

# Campaign and Political Finance Manual



Revised April 2019

# 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.

## Contacting Campaign Finance Support

Phone: (303) 894-2200 & (dial 3 then 1)  
E-mail: [cpfhelp@sos.state.co.us](mailto:cpfhelp@sos.state.co.us)  
Fax: (303) 869-4861  
Address: 1700 Broadway Suite 200  
Denver, CO 80290  
Web: [www.sos.state.co.us](http://www.sos.state.co.us)  
TRACER: <http://tracer.sos.colorado.gov>

# Quick Reference of Changes to this Version

From the December 2018 version, the changes to the CPF Manual include:

## CHANGES TO THE MANUAL

This version includes amendments to Campaign and Political Finance Rule 10.17, adjusting contribution limits for inflation during the four year period between 2015 and 2018.

## Recent Court Decisions Affecting Campaign Finance

### **Holland v. Williams 1:16-cv-00138-RM-MLC**

- Court held that Section 9(2)(a) of Article XXVIII of the Colorado Constitution is facially unconstitutional under the First and Fourteenth Amendments of the U.S. Constitution.

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# PART ONE:

## CANDIDATES AND CANDIDATE COMMITTEES

### BECOMING A CANDIDATE

An individual becomes a candidate when he or she publicly announces his or her intent to run for office and thereafter receives a contribution or makes an expenditure in support of his or her candidacy.

A public announcement includes but is not limited to making a statement a reasonable person would expect to become public signifying an interest in a public office by means of a speech, advertisement, or other communication reported to or appearing in public media or any place that is accessible to the public. A public announcement also includes a stated intention to explore the possibility of seeking an office and/or the registration of a candidate committee.

#### Documents and Where to File

You must file a candidate affidavit with the appropriate filing office within 10 days of becoming a candidate for public office. Candidates required to file affidavits with the Secretary of State must file the affidavit electronically using the online campaign finance reporting system, TRACER. **The affidavit is an attestation that the candidate has familiarized themselves with campaign finance laws and regulations, so be sure to read the laws before submitting the affidavit.**

State candidates (except for Judges and Regional Transportation District (RTD) candidates) must file a Personal Financial Disclosure statement (PFD) within 10 days of filing a candidate affidavit. Incumbents must file a new PFD or an update to an existing PFD on or before January 10 of each year, and within 10 days of filing a candidate affidavit if seeking re-election or election to a new office. Failure to file within 10 days will result in a penalty. Additionally, Section 24-6-202, C.R.S. requires incumbents and newly elected state candidates, excluding RTD directors, to file an annual PFD or update no later than January 10<sup>th</sup> of each year.

Candidates running for **state office**—including Attorney General, CU Regent, District Attorney, Governor, Secretary of State, State Board of Education, State House of Representatives, State Senate, and Treasurer for the State of Colorado— must file their candidate affidavit and PFD with the Secretary of State.

State candidates choosing to accept voluntary spending limits (VSL) must file their acceptance with their candidate affidavit.

Candidates running for a **county office** including Assessor, Commissioner, Coroner, County Clerk and Recorder, County Treasurer, Sheriff, Surveyor, as well as candidates running for school board, must also file their candidate affidavit with the Secretary of State, but no PFD is required. Colorado law does not provide county or municipal candidates with the option of accepting VSL.

Candidates in **special district elections** file a self-nomination and acceptance form with the special district Designated Election Official (DEO) in lieu of a candidate affidavit. No PFD is required. The Secretary of State is the appropriate filing officer for all other campaign finance filings for special district candidates.

Candidates in **municipal elections** file with the municipal clerk of the applicable municipality.

Please refer to our website at [www.sos.state.co.us](http://www.sos.state.co.us) for the qualifications required of candidates for each statewide office, or contact your county clerk or your municipal clerk for qualifications required of candidates seeking office in those jurisdictions.

### CANDIDATES WITHOUT COMMITTEES (STANDALONE CANDIDATES)

Standalone candidates are candidates without a candidate committee. You do not need a candidate committee if you will not solicit or accept contributions

during your candidacy or if you will only spend your own money. You must register a committee if you accept money or other types of contributions from any other person/entity.

Standalone candidates must report all expenditures to the appropriate filing office (Secretary of State or the municipal clerk, depending on the office sought).

Standalone candidates must itemize all expenditures of \$20 or more (either one-time expenditures or expenditures greater than \$20 in aggregate during a reporting period). Itemized expenditures must list the name and address of the payee and the purpose of the expense.

The law does not require standalone candidates who do not make expenditures to file disclosure reports, but candidates may file a zero report if they choose.

Standalone candidates are no longer considered candidates upon losing the election. These individuals do not need to take affirmative action to end their candidacy and do not need to file ongoing disclosure reports. Candidates wishing to exit the race prior to the election must submit a written withdrawal and must file disclosure reports for any reporting periods in which they made expenditures until submitting such a withdrawal or until the election occurs.

## CANDIDATE COMMITTEES

A candidate committee accepts contributions and makes expenditures under the authority of a candidate. A candidate committee includes the candidate. The law does not require the committee to have additional members. A candidate can only have one active candidate committee.

When considering running for office, you, your registered agent, fundraisers, and campaign manager should become familiar with the requirements of Article XXVIII of the Colorado Constitution, Title 1, Article 45, C.R.S., and the Rules Concerning Campaign and Political Finance.

## Registering your Committee

The Colorado Constitution states that a person becomes a candidate when he or she:

- ◆ publicly announces an intent to run for office; and
- ◆ receives a contribution or makes an expenditure in support of their candidacy

The Secretary of State recommends registering a candidate committee with the appropriate filing office before accepting contributions or making expenditures.

All committees that register with the Secretary of State must do so electronically. To register a candidate committee, go to TRACER (<http://tracer.sos.colorado.gov>) and click the “register a committee” button. You will need a committee name (including the name of the candidate, such as “Jane Doe for House District 1”), physical, mailing, and e-mail addresses, a description of your committee’s purpose, your party affiliation for partisan elections, the details of the office sought, and financial information including the name of the bank where the committee has or will have an account. You also need to designate a registered agent who will act as the committee’s representative. The candidate can serve as the registered agent or may designate another natural person to serve as registered agent.

*Note:* A governor candidate and lieutenant governor candidate must run together and may only have one committee. The law does not permit separate candidate committees.

## Registered Agents

All committees must have a registered agent. The registered agent is like a treasurer – he or she keeps track of all contributions and expenditures and files the committee’s reports. The registered agent has important duties and access to all of the committee’s financial information. The Secretary of State communicates primarily with the registered agent via e-mail. The candidate may serve as the registered agent for his or her candidate committee, or may appoint

someone else to serve. Committees must list the natural person serving as the registered agent on the committee registration form.

In addition to the candidate or the registered agent, the committee may also assign a natural person to serve as a designated filing agent responsible for the timely filing of contribution and expenditure reports.

The committee can replace the registered agent after a formal resignation, after which the committee must file an amended registration. To resign, a registered agent must file a resignation letter with the appropriate filing officer. A new registered agent must assume the role before Secretary of State records reflect a resignation. Please see Rule 9.2 for more information. If the candidate committee fails to appoint a new registered agent within ten days of the resignation of the former registered agent, the candidate becomes the new agent.

**Amending your Committee Registration**

Committees must report any changes to their committee registration information—including address, phone, e-mail, registered agent, or purpose—within ten days of the change. Committees may file amendments using TRACER, or by completing and submitting a paper Committee Registration Amendment form. Municipal candidates should contact the municipal clerk for more information.

**Terminating your Committee**

Candidates remain candidates for office as long as they have an open candidate committee and must file all assigned disclosure reports. Candidates may terminate their committee by filing a termination report that reflects a zero balance.

The appropriate filing office will impose penalties of \$50 per day, including weekends and holidays, for reports filed after the due date, even if your committee has no activity during the reporting period.

Committees with loans or outstanding debt, including late filing penalties, may not terminate until the

committee pays the loan or debt and the committee has reached a zero balance.

Inactive candidates are candidates that do not seek access to the ballot in an upcoming election but want to maintain an active candidate committee. Term limited officeholders who choose to maintain an active candidate committee and solicit contributions must indicate to the appropriate filing officer their intention to be designated as an inactive candidate. This can be done by filing a candidate affidavit but also indicating to the appropriate officer that the candidate is term limited and therefore not seeking access to the ballot in an upcoming election. If, at any time, an inactive candidate decides to run for a different office, the candidate must file a candidate affidavit for the office sought and rollover committee funds to a new candidate committee.

**Relevant laws and rules for Candidate and Candidate Committees**

Definitions	Art. XXVIII, Sec. 2
Registration and amendments	1-45-108(3), C.R.S.; Rule 2.2, Rule 8.1, Rule 12.1
Disclosure requirements	1-45-108-109, 1-45-110, 24-6-202, C.R.S.; Rule 10
Deposits and records	Art. XXVIII Sec. 3(9); Rule 10
Filing dates	1-45-108(2), C.R.S.; Rule 17
Contribution limits	Art. XXVIII, Sec. 3; 1-45-103.7, C.R.S.; Rule 10.17
Unexpended campaign funds	Art. XXVIII, Sec. 2(15); 1-45-106, C.R.S.; Rule 2.2.4
Terminating	Rule 2.2, Rule 12.3
Inactive candidate committees	1-45-106 (1)(a)(III), C.R.S.
Sanctions	Art. XXVIII, Sec. 10

## CONTRIBUTIONS AND EXPENDITURES

A candidate committee must report all contributions received and all expenditures made to the appropriate filing officer (the Secretary of State for all candidates except those in municipal elections). Standalone candidates must report all expenditures. Candidates and committees filing reports with the Secretary of State must file reports electronically.

Candidate committees for special district elections must file reports once the committee has accepted contributions or made expenditures in aggregate of \$200 for the election cycle.

Filing dates and reporting periods vary depending on the office sought. You can view campaign finance filing calendars on the Secretary of State's website at [www.sos.state.co.us](http://www.sos.state.co.us). The calendars are created using the schedule outlined in Section 1-45-108(2), C.R.S. The Secretary of State imposes penalties of \$50 per day for late filings, including weekends and holidays.

### Contributions and Contribution Limits for Candidates and Candidate Committees

The Secretary of State's Office recommends registering a committee prior to accepting contributions. Candidate committees must report all contributions received to the appropriate filing officer.

Depending on the contribution amount, Colorado law requires committees to report certain additional information as follows:

- ◆ Committees must disclose contributions of less than \$20 on their report, although itemization is not required.
- ◆ Committees must report and itemize contributions of \$20 or more, (either one time contributions or contributions greater than \$20 in aggregate during a reporting period) including non-monetary (in-kind) contributions. Itemization means listing each contribution individually with the name and address of the contributor.

- ◆ Committees receiving contributions of \$100 or more, (from natural persons), including non-monetary contributions, must also include the occupation and employer of the contributor on the report.

Contributors may make contributions using cash, check, money order, credit card, EFT, etc., but cash, coin, or crypto currency contributions cannot exceed \$100.

Non-monetary donations of goods, equipment, supplies or services constitute contributions requiring disclosure and count against contribution limits.

Contributions include anything of value given directly or indirectly to a candidate "for the purpose of promoting the candidate's nomination, retention, recall, or election."

Contributions from natural persons made by check are considered to have come from the person who signed the check. The date the committee deposits the check into its account is the date of receipt. Please see page 33 of this manual for information on contributions from joint account holders. If a committee receives a contribution five or more business days before the end of a reporting period, the committee must deposit the check or return it to the contributor by the close of that reporting period.

Candidate committees must report contributions of \$1,000 or more received within 30 days of the primary election, general election, or regular biennial school election within 24 hours of receipt as a Major Contribution. This is a supplemental report and is due separately from regular reports except that reports are not required in years where a candidate's office does not appear on the ballot.

Volunteer services by an individual do not constitute contributions. This includes volunteers who donate time to the campaign at no charge. Keep in mind that donated services that are not time-based may be subject to disclosure and contribution limits. See Rule 1.4.1

No person may act as a conduit for a contribution to a candidate committee and the law prohibits anonymous contributions of \$20 or more.

### Prohibited Contributions

Colorado law prohibits candidates and candidate committees from accepting contributions from:

- ◆ Corporations (profit or non-profit)
- ◆ Foreign citizens, corporations, or governments
- ◆ Another candidate committee (local, state, or federal)
- ◆ Lobbyists, principals of lobbyists, or political committees who retain a lobbyist, when the General Assembly is in regular session (applies to member of or candidates for the General Assembly or Executive Office)
- ◆ Anonymous contributions of \$20 or more
- ◆ Limited Liability Companies (LLCs), *if* any of the LLC members are a:
  - Corporation or labor organization
  - Natural person who is not a U.S. Citizen
  - Foreign government
  - Professional or volunteer lobbyists, or a principal of a lobbyist prohibited from contributing by 1-45-105.5(1), C.R.S.
    - Note: See definition of LLC in 1-45-103.7(8), C.R.S.
- ◆ LLCs that the IRS treats as corporations, and from LLCs with publicly traded shares

Colorado law prohibits a person from making a contribution with the expectation that the recipient will reimburse all or a part of the contribution.

**Colorado law permits LLC contributions subject to the following requirements:**

- ◆ **LLC contributions are attributed to the members of that LLC and if the members are natural persons, the amount contributed as a member of the LLC counts towards aggregate contribution limits for that person.**

- ◆ The LLC must provide the candidate or committee with a written statement affirming the permissibility of the contribution. (The Secretary of State’s office has a sample form on its website, or the LLC may create their own.)
- ◆ Please review Section 1-45-103.7(8), C.R.S. for the definition of Limited Liability Company for campaign finance purposes.
- ◆ The affirmation must include:
  - Name & address of all LLC members.
  - Information on how to attribute the contribution among the LLC members. The attributed amount must reflect the capital the member has invested in the company at the time of the contribution (percentage of ownership).
  - Occupation and employer information for a member must also be provided for contributions of \$100 or more attributed to that LLC member.
- ◆ The committee must:
  - Retain affirmation statements for 1 year after the end of the election cycle.
  - Itemize LLC contributions regardless of amount.
  - List both the individual LLC member’s name as the contributor as well as the name of the LLC.

### Limits

**Candidates** may accept contributions for both the primary and general election. Contribution limits apply once for the primary election and again for the general election.

*Note:* A candidate committee may accept and spend contributions for the primary and general election at any time during the election cycle regardless of whether or not the election is contested.

**Contribution Limit Amounts for Candidates**

From persons and political committees

Limits apply separately to both the primary and general election, if applicable. For example, a candidate for governor may accept \$625 for the primary AND \$625 for the general election from one individual.

Governor/ Lt. Governor, Secretary of State,  
Attorney General, State Treasurer ..... \$625

State Senate, State House of Representatives,  
State Board of Education, CU Regent, District  
Attorney ..... \$200

From small donor committees

Limits apply separately to both the primary and the general election, if applicable.

Governor/ Lt. Governor, Secretary of State,  
Attorney General, State Treasurer ..... \$6,750

State Senate, State House of Representatives,  
State Board of Education, CU Regent,  
District Attorney ..... \$2,675

From political parties

Contribution limits apply using the election cycle for a specific office. The election cycle starts the 31<sup>st</sup> day after the general election for a particular office and ends the 30<sup>th</sup> day after the next general election for that office.

Governor/Lt. Governor  
(one committee) ..... \$679,025

Secretary of State, Attorney General,  
State Treasurer ..... \$135,775

State Senate ..... \$24,425

State House of Representatives,  
State Board of Education, CU Regent,  
District Attorney ..... \$17,625

*Note:* The Secretary of State adjusts contribution limits every four years and the current limits reflect inflationary adjustments made on March 29, 2019.

Candidates in home rule municipalities and counties may be subject to different contribution limits, or none at all. Contact your county or municipal clerk to determine what limits may apply.

**Voluntary Spending Limits (VSL)**

Most state candidates can choose to accept VSL (but may only do so at the time the candidate files their

candidate affidavit). Accepting VSL limits the total amount a candidate or candidate committee may spend during the entire election cycle.

Under VSL, contributions by a candidate to his or her own campaign constitute contributions from the political party and therefore must remain within the political party contribution limit. Combined contributions from the candidate and the political party cannot exceed the limit for the political party.

A candidate who has accepted VSL may accept double the listed contribution limits if another candidate enters the race, does not accept the voluntary spending limits, **and** raises more than 10% of the VSL limit.

VSL acceptance is irrevocable except that a candidate who has accepted the limits may withdraw acceptance within 10 days of a new candidate entering the same political race if the new candidate does not accept the spending limits. This option is available each time a new candidate enters the race and does not accept VSL.

The following voluntary spending limits apply:

Governor/Lt Governor ..... \$3,395,275  
Attorney General, Secretary of State,  
State Treasurer ..... \$679,025  
State Senate ..... \$122,200  
CU Regent, District Attorney, State  
Board of Education, State House of  
Representatives ..... \$88,225

*Note:* The Secretary of State adjusts Voluntary Spending limits every four years and the current limits reflect inflationary adjustments made on March 29, 2019. VSL does not apply for RTD candidates.

**Major Contribution Report**

Candidate Committees must file a Major Contribution report in TRACER within 24 hours of receiving any contribution of \$1,000 or more within 30 days of the primary election, general election, or regular biennial school election. This includes loans from the candidate to their own committee. Colorado law requires the filing of a Major Contribution report **in addition to** reporting

such contributions on the regularly scheduled disclosure reports.

**Loans**

Candidates may accept both personal loans from themselves and loans from financial institutions. Loans from financial institutions are permissible if the loan bears the usual and customary interest rate.

Contribution limits do not apply to loans from a financial institution. The candidate must report the loan and show loan payments. Loans from a financial institution cannot be forgiven.

Candidates may forgive loans made by the candidate to his or her own committee and contribution limits do not apply. For candidates who have accepted VSL, loans count toward contribution limits. **Candidates may not receive loans from any other individuals or entities.**

**Legal provisions related to contributions**

Definitions	Art. XXVIII, Sec. 2(5)
Registration required	1-45-108(3), C.R.S.
Limits	Art. XXVIII, Sec. 3; 1-45-103.7 C.R.S., Rule 10.17
Conduits prohibited	Art. XXVIII Sec. 3(7)
Reimbursement prohibited	Art. XXVIII Sec. 3(11)
Major Contributors	1-45-108(2.5), C.R.S.
LLCs	1-45-103.7, C.R.S.
Voluntary spending limits	Art. XXVIII, Sec. 4
Loans	Art. XXVIII, Sec. 3(8); Rule 10.12
Sanctions	Art. XXVIII, Sec. 10

**Expenditures by Candidates and Candidate Committees**

Simply stated, expenditures refer to the money an individual or committee spends. Money spent on anything for the purpose of expressly advocating the election or defeat of a candidate is considered an expenditure.

An expenditure occurs when it is made, when funds are obligated, or when a contract is established, whichever occurs first.

Expenditures controlled by or coordinated with a candidate or a candidate’s agent represent both contributions by the person making the expenditure, and expenditures by the candidate committee.

No committee or candidate may spend more than \$100 in cash or coin on any single expenditure.

Committees must itemize all expenditures of \$20 or more (either one-time expenditures or expenditures greater than \$20 in aggregate during a reporting period). Itemized expenditures must list the name and address of the payee and the purpose of the expense.

Candidate committees may not contribute to another candidate committee.

Committees that do not reimburse third-party expenditures (those made on behalf of the committee by someone other than the candidate, agent, or other person affiliated with the committee) should report them as non-monetary (in-kind) contributions.

Committees should report mileage as an expenditure using the Internal Revenue Service (IRS) rate.

**Reimbursements**

Committees should report reimbursements by the campaign to candidates, staff, and volunteers as expenditures.

Candidate committees may reimburse the candidate for expenditures the candidate made on behalf of the committee at any time. The disclosure report should list this as a reimbursement and should explain the purpose of the original expenditure. For example, if the payee is the candidate’s bank or the candidate themselves because it is a reimbursement for credit card or out-of-pocket expenses, the purpose should include what the candidate purchased and from whom. Simply stating “credit card payment” or “reimbursement” as the purpose is insufficient.

You must disclose each reimbursement of \$20 or more separately.

### Bank Accounts

Candidate committees must deposit all contributions they receive in a financial institution in a separate account with a title that includes the name of the committee.

Committees may open an account at any financial institution they choose. Regulations concerning account requirements may vary depending on the financial institution. Please consult your bank or the IRS.

### Legal provisions related to expenditures

Definitions	Art. XXVIII, Sec. 2(8, 9)
Cash/coin expenditures	Art. XXVIII, Sec. 3(10)
Itemized expenditures	1-45-108(1)(a)(I), C.R.S.; Rule 10.3
Independent expenditures	Art. XXVIII, Sec. 5; 1-45-108(2.5), C.R.S.
Sanctions	Art. XXVIII, Sec. 10
Reimbursement of Expenditures	Rule 10.11

## GIFT AND HONORARIA REPORTING

Every incumbent public office holder and every candidate elected to public office must file a report of gifts and honoraria they receive.

For the purposes of gift and honoraria reporting, “public office” includes:

- Governor
- Lieutenant Governor
- Secretary of State
- Attorney General
- State Treasurer
- Members of the Colorado General Assembly
- Members of the State Board of Education
- Regents of the University of Colorado

- Supreme Court and Appellate Court judges
- District Attorneys
- County, Municipal, School District, (and Special District if compensation is greater than \$2,400) officers

Most public office holders and candidates will file their Gift and Honoraria reports with the Secretary of State. Municipal and joint City/County officers file Gift and Honoraria reports with the appropriate Municipal Clerk.

Gift and Honoraria reports cover quarterly reporting periods and are due on the following dates subject to holiday adjustments:

- January 15
- April 15
- July 15
- October 15

Incumbents and candidates filing their Gift and Honoraria reports with the Secretary of State’s Office must file their reports electronically using the TRACER system.

*Note:* Incumbents who leave office between October 15 and January 15 must still file the January 15 report.

The filing of Gift and Honoraria reports is not required during periods in which incumbents and candidates elected to public office do not receive items listed in the following section.

### Disclosure Requirements

Incumbents and candidates elected to public office must report, with some exceptions, the following items received in connection with their public service:

- Payments for speeches, appearances, and publications
- Payments or reimbursements for travel and lodging expenses for attendance at

conventions, fact-finding missions and other meetings

- Gifts of meals to political party fundraising events

Additionally, candidates elected to office but who have not yet been sworn in must also report the following:

- Money over \$59
- Gifts with a value over \$59
- Loans of real or personal property over \$59
- Event tickets over \$59

*Note:* Amendment 41 of the Colorado Constitution prohibits elected officials from receiving certain gifts and other items of value including those listed above.

For more detailed information on what items must be disclosed, please review the relevant laws governing gift and honoraria reporting. Additionally, a guide titled *Guidance on Reporting Gifts and Honoraria* is located on the Secretary of State’s website in the Campaign Finance section under Help and Resources.

Further information and opinions about gifts is also located on the Colorado Independent Ethics Commission website:

<https://www.colorado.gov/iec>

**Legal provisions related to Gifts and Honoraria**

Reporting	24-6-203, C.R.S.
Prohibitions	Art. XXIX, Sec. 3

**REPORTING AND TRACER**

**Your filing office**

For state offices including Attorney General, CU Regent, Governor, Regional Transportation District, Secretary of State, State Board of Education, State House of Representatives, State Senate, and Treasurer for the

State of Colorado, the filing office is the Secretary of State.

County offices—including Assessor, Commissioner, Coroner, County Clerk and Recorder, County Treasurer, Sheriff, and Surveyor, as well as candidates in special district or school board elections—also file campaign finance documents and reports with the Secretary of State. However, keep in mind that documents to access the ballot are filed with the county or municipal clerk, as applicable.

Candidates in municipal elections file with the applicable municipal clerk.

**Filing calendars: dates and deadlines**

Municipal candidates and committees should check with their municipal clerk for filing calendars.

For candidates and committees that file with the Secretary of State:

- ◆ Campaign finance filing schedules and reporting periods vary depending on the office sought. The calendars are created using the schedule outlined in Section 1-45-108(2), C.R.S. Please consult the Secretary of State website, or your TRACER account, for information about which calendar applies to you.
- ◆ Candidates and candidate committees typically file on a “frequent” schedule during the election year and an “infrequent” schedule during non-election years. “Election year” means the year in which the office appears on the ballot.

**Amended reports**

Whenever a committee becomes aware of an error in past reporting, the committee must amend the report as soon as possible by filing an Amended Report of Contributions and Expenditures in TRACER. Municipal candidates and committees file amended reports with their municipal clerk.

## TRACER

TRACER is the Secretary of State's online campaign finance filing system. You can access TRACER at the following address:

<http://tracer.sos.colorado.gov>

You can use TRACER to electronically register your committee, enter contribution and expenditure information, and file campaign and political finance reports.

Under Campaign and Political Finance Rule 19, you must submit all filings to the Secretary of State electronically with the exception of personal financial disclosures. Candidates and committees may apply for an exemption to this rule based on hardship or other good cause.

The Secretary of State's office provides three ways to file campaign finance information electronically. You can submit information via regular data entry directly into TRACER; via electronic data interchange (EDI) with pre-approved Excel spreadsheets; or via EDI with XML. All filers may use EDI but the technical requirements of EDI make it more practical for committees with a large number of contributions and expenditures. EDI enables the management of contributions and expenditures using specific spreadsheet templates or XML prior to report filing. Please contact Campaign Finance Support at [cpfhelp@sos.state.co.us](mailto:cpfhelp@sos.state.co.us) for more information on EDI filing.

You do not have to wait until the end of the reporting period to enter your transactions. You can work on the report and save your information throughout the reporting period. The public cannot view the information until you file the report.

If you do not currently have a user account in TRACER, you will need to register a committee online. When the Secretary of State's office accepts your registration, the system will generate emails providing you with a user ID and information on how to retrieve your temporary PIN/password. The temporary PIN expires after 7 days so be sure to log in as soon as you receive the emails. The Secretary of State generally issues the user ID and

PIN/password emails within one business day of your registration.

**Keep your e-mail address current with the Secretary of State's office** because the office uses e-mail as the primary method to send reminders about filings, changes to campaign finance laws and regulations, any imposed penalties, and other important information. If you need to update your e-mail address, you may do so in the TRACER system, or you may contact Campaign Finance Support at (303) 894-2200 (dial 3 then 1) or e-mail [cpfhelp@sos.state.co.us](mailto:cpfhelp@sos.state.co.us)

## After the election

**Candidate committees remain open until affirmatively closed by the candidate, registered agent, or designated filing agent. Failure to win the election does not automatically close your candidate committee.** The candidate or agent must file a termination report reflecting a zero balance to close the committee. A committee must pay all outstanding loans, debts and penalties before terminating, and the committee must file all required reports on time as long as the committee remains open.

Committees must keep financial records for 180 days following any general election in which the committee received contributions, and keep LLC affirmations for one year. Committees subject to a complaint must maintain records and make them available until after the matter is resolved.

Inactive candidate committees must terminate, and all funds must be disposed of appropriately, after nine years.

### Unexpended campaign contributions

The law places some restrictions on what a candidate committee may do with funds on hand at the end of an election cycle.

Candidate Committees may use unexpended funds in the following ways:

- ◆ Contribute to a political party, up to the limit
- ◆ Contribute to a new committee established by the same candidate for a new office. Limits apply as to

how much may be contributed to the new committee

- ◆ Donate to an IRS recognized charitable organization
- ◆ Return to contributors
- ◆ Retain for use in a later campaign by the same candidate

If elected to office, unexpended campaign funds may be used for voter registration, political issue education (the law prohibits contributions to issue committees), postsecondary educational scholarships, or to defray reasonable and necessary expenses related to duties as an elected official (this includes communicating with constituents).

If you wish to run for a different office, or run again for the same office if you are not term limited, you may transfer funds to a committee in a subsequent election cycle subject to the following restrictions:

- ◆ The candidate committee must designate what amount it retains for general campaign use in the next election cycle and what amount it retains for use as unexpended funds
- ◆ Funds retained by a candidate committee for general use in the next election cycle are designated as political party contributions and are thus subject to applicable contribution limits. Any remaining funds left over at the end of the election cycle that

exceed the political party contribution limit, if applicable, must be designated as unexpended funds subject to the restrictions listed above

- ◆ You must open a new candidate committee if you run for a different office and terminate the old candidate committee within 10 days of opening the new committee for the new office
- ◆ Candidates seeking election to state or local offices may not transfer funds from a federal candidate committee to a Colorado candidate committee.
- ◆ Committees may not use unexpended funds for personal purposes.

### Standalone Candidates

Standalone candidates must file disclosure reports for any reporting period during which they have made expenditures, up to and including the election. Standalone candidates not elected to office are not considered candidates once the election is over.

### Relevant laws and rules

Unexpended campaign funds	1-45-106, C.R.S. Rule 2.2.4
Subsequent elections	Art. XXVIII Sec. 3(3)(e);