Friday prior to an April election, and 4) thirty (30) days after an April election. For an election held at any time other than on the first Tuesday of April of an odd numbered year, disclosure statements ~~shall be submitted by the dates and for the periods specified by resolution or ordinance calling the election. If the periods are not specified by the resolution or ordinance,~~ disclosure statements shall be filed on the first day of the month that is ninety (90) days, sixty (60) days, and thirty (30) days before the election and on the Friday before the election, and thirty (30) days after the election.

H.E. * * *

I.F. * * *

JG. Any committee that is formed or that meets the filing threshold more than thirty (30) days before the election is not required to file disclosure statements on any disclosure reporting dates that occur less than twenty (20) days after the committee was formed or met the filing threshold.

1. A committee that is formed or that meets the filing threshold on or less than thirty (30) days before the election is required to file its first disclosure statement commencing twenty four (24) hours after the date the committee was formed or met the filing threshold, and all subsequent disclosure statements on the dates due.

2. The first reporting period shall commence on the first day of the election cycle and shall end five (5) days before the first applicable reporting date that a disclosure statement is due. Subsequent reporting periods shall commence on the day following the end date for the previous reporting period and shall end five (5) days prior to the next reporting date.

KH. Each disclosure statement shall be filed with the City Clerk and shall be signed under penalty of perjury by the candidate **or candidate designee** ~~for a candidate disclosure statement~~, or by the candidate or the **candidate designee** ~~registered agent or representative~~ for a candidate committee disclosure statement, or **representative** ~~by the registered agent~~ for an issue committee or a political committee. The forms required by this section may be filed and signed electronically under a system maintained by the City Clerk.

L. * * *

M. * * *

N. * * *

OL. Every candidate or committee disclosure shall be ~~in the following form~~ **made on a form provided by the City Clerk which shall include the following:**

1. **The Committee's full name, spelling out any acronyms used in the name;**
2. **The type of report;**
3. **The name of a natural person authorized to act as a registered agent of the committee;**

4. A street address for the principal place of business of the committee; and

5. 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.

6. For each contribution received, the date and amount of the contribution and the name, address and occupation of each person who has made such contribution.

7. For each expenditure made, the date and amount of the expenditure and the name of the payee.

REPORT OF CONTRIBUTIONS AND EXPENDITURES

Full Name of Committee/Person:—	-
--	--------------

-	As Shown On Registration—
Address of Committee/Person:—	-
City, State & Zip Code:—	-
Committee Type:—	-
Name and Address of Financial Institution:—	-

Type of Report

~~* Regularly Scheduled Filing.~~

* Amended Filing. This amends previous report filed on (date) —	-
- Submit changes or new information ONLY—	-

* Final Filing:

Reporting Period Covered:	-	Through	-
	Date		Date

		Totals	Detailed
		Summary	Page
-			
1	Funds on Hand at the Beginning of Reporting Period (monetary only)	\$	
2	Total Monetary Contributions (line 11)	\$	
3	Total of Monetary Contributions & Beginning Amount (line 1 + line 2)	\$	
4	Total Spending (line 20)	\$	
5	Funds on Hand at the End of Reporting Period (monetary) (line 3 - line 4)	\$	

Authorization (Must be completed by either the Registered Agent **OR** the Candidate): I hereby certify and declare, under penalty of perjury, that to the best of my knowledge or belief the information or statements on this form, including all schedules, statements, and attachments, are true and correct, and that to the best of my knowledge or belief all contributions received during this reporting period including any contributions received in the form of membership dues transferred by a membership organization are from permissible _____ sources.

Print Registered Agent's Name:

Registered Agent's Signature: Date:

Print Candidate Name:

—Candidates Signature: Date:

DETAILED SUMMARY

Full Name of Committee/Person:

Current Reporting Period: - **Through:** -

	Funds on hand at the beginning of reporting period (Monetary Only)	\$
6	Itemized Contributions \$20 or More (Please list on Schedule "A-1")	\$
7	Total of Non-Itemized Contributions (\$19.99 or Less) (Number of Contributions of \$19.99 or Less)	\$
8	Loans Received (Please list on Schedule "C")	\$
9	Total of Other Receipts (Interest, Dividends, etc.)	\$
10	Returned Expenditures (from recipient) (Please list on Schedule "D")	\$
11	Total Monetary Contributions (Total of lines 6 through 10)	\$
12	Total Non-Monetary Contributions (From Statement of Non-Monetary Contributions)	\$
13	Total Contributions (Line 11 + line 12)	\$
14	Itemized Expenditures \$20 or More (Please list on Schedule "B")	\$
15	Total of Non-Itemized Expenditures (Expenditures of \$19.99 or Less)	\$
16	Loan Repayments Made (Please list on Schedule "C")	\$

17	Returned Contributions (To donor) (Please list on Schedule "D")	\$
18	Closeout Distributions (Balance must be zero. Please attach Schedule E.)	\$
19	(Intentionally left Blank)	\$
20	Total Spending (Lines 14 through 17)	\$

Schedule A-1 - Itemized Contributions Statement (\$20 or More)

Full Name of Committee/Person:

WARNING: Please read the instruction page for Schedule "A" before completing!

—PLEASE PRINT/TYPE

1. Name (Last, First):	-
2. Address:	-
3. City/State/Zip:	-
4. Description:	-
5. Employer (mandatory if employed):	-
6. Occupation (mandatory if employed):	-
7. Date Accepted:	-
8. Aggregate Amount This Election Cycle:	-
9. Contribution Amount This Reporting Period:	\$

1. Name (Last, First):-	
2. Address:-	
3. City/State/Zip:-	
4. Description:-	
5. Employer (mandatory if employed):-	
6. Occupation (mandatory if employed):-	
7. Date Accepted:-	
8. Aggregate Amount This Election Cycle:-	
9. Contribution Amount This Reporting Period:-	\$-

1. Name (Last, First):-	
2. Address:-	
3. City/State/Zip:-	
4. Description:-	
5. Employer (mandatory if employed):-	
6. Occupation (mandatory if employed):-	
7. Date Accepted:-	
8. Aggregate Amount This Election Cycle:-	
9. Contribution Amount This Reporting Period:-	\$-

Schedule A-2 - Statement of Non-Monetary Contributions-

Full Name of Committee/Person:

~~PLEASE PRINT/TYPE~~

1. Name (Last, First):-	
2. Address:-	
3. City/State/Zip:-	
4. Description:-	
5. Employer (mandatory if employed):-	
6. Occupation (mandatory if employed):-	
7. Date Provided:-	
8. Aggregate Amount:-	
9. Fair Market Value:-	\$-

1. Name (Last, First):-	
2. Address:-	
3. City/State/Zip:-	
4. Description:-	
5. Employer (mandatory if employed):-	
6. Occupation (mandatory if employed):-	
7. Date Provided:-	
8. Aggregate Amount:-	
9. Fair Market Value:-	\$-

1. Name (Last, First):-

2. Address:—	
3. City/State/Zip:—	
4. Description:—	
5. Employer (mandatory if employed):—	
6. Occupation (mandatory if employed):—	
7. Date Provided:—	
8. Aggregate Amount:—	
9. Fair Market Value:—	\$—

Schedule B – Itemized Expenditures Statement (\$20 or more)

Full Name of Committee/Person:

—PLEASE PRINT/TYPE

1. Name:—	
2. Address:—	
3. City/State/Zip:—	
4. Purpose of Expenditure:—	
5. Date Expended:—	
6. Amount:—	\$—

1. Name:—	
2. Address:—	

3. City/State/Zip:—	
4. Purpose of Expenditure:—	
5. Date Expended:—	
6. Amount:—	\$—

1. Name:—	
2. Address:—	
3. City/State/Zip:—	
4. Purpose of Expenditure:—	
5. Date Expended:—	
6. Amount:—	\$—

1. Name:—	
2. Address:—	
3. City/State/Zip:—	
4. Purpose of Expenditure:—	
5. Date Expended:—	
6. Amount:—	\$—

Schedule C – Loans

Full Name of Committee/Person:

LOAN SOURCE

Name (Last, First or Institution):

Address:

City/State/Zip:

Original Amount of Loan: \$ Interest Rate:

-	-	-	Total of All Loans This Reporting Period: \$-
Loan Amount Received This Reporting Period: -	\$-	-	Period: \$-
-	-	-	(Place on line 8 of Detailed Summary Report) -
Principal Amount Paid This Reporting Period: -	\$-	-	-
-	-	-	-
Interest Amount Paid This Reporting Period: -	\$-	-	-
-	-	-	-
Amount Repaid This Reporting Period: -	\$-	-	Total Repayments Made: \$-
(Amount Repaid is sum of Principal & Interest entered on Detail Summary) -		(Sum of Schedule C pages, Place on line 16 of Detailed Summary) -	
Outstanding Balance: -	\$-	-	-
-	-	-	-
TERMS OF LOAN: -	-	-	-
-	Date Loan Received -	Due Date for Final Payment -	

~~LIST ALL ENDORSERS OR GUARANTORS OF THIS LOAN~~

Full Name	Address, City, State, Zip	Amount Guaranteed
-	-	-
-	-	-
-	-	-
-	-	-

~~Schedule D - Returned Contributions & Expenditures~~

~~Full Name of Committee/Person:~~

~~Returned Contributions~~

~~(Previously reported on Schedule A - Contributions accepted and then returned to donors)~~

~~PLEASE PRINT/TYPE~~

1. Name (Last, First):	
2. Address:	
3. City/State/Zip:	
4. Purpose:	
5. Date Accepted:	
6. Date Returned:	
7. Amount:	\$

1. Name (Last, First):-	
2. Address:-	
3. City/State/Zip:-	
4. Purpose:-	
5. Date Accepted:-	
6. Date Returned:-	
7. Amount:-	\$-

Returned Expenditures

(Previously reported on Schedule B—Expenditures returned or refunded to the committee)

—PLEASE PRINT/TYPE

1. Name (Last, First):-	
2. Address:-	
3. City/State/Zip:-	
4. Comment (Optional):-	
5. Date Accepted:-	
6. Date Returned:-	
7. Amount:-	\$-

1. Name (Last, First):-
2. Address:-
3. City/State/Zip:-

4. Comment (Optional):-	
5. Date Accepted:-	
6. Date Returned:-	
7. Amount:-	\$-

Schedule E - Closeout Distributions
(To be completed after the election is certified. Complete the Detailed Summary before completing this Schedule E)

1-	Funds on Hand at the Beginning of Reporting Period (from detailed summary, monetary only)-	\$-
2-	Total Monetary Contributions for the Reporting Period (detailed summary, line 11)-	\$-
3-	Total Funds (line 1 + line 2)-	\$-
4-	Expenditures During the Reporting Period:-	-
	a- Itemized Expenditures \$20 or More (From detailed summary line 14)-	\$- -
	b- Total of Non Itemized Expenditures (From detailed summary line 15)-	\$- -
	c- Loan Repayments Made (From detailed summary line 16)-	\$- -
	d- Returned Contributions (To donor) (From detailed summary line 17)-	\$- -
	Total Expenditures (total of a, b, c, and d)-	\$-
5-	Total Contributions to Charitable organizations (attach list showing the Name, Address, and amount contributed to each Charitable organization)-	\$-

6	Funds retained for a future election (list financial institution in which the funds will remain)	\$
7	Total of lines 4, 5, and 6	\$
8	Subtract line 7 from line 3 (Result must be zero) and enter on line 18 of the detailed Summary	\$

Section 3. Section 208 (Unexpended Campaign Funds) of Part 2 (Fair Campaign Practices; Candidate and Committee Funds and Disclosures) of Article 2 (Campaign Disclosures) of Chapter 5 (Elections) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

5.2.208: UNEXPENDED CAMPAIGN FUNDS:

A. Not later than ninety (90) days after the results of an election are certified, campaign funds held by a candidate or a committee shall be donated to a charitable organization recognized by the Internal Revenue Service or returned to the contributors, except that campaign funds held by a candidate or a candidate committee may be retained solely for use by the candidate as a candidate in a subsequent campaign, and except that funds held by a political committee may be retained for future activities.

B. Issue committees shall close and file a final disclosure form no later than ninety (90) days after the results of an election are certified.

C. If funds are retained by a political committee or by a candidate committee for a subsequent campaign, the political committee or the candidate shall file a report describing any changes in the account during the year with the City Clerk by April 30 of each year, until the candidate declares candidacy in another election or until the political committee participates in another election.

Section 4. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 5. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2016.

Finally passed: _____
_____ Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk