



CAMPAIGN FINANCE GUIDE

City of Aurora

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Letter of Introduction

This campaign finance packet provides general information on Aurora's campaign finance regulations. Reliance solely on this document is not advised. Ultimately, candidates and committee treasurers are responsible for compliance with the City Code.

Please be aware that the City Clerk and the City Attorney's Office do not represent the interest of candidates/committees individually, but of the City generally, and are unable to offer legal advice to individual candidates or campaigns. Candidates and committee representatives are strongly encouraged to consult private legal counsel if they have questions on complying with the City of Aurora Election Code.

Many questions that are not specifically covered in this packet can be found using online resources.

- Election webpage - www.auroragov.org/elections
- City Code - https://aurora.municipal.codes/Code/54_ArtIV

We wish you success on your journey. Please do not hesitate to contact the City Clerk's Office with any additional questions you may have.



Kadee Rodriguez, City Clerk

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REGISTRATION & FINANCE REPORTS

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Registering a Committee

Step 1. Appoint a Treasurer

The treasurer prepares and files reports of contributions and expenditures. The treasurer must preserve copies of all filings, reports and complete records of all transactions of the committee's campaign account for no less than five years after a termination report for the committee is submitted to the City Clerk or until the final disposition of any complaint or consequent litigation involving the committee, whichever is later. A candidate may serve as the treasurer for their own candidate committee.

The committee must promptly appoint a new treasurer if the position is vacated for any reason. An updated registration statement must be submitted within ten (10) business days of the vacancy.

Step 2. Designate a Campaign Account

The committee's designated bank account must be with a financial institution in the state of Colorado. The title of the account must include the full name of the committee. The campaign account must be segregated from any other funds or bank accounts of the person that organized the committee, and funds in the campaign account may not be commingled with the personal funds of any person. The bank account designated for a recall defense committee must be separate from any other account of the public officeholder or the officeholder's campaign committee.

Step 3. Register with the City Clerk's Office

If any information changes on a registration statement, the committee must file an amendment within five (5) business days.

Non-Candidate Committees: Issue committees, political committees, independent expenditure committees, and small donor committees are required to register within five (5) business days of becoming a committee.

Standalone Candidate: A standalone candidate must register within five (5) business days of becoming a candidate. If a standalone candidate subsequently accepts a contribution at any point in the election cycle, the candidate must organize a candidate committee within five (5) business days.

Candidate Committees: Candidates must organize and register a candidate committee within five (5) business days of becoming a candidate. A candidate may not organize, maintain, or control more than one candidate committee at any time.

- Existing candidate committee with intent to run for the same office: A new committee does not need to be created. Instead, an amendment to the registration statement with the new election year will need to be submitted. Unexpended campaign funds from your existing committee can be retained and used to seek election for the same office.
- Existing candidate committee with intent to run for a different office: The existing candidate committee will need to be terminated before a candidate committee can be created for a different office. Unexpended campaign funds from your existing committee cannot be retained and used to seek election for a different office.

Terminating a Committee

Committees remain active and continue to have reporting requirements until they file a termination report and are affirmatively closed through the City Clerk's Office. Committees may file a termination report when they have no outstanding debts or balance of campaign funds.¹

Unexpended Campaign Funds

Funds remaining in a campaign account that are in excess of the amount necessary to pay outstanding debts or obligations incurred by the committee are considered unexpended campaign funds. Committees may handle unexpended campaign funds in the following ways:

- a. Donate to a charitable organization that is tax-exempt under section 501(c)(3) of the Internal Revenue Code.
- b. Return to contributors.
- c. Retain for use in a subsequent municipal election.
- d. Notwithstanding any other provision of law, a candidate committee may reimburse the candidate for reasonable and necessary expenses for the care of the candidate's children or other dependents the candidate incurs directly in connection with the candidate's campaign activities during the election cycle.

¹ A.C.C. Sec. 54-104(g)

Campaign Finance Reports

From the moment a candidate declares their candidacy, or a committee is formed, the reporting requirements come into effect. Reports must be submitted by 11:59 pm on the due date. If a reporting due date falls on a weekend or legal holiday, the report must be filed by the end of the next business day.

Semi-Annual Reports

Committees that have not filed a termination report must file semi-annual reports on non-election years. The report due on July 31st must cover January 1st through June 30th of the non-election year. The report due on January 31st must cover July 1st through December 31st of the non-election year.²

Initial Election Year Report

Existing Committees: Committees that have not filed a termination report must file an initial election year report that covers January 1st through January 31st.³

New Committees: Due from a committee after registering with the City Clerk's Office. Covers the period that begins on the first day of the election cycle and ends on the closing date of the reporting period in which the committee filed its registration statement.

Election Year Reports

- Regular municipal election years: For a calendar year in which there is a regular municipal election, each committee must file reports that are complete through the last date of each reporting period and due by the dates specified under A.C.C. Section 54-104(b)(1).
- Major Contribution Report: Committees must file major contribution reports disclosing any contribution of one thousand dollars (\$1,000.00) or more that is received at any time within thirty (30) days of the date of a municipal election.⁴

² A.C.C. Section 54-104(b)(3)

³ A.C.C. Sec. 54-104(b)

⁴ A.C.C. Sec. 54-104(c)

- Special municipal election years: For a calendar year in which there is a special municipal election, each committee must file reports specified under A.C.C. Section 54-104(b)(2).

Independent Spender Reports

An independent spender that makes one or more independent expenditures or electioneering communications in an aggregate amount of \$1,000 or more during an election cycle must file a report.⁵

- Initial report: Due within 48 hours of making one or more independent expenditures or electioneering communications in an aggregate amount of \$1,000 or more during an election cycle.
- Subsequent report: The spender must file a subsequent report within 48 hours of making any additional independent expenditure or electioneering communication during the same election cycle in which the initial report was filed.

*The reporting requirements for independent spenders differ from committees. A committee, including an independent expenditure committee, must report an independent expenditure or electioneering communication made by the committee in accordance with A.C.C. Section 54-104.

⁵ A.C.C. Sec. 54-105.5

Election Cycles

The period of time beginning 31 days following an election for the particular office and ending 30 days following the next election for that office. Election cycles are used for campaign finance reporting requirements and are not the same as the terms of office.

Election Cycle 1

Offices: Mayor, Ward IV, Ward V, Ward VI, (2) At-Large

Election Date	Election Cycle	Election Year	Non-Election Years
November 5, 2019	Dec. 6, 2019 to Dec. 7, 2023	2023	2020, 2021, 2022
November 7, 2023	Dec. 8, 2023 to Dec. 2, 2027	2027	2024, 2025, 2026
November 2, 2027	Dec. 3, 2027 to Dec. 5, 2031	2031	2028, 2029, 2030

Election Cycle 2

Offices: Ward I, Ward II, Ward III, (2) At-Large

Election Date	Election Cycle	Election Year	Non-Election Years
November 2, 2021	Dec. 3, 2021 to Dec. 4, 2025	2025	2022, 2023, 2024
November 4, 2025	Dec. 5, 2025 to Dec. 6, 2029	2029	2026, 2027, 2028
November 6, 2029	Dec. 7, 2029 to Dec. 8, 2033	2033	2030, 2031, 2032

Campaign Finance Reporting Schedule

Election Cycle 1

Semi Annual Reports

Election Date: November 5, 2019

Election Cycle: December 6, 2019 to December 7, 2023

Due Date	Period Begins	Period Ends
January 31, 2022	July 1, 2021	December 31, 2021
July 31, 2022	January 1, 2022	June 30, 2022
January 31, 2023	July 1, 2022	December 31, 2022

Initial Election Year Report

Election Date: November 5, 2019

Election Cycle: December 6, 2019 to December 7, 2023

Due Date	Period Begins	Period Ends
February 5, 2023	January 1, 2023	January 31, 2023

Election Year Reports

Election Date: November 7, 2023

Election Cycle: December 8, 2023 to December 2, 2027

Due Date	Period Begins	Period Ends
May 5, 2023	February 1, 2023	April 30, 2023
August 5, 2023	May 1, 2023	July 31, 2023
September 5, 2023	August 1, 2023	August 31, 2023
Major Contribution Reports	October 8, 2023	December 7, 2023
October 5, 2023	September 1, 2023	September 30, 2023
October 24, 2023	October 1, 2023	October 21, 2023
November 3, 2023	October 22, 2023	October 31, 2023
December 5, 2023	November 1, 2023	November 30, 2023
January 5, 2024	December 1, 2023	December 31, 2023

Campaign Finance Reporting Schedule

Election Cycle 2

Semi Annual Reports

Election Date: November 2, 2021

Election Cycle: December 3, 2021 to December 4, 2025

Due Date	Period Begins	Period Ends
July 31, 2023	January 1, 2023	June 30, 2023
January 31, 2024	July 1, 2023	December 31, 2023
July 31, 2024	January 1, 2024	June 30, 2024
January 31, 2025	July 1, 2024	December 31, 2024

Initial Election Year Report

Election Date: November 4, 2025

Election Cycle: December 5, 2025 to December 6, 2029

Due Date	Period Begins	Period Ends
February 5, 2025	January 1, 2025	January 31, 2025

Election Year Reports

Election Date: November 4, 2025

Election Cycle: December 5, 2025 to December 6, 2029

Due Date	Period Begins	Period Ends
May 5, 2025	February 1, 2025	April 30, 2025
August 5, 2025	May 1, 2025	July 31, 2025
September 5, 2025	August 1, 2025	August 31, 2025
Major Contribution Reports	October 5, 2025	November 4, 2025
October 5, 2025	September 1, 2025	September 30, 2025
October 21, 2025	October 1, 2025	October 18, 2025
October 31, 2025	October 19, 2025	October 28, 2025
December 5, 2025	October 29, 2025	November 30, 2025
January 5, 2026	December 1, 2025	December 31, 2025

Campaign Finance Reporting Schedule

Recall Elections

Election Cycle

The period of time beginning when petitions are approved for a recall election and ending 30 days following the termination of the recall election, either by election, failure to collect sufficient signatures for recall petitions, or resignation by the incumbent who is the subject of the recall.

Committee Registration

A public officeholder who is the subject of a recall must organize a recall defense committee before soliciting or accepting a contribution or making an expenditure to oppose the recall. The public officeholder must file a registration statement for the recall defense committee, appoint a treasurer of the recall defense committee, and designate a bank account with a financial institution in the state of Colorado to serve as the defense committee's campaign account, which must be separate from any other account of the officeholder or the officeholder's campaign committee.

Reporting Schedule

A recall defense committee or issue committee that supports or opposes the recall of a public officeholder must file reports of contributions and expenditures.⁶

Report	Reporting Period
Initial Report	Within 15 days of filing a registration statement
Subsequent Report	Every 30 days after the initial report until the date of the recall election has been set
Pre-Election Report	30 days, 14 days, and 7 days before the recall election
Post Election Report	30 days following the recall election

⁶ A.C.C. Sec. 54-104(d)



CONTRIBUTIONS & EXPENDITURES

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Contributions

A gift, subscription, transfer, loan, payment, advance, or deposit of money or other thing of value made to a person to support or oppose the nomination or election of one or more candidates, or the qualification or passage of a ballot issue or question.

“Contribution” includes:

- A written contract, promise, or agreement to make a contribution.
- Anything of value given, directly or indirectly, to a recall defense committee to oppose the recall of a public officeholder.
- The payment by another person for goods or services rendered to a candidate or committee without charge or at a charge that is less than the usual and normal charge.
- A loan, other than a commercial loan made in the ordinary course of the lender's business, to a candidate or committee, up until the time when the loan is fully paid. An unsecured loan is a contribution from the lender. A secured or guaranteed loan is a contribution from the guarantor or person whose property secures the loan.
- An unpaid financial obligation which is forgiven.
- A contribution in kind.
- A payment or transfer of money or other thing of value received by a committee from another committee.
- A coordinated expenditure.

“Contribution” does not include:

- Services provided without compensation by individuals volunteering their time on behalf of a committee.
- Payment of compensation for legal and accounting services rendered to a committee if the person paying for the services is the regular employer or client of the individual rendering the services and the services are solely to ensure compliance with the provisions of Article **IV** of Chapter 54.

Contribution In-Kind

“*Contribution in kind*” means a contribution of goods, services, or other thing of value provided without charge or at a charge that is less than the usual and normal charge. Examples include securities, facilities, equipment, supplies, personnel, advertising services, membership lists, and mailing lists.

If goods or services are provided at less than the usual and normal charge, the amount of the contribution in-kind is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount, if any, charged to the recipient.

“*Contribution in kind*” does not include:

- An endorsement of a candidate or an issue by any person.
- A candidate's personal participation or physical presence at an organizational, planning, policy, or strategy meeting or fundraising or other event for any candidate or issue committee.

Loans

A description of any loan, letter of credit, line of credit, or commercial loan made to the committee must be reported. An unsecured loan is a contribution from the lender. A secured or guaranteed loan is a contribution from the guarantor or person whose property secures the loan.⁷

Unpaid and Overdue Obligations

A description of any unpaid obligation of \$500 or more that is 30 days or more overdue, which is not otherwise reported as a contribution, must be reported.⁸

⁷ A.C.C. Sec. 54-104(e)(6)

⁸ A.C.C. Sec. 54-104(e)(7)

Expenditures

The purchase, payment, distribution, loan, advance, deposit or gift of money or other thing of value made by a person to support or oppose the nomination or election of one or more candidates, or the qualification or passage or a ballot issue or ballot question. An expenditure occurs when the actual payment is made or when there is a consideration received, whichever occurs first.

“Expenditure” Includes:

- A purchase or payment made by a candidate or committee.
- A payment, distribution, loan, or advance of any money or anything of value made by a person for the benefit of a candidate or committee that is made with the prior knowledge and consent of the candidate or committee.
- A payment or transfer of money or other thing of value made by a committee to another committee. (in-kind expenditure)
- An independent expenditure
- An electioneering communication
- Public communication

“Expenditure” does not Include:

- A payment made by a person, other than a committee, in a commercial transaction in the regular course and scope of the person's business or trade.
- A news story, editorial, or commentary distributed by a broadcasting station, including a cable television operator, programmer, or producer, or satellite television or radio provider, newspaper, magazine, website, or other periodical publication, including an online or electronic publication, that is not owned or controlled by a candidate or committee.
- A candidate debate or forum, or communication that solely promotes a candidate debate or forum and is made by the sponsor of such debate or forum.
- A payment for nonpartisan voter registration or get-out-the-vote efforts made by a person other than a committee.
- A membership communication.

Campaign Finance Reports

Required Information

Contributions

When a committee accepts contributions, it must collect the full name and mailing address of each contributor. It is strongly recommended that committees use a donation form to collect the required information at the time of the contribution.⁹

- If a contributor is a natural person, the report must include the person's occupation and employer.
- If a contributor is a covered entity or other organization, the report must also include the entity's principal office street address, as filed with the Secretary of State Business Division, or the street address of its principal place of operations, if different from its mailing address.
- If the covered entity has filed with the Business Division of the Colorado Department of State, then the entity's business name and principal place of operations must match the information filed with that Department.

Expenditures

When a committee files a campaign finance report, it must include the full name and mailing address of each person to whom an expenditure was made in the reporting period, along with the date, amount, and description of the expenditure, including the specific type of goods or services paid for.

⁹ A.C.C. Sec. 54-104(e)

Disclaimers for Political Advertisements

Political advertisements must include disclaimers that are presented clearly and conspicuously.¹⁰

All disclaimers must include the following information:

1. The full legal name of the person or committee who paid for the advertisement.
2. The name of the committee's treasurer and the word "treasurer."
3. For independent spenders (other than independent expenditure committees) - The name of the person filing campaign finance reports for that entity and the words "filing agent."

A political advertisement that is an independent expenditure or electioneering communication must also state "This political advertisement is not authorized by any candidate or candidate committee."¹¹

A political advertisement (other than independent expenditures or electioneering communications) that supports or opposes the election of a candidate or supports or opposes a municipal ballot issue or ballot question, referred measure, or measure for recall of any elected officer, must also state, "This political advertisement is authorized by (name of committee)."¹²

¹⁰ A.C.C. Sec. 54-104.5(d)

¹¹ A.C.C. Sec. 54-104.5(c)

¹² A.C.C. Sec. 54-104.5(b)

Prohibited Contributions and Expenditures

Committees allowed to contribute to a **Candidate Committee**

Candidate Committee (another candidate)	No*
Natural Person	Yes*
Recall Defense Committee (another candidate)	No
Political Committee	Yes*
Small Donor Committee	Yes*
Independent Expenditure Committee	No
Issue Committee	No

Committees allowed to contribute to a **Recall Defense Committee**

Candidate Committee (another candidate)	No*
Natural Person	Yes*
Recall Defense Committee (another candidate)	No
Political Committee	Yes*
Small Donor Committee	Yes*
Independent Expenditure Committee	No
Issue Committee	No

Committees allowed to contribute to a **Small Donor Committee**

Candidate Committee	No*
Natural Person	Yes*
Recall Defense Committee	No
Political Committee	No
Small Donor Committee	No
Independent Expenditure Committee	No
Issue Committee	No

Committees allowed to contribute to an **Independent Expenditure Committee.**

Candidate Committee	No
Natural Person	Yes*
Recall Defense Committee	Yes*
Political Committee	Yes*
Small Donor Committee	Yes*
Independent Expenditure Committee	Yes*
Issue Committee	Yes*

Committees allowed to contribute to an **Issue Committee**

Candidate Committee	No
Natural Person	Yes
Recall Defense Committee	No
Political Committee	Yes
Small Donor Committee	Yes
Independent Expenditure Committee	Yes
Issue Committee	Yes

**An asterisk in the tables indicate there are contribution limits.*

Contribution Limits

Committees may not accept any contribution in cash, currency, or coin that exceeds one hundred dollars.

Natural Person / Political Committee Contribution Limits:

During an election cycle, a person or political committee may not make aggregate contributions to a candidate committee or recall defense committee in excess of:

- Mayor / At-Large: \$1,150 to any one candidate in any at-large race or mayoral race
- Ward: \$450 to any one candidate in any one ward race

Small Donor Committee Contribution Limits:

During an election cycle, a small donor committee may not make aggregate contributions to a candidate committee or recall defense committee in excess of:

- Mayor / At-Large: \$11,500 to any one candidate in any at-large race or mayoral race
- Ward: \$4,500 to any one candidate in any one ward race

Nonmunicipal Political Organization Contribution Limits:

During an election cycle, a nonmunicipal political organization may make the following contributions to a candidate committee or political committee if the contributions are made from an account or source that does not consist of any funds received from a covered entity or other prohibited source.

- Mayor / At-Large: \$1,150 to any one candidate in any at-large race or mayoral race
- Ward: \$450 to any one candidate in any one ward race

Candidate Committee / Recall Defense Committee Contribution Limits:

A candidate committee or recall defense committee may not make a contribution to another candidate committee or recall defense committee.

Contribution limits do not apply to:

- Contributions made from a public officeholder's candidate committee to a recall defense committee organized by or on behalf of the same public officeholder.
- Contributions made from a candidate's personal funds to their own candidate committee or recall defense committee.

Personal Use of Campaign Funds

Campaign funds of a committee may not be used for personal use, including payment for a commitment, obligation, or expense that would exist irrespective of a candidate's campaign or duties as an officeholder.¹³

¹³ A.C.C. Sec. 54-102(c)



PENALTIES

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Penalties

Any individual volunteering time on behalf of a candidate or committee is exempt from any liability for a penalty imposed in any proceeding that is based on an act or omission of such volunteer if:

- 1) The volunteer was acting in good faith and within the scope of such volunteer's official functions and duties for the candidate or committee; and
- 2) The violation was not caused by willful and intentional misconduct by the volunteer.

Statements and Reports – Article IV

- \$50 per day for each of the first three days a statement, report, or other information required by Article IV is not filed by the due date.
- Thereafter the penalty for late filing is \$100.00 per day until the statement, report, or other information is filed with the city clerk.

Registration and Initial Filings – Section 54-103

A person who fails to file three or more successive statements or reports required by this section is subject to a penalty of up to \$500.00 for each day that a statement or report is not filed by the due date.

Campaign Finance Reports – Section 54-104

A person who fails to file three or more successive statements or reports required by this section is subject to a penalty of up to \$500.00 for each day that a statement or report is not filed by the due date.

Independent Expenditure Spender – Section 54-105.5

A person who knowingly fails to file three or more successive statements or reports required by this section is subject to a penalty of up to \$500.00 for each day that a statement or report is not filed by the due date.

Contribution Limits – Sections 54-101 and 54-105

Any person who knowingly violates any provision of the prohibitions and limits on contributions, or who gives or accepts any contribution or donation in such a way as to hinder or prevent identification of the true contributor or donor, in addition to any other penalties provided by law, will be subject to a penalty of \$10,000 or three times the

amount of the contribution, donation, or expenditure that was illegally accepted or made, whichever is greater.

Waivers

A person who has been assessed a late filing penalty may request that the city clerk grant a waiver or reduction of the penalty within ten (10) business days of the penalty's final accrual. The waiver request must include the following information:¹⁴

- 1) The reason for the delinquency in filing, including all relevant information related to the delinquency.
- 2) Remedial actions taken to avoid future delinquencies.
- 3) Any other information relevant to the waiver request.

The city clerk must consider the waiver request and respond to the request with a written final decision within five (5) business days. Before issuing a final decision on a waiver request, the city clerk may consider:

- a) The requesting person's history of delinquency.
- b) Circumstances that made complying with the deadline impractical, including whether the city clerk's electronic filing system was operational at the time of the delinquency.
- c) Outstanding penalties owed by the requesting person.
- d) The date when the requesting person filed the waiver request.

Hearing Officers

If the city clerk determines that a complaint is timely and alleges sufficient facts to support a factual and legal basis for one or more of the alleged violations, which have not been cured¹⁵, the city clerk will appoint a hearing officer and set a date for a hearing.¹⁶

¹⁴ A.C.C. Sec. 54-108(e)

¹⁵ A.C.C. Sec. 54-107(d)

¹⁶ A.C.C. Sec. 54-107(e)



TERMINOLOGY

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Types of Committees

Candidate Committee

Organized by or on behalf of a candidate.

Standalone Candidate

A candidate who does not accept contributions. If a standalone candidate subsequently accepts a contribution at any point in the election cycle, the candidate must organize a candidate committee within five business days. Standalone candidates are required to report expenditures.

Recall Defense Committee

Organized to oppose the recall of a public officeholder. It is separate from but subject to the same limits and restrictions on contributions as a candidate committee of the public officeholder on whose behalf the recall defense committee is organized.

Political Committee

Organized to support or oppose the nomination or election of one or more candidates and that receives contributions or makes expenditures, or anticipates receiving contributions or making expenditures, in an aggregate amount exceeding four hundred fifty dollars (\$450) during an election cycle. "Political Committee" includes an independent expenditure committee, small donor committee, political party, or a separate segregated fund established by a covered entity.

Small Donor Committee

A political committee that accepts contributions only from natural persons who each contribute no more than fifty dollars (\$50.00) in the aggregate per calendar year.

Independent Expenditure Committee

A political committee that only makes independent expenditures and does not make contributions to any candidate committee or to another political committee that makes contributions to any candidate committee.

Issue Committee

A person or group of persons that receives contributions or makes expenditures, or anticipates receiving contributions or making expenditures, in an aggregate amount of one thousand dollars (\$1,000) or more during an election cycle to support or oppose the qualification or passage of a ballot issue or ballot question.

"Issue committee" includes a petition representative or other person that receives contributions or makes expenditures to support or oppose the recall of a public officeholder (ballot question).

Non-municipal political organization

1. A candidate committee, political party, or political committee that is registered and filing reports pursuant to the Fair Campaign Practices Act, 1-45-101 to 1-45-118, C.R.S., or the law of another municipality in the state of Colorado.
2. A political committee or political organization organized under the law of another state.
3. A federal political committee that is registered and filing reports pursuant to the Federal Election Campaign Act of 1971, 52 U.S.C. 30101 to 30146.

Definitions

Coordinated Expenditure

1. Payment for a public communication that republishes, disseminates, or distributes, in whole or part, any video, audio, written, graphic, or other form of campaign material, created or prepared by a candidate or candidate committee, unless the payment is made by the candidate or candidate committee that created or prepared the material, or the republished material is used to oppose the candidate or candidate committee that created or prepared the material.
2. An expenditure or electioneering communication made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or candidate committee to support or oppose, or to influence voters about, that candidate or any other candidate who seeks election to that same office during that same election cycle. An expenditure or electioneering communication is made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or candidate committee under any of the following conditions:
 - a. The expenditure or electioneering communication is made according to any expressed or implied agreement with, any general or particular understanding with, or according to any request by or communication with the candidate or candidate committee.
 - b. During the election cycle in which the expenditure or electioneering communication is made, the person making the expenditure was directly or indirectly established, maintained, controlled, or principally funded by the candidate or committee, or by an immediate family member of the candidate.
3. During the six months before an individual becomes a candidate and for the remainder of that election cycle, the candidate or candidate committee actively solicited funds for a person so that such funds would be available to be used for one or more independent expenditures or electioneering communications to support or oppose, or influence voters about, any candidate who seeks election to the office sought by the candidate soliciting such funds; provided, however, that this limitation on solicitations of funds does not apply to that candidate's or candidate committee's solicitation of funds for its own use through an independent expenditure or an electioneering communication.
4. Communications between the person making the expenditure or electioneering communication and the candidate or candidate committee only to discuss with the candidate the person's or the candidate's position on a policy matter or whether the person will endorse the candidate do not result in a coordinated expenditure under this subsection.

5. A coordinated expenditure does not result if a person, making the expenditure or electioneering communication, has employed or otherwise retained the services of a provider of accounting or legal services as long as that provider only delivers those professional services that are within the scope of the legal or accounting professions.

Covered Entity

1. An organization or enterprise operated for profit, including a corporation, association, proprietorship, firm, partnership, business trust, holding company, limited liability company, limited liability partnership, or similar legal entity through which business is conducted.
2. A labor organization.
3. An organization or corporation that is tax-exempt under section [501\(c\)](#) of the Internal Revenue Code of 1986.
4. A political organization that is tax-exempt under section [527](#) of the Internal Revenue Code of 1986 and that is primarily operated for purposes other than to support or oppose the nomination or election of one or more candidates, or the qualification or passage of a ballot issue or ballot question.

Election Cyle

1. The period of time beginning 31 days following a general election for the particular office and ending 30 days following the next general election for that office.
2. The period of time beginning when petitions are approved for a recall election and ending 30 days following the termination of the recall election, either by election, failure to collect sufficient signatures for recall petitions, or resignation of the incumbent who is the subject of the recall.

Membership Communication

- *Membership communication* means a communication made by an organization, including a covered entity, that is limited in circulation to principal owners, members, stockholders, or executive or administrative employees of the organization, unless the organization is organized to support or oppose the nomination or election of one or more candidates or the qualification or passage of a ballot issue or ballot question.
- "Membership communication" does not include a public communication or a communication that is distributed to persons who are not principal owners, members, stockholders, or executive or administrative personnel of the organization making the communication.
- For purposes of this chapter:

- *Member* means a person who, pursuant to a specific provision of an organization's articles or bylaws, has the right to vote directly or indirectly for the election of a director or officer of the organization, or on the disposition of all or substantially all of the assets of the organization, or on a merger or dissolution of the organization; or any person who is designated in the articles or bylaws of an organization as a member and, pursuant to a specific provision of an organization's articles or bylaws, has the right to vote on changes to the articles or bylaws, or who pays or has paid membership dues or fees in an amount predetermined by the organization so long as the organization is tax exempt under section [501\(c\)](#) of the Internal Revenue Code of 1986. A member of a local union or labor organization is considered to be a member of any national or international union or labor organization of which the local union or labor organization is a part and of any federation with which the local, national, or international union or labor organization is affiliated.
- *Stockholder* means a person who has a vested beneficial interest in stock, has the power to direct how that stock will be voted if it is voting stock, and has the right to receive dividends.
- *Executive or administrative personnel* means an individual employed by an organization who is paid on a salary rather than an hourly basis, and who has policy-making, managerial, professional, or supervisory responsibilities. "Executive or administrative personnel" includes an individual who runs an organization's business, such as officers, executives, and plant, division, and section managers, and individuals following the recognized professions, such as attorneys and engineers.

Independent Spender

A person, other than a committee registered with the city clerk under Section [54-103](#), that makes an independent expenditure or electioneering communication.

Independent Expenditure

An expenditure to support or oppose one or more candidates that is not controlled by or coordinated with any candidate or candidate committee.

Electioneering Communication

An electioneering communication is made when the actual spending occurs or when there is a contractual agreement requiring such spending, and the amount is determined.

"Electioneering communication" means:

A public communication that meets all of the following conditions:

- a. Refers to a clearly identified candidate.

- b. Is distributed within 120 days of a municipal election in which the candidate is on the ballot.
- c. Can be received by members of the constituency eligible to vote for the candidate.

"Electioneering communication" does not include:

- a. A news story, editorial, or commentary distributed by a broadcasting station, including a cable television operator, programmer, or producer, or satellite television or radio provider, newspaper, magazine, website, or other periodical publication, including an online or electronic publication, that is not owned or controlled by a candidate or committee.
- b. A communication made by a person, other than a candidate or committee, that proposes a commercial transaction in the regular course and scope of the person's business or trade.
- c. A communication that constitutes a candidate debate or forum, or communication that solely promotes a candidate debate or forum made by the sponsor of such debate or forum.
- d. A membership communication.

Clearly Identified Candidate

Clearly identified candidate means the candidate's name or nickname is used in the communication; a picture, drawing, or likeness of the candidate appears in the communication, or the identity of the candidate is otherwise apparent from reference in the communication.

Public Communication

A communication to the general public through broadcast, cable, satellite, internet or another digital method, newspaper, magazine, outdoor advertising facility, mass mailing, telephone bank, robocall, or any other form of general public advertising or marketing regardless of medium.

Recall Election

Any elected officer of the city may be recalled from office by the electors entitled to vote in an election to recall the said officer through the procedure and in the manner provided for in the City Code, which procedure shall be in addition to any other method of removal from the office provided by law. Any officer, whether elected or appointed, shall hold office six months before he or she is subject to recall proceedings.¹⁷ Recall elections may be held in conjunction with a regular municipal election or as a special municipal election.

¹⁷ A.C.C. Chapter 54 Article III