



Legislation Text

File #: 16-562, **Version:** 2

Ordinance No. 16-103 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

Presenter:

Sarah B. Johnson, City Clerk

Britt Haley, City Attorney's Office

Summary:

This ordinance proposes to update the regulation of issue committees to comply with the March 2, 2016 decision in the case of Coalition for Secular Government v. Wayne Williams, a decision of the United States Court of Appeals for the Tenth Circuit that invalidated, as unconstitutional, certain State of Colorado statutes requiring financial disclosures by issue committees. Because the City Code of Colorado Springs regulated issue committees in a similar manner, the City Code also needs to be updated to comply with the ruling. The following changes reflect the requirements that the State of Colorado's General Assembly adopted during its most recent legislative session to respond to the ruling.

Issue committees that raise or expend less than two hundred dollars (\$200.00) have no financial disclosure or reporting requirements. Small scale issue committees are defined as those issue committees that collect or expend funds in excess of two hundred dollars (\$200.00) but not more than five thousand dollars (\$5,000.00). A small scale issue committee is required to report to the City Clerk certain identifying information and the name of the financial institution in which it has a bank account for contributions. Issue committees are redefined to be those issue committees that collect or expend funds in excess of five thousand dollars (\$5,000.00). Issue committees, as redefined are required to disclose all contributions and expenditures. Once a small scale issue committee collects or expends more than five thousand dollars (\$5,000.00), it converts to an issue committee and has fifteen (15) days to report the conversion to the City Clerk and to file its required disclosures.

Section Update

§ 5.2.202 Updates definitions-defines small scale issue committee. Aligns the definition of political committee with the remainder of the City Code.

§ 5.2.203 Updates regulation of issue committees consistent with a March 2016 federal court decision that invalidated prior disclosure requirements. Removes campaign financial disclosure forms from city code. Specifies required content for disclosures.

Previous Council Action:

City Council adopted the current code section in November of 2012.

This item appeared on the September 26, 2016 Work Session Agenda.

Background:

This ordinance proposes to update the regulation of issue committees to comply with the March 2, 2016 decision in the case of Coalition for Secular Government v. Wayne Williams, a decision of the United States Court of Appeals for the Tenth Circuit that invalidated, as unconstitutional, certain State of Colorado statutes requiring financial disclosures by issue committees. Because the City Code of Colorado Springs regulated issue committees in a similar manner, the City Code also needs to be updated to comply with the ruling. The following changes reflect the requirements that the State of Colorado's General Assembly adopted during its most recent legislative session to respond to the ruling.

Issue committees that raise or expend less than two hundred dollars (\$200.00) have no financial disclosure or reporting requirements. Small scale issue committees are defined as those issue committees that collect or expend funds in excess of two hundred dollars (\$200.00) but not more than five thousand dollars (\$5,000.00). A small scale issue committee is required to report to the City Clerk certain identifying information and the name of the financial institution in which it has a bank account for contributions. Issue committees are redefined to be those issue committees that collect or expend funds in excess of five thousand dollars (\$5,000.00). Issue committees, as redefined are required to disclose all contributions and expenditures. Once a small scale issue committee collects or expends more than five thousand dollars (\$5,000.00), it converts to an issue committee and has fifteen (15) days to report the conversion to the City Clerk and to file its required disclosures.

Financial Implications:

N/A

Board/Commission Recommendation:

N/A

Stakeholder Process:

The City Clerk holds meetings with the Pikes Peak Equality Coalition, Elections Administration Committee, during and after each municipal election cycle to discuss possible improvements to the municipal election code, which includes my suggestions and their suggestions. The Committee also met individually with each councilmember.

The City Clerk and Britt Haley, City Attorney's Office met with most City Council members after the September 26th Work Session to review the proposed code changes and answer questions.

Alternatives:

N/A

Proposed Motion:

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

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