

Colorado Campaign and Political Finance Laws & Filing Requirements

Candidates
&
Candidate Committees

Colorado Secretary of State's Office
Presented by
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Colorado Secretary of State

Disclaimer

The Colorado Secretary of State's office does not provide legal advice.

This training was created for reference purposes only.

Information contained in the training is not a substitute for legal advice and actual knowledge of campaign finance laws and regulations.

Topics for Discussion

- Candidates & Candidate Committees
- Contribution Limits
- Disclosure Reports & Filing Schedules
- Disclaimers / Paid for by Statements
- Closing / Terminating a Committee
- Penalties, Waivers, & Complaints
- Miscellaneous Information



Campaign & Political Finance Laws



**Article XXVIII of
the Colorado
Constitution**

**Title 1, Article
45 of the
Colorado
Revised
Statutes
(FCPA)**

**Secretary of
State's Rules
Concerning
Campaign &
Political
Finance**

Home Rule Applicability

- These provisions may not apply to you if you're from a Home Rule county or municipality which has its own charter, ordinances, or resolutions regarding campaign finance.
 - Home Rule counties are Denver, Broomfield, Pitkin, & Weld.
- Consult your local government with questions regarding Home Rule

Note: Federal offices such as U.S. President, U.S. Senate, and U.S. Representative are regulated by the Federal Election Commission (FEC) and are not governed by Colorado campaign finance laws.



Candidates & Committees Under Colorado Secretary of State Jurisdiction

Candidates	Committees
State Candidates <ul style="list-style-type: none">• Executive Office (Governor/Lt. Gov, Secretary of State, State Treasurer, Attorney General)• General Assembly (State Senate and State House)• District Attorney• State Board of Education• CU Regent• RTD (Regional Transportation District)	State & County <ul style="list-style-type: none">• Candidate Committees• Political Parties• Political Committees• Small Donor Committees• Issue Committees• Small-Scale Issue Committees• Recall Committees• Independent Expenditure Committees• 527 Political Organizations• Federal PACs (political action committees)
County Candidates <ul style="list-style-type: none">• County offices (Assessor, Clerk, Commissioner, Coroner, Sheriff, Surveyor, and Treasurer)• Special District• School Board	

Note: Municipal candidates and committees file with the municipal or town clerk.



Candidate without a Committee

Candidate Only (Standalone)

Definition / Purpose:

- A candidate who is self-funding their candidacy; not accepting contributions of any kind from anyone.

Registration/Filing Requirements:

- Must file candidate affidavit or equivalent within 10 days of becoming a candidate.

Disclosure reports are required for reporting periods when expenditures occur. However, Special District candidates are not required to file reports until they have spent in excess of \$200 for the election cycle.

Prohibited Contributors / Donors:

- Must register a candidate committee to accept contributions – see candidate committee information.

Contribution Limits?

- Not applicable - candidates who want to accept contributions **must** register a candidate committee.

Note: State candidates file their ballot access documents with the SOS; county candidates file their ballot access documents with their Designated Election Official (DEO) which may be the county clerk and recorder or for school board or special district it may be the board itself or someone appointed by the board to be the DEO.



Candidate Committees

Definition / Purpose:

- Accepts contributions and makes expenditures under a candidate's authority to further a bid for election (or re-election)

Note: The candidate may be only member if desired.

Registration Requirements:

- Prior to accepting contributions
- May only have one candidate committee at a time

Special District candidate committees are not required to file disclosure reports until they raise or spend in excess of \$200 for an election cycle.

Prohibited Contributors / Donors:

- Corporations (profit & non-profit)
- Labor Organizations / Unions
- Foreign Citizens
- Foreign Governments
- Foreign Corporations
- Issue Committees
- Small-Scale Issue Committees
- Independent Expenditure Committees
- Other Candidate Committees
- **Lobbyist** (During the regular legislative session to Executive and General Assembly officeholders and candidates. And when legislation is pending before the Governor 1-45-105.5, C.R.S.).

Contribution Limits?

- **State Office:** Yes (Excludes RTD)
- **County Office:** Yes (Excludes Special District)
- **Municipal/Town:** Unknown – check with municipal/city clerk



You Become a Candidate When

- You publicly announce an intention to seek election to public office

And then

- Receive a contribution **or** make an expenditure on behalf of the candidacy

Within 10 calendar days of becoming a candidate you must file a Candidate Affidavit



Public Announcement Definition (CPF Rule 1.20)

- Registering a candidate committee, or
- Announcing an intention to seek public office through:
 - A speech, advertisement, or other communication reported or appearing in public media, or
 - A statement made in any place accessible to the public, or
 - A statement made in a manner that a reasonable person would expect to become public.



State Candidates – Additional Filings

- **Voluntary Campaign Spending Limits (VSL):** At the time a state candidate files their candidate affidavit they must decide if they will or will not accept VSL. Since VSL acceptance is irrevocable, except in a very narrow circumstances, candidates should familiarize themselves with this option BEFORE filing the candidate affidavit.
 - If VSL is accepted it will limit how much may be spent on the campaign and limits how much a candidate may contribute to their own campaign (see CPF Rule 10.17),
 - If VSL is NOT accepted there is no spending limit, and the candidate may contribute unlimitedly to their own campaign.
- **Personal Financial Disclosure (PFD) Statements:** *1-45-110 and 24-6-202, C.R.S.*
 - Is a public document that a person seeking election, or who is elected, re-elected, appointed or retained in a public office, must file that provides financial and other information as required by 24-6-202, C.R.S.
 - PFDs are due, for most candidates, within 10 days of filing a candidate affidavit; by January 10th after being elected, re-elected, retained or appointed; and annually, by January 10th, while in office. Updates are required within 30 days of any change.

Note: *With the passage of House Bill 22-1156 (Effective August 9, 2022), incumbents who timely file their annual PFD statement, due by January 10th of each year, as required by 24-6-202(4), C.R.S., are not required to file another disclosure statement within 10 days of filing a new candidate affidavit. However, incumbents are still required to file an updated statement, within 30 days of any change.*

Statewide – Executive Offices

From ↓ To →	Governor / Lt. Governor	Secretary of State	Attorney General	State Treasurer
<ul style="list-style-type: none"> Individual Political Committee LLC* or Business Entity (other than a corporation) Federal PAC <p><i>Note: Other permissible contributors are treated like an Individual for contribution limits.</i></p>	\$625 Primary	\$625 Primary	\$625 Primary	\$625 Primary
	\$625 General	\$625 General	\$625 General	\$625 General
Small Donor Committee	\$6,750 Primary	\$6,750 Primary	\$6,750 Primary	\$6,750 Primary
	\$6,750 General	\$6,750 General	\$6,750 General	\$6,750 General
Political Party	\$679,025 Election Cycle	\$135,775 Election Cycle	\$135,775 Election Cycle	\$135,775 Election Cycle

*Review requirements for LLC's in 1-45-103.7, C.R.S.; Note: Limits combine both monetary and non-monetary.



State Offices – General Assembly

From ↓ To →	State Senate	State House of Representative
<ul style="list-style-type: none"> • Individual • Political Committee • LLC* or Business Entity (other than a corporation) • Federal PAC <p><i>Note: Other permissible contributors are treated like an Individual for contribution limits.</i></p>	\$200 Primary	\$200 Primary
	\$200 General	\$200 General
Small Donor Committee	\$2,675 Primary	\$2,675 Primary
	\$2,675 General	\$2,675 General
Political Party	\$24,425 Election Cycle	\$17,625 Election Cycle

*Review requirements for LLC's in 1-45-103.7, C.R.S.; Note: Limits combine both monetary and non-monetary.



Other State Offices

From ↓ To →	State Board of Education	CU Regent	District Attorney	RTD
<ul style="list-style-type: none"> Individual Political Committee LLC* or Business Entity (other than a corporation) Federal PAC <p><i>Note: Other permissible contributors are treated like an Individual for contribution limits.</i></p>	\$200 Primary	\$200 Primary	\$200 Primary	No limit
	\$200 General	\$200 General	\$200 General	No limit
Small Donor Committee	\$2,675 Primary	\$2,675 Primary	\$2,675 Primary	No limit
	\$2,675 General	\$2,675 General	\$2,675 General	No limit
Political Party	\$17,625 Election Cycle	\$17,625 Election Cycle	\$17,625 Election Cycle	No limit

*Review requirements for LLC's in 1-45-103.7, C.R.S.; Note: Limits combine both monetary and non-monetary.



Contribution Limits

County Candidate Committees

County candidates include: Assessor, Clerk & Recorder, Commissioner, Coroner, Sheriff, Surveyor and Treasurer. (Limits effective August 2, 2019.)

Type of Donor	Donation Limit
<ul style="list-style-type: none"> • Individual (Natural Person) • Political Committee • LLC* or Business Entity (other than a corporation) • Federal PAC <p><i>Note: Other permissible contributors are treated like an Individual for contribution limits.</i></p>	\$1,250 Primary
	\$1,250 General
Small Donor Committee	\$12,500 Primary
	\$12,500 General
Political Party	\$22,125 Per Election Cycle

*Review requirements for LLC's in 1-45-103.7, C.R.S.



Contribution Limits - School District Director Candidate Committees

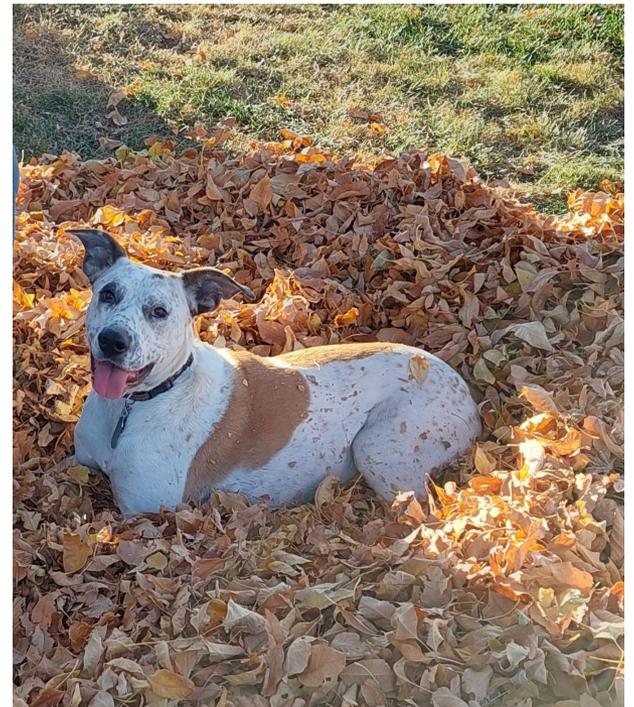
House Bill 22-1060 created contribution limits for School Board District Directors;
Signed by the Governor on 04-13-2022; **Effective July 1, 2022**

Type of Donor	Donation Limit
<ul style="list-style-type: none">• Individual (Natural Person)• Political Committee• LLC* or Business Entity (other than a corporation)• Federal PAC <p><i>Note: Other permissible contributors are treated like an Individual for contribution limits.</i></p>	<p>\$2,500</p> <p>For the entire Election cycle</p>
Small Donor Committee	<p>\$25,000</p> <p>For the entire Election cycle</p>
Political Party	<p>\$2,500</p> <p>For the entire Election cycle</p>

*Review requirements for LLC's in 1-45-103.7, C.R.S.



QUESTIONS





Basic Disclosure Practices



Contributions and Donations & Expenditures and Spending





TRACER Home



Where filings, such as registrations, candidate affidavits, & disclosure reports are done online.

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

Data entry options

- Manual entry directly into the TRACER website (suggested)

OR

- Importing data using:
 - Excel Spreadsheet format
 - XML format
- If considering an import option contact the support team to:
 - Discuss the pros & cons of use based on the committee's activity level & technical skill
 - Obtain specification documents & templates
- A test file must be submitted, 2 to 4 weeks before first use, for testing and approval by staff.

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TRACER

Help with this page
[Campaign Finance Manual \(PDF\)](#)

About this website

Welcome to the Campaign Finance Disclosure Website

Registered User Login

Search Database Learn to Use TRACER Committee Registration

Generate Reports Quick Stats Candidate Affidavit

Contributions and Loans Filed in 2022

Category	Amount
Democratic Candidates	\$1,633,849.98
Issue Committees	(\$136,709.03)
Republican Candidates	\$957,874.92

Graph represents all contributions and loans that were included on reports filed in the current year.



Filing Frequency & Schedules



Frequent Filers

Standalone candidates and candidate committees are on a frequent filing schedule during **the year in which their office appears on the ballot.**

Did you know state & county candidates / committees have different filing dates? Click [here](#) for the calendars. The filing schedule is outlined in 1-45-108(2), C.R.S.



Infrequent Filers (Quarterly/Annual)

Standalone candidates and candidate committees file on an infrequent schedule during **the years in which the candidate's office is NOT on the ballot.**

Even Years	Odd Years
State / Statewide – up to 12 times	State / Statewide – Qtrly. - 4 times
County - 6 times	County – Annually - 1 time
School District Directors – Qtrly. – 4 times	School District Directors – up to 10 times

Note: The Regular Biennial Special District Election is held in May of even calendar years; however, statute changes this to the odd years starting in May of 2023. Up to 3 reports may be required during the election year. Check the Filing Calendar page each year for deadlines.

2022 Frequent Schedule

Reports are timely if filed by 11:59 p.m. on the due date.



State / Statewide Frequent Schedule	County Frequent Schedule
May 2, 2022	June 7, 2022
May 16, 2022	June 24, 2022
May 31, 2022	July 28, 2022
June 13, 2022	October 18, 2022
June 27, 2022	November 4, 2022
August 1, 2022	December 13, 2022*
September 6, 2022	
September 19, 2022	
October 4, 2022	Election Days in 2022: <ul style="list-style-type: none"> • May 2, 2022 – Special District • June 28, 2022 – Primary Election • November 8, 2022 – General Election <i>* Date changed from December 8, 2022, to December 13, 2022, due to new legislation.</i>
October 17, 2022	
October 31, 2022	
December 13, 2022*	

Notes:

- 24-Hour Major Contributor reports for candidate committees applies only during the year the candidate's office appears on the ballot. The 24-Hour MC report periods are 30 days before the primary election & 30 days before the general election. (1-45-108(2.5), C.R.S.)
- Electioneering Communication time period starts 30 days before the Primary Election and continues until the day before the General Election. This will appear on your standard disclosure report.

For reporting periods and other important information, log into your TRACER account. Or visit the [Filing Calendar page](#).

Note: A \$50 per day late filing penalty is imposed for each day a report is not filed or is not timely filed.

Disclosure Reports

File Report of Contributions and Expenditures

Detailed Summary

Committee:	TEST CANDIDATE COMMITTEE FOR HD 6 123 MAIN STREET DENVER, CO 80000	Financial Institution:	TEST BANK 8 MAIN STREET DENVER CO 80000
Type:	Candidate Committee	Committee SOS ID:	20115017008
Candidate:	JOHN JONES	Committee Registered Agent:	TEST AGENT

Reporting Period Covered: 01/01/2011 through 03/31/2011 Report Due: 04/15/2011

Regularly Scheduled Filing Amended Filing

Termination Report (Terminations Reports must have a monetary balance of zero in Line 5)

Report Contains Electioneering Communications Information

1. Funds on Hand at Beginning of Reporting Period (monetary only)	527.01	6. Itemized Monetary Contributions	\$0.00
2. Total Monetary Contributions (Line 11)	\$0.00	7. Non-Itemized Monetary Contributions	\$0.00
3. Total Monetary Contributions plus Beginning Amount (Lines 1 + 2)	\$527.01	8. Loans Received	\$0.00
4. Total Monetary Expenditures (Line 18)	\$0.00	9. Total of Other Receipts	\$0.00
5. Funds on Hand at End of Reporting Period (monetary only)	527.01	10. Returned Contributions	\$0.00
Combined Total of Loan Balances	0.00	11. Total Monetary Contributions (Total Lines 6-10)	\$0.00
		12. Total Non-Monetary Contributions	\$0.00
		13. Total Contributions	\$0.00

View Report Details

[View Itemized Contributions](#)
[View Itemized Expenditures](#)
[View Loans](#)
[View Returns](#)

14. Itemized Monetary Expenditures	\$0.00
15. Non-Itemized Monetary Expenditures	\$0.00
16. Loan Repayments Made	\$0.00
17. Returned Expenditures	\$0.00
18. Total Monetary Expenditures (Total Lines 14-17)	\$0.00
19. Total Coordinated Non-Monetary Expenditures	\$0.00
20. Total Expenditures	\$0.00

File

Cancel

Notes:

Committees are required to file disclosure reports for every reporting period, even if no activity has occurred, until a termination report is filed. This also applies to unsuccessful candidate committees.

Special district candidates and their candidate committees have thresholds for disclosure reporting, please review CPF Rules 4, 7, and 16 for more details.

Regularly Scheduled

- Have specific due dates (1-45-108(2), C.R.S.)

Amendment(s)

- May be done at any time for corrections or updates; highly recommended to contact CPF staff for assistance

Supplemental

- Time sensitive & large transaction notices

Termination report

- Closes the committee and must have a zero balance, **and**
- No outstanding debts or obligations including penalties, **and**
- No open and/or unresolved CPF Complaints

Contributions / Donations

Are:

- Payments, loans, pledges, gifts or advances of monies
- Payments made to a third party
- Fair market value of any gifts or loans of property (In-kind items)



Colo. Const., Article XXVIII, Section 2(5);
1-45-103(6) & (7.3), C.R.S.; CPF Rule 10.4

Types – counted when:

- **Cash / Money Orders** (or equivalent) – Date it's in possession of the recipient
- **Checks** – At the earliest on the date received or at the latest the date deposited
- **Credit Cards** (e.g. PayPal) – Date contributor/donor authorizes payment
- **Non-monetary (in-kind)** – Date recipient has right to possess, takes possession, or uses item
- **Lobbyist** – Leaves the possession of the lobbyist



Basic Disclosure Requirements

Contributions / Donations

- Must report all; including those under \$20 (non-itemized)
- \$20 or more (aggregate or at one time), within a reporting period, must be itemized. Itemized means listing:
 - Name & address of contributor/donor
 - Occupation & Employer, if from a natural person & the amount is \$100 or more (at one-time)
- Currency or coin contributions may not exceed \$100
- Monetary and non-monetary (in-kind) contributions are combined for contribution limits, if applicable
- Checks received five business days prior to the end of the reporting period must be deposited or returned by the close of the reporting period – CPF Rule 10.4.1
- Anonymous contributions/donations of \$20 or more are prohibited (CPF Rule 10.8)
 - Tip: To ensure that your contributors/donors do not exceed contribution limits, if applicable, you should obtain name and address for every contribution/donation



Loans

Are defined as contributions and should be reported as such.

Funds given by a candidate to their own committee may be reported as a loan or a contribution.

Candidate Loan(s) to Own Committee

A Personal loan	From a Financial Institution
Unlimited; however, state candidates that accepted VSL and have not withdrawn them, need to ensure the amount they loan to their committee, along with other personal contributions and contributions from the political party, do not exceed the political party contribution limit to their committee.	Allowed if it: <ul style="list-style-type: none">• Bears the usual & customary interest rate• Assures repayment• Evidenced by a written instrument• Subject to a due date or amortization schedule
All or a part of the loan may be forgiven	May not be forgiven





What is the contribution received date?

Contribution Scenarios

- Adam gives a \$25 cash contribution on January 16th and it's deposited on that same day.
 - Is the date the same if deposited on the 17th?
- Brad gives a \$75 contribution by check on Friday and it's deposited on the following Tuesday.
- Carol gives a laptop valued at \$1,000 on January 19th.
- Edward authorizes a \$100 credit card contribution via PayPal on January 26th and it's deposited into the committee's bank account on January 27th.

Received Date

January 16th

Yes because it was cash

Not later than Tuesday (but could be reported on the receipt date of Friday)

January 19th

January 26th



Contribution Entry – Scenario # 1

John Smith has made 3 cash contributions totaling \$15.00 in a single reporting period.

The reporting period for this scenario is the 1st Quarter of the year (January 1st through March 31st).

Jan. 4 th = \$5.00 First contribution	How is this reported? →	Itemized or non-itemized. If itemized aggregate = \$5.00.
Feb. 10 th = \$5.00 Second Contribution	How is this reported? →	Itemized or non-itemized. If itemized aggregate = \$10.00.
Mar. 7 th = \$5.00 Third & final contribution for this reporting period	How is this reported? →	Itemized or non-itemized. If itemized aggregate = \$15.00.

TRACER tracks a contributor's / donor's aggregate total if all transactions for that contributor / donor have been entered and itemized in chronological order. Aggregate totals can be overridden as necessary.

Note: EDI import users must track and input the aggregate totals into their import file.



Contribution Entry - Scenario # 2

Jane Martin has made 2 contributions totaling \$115.00 in a single reporting period.

The reporting period for this scenario is the 1st Quarter of the year (January 1st through March 31st).

Feb. 5th = \$15.00

Non-monetary (in-kind) contribution of office supplies, such as pencils, pens, envelopes, etc.

How is this reported?



Need not be itemized, because Jane's total contributions this reporting period have not yet exceeded \$19.99. If itemized, aggregate = \$15.00.

Mar. 3rd = \$100.00

Check contribution

How is this reported?



Must be itemized because Jane's total contributions this reporting period have exceeded \$19.99. Aggregate = \$115.00. Occupation & Employer is also required because this is a one-time contribution of \$100 or more.

TRACER tracks a contributor's / donor's aggregate total if all transactions for that contributor / donor have been entered and itemized in chronological order. Aggregate totals can be overridden as necessary.

Note: EDI import users must track and input the aggregate totals into their import file.



Contribution Entry - Scenario # 3

Suzie Q has made 2 contributions totaling \$110.00 in a single reporting period.

The reporting period for this scenario is the 1st Quarter of the year (January 1st through March 31st).

Jan. 13th = \$100.00
First contribution

How is this reported?



Must be itemized. Because Suzie's total contributions this reporting period have exceeded \$19.99. Aggregate = \$100.00. Occupation & Employer information is also required.

Jan. 24th = \$10.00
Second & final contribution
this reporting period

How is this reported?



Must be itemized. Total contributions this reporting period have exceeded \$19.99. Aggregate = \$110.00.

TRACER tracks a contributor's / donor's aggregate total **if** all transactions for that contributor / donor have been entered and itemized in chronological order. Aggregate totals can be overridden as necessary.

Note: EDI import users must track and input the aggregate totals into their import file.



How to Report Silent Auction Contributions / Donations

George Garcia gives you a \$100 gift certificate to The Brown Palace Hotel and Spa for your silent auction event. Mary Adams purchases the gift certificate for \$200; how would you report this?



Option 1:

At the time you receive the gift certificate report a \$100 in-kind contribution from George.

Then

Report a monetary contribution of \$100 from Mary. The amount over and above the item's cost (fair market value). The other \$100 is reported as a non-aggregated receipt and does not count against Mary's contribution limit, if applicable.

Option 2:

Hold off reporting George's non-monetary contribution until it sells at the auction.

The gift certificate's fair market value is determined by the purchase price, \$200. George's non-monetary contribution becomes a monetary contribution of \$200.

Mary has not made a contribution.

Note: See the Campaign Finance training manual for more information about silent auctions and fundraising.



Limited Liability Company (LLC) Contributions

LLC contributions to political committees, candidate committees, and political parties are prohibited if any of the members are a prohibited contributor type. Also, prohibited to candidate committees and political parties if the LLC is taxed like a corporation or its shares are publicly traded.

LLC Duties

Provide written [affirmation statement](#) when making contribution

Affirmation statement must include:

- Name & address of all LLC members
- How to attribute the contribution among the LLC members
 - Based on percentage of ownership at the time of the contribution
- If \$100 or more include occupation & employer

LLC contributions must abide by contribution limits (for both the LLC and the individual LLC members)

Recipient Committee Duties

Retain affirmation statement for 1 year after the end of the election cycle

Remember amounts attributed to LLC members count toward their contribution limit as an individual person (if limits applicable)

Itemize all LLC contributions regardless of the amount



Limited Liability Company (LLC) Contributions

- For Campaign Finance purposes Limited Liability Company (LLC) only means:
 - Domestic Limited Liability Company
 - Defined by 7-90-102(15), C.R.S.
- And
- Foreign Limited Liability Company
 - Defined by 7-90-102(24), C.R.S.



LLC Contribution Scenario

In this scenario the contribution is made to either a candidate committee, political party, or political committee.

- J & J Plumbing LLC has made 1 contribution totaling \$400.00 in a single reporting period (1st Quarter report)
- David and Danny Jones are the only 2 members of the LLC
- Both own 50% of the LLC
- David has never contributed before and Danny previously gave a personal contribution of \$100 (during the 4th quarter)

How is this reported?



How to Report an LLC Contribution

It must be reported as an LLC contribution and attributed to each of the members.

1. Enter contribution information
2. Select LLC for the *Contributor Type*
3. Enter LLC information or use the *Search* button if they've contributed before (click on name to select)
4. Click on the *Add/Update LLC Members* button

The screenshot shows the TRACER Contribution Entry form. The form is divided into two main sections: Contribution and Contributor Information. Red arrows indicate the following steps:

- Step 1:** Points to the **Contribution** section header.
- Step 2:** Points to the **Explanation** text area.
- Step 3:** Points to the **Contributor Information** section, specifically the **Name** field.
- Step 4:** Points to the **Add / Update LLC Members** button.

Contribution Entry

Contribution

Contribution Type: Monetary (Itemized) | Receipt Date: 03/15/2014 | Receipt Type: Check

Contribution Amount: 400.00 | Aggregate Amount: | Account/Reference Number: |

Explanation: | External Reference ID: |

Made For Electioneering Communications
[Click here for info about Electioneering Communications](#)

Lock Contribution Info

Contributor Information

Contributor Type: LLC

Name: J & J Plumbing LLC | Address: 1234 Main Street | City: Denver | State: CO | Zip: 80000

Lock Contributor Info

Buttons: Search, Add / Update LLC Members, Clear Contributor, Save, Cancel



How to Report an LLC Contribution Continued

5. Enter amount of first LLC member's contribution
6. Enter name & address of member or use the *Search* button if they contributed previously (click on name to select)
7. Click the *Save Member* button - member information will be saved & displayed. Repeat Steps 5 thru 7 to add more members.
8. Click the red *Save* button when all LLC members are added

TRACER Contribution Entry

Welcome back: KRISTINE REYNOLDS on behalf of TEST CANDIDATE COMMITTEE HD1 Last Login: Feb 18 2014 9:36AM
[My Message Center](#)

[Help with this page](#) [My Admin Homepage](#) [Switch to Candidate Workspace](#) [Log Off](#) | v 20130314.3 UAT
[Campaign Finance Manual \(PDF\)](#) [Change My PIN](#)

LLC Information

LLC Name: J & J Plumbing LLC
Receipt Date: 03/15/2014
Total LLC Contribution Amount: \$400.00

Add LLC Member Information

Individual Contribution Amount: Individual Aggregate: [Click here for info about aggregate](#)

Name:
Address:
City:
State:
Zip:
Employer:
Occupation:
Occupation Comments:

LLC Members associated to this contribution

Total Individual Contributions: \$200.00

Name	Address	City/State/Zip	Employer	Occupation	Contribution Type	Amount	Aggregate	
DAVID JONES	987 SECOND STREET	DENVER CO 80000	J & J PLUMBING LLC	General Business	Monetary (Itemized)	\$200.00	\$200.00	Edit Remove



QUESTIONS



Disclosure Requirements

Expenditures / Spending

- Must report all; including those under \$20 (non-itemized)
- \$20 or more (aggregate or at one-time), within a reporting period, must be itemized. Itemized means listing:
 - Name & address of payee (to whom payment was made)
 - Purpose of expenditure
- Currency or coin expenditures may not exceed \$100



- Expenditures controlled by or coordinated with a candidate or the candidate's agent are deemed to be both contributions by the maker of the expenditures, and expenditures by the candidate's committee.
 - The candidate committee reports a non-monetary (in-kind) contribution from the maker of the expenditure and
 - A non-monetary (in-kind) expenditure to the person or entity receiving payment from the third-party



Expenditures / Spending

Can be the:

- Purchase, payment, distribution, loan, advance, deposit, or gift of money to influence, support, or oppose candidates or ballot issues or questions
- Funds should be used in accordance with the purpose of the committee. If a complaint is filed against you – can you provide a reasonable explanation for the expenditure?

Made & counted when:

- The actual spending occurs **OR**
- A contractual agreement has been made and the amount is known

Whichever comes first



Note: The law does not provide a list of permissible or prohibited types of expenditures. Funds can't be used for personal purposes except as outline by 1-45-103.7(6.5), C.R.S. for a candidate's reasonable and necessary child / dependent care expenses.



What is the expenditure date?

Expenditure Scenarios

- You purchase office supplies totaling \$45 from Office Max on February 19th. What is the expenditure date?
- On March 5th you enter an agreement with 'Campaigns are us' to print \$1,000 worth of postcards for a mailing. You receive the invoice on March 30th. What is the expenditure date?
- Volunteers are working late on Election eve and you call out for pizza. The cost is \$130. What is the expenditure date? For bonus points - can you use currency/coin for the entire amount?

Disbursement Date

February 19th

March 5th. Although you didn't get the invoice and send payment until March 30th you entered into an agreement and knew the amount on March 5th so the expenditure date is March 5th. Remember you have to use the earliest date.

Election eve. Up to \$100 of the \$130 can be made in currency or coin but no more. Another form of payment would be required for the remaining \$30 if \$100 was paid in currency/coin.



Sign Placement

Sign Placement - check with:

- The city's / county's zoning or code enforcement office
- CDOT (Colorado Department of Transportation)
- HOA (Homeowner Association)



Note: Colorado's Campaign Finance Laws/Rules do not address sign placement locations or time frames when signs may be put up and/or must be removed.



“Paid For By” Statements

THE SECRETARY OF STATE’S OFFICE SUGGESTS THAT ALL COMMUNICATIONS CONTAIN A DISCLAIMER / PAID FOR BY STATEMENT.

Disclaimer / “Paid for By” Statements are required for the following types of communications:

Broadcast & Non-Broadcast	Placed on a website
Mailed	Steaming media service
Printed	Online forum for a fee
Delivered	Otherwise distributed

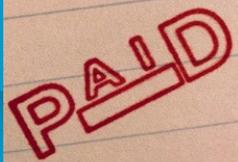
TV & Radio Ads / “Paid for By” Statements

- Must comply with the Federal Communications Commission (FCC) Sponsorship Identification or “Sponsored by” regulations. Click [here](#) to visit the FCC website.



“Paid For By” Statements Continued – When need

Electioneering Communications	Independent Expenditures	Other Communications
<ul style="list-style-type: none">Spends \$1,000 or more, in the aggregate during a calendar year, on Electioneering Communications	<ul style="list-style-type: none">Spends <u>in excess of \$1,000</u> on <u>an Independent Expenditure Communication</u> in the calendar year	<ul style="list-style-type: none">Spend in excess of \$1,000 on a communication that must be disclosed under Article XXVIII of the Colorado Constitution or the Fair Campaign Practices Act – C.R.S. 1-45

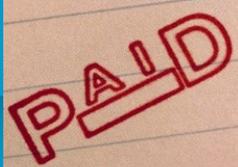


“Paid For By” Statements / Disclaimer Requirements - Continued

Non-Broadcast Communications including Online Communications

- Must appear in a manner that is clear, conspicuous, and is clearly readable,
- A statement that “The communication has been paid for by (full name of the person paying for the communication)”,
- Name of the natural person who is the registered agent if the person that paid for the communication is not a natural person,
- For an Independent Expenditure, a specific statement that the communication is not authorized by any candidate,
- Font is no less than 15 percent of the largest font used in the communication. If 15 percent is less than 8 point font then the font may not be less than 8 point font.





“Paid For By” Statements / Disclaimer Requirements

Broadcast Communications including Online Video and Audio

- Must comply with the Federal Communications Commission (FCC) for size, duration and placement. Click [here](#) to visit the FCC website for their requirements.
- A statement that “The communication has been paid for by (full name of the person paying for the communication)”





“Paid For By” Statements / Disclaimer Requirements Continued

Electronic or Online Communications

If impracticable to include a disclaimer on an electronic or online communication, the required disclaimer must be available by means of a direct link from the communication to a web page or application screen containing the disclaimer statement.

- **Direct link disclaimer requirements:**
 - Same as the Non-Broadcast communication requirements for size and content,
 - The information on the direct link must be clearly and conspicuously displayed, and must be immediately apparent on the screen without receiving or viewing any additional material



“Paid For By” Statements / Disclaimer Requirements Continued

Campaign and Political Finance Rule 22

A disclaimer / paid for by statement does not apply to bumper stickers, pins, buttons, pens, and similar small items upon which the disclaimer cannot be reasonably printed







Supplemental Reports

TYPES OF ELECTIONEERING COMMUNICATIONS

Electioneering Communication	Vs.	Regular Biennial School Electioneering Communication
<p>Communications referring to one or more candidates for ANY state or local public office (including a judge or justice).</p> <p>Communications are broadcasted, printed, mailed, delivered, or distributed <u>starting 30 days before a Primary election and continues until the day before the General election.</u></p> <p>A Primary and General election are held in even-calendar years.</p>		<p>Communications referring to one or more candidates ONLY in a Regular Biennial School Election.</p> <p>Communications are broadcasted, printed, mailed, delivered, or distributed <u>within 60 days before the Regular Biennial School Election</u></p> <p>The Regular biennial School Election is held in November of odd-calendar years.</p>
<p>Disclosure includes method of communication (e.g. billboard, TV, radio, etc.) and who it was about.</p> <p>If done by a registered committee, this may be included as part of the regularly scheduled report.</p>		<p>Disclosure includes method of communication (e.g. billboard, TV, radio, etc.) and who it was about.</p> <p>If done by a registered committee, this may be included as part of the regularly scheduled report.</p>

Note: Issue Committees and Small-Scale Issue Committees are excluded because Electioneering Communications only refer to candidates and not ballot measures.



Electioneering Communication Test

1. Was \$1,000 or more spent on Electioneering Communication during the calendar year?
2. Does the communication refer to a candidate or candidates?
3. Does the communication occur between one of the following time frames:
 - Even Year: Thirty (30) day before the primary election until the day before the general election

Or

- Odd Year: Sixty (60) days before a regular biennial school election?

Note: Regular Biennial Electioneering Communication only mentions school board candidates.

4. Is the communication broadcast by television or radio, printed in a newspaper, magazine or other periodical, on a billboard, or otherwise distributed (such as mailing, hand delivery, etc.) to members of the electorate?

If you answered YES to all of the above questions then an electioneering communication report is likely required.

Registered candidates and/or committees may file this information with their regular scheduled reports.



What is not Electioneering Communication or Regular Biennial School Electioneering Communication?

- News articles, editorial endorsements, opinion or commentary writings or letters to the editor so long as the publication is not owned or controlled by a candidate or political party
- Editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party
- Communication by a person made in the regular course and scope of their business
- Communication made by a membership organization **solely** to members of such organization (and their families)
- Communication referring to candidates **only** as part of a popular name of a bill or statute



Report an Electioneering Communication Expenditure in TRACER

TRACER Expenditure Entry

Last Login: Apr 29 2014 10:45AM
[My Message Center](#)

[Help with this page](#) [My Admin Homepage](#) [Switch to Candidate Workspace](#) [Log Off](#) | v 20130314.3 UAT
[Campaign Finance Manual \(PDF\)](#) [Change My PIN](#)

Expenditure

Disbursement Type	Expenditure Type	Expenditure Date	Payment Type
Monetary (Itemized)	Advertising	06/15/2012	Check
Expenditure Amount	Account/Reference Number		
2000.			

Made for Electioneering Communication
 Yes No [Click here for info about Electioneering Communications](#)

Explanation
Adds in the Denver Post referring to House District candidates - some supporting & some opposing.
 Lock Expenditure Info

External Reference ID

Payee

Payee Type: Corporation

Name: Denver Post Newspaper

Address: 1500 Broadway

City: Denver

State: CO

Zip: 80202

Lock Payee Info

On the first page of the Expenditure Entry pages complete all required fields and check the Yes radio button to mark the expenditure as electioneering communication.

Then click the red *Next* button, at the bottom of the page, to complete the data entry.



Report an Electioneering Communication Expenditure in TRACER

Complete by adding:

- Date(s) for the communication
- Select method of communication
- Search for the candidates mentioned; select them by clicking on their name when shown
- If not found, enter them manually to add them to the report
- Click on the red Save button
- Confirmation of expenditure will display

Electioneering Communications

Dates of Communication:
Method of Communication:

Candidates Associated to this Expenditure

Candidate First Name:
Last Name:
Candidate Party:

Search Results

List of Candidates Associated to this Expenditure

Candidate Name	Party	Office	District	Jurisdiction	Election Year	
TESTCANDIDATE TEST	Democratic	Colorado House	House District 01	STATEWIDE	2014	Remove

If a candidate cannot be located through searching, enter the information below and click "Add to Report"

Candidate First Name:
Last Name:
Candidate Jurisdiction:
Election Year:
Enter the following information by selecting from the drop lists below. If the information you need is not in the list, type it into the box to the right of the drop list.
Candidate Office:
Candidate District:
Candidate Party:



Expenditure has been successfully recorded.



Supplemental Reports Continued

24-Hour Notice of Major Contributor

A Major Contribution is a one-time contribution of \$1,000 or more received within 30 days before a **Primary Election, General Election, and Regular Biennial School election.**

Applies to:

- Political Parties – regardless if they are or are not participating in an election. *Note: effective Aug. 9, 2022, parties will no longer be required to file MC reports in the off-election year (odd calendar years).*
- **Candidate Committees – only during the year the candidate’s office appears on the ballot.**
Note: this includes contributions / loans a candidate gives to their own committee.
- Issues committees – excluded during the 30-day time period before a Primary Election

48-Hour Notice of Independent Expenditure

Required when an Independent Expenditure(s) is made within 30 days before a **Primary Election, General Election, and Regular Biennial School Election.**

Note: Applies only to Independent Expenditure Committees

TRACER creates these reports once a qualifying contribution or expenditure is entered/saved. Major Contribution reports are due within 24 hours of the recorded received date and 48-Hour Independent Expenditure reports are due with 48 hours of the recorded expenditure date.

Note: *Correcting or updating a date on a major contribution or independent expenditure may create multiple reports for the same transaction. Please call the help desk for assistance before making changes.*



Major Contribution Scenarios Before the Primary Election

May 29, 2022, starts the 30-day major contributor time period before the primary election on June 28, 2022.

Scenario 1: Donor X gives you a \$1,250 contribution via check on May 26th and you deposit it on May 27th; are you required to file a major contributor report? If so, when is the report due?

No major contributor report is due because the contribution was not received or deposited within 30 days of the Primary election.

Scenario 2: Donor Y gives you a \$1,050 contribution via check on May 31st and you deposit it on June 2nd; are you required to file a major contributor report? If so, when is the report due?

Yes, a major contributor report is due because 1) the contribution was \$1,000 or more and 2) the deposit was within 30 days of the Primary election.

The report is due within 24 hours of the receive date input into TRACER.



Major Contribution Scenarios Before the Primary Election

May 29, 2022, starts the 30-day major contributor time period before the primary election on June 28, 2022.

Scenario 3: A candidate gives their own candidate committee a contribution or loan of \$1,500 via check on May 27th and it's deposited on June 1st; is the committee required to file a major contributor report? If so, when is the report due?

A report may be due depending on the reported received date of the contribution. If the reported date is May 27th, then no report is due; if the reported date is the June 1st a report is due within 24 hours.

Scenario 4: Donor Z gives you a \$900 contribution via check on June 2nd and you deposit it on June 3rd, are you required to file a major contributor report? If so, when is the report due?

No major contributor report is due because the amount contributed is less than \$1,000.



Major Contribution Scenarios Before the General Election

October 9, 2022, starts the 30-day major contributor time period before the General election on November 8, 2022.

Scenario 5: You collect a total of \$1,000 at your October 12th fundraiser. The \$1,000 is made up of \$10 contributions from 100 contributors. You deposit it on October 14th.

Are you required to file a major contributor report? If so, when is the report due?

No report is due. Although \$1,000 was raised and deposited, no single contributor contributed \$1,000 or more.

These contributions may be reported as itemized or non-itemized depending on how much each individual contributors has given during the report period.

Scenario 6: Jack Be Nimble gives you a \$400 contribution on October 10th and another \$750 on October 18th; are you required to file a major contributor report? If so, when is the report or reports due?

Although Jack contributed more than a \$1,000 within 30 days of the General election, no single contribution was equal to or greater than \$1,000; therefore, no major contributor report(s) is required.



Major Contribution Notice / Report in TRACER

When you save a major contribution, you'll get this message.

Click the *Continue Save* button to save the contribution.

TRACER 

Contribution Entry

Last Login: May 3 2017 8:30AM
[My Message Center](#)

Log Off | v 20160725.2 Sandbox
[Change My PIN](#)

[Help with this page](#) [My Admin Homepage](#)

[Campaign Finance Manual \(PDF\)](#)

! Please review the following warnings:

- A Major Contributor Report needs to be filed within 24 hours of receiving this contribution. It will be added to the committee's schedule. Modifying this contribution may generate additional reports due. You must go to the Reports Due section of your committee workspace to file this report which is due separately from the Report of Contributions and Expenditures. Penalties will be imposed for reports not filed within 24 hours of receipt of the major contribution.
- If you click Cancel or leave this page without choosing Make Corrections or Continue Save the transactions entered will not be saved.

Reports Due

Report	Period Begin	Period End	Due Date	Action
MAJOR CONTRIBUTOR REPORT	6/15/2012	6/15/2012	6/16/2012	View/File

To file the MC report, go to the *Reports Due* grid on the *Overview* or *File Reports* tabs.

File Notice of Major Contributor

Reporting Date: 06/15/2012
 Total Monetary Contributions: \$1,500.00
 Total Non-Monetary Contributions: \$0.00

Major Contributions Received 06/15/2012

Report Due: 06/16/2012

Type	Donor	Address	Amount	Explanation
Monetary (Itemized)	DAFFY DUCK	7 SWAN LAKE DENVER, CO 80000	\$1,500.00	TESTING TO GET MC REPORT MESSAGE

To file click on the red *File* button.



QUESTIONS

Penalties / Waiver Requests

Imposed Penalties

Penalties of \$50 per day, including weekends and holidays, are imposed every day a report is late.

Most penalties are commonly imposed for delinquent or non filings of:

- Personal Financial Disclosures
- Disclosure Reports



Appealing Penalties

Written appeals may be submitted to the appropriate filing officer, no later than 30 days after the date the notification of penalty was mailed.

Penalty may be reduced or waived if good cause is shown – See CPF Rule 18 for details.



But the dog ate my check book



Campaign Finance Complaints

- Complaint Process is established by Colorado law 1-45-111.7 C.R.S.
- Anyone who believes a violation of Colorado CPF law has occurred can file a complaint
- Complaints cannot be filed anonymously
- Complaints are public information
- Complainants are not a party to the proceedings
- Complaints may be initiated by the Elections Division's Enforcement Unit



Campaign Finance Complaints Continued

CPF Complaints Must:

- Be filed on the Campaign and Political Finance Complaint form
- Identify a complainant and a respondent
- Be filed within 180 days of when you knew or should have known of the alleged violation
- Allege one or more violations of campaign finance regulations or law
- State sufficient facts to support a legal and factual basis for the complaint



Campaign Finance Complaints Continued

- Complaint process & outcomes:
 - Cure
 - Investigation
 - Dismissal
 - Administrative Hearing
- Administrative Hearings can result in a monetary penalty
- Complaint process is detailed in 1-45-111.7 C.R.S.

Note: Please review and address TRACER audit warnings when filing as they can be the basis for the Election Division's Campaign Finance Enforcement Unit to initiate enforcement action(s).



Closing a Committee

Unexpended Campaign Contributions

These are the funds left over after the election

Candidate Committee

- Personal use prohibited (except as allowed by 1-45-103.7(6.5), C.R.S.)
- Permissible
 - Retain for use in a subsequent election (limits may apply see CPF Rule 2.2.4)
 - Reimburse Candidate for their expenditures
 - Contribute to the political party, subject to contribution limits
 - Return to contributors (no more than what was contributed)
 - Donate to a charitable organization recognized by the IRS
- Review 1-45-106 C.R.S. for additional options



Issue Committee / Small-Scale Issue Committee

- Return to contributors (no more than what was contributed)
- Donate to a charitable organization recognized by the IRS

Other committee types (e.g. Political Party, Political Committee, Small Donor Committee, IEC, Fed Pac, and 527)

- The law is silent on this subject
- Keep in mind the purpose of the committee when disbursing these funds (to terminate)

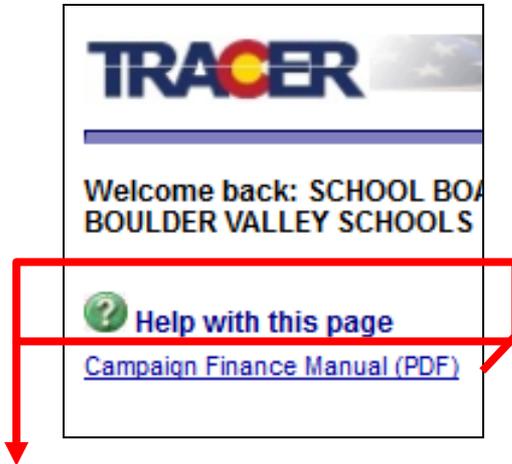


Quick Tips

- Candidate committees should select “Candidate” instead of “Individual” as the contributor type when reporting contributions from its own candidate.
- Use the Fair Market Value for non-monetary (in-kind) contributions.
- Records must be kept for 180 days after the election, unless a complaint is filed then records must be kept until the complaint is settled (LLC affirmations must be kept for one year after the election).
- Changes to registration, especially email, must be done within 10 days of the change; otherwise, important notices like changes to the law, report reminders, confirmation of filings, imposed penalties, etc., may not be timely received.
- It's the responsibility of the candidates and/or agents to know the disclosure schedule; don't rely solely on courtesy email reminders. Add reminders to your outlook, smartphone, write it on a calendar.

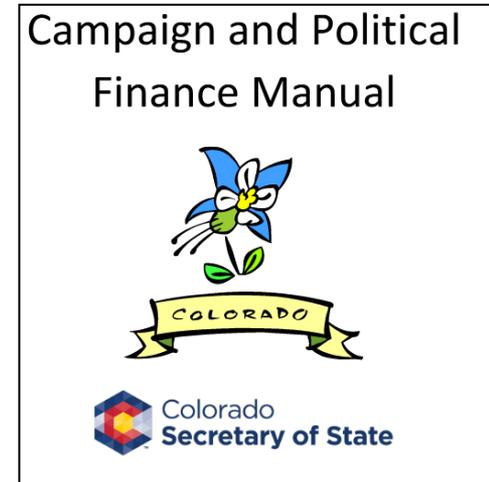
TRACER Resources

- “Help with this page” link



Help page results

- [Campaign Finance Manual](#)



- [Learn to Use TRACER webinars](#)

Viewing a Candidate or Committee

You can access the Candidate/Committee Overview page to view the account status, transaction history reports due, file a report that is due, add or modify a penalty or waiver, and request a waiver.

Tasks

To access the Candidate/Committee Overview page:

1. Perform the steps for [Searching for a Candidate or Committee](#).
- The Candidate/Committee Search Results page is displayed.
2. Click the link in the Candidate/Committee Name column of the data grid for the Candidate





Additional Resources

State	Federal
State of Colorado http://www.colorado.gov/	Federal Election Commission (FEC) www.fec.gov
Colorado General Assembly www.leg.colorado.gov	Federal Communications Commission (FCC) https://www.fcc.gov/media/policy/political-programming
The Independent Ethics Commission www.colorado.gov/pacific/iec	Internal Revenue Service (IRS) www.irs.gov
LexisNexis by Colorado Legal Resources http://www.lexisnexis.com/hottopics/colorado	U.S. Office of Special Counsel – Hatch Act Overview https://osc.gov/Services/Pages/HatchAct.aspx



Thank You



Campaign Finance Guidance Support Team

E-mail:

CPFhelp@coloradosos.gov

Phone:

303-894-2200 (Dial 3, then 1)

TRACER website:

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

Campaign Finance Complaints / Enforcement Team

E-mail:

CPFcomplaints@coloradosos.gov

Phone:

303-894-2200 ext. 6338