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.
**Resources**

- **Campaign Finance** page on Secretary of State’s (SOS) website
- **TRACER** (Transparency in Contribution and Expenditure Reporting) website
- **Colorado Campaign and Political Finance Manual** – available on TRACER and the SOS website (and includes the laws and rules)
  - Article XXVIII of the Colorado Constitution,
  - Title 1, Article 45 of the Colorado Revised Statute (a.k.a. the Fair Campaign Practices Act), and
  - Rules Concerning Campaign and Political Finance
- **Training Opportunities** – [Click here to visit the training page](#)
  - Online eLearnings (CPF 101)
  - TRACER Webinars ([Learn how to use TRACER](#))
  - **Lawn Chair Chats** – Informal discussions, via Zoom, to discuss Colorado’s Campaign Finance laws/rules and TRACER (functions and demonstrations).
- **Campaign Finance Support Help Desk**
  - Phone: 303-894-2200 (Dial 3, then 1)
  - Email: [CPFhelp@coloradosos.gov](mailto:CPFhelp@coloradosos.gov)
Topics for Discussion

- Standalone candidate v. candidate committee
- Disclosure Reports & filing schedules
- Contributions, Expenditures
- Disclaimers / Paid for by Statements
- Penalties, Waivers, & Complaints
- Closing / Terminating a committee
- TRACER
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.
<table>
<thead>
<tr>
<th>Standalone Candidate</th>
<th>Candidate Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A candidate who is self-funding their candidacy; not accepting contributions of any kind from anyone.</td>
<td>• A candidate who is accepting contributions to help fund their campaign.</td>
</tr>
<tr>
<td>• Files disclosure reports to show their expenditures for the campaign.</td>
<td>• Files disclosure reports to show their contributions and expenditures.</td>
</tr>
<tr>
<td>• Only required to file reports for periods where expenditures take place.</td>
<td>• Must register prior to accepting any type of contribution.</td>
</tr>
<tr>
<td></td>
<td>• Once registered all reporting (contributions/expenditures) is done under the committee.</td>
</tr>
<tr>
<td></td>
<td>• Required to file all reports regardless of the level of activity.</td>
</tr>
</tbody>
</table>

Note: DEOs who disqualify a candidate under 1-45-110(3), C.R.S. must provide proper and timely notification.
Disclosure Report Due Dates

Legislation passed in 2018 (HB18-1047) increased the frequency of disclosure reports for school board candidates/committees. A frequent schedule is required during years when the candidate’s office is on the ballot. During years when the candidate’s office is not on the ballot, reports are due quarterly.

<table>
<thead>
<tr>
<th>2023 Report Due Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 1, 2023 (Mon.)</td>
</tr>
<tr>
<td>June 1, 2023 (Thur.)</td>
</tr>
<tr>
<td>July 3, 2023 (Mon.)</td>
</tr>
<tr>
<td>August 1, 2023 (Tue.)</td>
</tr>
<tr>
<td>September 5, 2023 (Tue.)</td>
</tr>
</tbody>
</table>

Reports are filed electronically using TRACER and are timely if filed **before midnight** on the due date.

**Other Important Dates:**

- **September 8, 2023** – Starts the 60-day period before the Election for Biennial School Electioneering Communication and concludes on November 6, 2023
- **October 8, 2023** – Starts the 30-day period before the Election for 24 Hour Major Contributor reports and concludes on November 6, 2023
<table>
<thead>
<tr>
<th><strong>Biennial School Electioneering Communication</strong></th>
<th><strong>24 Hour Notice of Major Contributor Report</strong></th>
</tr>
</thead>
</table>
| Communications referring to one or more candidates for school board and are broadcasted, printed, mailed, delivered, or otherwise distributed within 60 days before the election. The communication may or may not use express advocacy. | A Major Contribution is a one-time contribution of $1,000 or more received within 30 days before the Regular Biennial School election.  
*Note: This includes contributions or loans a candidate gives to their own candidate committee.* |
| When an expenditure is entered and flagged by a filer as meeting the criteria, TRACER prompts filer to provide additional details which includes the name(s) of the candidate(s) mentioned in the communication and the date(s) and method of the communication. | TRACER creates a report once a qualifying contribution has been entered/saved. These reports are due within 24 hours of the recorded received date.  
*Note: If an incorrect contribution date is entered, call the help desk for assistance in correcting. Updating a date on a major contribution entry may create multiple major contributor reports.* |
Contributions

Prohibited Contributors / Contributions

• 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
• Anonymous sources – contributions where the identity of the contributor is unknown or not all the required information is provided

Limited Liability Company (LLC) Contributions

• LLC contributions are allowed if
  – All the LLC members are permissible contributors,
  – The LLC’s shares are NOT publicly traded,
  – The LLC does not file their taxes like a corporation.
  – See the training manual for more details on LLC contributions and how to report them.

• LLC contributions must include an affirmation form that the LLC knows the contribution is permissible (see website for a sample form)
• Must be itemized on report regardless of the amount contributed
House Bill 22-1060 created contribution limits for School Board District Directors; Signed by the Governor on 04-13-2022; **Effective July 1, 2022**

<table>
<thead>
<tr>
<th>Type of Contributor/Donor</th>
<th>Contribution/Donation Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual (Natural Person)</td>
<td>$2,500 For the entire Election cycle</td>
</tr>
<tr>
<td>Political Committee</td>
<td></td>
</tr>
<tr>
<td>LLC* or Business Entity (other than a corporation)</td>
<td>Note: There is no limit for how much a candidate may contribute/loan to their own candidate committee.</td>
</tr>
<tr>
<td>Federal PAC</td>
<td></td>
</tr>
<tr>
<td>Note: Other permissible contributors are treated like an Individual for contribution limits.</td>
<td></td>
</tr>
<tr>
<td>Small Donor Committee</td>
<td>$25,000 For the entire Election cycle</td>
</tr>
<tr>
<td>Political Party</td>
<td>$2,500 For the entire Election cycle</td>
</tr>
</tbody>
</table>

*Review requirements for LLC’s in 1-45-103.7, C.R.S.*
## Disclosure Requirements

### Contributions
- Must report all – including those under $20 (a.k.a Non-Itemized)
- $20 or more (aggregated or one-time), within a reporting period, must be itemized with:
  - Contributor’s name & address, and
  - Occupation & Employer, if from a natural person & the contribution is $100 or more
- No cash or coin contributions over $100
- Use Fair Market Value to report non-monetary (in-kind) contributions
- Anonymous contributions may not be kept and must be donated to an IRS recognized charity or sent to the State Treasurer’s office within 30 days of receipt. (CPF Rule 10.8)
- Select “Candidate” as the contributor type when a candidate contributes/loans to their own committee

### Expenditures
- Must report all – including those under $20 (a.k.a Non-Itemized)
- $20 or more (aggregated or one-time), within a reporting period, must be itemized
  - Itemized means listing:
    - Name & address to whom payment was made
    - Purpose of expenditure
- No cash or coin expenditures over $100
- An expenditure is made when:
  - The actual spending occurs OR
  - A contractual agreement has been made and the amount is known - *Whichever comes first*
- 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. by candidates for reasonable and necessary child / dependent care expenses.
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:

<table>
<thead>
<tr>
<th>Type of Communication</th>
<th>Form of Distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broadcast &amp; Non-Broadcast</td>
<td>Placed on a website</td>
</tr>
<tr>
<td>Mailed</td>
<td>Steaming media service</td>
</tr>
<tr>
<td>Printed</td>
<td>Online forum for a fee</td>
</tr>
<tr>
<td>Delivered</td>
<td>Otherwise distributed</td>
</tr>
</tbody>
</table>

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.

Did you know about, or have you read through the Secretary of State’s Guidance on Disclaimer Statements document?

No? Then then click here or visit the Campaign Finance page of the SOS website.
### “Paid For By” Statements Continued

<table>
<thead>
<tr>
<th>Electioneering Communications</th>
<th>Independent Expenditures</th>
<th>Other Communications</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Spends $1,000 or more, in the aggregate during a calendar year, on Electioneering Communications</td>
<td>• Spends in excess of $1,000 on an Independent Expenditure Communication in the calendar year</td>
<td>• 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. 1-45-108.3(1)</td>
</tr>
</tbody>
</table>
“Paid For By” Statements / Disclaimer Requirements

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 must be 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)”
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.**
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.
### Penalties / Waiver Requests

<table>
<thead>
<tr>
<th>Imposed Penalties</th>
<th>Appealing Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Penalties of $50 per day, including weekends and holidays, are imposed every day a report is late.</td>
<td>Written appeals may be submitted to the Secretary of State’s office through your TRACER account or by email. The request is due no later than 30 days after the date the notification of penalty was sent.</td>
</tr>
<tr>
<td>Penalty may be reduced or waived if good cause is shown – See CPF Rule 18.1 for details.</td>
<td>But the dog ate my check book</td>
</tr>
</tbody>
</table>

...and no one will believe him
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 Election Division’s Complaint and Enforcement unit.

Note: The Complaint and Enforcement unit is separate and apart from the Campaign Finance Compliance/Guidance team. Enforcement’s contact information: CPFcomplaints@coloradosos.gov or 303-894-2200 ext. 6338.
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
- Alleged one or more violations of campaign finance regulations or law
- State sufficient facts to support a legal and factual basis for the complaint
• **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 Team to initiate an enforcement action(s).*
Unexpended Funds / Termination
QUESTIONS
Thank You

Campaign Finance Compliance & 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

Email: CPFcomplaints@coloradosos.gov

Phone: 303-894-2200 x 6338
# Additional Resources

<table>
<thead>
<tr>
<th>State</th>
<th>Federal</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Colorado General Assembly</strong>&lt;br&gt;<a href="http://www.leg.colorado.gov">www.leg.colorado.gov</a></td>
<td><strong>Federal Communications Commission (FCC)</strong>&lt;br&gt;<a href="https://www.fcc.gov/media/policy/political-programming">https://www.fcc.gov/media/policy/political-programming</a></td>
</tr>
</tbody>
</table>
Welcome to the Campaign Finance Disclosure Website

Contributions and Loans Filed in 2023
- Democratic Candidates: $58,659.17
- All Others: $19,070.26
- Issue Committees: $159,071.53
- Republican Candidates: $20,804.17

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

This search allows you to see all who have filed a candidate affidavit in TRACER.

1. Click Candidate Search
2. Election Year field - Select 2023
3. Jurisdiction field: From the dropdown list choose the desired county
   (Tip: use the county where the Admin. Offices for the School District are located)
4. Office field: Select School Board Director
5. Status field: Defaults to Active (may change to Select all Status if needed)
6. Click on the red Search button
7. Search Results are displayed (or an error message appears if no results are found)
8. Click on a candidate’s name to see detailed information about them and their filings
TRACER will take you directly to your candidate workspace unless you have a committee, in which case you’ll need to select the committee.
After initially setting up your login information you may use one of the “Forgot” links. You will need to know the answer to the security question.

- **Forgot your PIN?** will show your PIN on screen
- **Forgot your Username?** will send you your username by email (to the email you used to register)
The difference between a candidate’s and a committee’s workspace is the committees have a Contributions tab at the top. Enter all transactions, using the tabs at the top, before attempting to file a report. Once a committee is registered, reporting is done through the committee.
After entering all transactions go to the File Reports tab, scroll past the Filing History section and down to the Reports Due section, and locate the required report. This takes you to the File Reports page where you’ll have an opportunity to review the report before filing.

Whether filing as a candidate or committee, use the “View/File” link to submit a report with activity or if you have no activity, use the “Nothing to Report” link.
Click on *File* to submit the report. TRACER may ask if you really want to file the report – click *OK* to confirm the action.
Click the red *Finished* button once you get the onscreen confirmation of filing.

You also get an email confirmation.

Don’t be late – we don’t want to impose late filing penalties – call or email us for help.
Go to the **Administration** tab to update your contact information including email addresses.

TRACER sends email notices when a report is filed and when an upcoming report is due; therefore, please keep your email address current.
TRACER Resources

- “Help with this page” link
- Campaign Finance Manual
  Campaign and Political Finance Manual
- Learn to Use TRACER webinars
  Now in an MP4 file for better viewing

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.