

CHERRY HILLS VILLAGE  
COLORADO

2450 E. Quincy Avenue  
Cherry Hills Village, CO 80113  
www.cherryhillsvillage.com

Village Center  
Telephone 303-789-2541  
FAX 303-761-9386

## **FAIR CAMPAIGN PRACTICES ACT HANDOUT FOR CANDIDATES**

Campaign Finance is addressed in Article XXVIII of the Colorado Constitution; Colorado Revised Statutes (C.R.S.) Title 1, Article 45, the accompanying Rules Concerning Campaign and Political Finance as adopted by the Secretary of State's Office ("Rules"), and applicable provisions of the Cherry Hills Village Municipal Code ("Code"), including Sections 2-1-50 and 2-1-70. If you are considering running for office, you, your agent, fundraisers, and campaign manager should become familiar with the requirements of the Constitution, the C.R.S., the Rules, and the Code. The City strongly encourages you to read Article XXVIII of the Colorado Constitution, C.R.S. Title 1, Article 45, the accompanying Rules Concerning Campaign and Political Finance, and the Code to understand Colorado Campaign and Political Finance procedures and requirements.

**NOTICE: As a municipal candidate you are required to file campaign finance forms and reports with the City Clerk.** The City Clerk cannot provide legal advice on interpretations of the Campaign Finance laws as they apply to City elections.

### **Using the Fair Campaign Practices Act Handout:**

This Handout provides guidelines for proper compliance with the above-referenced laws and rules regarding campaign finance and required disclosures as relevant to a City of Cherry Hills Village election. *This Handout provides BASIC candidate report filing information and is not a comprehensive guide to all the requirements set forth in the campaign finance laws and regulations. THEREFORE, THIS HANDOUT SHALL NOT BE BINDING UPON THE CITY UNDER ANY CIRCUMSTANCES. Further, this Handout was created for reference purposes only and should not be used as a substitute for legal advice and actual knowledge of the campaign finance laws and regulations.*

### **Candidate Affidavits:**

*Candidate Affidavits*– Candidates are required to file their FCPA Candidate Affidavit within 10 days of becoming a candidate. There are TWO Candidate Affidavits – one provided by the Secretary of State's office and one provided by the City Clerk's office. Please make sure you file both with the City Clerk.

### **Candidate Report Filing:**

*Where to find forms and reports* – All campaign finance forms and reports can be found at the City Clerk's office, the City website, or on the Secretary of State's website at <https://www.sos.state.co.us/pubs/elections/CampaignFinance/CFforms.html>. All forms and reports should be filed with the City Clerk, NOT the Secretary of State.

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*Report filing* – All original hardcopy forms and reports should be filed with the **City Clerk at City Hall (2450 E. Quincy Ave.)** by the deadlines (see below). If a faxed or emailed copy of a report is received by the deadline then the report is not considered late provided that the original hardcopy of the report is filed within 7 days of the deadline. You do NOT need to include any receipts/bills, just the report needs to be filed.

*Electronic reports* – If a faxed or emailed copy of a report is received by the deadline then the report is not considered late provided that the original hardcopy of the report is filed within 7 days of the deadline.

*Report filing timelines and deadlines:*

1. Deadline: Within 10 days after becoming a candidate
  - Candidate Affidavit
2. Deadline: October 18, 2022 by 4:30 p.m. (21 days before election)
  - Campaign finance form(s)
  - Covers beginning of candidacy to 26 days before election (October 13<sup>th</sup>)
3. Deadline: November 4, 2022 by 4:30 p.m. (Friday before election)
  - Campaign finance form(s)
  - Covers 25 days through 9 days before election (October 13<sup>th</sup> through October 30<sup>th</sup>)
4. Deadline: December 8, 2022 by 4:30 p.m. (30 days after election)
  - Campaign finance form(s)
  - Covers 8 days before election to 25 days after election (October 30<sup>th</sup> through December 3<sup>rd</sup>)

*Late reports* – If a faxed or emailed copy of a report is received by the deadline then the report is not considered late provided that the original hardcopy of the report is filed within 7 days of the deadline.

**Campaign Finance:**

*Contribution limits* – Candidates in the City are not subject to contribution limits. However, candidates must report all contributions in the amount and manner specified in the campaign finance laws and regulations.

*Contributions include:*

- Cash, check, money order, credit card, EFT, loans, crypto currencies, etc.
- Anything of value given, directly or indirectly, to a candidate and/or committee, for the purpose of promoting the candidate's nomination, retention, recall or election, except for volunteer services
- Non-monetary donations of goods, equipment, supplies or services

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- Any monies from individuals, Political or Issue Committees
- Any reimbursement from individuals, Political or Issue Committees
- Volunteer services do NOT constitute contributions, HOWEVER donated services that are not time-based may be subject to disclosure
- \$100 or more in cash or coin in any single contribution is prohibited
- Contributions of \$20 or more cannot be anonymous
- Loans are only allowed from self (candidate) or from bank

*Expenditures include:*

- Money spent on anything for the purpose of expressly advocating the election or defeat of a candidate
- Any monies spent on any items for your campaign, including
  - Political signs, t-shirts, business cards, banners, buttons, or any other paraphernalia
  - Stationary, office supplies, postage
  - Food, beverages, etc. for constituents
- Any monies or non-monetary goods, equipment, supplies or services given to a Political or Issue Committee
- Reimbursements to candidates, staff and volunteers
- Repayment of loans
- Mileage should be reported as an expenditure using the Internal Revenue Service rate
- Occurs when it is made, obligated or a contract established
- \$100 or more in cash or coin in any single expenditure is prohibited

*If you do NOT seek or receive any contributions from any person or entity – You do NOT need to create a Candidate Committee. You DO need to file the Candidate Statement of Non-Receipt of Contributions and Non-Expenditure of Funds report by each of the deadlines (see ‘Report filing timelines and deadlines’ above).*

*If you DO make any expenditures (including contributions to a Political or Issue Committee – see below) but do NOT receive any contributions – You do NOT need to create a Candidate Committee. You DO need to file the Statement of Personal Expenditures by a Candidate report by each of the deadlines (see ‘Report filing timelines and deadlines’ above).*

*If you DO receive ANY contribution (including from a Political or Issue Committee – see below) – You DO need to create a Candidate Committee (see next). Your committee will then file the Report of Contributions and Expenditures by each of the deadlines (see ‘Report filing timelines and deadlines’ above).*

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*Candidate Committee* – A Candidate Committee accepts contributions and makes expenditures under the authority of the candidate. Candidate Committees are required if you receive ANY outside contribution. Prior to accepting contributions you must open a separate bank account in which to deposit the contribution(s) and file a form to establish your Candidate Committee with the City Clerk. Your committee will then file reports by each of the deadlines (see ‘Report filing timelines and deadlines’ above). Every Committee must have a Registered Agent, which can be the candidate. The candidate can be the sole member of their Candidate Committee.

*If you contribute (make an expenditure) to a Political Committee* – You must report it as an expenditure on your report.

*If you contribute (make an expenditure) to an Issue Committee* – You must report it as an expenditure on your report.

*If you receive a contribution from a Political Committee* – You must create a Candidate Committee (see above). Your committee will then file reports by each of the deadlines (see ‘Report filing timelines and deadlines’ above).

*If you receive a contribution from an Issue Committee* – You must create a Candidate Committee (see above). Your committee will then file reports by each of the deadlines (see ‘Report filing timelines and deadlines’ above).

*PROHIBITED Activities*

- *If you contribute (make an expenditure) to another Candidate Committee* – Prohibited! The FCPA does not allow contributions between Candidate Committees.
- *If you contribute (make an expenditure) to an individual who then passes that contribution onto a Candidate Committee* – Prohibited! The FCPA does not allow “conduits” for contributions to a Candidate Committee.
- *If you receive a contribution from another Candidate Committee* – Prohibited! The FCPA does not allow contributions between Candidate Committees.
- *If you receive a contribution from an individual who received that contribution from a Candidate Committee* – Prohibited! The FCPA does not allow “conduits” for contributions to a Candidate Committee.