

## Andrea Gyger

---

**From:** KERMIT W MARQUAND [REDACTED]  
**Sent:** Wednesday, December 21, 2011 2:09 PM  
**To:** Andrea Gyger  
**Cc:** Kermit Marquand  
**Subject:** Campaign finance questions

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Andrea,

My name is Kermit Marquand and I am the fairly new treasurer for Representative Kathleen Conti. I expressed some concerns to her regarding how checks we received in fundraising events were not correctly written, per the July 2011 Colorado Campaign and Political Finance Manual rules, specifically on pages 9 and 25. As a result she contacted Ryan Call first and then went on to talk to Scott Gesler who suggested that I pass along those concerns to you in the hope that we can resolve some of the deficiencies and still comply with the rules as written.

In a perfect world, everyone would be up to date and would know all the rules pertaining to campaign finance. However, in spite of wording on our donation envelopes and our verbal instructions, some checks still get into the system that are not perfect and, while we feel they follow the intent of the rules they may not conform with the letter of the rules. I have grouped them into three types as follows:

1) Check is in the pre-printed name of one person and is only signed by that person. In the memo section of the check is a notation that half of the money (in this case \$800 split two ways) is to be credited to the person writing the check and the other half is to be credited to his wife. We know the people personally and we honestly believe that this is their mutual intent, but it still fails to conform to the rule on page 25. Should we contact them to verify their intent and move forward as the check is written or do we need to ask them to put the contribution into two separate checks, each signed by the person getting the credit?

Another check came in with two pre-printed names and signed again by only one of the parties. No memo came on or with the check but verbal instructions were given to split the amount evenly between the two parties, an amount which in this case was far below even a single contributor level. Do we honor their verbal wishes (again, people we know personally) or must we allocate only to the signer?

2) A couple of checks with the pre-printed names of both parties came in along with our form filled out by donors with instructions to give all the credit to one of the parties even though the check was signed by the other party. Are we OK going along with their instructions to give to one person even though someone else signed the check?

3) Checks with two pre-printed names, all as husband and wife, signed by one party and with no memo notation on the check and with no other written or verbal instructions. Some came from people who contributed in the last election cycle so we already have an indication that that same person would get the credit, even though that person's spouse signed the check, but we are only guessing in the final analysis. Would it be sufficient on our part to contact all of these people to nail down their true intent or must we always credit the amount on the check to the signer only, per the rules?

The rules are admittedly not ambiguous and do not seem subject to interpretation. Still, we now have, and probably will continue to have repeats of, the above situations in the future due to our limited ability to inform all potential donors of the exact rules they are expected to follow. We are constantly striving to follow the intent and the letter of the rules and fully agree with the reasons they are needed. Nonetheless, we put ourselves and our contributors in embarrassing situations every time we need to return their freely-given contribution just to ensure there is no question about their intent, even though in most cases we truly do know what their intent was.

I look forward to your assistance in this matter,

