



City of Loveland Candidate Information

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Angie Sprang, Interim City Clerk

March 04, 2024

Loveland Special Election

2024 Candidate Information

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This 2025 Candidate Information packet contains only a brief summary of the provisions of the City Charter and Applicable State Laws; a full review of the Charter, the Loveland Municipal Code, the C.R.S. and applicable state laws should be made by potential candidates. All references in this 2025 Candidate Information packet to the City Charter, the Loveland Municipal Code, C.R.S and applicable laws are qualified by reference to the such City Charter, the Loveland Municipal Code, C.R.S and applicable laws, as applicable.

Introduction

The Loveland Municipal Election

The 2025 Candidate Information packet has been prepared as a general guide about the basic requirements and deadlines for candidacy for the office of City Councilor in the City of Loveland. The packet is not intended to be comprehensive in scope or depth. If you have questions regarding the interpretation of applicable laws and regulations for your situation, you may wish to consult with a private attorney who can provide you with that interpretation. The City Clerk's office cannot provide legal advice.

Throughout this packet, there will be references to additional materials, such as sections of the Loveland Home Rule City Charter (City Charter), the Loveland Municipal Code and the Colorado Revised Statutes (C.R.S.). Those additional materials are provided either as a reference at the end of the packet or are available online on the City Clerk's elections webpage.

Applicability of State Law

As stated in the City Charter in Article 6:

Section 6-1 – City elections shall be governed by the State statutes contained in the Colorado Municipal Election Code, except as otherwise provide by this Charter or by ordinance. All regular and special elections shall be non-partisan.

Section 6-2 – A regular election shall be held in November of each odd-numbered year on the date established by the State statutes for the regular elections of statutory cities.

Section 6-3 – A special election shall be called by resolution adopted at least thirty (30) days prior to the election. The resolution calling a special election shall set forth the purpose of the election.

Election Administration

Municipal elections are administrated by the City Clerk's office under the provisions of the Municipal Code, City Charter and Colorado law. All requirements for a municipal office candidate should be obtained from the City Clerk's office.

The City of Loveland conducts special elections via mail ballot. All ballots are printed and mailed by the a third party vendor in partnership with the City of Loveland Clerk's Office. Drop boxes will be located throughout Loveland.

Important Contact Information

Election and Campaign Finance related Questions

Ashley Macdonald, City Clerk

(970) 962-2322

Email: Ashley.Macdonald@cityofloveland.org

Chad Thompson, Deputy City Clerk

(970) 962-2392

Email: Chad.Thompson@cityofloveland.org

The City Clerk's office is open from 8:00 a.m. to 5:00 p.m., Monday through Friday with the exception of certain legal holidays.

Voter Registration

Larimer County Clerk Elections Department

(970) 498-7820

Email: elections@co.larimer.co.us

Questions Regarding Placement of Campaign Signs

Building and Zoning

(970) 962-2505

Complaints Regarding Placement of Campaign Signs

Code Enforcement

(970) 962-2506

Key Dates for Candidates

No specific date	Candidate Affidavit must be filed within 10 days of becoming a candidate. “Candidate” is defined as any person who seeks nomination or election to the office of Mayor or Councilmember at any City election. A person is a candidate if the person has publicly announced an intention to seek such election or has filed nominating petitions for the office of Mayor or Councilmember. City Charter 17-2(b); Const. Article XXVIII2(2)
No specific date	Candidate Committee registration must be filed with the City Clerk before accepting or making any contributions. City Charter 17-3(a); §1-45-108(3), C.R.S.
December 18, 2024	First day nomination petitions may be circulated or filed with the City Clerk.
January 6, 2025	Last day to file nomination petitions with the City Clerk; 5 p.m. deadline.
January 17, 2025	City Council Candidate Information Session: 6:00 – 7:30 p.m. at Council Chambers.
No specific date	Background check must be done in conjunction with nomination petition process (between December 18, 2024 – January 06, 2025).
February 10, 2025	First day mail ballots can be mailed to eligible voters.
February 11, 2025	First contribution & expenditure report due to the City Clerk by 5 p.m.
February 18, 2025	Second contribution & expenditure report due to the City Clerk by 5 p.m.
February 28, 2025	Third contribution & expenditure report due to the City Clerk by 5 p.m.
March 04, 2025	Election day; mail ballots accepted at designated locations until 7 p.m.
March 11, 2025	Swearing in of newly elected Mayor and City Council Members
April 04, 2025	Fourth contribution & expenditure report due to the City Clerk by 5 p.m.

Candidate Checklist of Document Filings

ACTION	DEADLINE	DATE COMPLETED
Submit Candidate Affidavit	Within ten days after announcing or establishing candidacy	
Submit 'Financial Disclosure' Statement	10 days after accepting nomination	
Submit Committee Registration	Before accepting any contributions or making any expenditures	
Deadline to file nomination petitions	January 06, 2025	
Background check	Between December 18, 2024 and January 06, 2025	
Campaign Finance Reports due (21 days prior to Election Day)	February 11, 2025	
Campaign Finance Reports due (14 days prior to Election Day)	February 18, 2025	
Campaign Finance Reports due (Friday before Election Day)	February 28, 2025	
Campaign Finance Reports due (30 days after Election Day)	April 03, 2025	
Amended 'Financial Disclosure' Statement due	June 01, 2025	
Campaign Finance Reports due (Annual filing until a termination report is filed closing the Account)	November 1, 2025	

City of Loveland Management Directory

City Manager, Jim Thompson	Jim.Thompson@cityofloveland.org	970-962-2306
City Attorney, Vincent Junglas	Vincent.Junglas@cityofloveland.org	970-962-2543
Municipal Court Judge, Jennifer Edgley	Jennifer.Edgeley@cityofloveland.org	970-962-2342
Deputy City Manager, Rod Wensing	Rod.Wensing@cityofloveland.org	970-962-2301
Airport Director, John Kinney	John.Kinney@cityofloveland.org	970-962-2852
City Clerk, Ashley Macdonald	Ashley.Macdonald@cityofloveland.org	970-962-2322
Cultural Services Director, Susan Ison	Susan.Ison@cityofloveland.org	970-962-2548
Acting Development Services Director, Robert Paulson	Robert.Paulson@cityofloveland.org	970-962-2521
Economic Development Director, Marcie Willard	Marcie.Willard@cityofloveland.org	970-962-2345
Chief Financial Officer, Brian Waldes	Brian.Waldes@cityofloveland.org	970-962-2625
Fire and Rescue Chief, Tim Sendelbach	Tim.Sendelbach@cityofloveland.org	970-962-2827
Human Resources Director, Julia Holland	Julia.Holland@cityofloveland.org	970-962-2372
Chief Information Officer, Dan Coldiron	Dan.Coldiron@cityofloveland.org	970-962-2332
Library Director, Amy Phillips	Amy.Phillips@cityofloveland.org	970-962-2404
Parks and Recreation Director, Kara Kish	Kara.Kish@cityofloveland.org	970-962-2456
Chief of Police, Tim Doran	Tim.Doran@cityofloveland.org	970-962-9579
Public Works Director, Mark Jackson	Mark.Jackson@cityofloveland.org	970-962-2520
Water & Power Director, Kevin Gertig	Kevin.Gertig@cityofloveland.org	970-962-3500

Candidacy

Offices on the Ballot

At the March 04, 2025 Ward 1 special recall election, City voters will be asked the question of weather or not to recall Council Member Troy Krenning.

City Council representatives from Ward 1 were elected for four-year terms of office that began on November 14, 2023. The City of Loveland will be accepting nominations for candidates to fill Councilor Krenning's Ward 1 seat in the event that he is recalled.

All municipal elections are non-partisan. Party affiliation is not disclosed on candidacy forms and will not appear on the ballot next to a candidate's name. As such, staff cannot answer questions regarding a candidate's party affiliation.

Qualifications

Per City of Loveland City Charter Article 3, Section 3 candidate qualifications include:

- Must be a registered elector of the City who has resided in his or her respective ward for a period of at least twelve (12) consecutive months preceding the election; except that in the case where the boundaries of the ward are changed pursuant to City Charter Section 6-4 or as a result of annexation of territory into the City's boundaries, his or her residence for the prescribed time period within the territory annexed to the City for the mayoral candidate or added to the ward for Council member candidate shall satisfy this residency requirement.
- No person who has been convicted of embezzlement of public funds, bribery, perjury, solicitation of bribery, subornation of perjury, or a willful violation of this Charter, shall be nominated or elected as Mayor or Council member. A background check will be done prior to confirming a candidate.
- No person who is an employee of the City, or a City board or commission member, may serve as Mayor or Council member. Except that any such person who runs for and is elected as Mayor or Council member shall be deemed to have resigned from the position of City employee or City board or commission member on the date of taking office.
- No person can be a candidate for both Mayor and Council member at the same election or hold both positions simultaneously.

Declaring Your Candidacy

“Candidate” is defined as any person who seeks nomination or election to the office of Mayor or Council member at any City election. A person is a candidate if the person has publicly announced an intention to seek such election or has filed a nominating petition for the office of Mayor or Council member. The announcement can be through a speech, advertisement, or other communication such as reporting/appearing in public media, social media, or any place accessible to the public that a reasonable person would expect the announcement to become public.

A Candidate Affidavit must be filed with the City Clerk within 10 days of becoming a candidate. §1-45-11, C.R.S.

Nomination Petitions: December 18, 2024 – January 06, 2025

Form of Petition

Nomination petitions and instructions can be obtained through the City Clerk’s office starting on December 18, 2024. You must use the Nomination Petition format provided.

Circulation Period

Nominating Petitions for the office of Ward 1 City Councilor may be circulated and signed beginning ninety-one (91) days prior to the election (December 18, 2024), and shall be filed with the City Clerk no later than seventy-one (71) days before the election (January 06, 2025). §1-4-805, C.R.S

Signature Requirements

Council member candidate petitions must be signed by at least 25 registered electors who reside within the candidate’s ward.

A voter registration record of the petition signer must reflect a residence address in the City of Loveland to be counted. Candidates are encouraged to obtain more than the required 25 signatures to ensure a safety net for signatures that may be ineligible.

A registered elector may sign only petitions equal in number to the number of offices to be filled at the election.

Acceptance of Nomination

The Acceptance of Nomination form, included in the petition packet, must be attached as a notarized affidavit to the nominating petition when filed with the City Clerk’s office (§31-10-302(6)), C.R.S. The affidavit must also include affirmation that the candidate meets all the qualifications for office outlined above. Additionally, in the space provided on the form, the candidate must print their name as it shall appear on the ballot. Titles and degrees are not allowed.

Code of Ethics

The public relies on the ethical and moral behavior of its elected officers and those who seek public office. The public expects that an individual who wishes to govern should refrain from any conduct that would be derogatory, unseemly or unlawful. See City Charter Article 5 - Code of Ethics.

City Employees Prohibited

All City employees are specifically prohibited from endorsing or working for the election or defeat of any candidate for office during working hours, at city facilities or using any resources of the City of Loveland.

No person who is an employee of the City, or a City board or commission member, may serve as Mayor or Council member. Except that any such person who runs for and is elected as Mayor or Council member shall be deemed to have resigned from the position of City employee or City board or commission member on the date of taking office. City Charter §3-3(d).

Certification of Petition

After timely filing of the nomination petition, the City Clerk will validate signatures within three (3) working days and notify the candidate and/or person filing the petition whether or not the petition is found to be signed by the required number of registered electors. If lacking the required number of signatures or deficient for any reason, a petition can be amended to cure the deficiency. Amended petitions must be submitted to the City Clerk no later than the close of business on January 10, 2025.

Ballot Order

The order of candidate names on the March 04, 2025 ballot will be in alphabetic order by last name.

Background Check

A background check is required prior to confirming a candidate. City Charter, Section 3-3(c), states that no person who has been convicted of embezzlement of public funds, bribery, perjury, solicitation of bribery, subornation of perjury, or a willful violation of the Charter shall be nominated or elected as Mayor or Council member. This must be done before the City Clerk will offer an Acceptance of Nomination form to a candidate who receives a sufficient number of signatures on the Nomination Petition form that is filed. The background check is initiated filling out the Affidavit of Status and Release form (Attachment F).

Candidate Orientation

A Candidate Orientation class has been scheduled for **January 17, 2025**. The class will be held at Council Chambers, 500 E. Third Street, Loveland, Colorado, from 6:00 p.m. to 7:30 p.m. The session will provide important information about the City of Loveland organization, guidelines and instructions for candidates, expectations for being a Council Member and information on

working with the City Attorney's office. The information should prove very helpful to you and others who may be involved in assisting with your campaign. We hope you will join us!

Campaign Regulations

Commencement of Campaign Activities

There is no limitation on the point in time when a candidate for office may commence campaign activities. As noted above, “Candidate” is defined as any person who seeks nomination or election to a local public office that is to be voted on in this municipal election. A person is a candidate for election if the person has publicly announced an intention to seek election to public office or retention of a judicial office and thereafter has received a contribution or made an expenditure in support of the candidacy.

Electioneering

The term “Electioneering” includes campaigning for or against any candidate who is on the ballot or any ballot issue or ballot question that is on the ballot. “Electioneering” also includes soliciting signatures for a candidate petition, recall petition or a petition to place a ballot issue or ballot question on a subsequent ballot. §1-13-714(1), C.R.S.

Electioneering is not allowed within 100 feet of any building in which a polling location is located, on the day of any election or during the time when voting is permitted for any election. Electioneering is not allowed within 100 feet of ballot drop boxes.

Election Signs

City of Loveland Sign Code Regulations

- Campaign signs do not require a sign permit from the City.
- Political signs are not allowed in public rights-of-way or on public property, and should never be positioned in such way as to cause unsafe blind spots or visual distractions for motorists.
- Signs may only be placed on private property with the permission of the property owners.
- Political signs may not be of any type of sign that is expressly forbidden in Section 18.04.08.05 of the Loveland Municipal Code (for example, a sign erected with moving parts or flashing lights).
- Political signs or any other form of campaign advertising may not be placed within 100 feet of a polling place or ballot drop-off site. §1-13-714, C.R.S.

BE A GOOD NEIGHBOR AND REMOVE ALL THE SIGNS YOU HAVE PLACED THROUGHOUT THE CITY ONCE THE ELECTION IS OVER

CAMPAIGN REPORTING REQUIREMENTS

Campaign Practices

Loveland City Charter Article 17

The City of Loveland Campaign Finance Law governs the reporting requirements for campaign donations and expenditures. An FAQ can be found on the City Clerk's City website. Campaign contributions are limited in 2024 to \$100 from any individual person or company.

Candidate Responsibility

It is the candidate's responsibility to familiarize themselves with the provisions of City Charter Article 17. It is highly recommended that candidates who have specific questions about compliance with campaign finance law consult with a private attorney who can provide legal advice, as the office of the City Clerk cannot do so.

City Clerk's Office Responsibility

The office of the City Clerk, as custodian of campaign finance reports, is responsible for providing current forms, notifying all parties of applicable deadlines, accepting campaign finance reports from candidates and/or committees, making them available for public inspection, and retaining them in compliance with the city's Document Management Policy and Retention Schedule.

The City Clerk is also responsible for notifying any candidate or committee who has failed to comply with provisions of City Charter Article 17, and for notifying any person against whom a complaint has been filed. The complaint process can be found in the Loveland Municipal Code Chapter 2.74.

The City Clerk's Office cannot audit individual reports, check reports for mathematical errors, or give legal advice on how contributions/expenditures should be disclosed.

Reports are Public Record

Any report submitted pursuant to City Charter Article 17 will be made available for public inspection and on the city's website.

Candidate Affidavit

A Candidate Affidavit must be filed with the City Clerk within **10 days** of becoming a candidate. City Charter 17-3; §1-45-110, C.R.S.

“Candidate” is defined as any person who seeks nomination or election to the office of Mayor or Councilmember at any City election. A person is a candidate if the person has publicly announced an intention to seek such election or has filed nominating petitions for the office of Mayor or Councilmember.

The Candidate Affidavit form is provided with this packet, and is available for download on the City Clerk’s elections webpage, or by calling the City Clerk’s office.

Failure of any person to timely file the Candidate Affidavit can result in the disqualification of such person as a candidate for the office being sought. City Charter 17-3(c).

Financial Disclosure Statement

A Financial Disclosure Statement must be filed within 10 days after filing an acceptance of nomination. The purpose of the statement is to disclose information concerning the candidate’s sources of income, financial and property interests, offices and directorships, creditors and business associations. City Charter 17-3 and Municipal Code 2.14.010(I)

Elected candidates are required to provide an amended Financial Disclosure Statement, or written notification that there has been no change in the Disclosure Statement filed prior to the election, within 30 days of their election and each year thereafter prior to June 1, on forms provided by the City Clerk’s Office. The City Clerk’s Office will provide written notification of the financial disclosures required from elected candidates for the annual disclosure. Municipal Code 2.14.010(J).

Failure of any person to timely file the Financial Disclosure Statement can result in the disqualification of such person as a candidate for the office being sought. City Charter 17-3(c)).

Candidate Committees

A Candidate Committee consists of a person, including the candidate, or persons with the common purpose of receiving contributions and making expenditures under the authority of a candidate. A candidate can only have one committee.

Committee Registration

All Committees must register with the City Clerk **before** accepting contributions or making any expenditures in support of a campaign. City Charter 17-4.

The New Committee Registration form is provided with this packet, and is available for download on the City Clerk's election webpage, or by calling the City Clerk's office.

Campaign Reporting Deadlines

Reports are due on four (4) different dates during the election cycle:

- February 11, 2025:** 21st day before the Election Report (First Report)
Covers the reporting period ending February 11, 2025
The start date of the reporting period depends on whether this is a new committee or an existing committee.
- February 18, 2025:** 14th day before the Election Report (Second Report)
Covers the reporting period of February 12 – 18, 2025
- February 28, 2025:** Friday before the Election Report (Third Report)
Covers the reporting period of February 29 – 28, 2025
- April 04, 2025:** Post-Election Report (Fourth Report)
Covers the reporting period of March 1 – March 4, 2025
- November 1, 2025:** Annual Campaign Finance Report
Annual filing until a termination report is filed

Please note that any hard copy report that is filed with the City Clerk must arrive in the office by 5:00 p.m. on the day it is due.

Electronic Submission of Reports

The City Clerk's Office will accept campaign finance reports by email at clerk@cityofloveland.org. Your report may have either an electronic signature or you may submit a scanned copy of the report with a wet signature. Electronically filed reports are due by 11:59 p.m. of the deadline date to be considered timely filed. Once received by the City Clerk's Office, the report will be electronically time-stamped, indicating the date of receipt. The candidate or candidate's agent will be notified that the City Clerk's Office has received the report.

Contribution Limits

It is the candidate's responsibility to familiarize themselves with the provisions of City Charter Article 17; City Charter Section 17-5 addresses campaign contributions. Contributions are limited to \$100 per contributor (see City Charter 17-5). All campaign contribution limits are subject to adjustment as set forth in the City Charter. All campaign contributions must be disclosed; the following is a guideline for disclosing those contributions:

- **\$19.99 or less:** Must be itemized with a description of the contribution and how they were obtained, the date the contribution was accepted and the amount.
- **\$20.00 or more:** Must be itemized and include name, address, occupation and employer of each person who has made contributions or contributions in kind.

Prohibited Contributions

City Charter 17-5(e) and (f) addresses prohibited contributors or contributions:

(a) Limits. No person may make contributions and/or contributions in kind totaling more than one hundred dollars (\$100.00) to the candidate committee of any candidate for the office of Mayor or for any position on the City Council. No person shall make a contribution or contribution in kind in the name of another person or knowingly permit one's name to be used by another person to effect such a contribution or contribution in kind. These limitations shall apply to all contributions or contributions in kind, whether made directly to a candidate committee or indirectly via earmarked gifts passed through an intermediary, except that these limitations shall not apply to:

- (1) Contributions or contributions in kind made by a candidate to his or her own candidate committee;
- (2) Independent expenditures; or
- (3) Monetary loans that are: (a) personally guaranteed in writing by the candidate or the candidate's immediate family, or (b) secured by real or personal property owned by the candidate or the candidate's immediate family.

(b) Adjustment of limits. At the beginning of each calendar year in those years ending in the numeral five (5) or the numeral zero (0), as there becomes available from the Bureau of Labor Statistics of The United States Department of Labor the necessary Consumer Price Index data, the City Clerk shall determine and the City Council approve, unless the City Clerk is determined by the City Council to have acted arbitrarily or capriciously, an adjustment to the limits set forth in Subsection (a) of this Section in proportion to the rise or fall of the Consumer Price Index since the last such adjustment or, in the case of 2010, since enactment of this Article.

If any such adjustment amount is not a multiple of five dollars (\$5.00) such amount shall be adjusted to the nearest multiple of five dollars (\$5.00).

Each amount so adjusted shall be in effect until the next adjustment.

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- (c) Joint contributions. No person shall make a contribution jointly with another person through the issuance of a check drawn on a jointly owned account unless: (i) the total amount of the joint contribution is less than the maximum amount that can be contributed by one (1) person under the contribution limits established in Subsection (a) of this Section; or (ii) the check is signed by all owners of the account, in which event the amount of the total contribution shall be allocated equally among all such persons unless a different allocation is specified on the face of the check. No candidate committee, issue committee or political committee shall knowingly accept a contribution made in violation of this Subsection (b).
 - (d) Contributions in excess of limits. No later than ten (10) business days after receiving a contribution in excess of the limits set forth in this Section, the candidate committee that received the contribution shall remit the excess to the contributor.
 - (e) Prohibited contributors. No candidate committee or political committee shall knowingly accept contributions from any person who is not a citizen of the United States, or from a foreign government, corporation, labor union, or political party.
 - (f) Contributions from one (1) candidate committee to another.
 - (1) No candidate committee shall make a contribution or contribution in kind to, or accept a contribution or contribution in kind from, a candidate committee of another candidate.
 - (2) No candidate committee shall accept a contribution or contribution in kind from a candidate committee of the same candidate that was established or maintained for a federal, state or county election campaign or office.
 - (g) Recordkeeping. All contributions received by a candidate committee, issue committee or political committee shall be deposited and maintained in a financial institution in a separate account whose title shall include the name of the committee. All records pertaining to such accounts shall be maintained by the committee for ninety (90) days following any election in which the committee received contributions unless a complaint has been filed under Section 17-11 alleging a violation of the provisions of this Article, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Such records shall be subject to inspection at any hearing held pursuant to this Article.
 - (h) Reimbursements prohibited. No person shall make a contribution to a candidate committee, issue committee or political committee with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution made to any candidate committee, issue committee or political committee, nor shall any person make such reimbursement. An unexpended campaign contribution returned to a contributor by a candidate committee pursuant to Section 17-8(a)(4) shall not be considered a reimbursement.

Note:

While the Charter prohibits contributions from corporations, labor unions and political parties to candidate and political committees, and through independent expenditures, the United States

Supreme Court in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010) determined that those types of prohibitions were unconstitutional. Therefore, corporations, labor unions and political parties may participate in City elections by expending funds in the form of contributions to candidates or by making other expenditures to promote the candidacy of City Council candidates. These parties have no contribution limit, unless contributing to a candidate or political committee (\$100), and no independent expenditure requirement for reporting other contributions.

Expenditures

An expenditure occurs when it is made, when funds are obligated or when a contract is established, whichever occurs first.

All expenditures must be itemized and include the name and address of the payee, the date, amount and the purpose of the expenditure.

Persons making independent expenditures totaling more than \$100 need to notify the City Clerk in writing no later than three business days after the funds are obligated. Contact the City Clerk for a form.

- The notice is to include the name, address, telephone number, occupation and employer of the person making the expenditure;
- The name of the candidate(s) the expenditures are supporting or opposing;
- The name and address of the vendor(s);
- The amount of the expenditures; and
- The date the funds were obligated.

Candidate committees may not make contributions to another candidate committee.

Unexpended Campaign Contributions

For candidate committees, unexpended campaign contributions may be:

- Contributed to a political party
- Contributed to a candidate committee established by the same candidate for a subsequent campaign for the same office, subject to the same limitations in City Charter Section 17-5(e)
- Donated to a charitable organization recognized by the IRS
- Returned to the contributors

Complaint Process

Complaints asserting violations of City Charter Article 17 provisions shall be filed with the City Clerk's Office on form provided by the City Clerk. The complaint process can be found in the Municipal Code Chapter 2.74.

City Council

Term of Office

The candidate elected to the office of City Councilor for Ward 1 will begin their term of office on Tuesday, March 11, 2025. The term of Councilor Krenning's seat is for four years, beginning on Tuesday, November 14, 2023, and expiring in November 2027. In the event of a recall, the elected Candidate will fulfill the remainder of that term. There are no term limits in the City of Loveland.

City Council Meetings

Per the Loveland City Charter, Section 4-1, the City Council shall hold at least two regular meetings each month.

The City Council meetings are held on the first and third Tuesday of each month, beginning at 6:00 p.m. Study Sessions are held on the second and fourth Tuesday of each month beginning at 6:00 p.m.

Agenda packets for all Tuesday meetings are to be published on the Thursday or Friday prior to the meeting.

Powers

The City Charter defines the powers and responsibilities of the Mayor, Mayor Pro Tem and City Council. All powers of the City and determination of all matters of policy are vested in the Council, except as otherwise provided in the Charter. The City of Loveland is a home rule city with a council-manager form of government.

The Mayor presides at Council meetings and is the recognized head of the city government for all ceremonial purposes. The Mayor is a member of the City Council and has the same voting powers as any Council member. The Mayor executes documents and performs any other duties as provided by the City Charter, the City Council, or State law.

By affirmative vote of a majority of the entire Council, a Council member shall be appointed as Mayor pro tem, for the same term as the Mayor, to perform the responsibilities of the Mayor when the Mayor is absent or is otherwise unable to perform the responsibilities of the Mayor.

Ethics, Conflicts of Interest and Gifts

Members of the City Council are subject to the City Charter and Code provisions relating to ethical rules of conduct, conflicts of interest and gifts. The Loveland City Charter, Article 5, provides guidance of the Code of Ethics.

Compensation

Per the Loveland Municipal Code, Section 2-80-020, the salaries of the City's elective officers shall be as follows:

Mayor	\$3,000 per month
Mayor Pro Tem	\$2,500 per month
City Council members	\$2,000 per month

APPENDIX

Sections of the Loveland Home Rule Charter

Loveland City Charter, Article 3, City Council

SECTION 3-1 -- CITY COUNCIL

- (a) The City Council shall be the governing body of the City, and shall have such powers as are possessed by the City and not conferred by this Charter on others. All such powers shall be exercised in the manner prescribed in this Charter or, if not provided for herein, in such manner as shall be provided by ordinance.
- (b) The City Council shall consist of eight (8) Council members nominated and elected, two (2) from each ward, and a Mayor nominated and elected from the City at large.
- (c) The first election of a Mayor from the City at large, as provided in Subsection (b) of this section, shall be at the next regular City election at which a Council member-at-large would have been elected if this Charter had not been adopted.

SECTION 3-2 -- MAYOR, MAYOR PRO TEM

- (a) The Mayor shall be a member of the City Council and shall have the same voting powers as any Council member.
- (b) The Mayor shall preside over meetings of the City Council, and shall be recognized as the head of the City government for all ceremonial purposes.
- (c) By the affirmative vote of a majority of the entire Council, a Council member shall be appointed as Mayor pro tem, for the same term as the Mayor, to perform the responsibilities of the Mayor when the Mayor is absent or is otherwise unable to perform the responsibilities of the Mayor.

SECTION 3-3 -- MAYOR AND COUNCIL MEMBERS - QUALIFICATIONS

- (a) Each Council member shall be a registered elector of the City who has resided in his or her respective ward for a period of at least twelve (12) consecutive months immediately preceding the election; except that, in case the boundaries of the ward are changed pursuant to Section 6-4 or as a result of annexation, residence for the prescribed time period, within territory added to the ward, shall be deemed to meet the residency requirements for the ward to which the territory was added.
- (b) The Mayor shall be a registered elector of the City who has resided within the limits of the City for a period of at least twelve (12) consecutive months immediately preceding the election; except that, in the case of annexation, residence within the annexed territory for the prescribed time period shall be deemed to meet the residency requirements of this section.
- (c) No person who has been convicted of embezzlement of public funds, bribery, perjury, solicitation of bribery, subornation of perjury, or a willful violation of this Charter, shall be nominated or elected as Mayor or Council member.
- (d) Except as provided in this subsection, no person who is an employee of the City, or a City board or commission member, may serve as Mayor or Council member. Any such person who runs for and is elected as Mayor or Council member shall be deemed to have resigned from

the position of City employee, or City board or commission member, on the date of taking office under Section 3-5. Nothing in this subsection shall prohibit the Council from appointing the Mayor or a Council member, after taking office, to a City board or commission if the person is eligible to be so appointed pursuant to the ordinance establishing the board or commission.

- (e) No person may be a candidate for both Mayor and Council member at the same election, or hold both positions simultaneously.
- (f) The Mayor and each Council member shall continue to meet the requirements of this section throughout the term of office.

SECTION 3-4 -- TERM LIMITS

There shall be no limit on the number of terms which may be served by the Mayor or by any Council member, other than that which exists through the exercise by the registered electors of the right to retain or not to retain any person in office.

SECTION 3-5 -- TERM OF OFFICE; TIME OF TAKING OFFICE; OATH

- (a) Each Council member shall be elected for a four (4) year term. Council members' terms shall be staggered within each ward. The Mayor shall be elected for a two (2) year term.
- (b) The Mayor and each Council member shall take office at the first regular or special meeting of the Council following their election, and shall continue in office until their successors have been elected and take office, or a vacancy is earlier established. **(Amended at the election of November 3, 1998)**
- (c) Before taking office, the Mayor and each Council member shall take and file with the City Clerk an oath or affirmation to support the United States Constitution, the State Constitution, and the Charter and ordinances of the City, and to faithfully perform the duties of the office.

SECTION 3-6 -- COMPENSATION.

The Mayor and each Council member shall receive such salary and benefits as may be prescribed by ordinance. The salary of the Mayor, or of any Council member, shall not be increased or diminished during the term for which the Mayor or Council member has been elected. Subject to the Council's approval, the Mayor and Council members may be reimbursed for the actual and necessary expenses incurred in the performance of the duties of office.

SECTION 3-7 -- VACANCIES

- (a) A vacancy shall exist if, during the term of office, the Mayor or a Council member dies, is judicially declared incompetent, resigns, is recalled without the election of a successor, no longer meets one (1) or more of the qualifications specified in Section 3-3, or has had more than three (3) consecutive unexcused absences from regular meetings of the Council.
- (b) An absence from a regular meeting shall be considered unexcused only if the Council so determines by motion. The motion shall set forth the reasons for the determination.
- (c) The fourth consecutive unexcused absence shall be deemed to constitute a vacation of the office effective on the date of the motion of the Council determining that such absence was unexcused.

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- (d) Except as otherwise provided in Subsections (e), (f), and (g) of this section, any vacancy which occurs in the office of Mayor or Council member shall be filled, for the remainder of the term, at a special election which shall be scheduled and held as provided in Section 6-3.
 - (e) If a regular City election will be held within one hundred eighty (180) days after the vacancy occurs, no special election shall be scheduled, and the vacancy shall be filled at that regular election.
 - (f) If a general statewide election will be held within one hundred eighty (180) days after the vacancy occurs, the vacancy shall be filled at a special election which shall be held on the date of that statewide election.
 - (g) The City Council, by a majority vote of the remaining members, may appoint a person who meets the qualifications of Section 3-3 to hold the office until the vacancy is filled by election pursuant to Subsection (d), (e), or (f). The term of the appointment shall not exceed one hundred eighty (180) days.

Loveland City Charter, Article 4, Council Procedure

SECTION 4-1 -- MEETINGS

- (a) The Council shall meet regularly at least twice each month. The Council shall prescribe by rules of the Council the day and hour of its regular meetings and the procedures governing meetings.
- (b) The Council shall cause written minutes of its regular and special meetings to be taken and retained in the records of the City.

SECTION 4-2 -- SPECIAL MEETINGS AND BUSINESS AT SPECIAL MEETINGS

- (a) Special meetings shall be called by the City Clerk on the request of the Mayor and any three (3) Council members.
- (b) A special meeting shall be held on at least twenty-four (24) hours written notice to each member of the Council, served personally or left at the member's usual place of residence. The notice need not be served if the member has waived the notice in writing.
- (c) The Council shall not take action on any item of business at any special meeting of the Council unless it has been stated in the notice of the meeting.

SECTION 4-3 -- QUORUM

A majority of the members of the Council holding office at the time shall be a quorum for the transaction of business at all Council meetings.

SECTION 4-4 -- MEETINGS TO BE PUBLIC; EXECUTIVE SESSIONS

- (a) All regular and special meetings of the Council shall be open to the public, and persons shall have a reasonable opportunity to be heard at each meeting under such rules as the Council may prescribe.
- (b) Notice of each regular and special meeting shall be posted at least twenty-four (24) hours in advance of the meeting. The notice shall include specific agenda information to the extent available.
- (c) No formal action, no final policy decision, no rule, regulation, resolution, or ordinance, and no action approving a contract or calling for the payment of money, shall be adopted or approved except at a regular or special meeting. Subject to these requirements, a meeting may be recessed into an executive session by the affirmative vote of two-thirds (2/3) of the members of the Council present, for the following purposes only:
 - (1) To determine a position relative to issues subject to negotiation, to receive reports on negotiation progress and status, to develop negotiation strategy, and to instruct negotiators;
 - (2) To consider the acquisition or disposal of property if, in the judgment of the Council, premature disclosure of information might give any person an unfair competitive or bargaining advantage;
 - (3) For matters of attorney-client privilege, to receive legal advice from an attorney representing the City, and for matters required by law to be kept confidential;

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- (4) For matters critical to the personal safety of the members of the Council and for matters involving the protection and security of City property;
 - (5) For personnel matters; and
 - (6) To consider additional matters for which an executive session is permitted under the State statutes concerning the meetings of local public bodies.
- (d) The general subject matter of any executive session shall be stated in the motion calling for the session.
 - (e) Except as authorized by the City Council, as required or permitted by judicial order, or as otherwise required or permitted by law, no participant in any executive session shall reveal any information gained as a result of the session. In addition to any other means available pursuant to law, a participant who is in doubt about the application of this subsection may seek a judicial order by requesting an in camera hearing in the District Court of Larimer County.

SECTION 4-5 -- COUNCIL ACTS

The Council shall act only by ordinance, resolution, or motion. Each action shall be recorded in the minutes of the meeting. The Council may select the appropriate form for its action, except where a particular form is required by the Charter. A true copy of every ordinance and resolution as adopted shall be numbered and retained in the records of the City.

SECTION 4-6 -- VOTING

- (a) Each member's vote on an ordinance or resolution shall be recorded in the minutes.
- (b) Except where a greater number is required in this Charter, the final adoption of any ordinance shall require the affirmative vote of a majority of the entire Council, and resolutions and motions shall require the affirmative vote of a majority of the members of the Council present.
- (c) No member of the Council shall vote on any matter concerning the member's own conduct.
- (d) No member of the Council shall vote on any matter in which the member has a conflict of interest, as defined in Section 5-1.
- (e) Except as provided in Subsections (c) and (d) of this section, each member of the Council who is present shall vote on each matter. Any refusal to vote, except when an abstention is required by Subsections (c) or (d) of this section, shall be recorded as an affirmative vote.

SECTION 4-7 -- ACTION BY ORDINANCE REQUIRED

In addition to such acts of the Council as are required by the State Constitution or this Charter to be by ordinance, every act of the Council making an appropriation, authorizing the borrowing of money, imposing a tax or increasing a tax rate, approving the transfer of fee ownership in real property owned by the City, approving the sale of water rights owned by the City, or establishing any regulation for violation of which a fine, imprisonment, or both may be imposed, shall be by ordinance.

SECTION 4-8 -- FORM OF ORDINANCE

- (a) Every ordinance shall be introduced in printed form. The enacting clause of all ordinances shall be: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO.

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- (b) Except as otherwise provided in this Charter, all ordinances shall take effect ten (10) days after publication following final adoption. Unless otherwise specifically provided in the ordinance, every ordinance shall be deemed to contain a severability clause whether stated therein or not. **(Amended at the election held November 3, 1998)**

SECTION 4-9 -- ORDINANCES - ADOPTION PROCEDURE

- (a) The following procedure shall be followed in adopting any ordinance except an emergency ordinance:
- (1) The ordinance shall be introduced by motion at a regular or special meeting of the Council.
 - (2) The ordinance shall be read in full or by title.
 - (3) After the first reading, the Council shall vote to amend, adopt, or reject the ordinance, or take such other action as it deems appropriate.
 - (4) If the ordinance is adopted on first reading, it shall be published in full.
 - (5) The ordinance shall be introduced by motion at a second regular or special meeting of the Council held not earlier than four (4) days after the first publication.
 - (6) Prior to taking final action on the ordinance, the Council shall permit public comments on the ordinance, then shall vote to amend, finally adopt, or reject the ordinance, or take such other action as it deems appropriate.
 - (7) Upon final adoption, the ordinance shall be published either in full or by title only, as the Council may direct; however, if the ordinance is amended prior to final adoption and is published by title only, the amendment shall be published in full.
 - (8) The ordinance shall be signed by the Mayor and attested by the City Clerk, and affidavits of publication shall be retained with the ordinance in the City's records.
- (b) Every ordinance published by title shall contain a notice that copies of the ordinance are available at the office of the City Clerk.

SECTION 4-10 -- EMERGENCY ORDINANCES

- (a) An emergency ordinance shall require the affirmative vote of two-thirds (2/3) of the entire Council. The facts showing the emergency shall be specifically stated in the ordinance.
- (b) An emergency ordinance may be introduced and finally adopted at any regular or special meeting, shall require only one (1) reading, and shall not require publication prior to final adoption. An emergency ordinance shall take effect upon final adoption or on such later date as specified in the ordinance. Following final adoption, an emergency ordinance shall be published in full.

SECTION 4-11 -- CODIFICATION

The Council shall cause ordinances of a general and permanent nature to be codified. The codification, or any revisions to the codification, may be adopted by reference as provided in Section 4-12.

SECTION 4-12 -- ADOPTION OF CODES BY REFERENCE

The Council may adopt, by ordinance, any code by reference. The procedure for adoption of a code by reference shall be as provided in the State statutes applicable to the adoption of codes

by reference, or such other procedure as the Council may provide by ordinance. Every ordinance adopting a code by reference shall contain a notice that copies of the code are available at the office of the City Clerk. Any penalty clause in such a code may be adopted only if set forth in full in the adopting ordinance.

SECTION 4-13 -- PUBLIC RECORDS

All public records of the City shall be open for inspection by any person in accordance with the State statutes concerning public records.

SECTION 4-14 - FINES AND PENALTIES FOR ORDINANCE VIOLATIONS

Penalties for the violation of City ordinances shall be established by ordinance. No fine or sentence for such a violation shall exceed the maximums established by the State statutes for municipal ordinance violations.

Loveland City Charter, Article 5, Code of Ethics

SECTION 5-1 - CONFLICTS OF INTEREST - GENERAL

- (a) A "conflict of interest" for purposes of this Article, means:
 - (1) any pecuniary, property, or commercial benefit of any person covered by this Article or of any parent, spouse, or child of such person; or
 - (2) any personal or private interest of any person covered by this Article, in any matter proposed or pending before the Council, board or commission, as applicable. However, a "conflict of interest" does not include any matter involving the common public interest, or any matter in which a similar benefit is conferred upon or is available to all persons or property similarly situated. **(Amended at the election held November 3, 1998)**
- (b) No person subject to the requirements of this Article shall fail to comply with the applicable disclosure and non-action requirements of this Article.

SECTION 5-2 - DISCLOSURE AND NON-ACTION - MATTERS INVOLVING CONFLICT OF INTEREST

- (a) If the Mayor, any Council member, or any member of a board or commission has a conflict of interest with regard to any matter before the Council, board, or commission, as applicable, he or she shall follow the disclosure and other requirements of this section.
- (b) At or before the time the matter is heard, the member shall disclose the interest to the Council, board, or commission, as applicable. The member shall not vote on or otherwise take any formal action concerning the matter, shall not participate in any executive session concerning the matter, and shall refrain from attempting to influence any other member in voting on the matter.

SECTION 5-3 - CITY EMPLOYEES; OTHER PROVISIONS CONCERNING CONFLICTS OF INTEREST

- (a) No City employee shall take any official action concerning any matter as to which the employee has a conflict of interest.
- (b) Neither the Mayor, any Council member, any board or commission member, nor any employee, shall use for personal or private gain, or for any other personal or private purposes, any information which is not available to the public and which is obtained by reason of the person's position with the City, or disclose any such information except as required by law.
- (c) The provisions of this Article shall be in addition to any applicable conflict of interest provisions of the State statutes that are at least as restrictive as this Article, and shall supersede any such conflict of interest provisions of the State statutes that are less restrictive than this Article.

Loveland City Charter, Article 6, Elections

SECTION 6-1 -- COLORADO MUNICIPAL ELECTION LAWS ADOPTED

City elections shall be governed by the State statutes contained in the Colorado Municipal Election Code, except as otherwise provided by this Charter or by ordinance. All regular and special elections shall be nonpartisan. **(Amended at the election held November 3, 1998)**

SECTION 6-2 -- REGULAR ELECTIONS

A regular election shall be held in November of each odd-numbered year on the date established by the State statutes for the regular elections of statutory cities.

SECTION 6-3 -- SPECIAL ELECTIONS

A special election shall be called by a resolution adopted at least thirty (30) days prior to the election. The resolution calling a special election shall set forth the purpose of the election.

SECTION 6-4 -- WARDS

- (a) The City shall be divided into four (4) wards, the boundaries of which shall be changed only by a resolution adopted by the affirmative vote of a majority of the entire Council.
- (b) The boundaries of the wards established pursuant to this section shall not be changed more often than once in six (6) years, unless change is necessary to conform to constitutional apportionment requirements. Territory added to the City shall become a part of such ward or wards as may be determined by ordinance; but this shall not prevent apportionment to conform to constitutional requirements.
- (c) Notwithstanding any other provision of this Charter, no change in ward boundaries shall create a vacancy during the term of any Council member in office at the time of the change.

SECTION 6-5 -- CONDUCT OF ELECTIONS

The City Clerk shall have charge of all activities and duties required pursuant to this Charter relating to the conduct of City elections. In any case where election procedure is in doubt, the City Clerk shall prescribe the procedure to be followed.

Loveland City Charter, Article 7, Recall

SECTION 7-3 -- RECALL

(a)The Mayor or any Council member may be recalled from office pursuant to the State statutes which establish procedures for the recall of municipal elective officers, except as otherwise provided in this Charter.

(b)A petition to recall a Council member shall be signed by registered electors of the ward from which the Council member was elected, and a petition to recall the Mayor shall be signed by registered electors of the City. The signers shall number at least twenty-five (25) percent of the entire vote cast for all the candidates for that particular office at the last preceding election at which the person sought to be recalled was elected to office.

(c)If the office held by the person sought to be recalled would otherwise be filled at a regular City election scheduled to be held within ninety (90) days after submission of the recall petition, the petition shall not be accepted, and no recall election shall be held.

{d) If a regular City election is scheduled to be held within ninety (90) days after submission of the recall petition, even though that election is not the one at which the office held by the person sought to be recalled would otherwise be filled, the recall election shall be held at the same time as that regular City election.

(e)If a general statewide election is scheduled to be held within ninety (90) days after submission of the recall petition, the recall election shall be held at the same time as that statewide election.

(f)After one (1) recall petition and election, no further petition shall be filed against the same person during the term for which such person was elected, unless the signers number at least fifty (50) percent of the entire vote cast for all the candidates for that particular office at the last preceding election at which the person sought to be recalled was elected to office.

Loveland City Charter, Article 17, Campaigns

SECTION 17-1 -- LEGISLATIVE DECLARATION

The citizens of the City of Loveland hereby find and declare that-large campaign contributions to political candidates allow wealthy contributors and special interest groups to exercise a disproportionate level of influence over the political process; that-large campaign contributions create the potential for corruption and the appearance of corruption; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; and that the interests of the public are best served by full and timely disclosure of campaign contributions, strong enforcement of campaign laws, and limiting campaign contributions.

SECTION 17-2 -- DEFINITIONS

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

- (a) *Ballot issue, ballot question or issue* shall mean any measure put to a vote of the registered electors of the City by the City Council at any election held under the provisions of this Charter. For purposes of this Article 17, *ballot issue, ballot question or issue* shall also mean any measure for which recall, initiative or referendum proceedings have been commenced pursuant to Article 7 of this Charter.
- (b) *Candidate* shall mean any person who seeks nomination or election to the office of Mayor or Councilmember at any City election. A person is a candidate if the person has publicly announced an intention to seek such election or has filed nominating petitions for the office of Mayor or Councilmember. *Candidate* shall also mean any elected official who is the subject of recall proceedings pursuant to Section 7-3 of this Charter.
- (c) *Candidate committee* shall mean a person, including the candidate, or persons with the common purpose of receiving contributions and making expenditures under the authority of a candidate. A candidate shall have only one (1) candidate committee. A candidate committee shall be considered open and active until the committee has filed a termination report with the City Clerk.
- (d) *Contribution* shall mean:
 - (1) The payment, loan, pledge or advance of money, or guarantee of a loan, made to any candidate committee, issue committee or political committee;
 - (2) Any payment made to a third party for the benefit of any candidate committee, issue committee or political committee;
 - (3) Anything of value given, directly or indirectly, to a candidate committee for the purpose of promoting the candidate's nomination, retention, recall or election; or
 - (4) With regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value to such contribution, including, but not limited to, items of perishable or nonpermanent value, goods, supplies, services or participation in a campaign-related event, an amount equal to the value in excess of such compensation or consideration as determined by the candidate committee, issue committee or political committee.

Contribution shall not include services provided without compensation by individuals volunteering their time on behalf of a candidate, candidate committee, political committee or issue committee.

- (e) *Contribution in kind* shall mean the fair market value of a gift or loan of any item of real or personal property, other than money, made to or for any candidate committee, issue committee or political committee for the purpose of influencing the passage or defeat of any issue or the nomination, retention, election or defeat of any candidate. Personal services shall be considered a contribution in kind by the person paying compensation therefore. In determining the value to be placed on contributions in kind, a reasonable estimate of fair market value shall be used. *Contribution in kind* shall not include an endorsement of a candidate or an issue by any person and shall not include the payment of compensation for legal and accounting services rendered to a candidate, candidate committee, political committee or issue committee if the person paying for the services is the regular employer of the individual rendering the services and the services are solely for the purpose of ensuring compliance with the provisions of this Article or other county state of federal requirements.
- (f) *Expenditure* shall mean the payment, distribution, loan or advance of any money by any candidate committee, political committee or issue committee. *Expenditure* shall also include the payment, distribution, loan or advance of any money by a person for the benefit of a candidate committee, political committee or issue committee that is made with the prior knowledge and consent of an agent of the committee. An expenditure occurs when the actual payment is made or when there is a contractual agreement and the amount is determined.
- (g) *Independent expenditure* shall mean the payment of money by any person for the purpose of advocating the election, defeat or recall of a candidate, which expenditure is not controlled by, or coordinated with, any candidate or any agent of such candidate. *Independent expenditure* shall include expenditures for political messages which unambiguously refer to any specific public office or candidate for such office, but shall not include expenditures made by persons, other than political committees, in the regular course and scope of their business and political messages sent solely to their members.
- (h) *Issue committee* shall mean:
 - (1) Two (2) or more persons who are elected, appointed or chosen, or have associated themselves, for the purpose of accepting contributions and making expenditures to support or oppose any ballot issue or ballot question; or
 - (2) Any partnership, committee, association, corporation, labor organization or other organization or group of persons that has accepted contributions or made expenditures to support or oppose any ballot issue or ballot question. For purposes of this Paragraph (2), the term *expenditure* shall not include expenditures made by persons in the regular course and scope of their business or in connection with communications sent solely to their members. The term *expenditure* also does not include a contribution, as defined in this Section.

Issue committee shall not include political committees or candidate committees as otherwise defined in this Section.

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- (i) *Person* shall mean any individual, partnership, committee, association, or other organization or group of persons. *Person* shall not include corporations, labor unions or political parties.
 - (j) *Political committee* shall mean two (2) or more persons who are elected, appointed or chosen, or have associated themselves, for the purpose of making contributions to candidate committees, issue committees or other political committees, or for the purpose of making independent expenditures. *Political committee* shall not include:
 - (1) Issue committees or candidate committees as otherwise defined in this Section; or
 - (2) Any partnership, committee, association, corporation, labor organization or other organization or group of persons previously established for a primary purpose outside of the scope of this Article.
 - (k) *Political message* shall mean a message delivered by telephone, any print or electronic media or other written material which advocates the election or defeat of any candidate or which unambiguously refers to such candidate.
 - (l) *Termination report* shall mean a final report prepared by a candidate committee, issue committee or political committee and filed with the City Clerk which discloses the committee's contributions received, expenditures made and obligations entered into, when the following conditions have been met:
 - (1) The committee no longer intends to receive contributions or make expenditures; and
 - (2) A zero (0) balance exists in the account established and maintained under Subsection 17-5(g) and the committee has no outstanding debts or obligations.
 - (m) *Unexpended campaign contributions* shall mean the balance of funds on hand in any candidate committee, issue committee or political committee following an election, less the amount of all unpaid monetary obligations incurred prior to the election.

SECTION 17-3 -- CANDIDATE AFFIDAVIT; DISCLOSURE STATEMENT; FAILURE TO FILE

- (a) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the City Clerk within ten (10) days, that the candidate is familiar with the provisions of this Article.
- (b) Each candidate shall file a financial disclosure statement pursuant to Municipal Code Section 2.14.010.I with the City Clerk within ten (10) days after filing acceptance of nomination.
- (c) Failure of any person to file the affidavit or disclosure statement required under this Section shall result in the disqualification of such person as a candidate for the office being sought. Disqualification shall occur only after the City Clerk has sent a notice to the person by certified mail, return receipt requested, addressed to the person's last known residence address. The notice shall state that the person will be disqualified as a candidate if the person fails to file the appropriate document within five (5) business days of receipt of the notice.
- (d) The requirements of this Section shall not apply to any elected official who is the subject of recall proceedings.

SECTION 17-4 -- REGISTRATION OF COMMITTEES

All candidate committees, political committees and issue committees shall register with the City Clerk before accepting or making any contributions. Such registrations may be amended as necessary. Registration shall include a statement listing:

- (1) The committee's full name, spelling out any acronyms used therein;

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- (2) A natural person authorized to act as a registered agent;
 - (3) A street address and telephone number for the principal place of operations; and
 - (4) All affiliated candidates and committees;
 - (5) The purpose or nature of interest of the committee.

SECTION 17-5 -- CAMPAIGN CONTRIBUTIONS

- (a) *Limits.* No person may make contributions and/or contributions in kind totaling more than one hundred dollars (\$100.00) to the candidate committee of any candidate for the office of Mayor or for any position on the City Council. No person shall make a contribution or contribution in kind in the name of another person or knowingly permit one's name to be used by another person to effect such a contribution or contribution in kind. These limitations shall apply to all contributions or contributions in kind, whether made directly to a candidate committee or indirectly via earmarked gifts passed through an intermediary, except that these limitations shall not apply to:
 - (1) Contributions or contributions in kind made by a candidate to his or her own candidate committee;
 - (2) Independent expenditures; or
 - (3) Monetary loans that are: (a) personally guaranteed in writing by the candidate or the candidate's immediate family, or (b) secured by real or personal property owned by the candidate or the candidate's immediate family.
- (b) *Adjustment of limits.* At the beginning of each calendar year in those years ending in the numeral five (5) or the numeral zero (0), as there becomes available from the Bureau of Labor Statistics of The United States Department of Labor the necessary Consumer Price Index data, the City Clerk shall determine and the City Council approve, unless the City Clerk is determined by the City Council to have acted arbitrarily or capriciously, an adjustment to the limits set forth in Subsection (a) of this Section in proportion to the rise or fall of the Consumer Price Index since the last such adjustment or, in the case of 2010, since enactment of this Article. If any such adjustment amount is not a multiple of five dollars (\$5.00) such amount shall be adjusted to the nearest multiple of five dollars (\$5.00). Each amount so adjusted shall be in effect until the next adjustment.
- (c) *Joint contributions.* No person shall make a contribution jointly with another person through the issuance of a check drawn on a jointly owned account unless: (i) the total amount of the joint contribution is less than the maximum amount that can be contributed by one (1) person under the contribution limits established in Subsection (a) of this Section or (ii) the check is signed by all owners of the account, in which event the amount of the total contribution shall be allocated equally among all such persons unless a different allocation is specified on the face of the check. No candidate committee, issue committee or political committee shall knowingly accept a contribution made in violation of this Subsection (b).
- (d) *Contributions in excess of limits.* No later than ten (10) business days after receiving a contribution in excess of the limits set forth in this Section, the candidate committee that received the contribution shall remit the excess to the contributor.

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- (e) *Prohibited contributors.* No candidate committee or political committee shall knowingly accept contributions from any person who is not a citizen of the United States, or from a foreign government, corporation, labor union, or political party.
 - (f) *Contributions from one (1) candidate committee to another.*
 - (1) No candidate committee shall make a contribution or contribution in kind to, or accept a contribution or contribution in kind from, a candidate committee of another candidate.
 - (2) No candidate committee shall accept a contribution or contribution in kind from a candidate committee of the same candidate that was established or maintained for a federal, state or county election campaign or office.
 - (g) *Recordkeeping.* All contributions received by a candidate committee, issue committee or political committee shall be deposited and maintained in a financial institution in a separate account whose title shall include the name of the committee. All records pertaining to such accounts shall be maintained by the committee for ninety (90) days following any election in which the committee received contributions unless a complaint has been filed under Section 17-11 alleging a violation of the provisions of this Article, in which case they shall be maintained until final disposition of the complaint and any consequent court proceedings. Such records shall be subject to inspection at any hearing held pursuant to this Article.
 - (h) *Reimbursements prohibited.* No person shall make a contribution to a candidate committee, issue committee or political committee with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution made to any candidate committee, issue committee or political committee, nor shall any person make such reimbursement. An unexpended campaign contribution returned to a contributor by a candidate committee pursuant to Section 17-8 (a)(4) shall not be considered a reimbursement.

SECTION 17-6 -- DISCLOSURE; FILING OF REPORTS

- (a) All candidate committees, political committees and issue committees shall report to the City Clerk their contributions and contributions in kind received, including the name, address, occupation and employer of each person who has made contributions or contributions in kind in the amount equal to or greater than twenty dollars (\$20.00) or more; expenditures made; and obligations entered into by the committee.
- (b) For purposes of complying with the requirements of this Section, an issue committee consisting of an organization whose primary purpose is not to support or oppose ballot issues shall report only those contributions accepted, expenditures made and obligations entered into for the purpose of supporting or opposing a ballot issue or ballot question. Such issue committee shall not be required to report donations, membership dues or any other payments received unless such amounts are used or to be used for the purpose of supporting or opposing a ballot issue or ballot question.
- (c) Reports shall be filed with the City Clerk on the twenty-first day, fourteenth day, and on the Friday before the election, thirty (30) days after the election, and annually on the first day of the month in which the anniversary of the election occurs until such time as a termination report is filed. If the reporting day falls on a weekend or legal holiday, the report shall be filed by the close of the next business day.

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- (d) The reports required by this Section shall include the balance of funds at the beginning of the reporting period, the total of contributions received, the total of expenditures made during the reporting period and the name and address of the financial institution used by the committee or party.
 - (e) All reports shall be submitted on forms provided by the City Clerk and shall be complete in all respects. Reports shall be current in all respects as of two (2) days prior to the date upon which each such report is to be filed.
 - (f) A report required to be filed by this Article is timely if the original report is received by the City Clerk not later than the close of business on the due date or if a copy of the report is filed by fax on or before the date due and the original report is filed not later than the close of business on the next business day. For the purpose of this provision, the *original report* shall mean a copy containing an original signature of the person completing the report.
 - (g) Any report that is deemed by the City Clerk to be incomplete or inconsistent with the requirements of this Article shall be accepted on a conditional basis, and the committee treasurer shall be notified in writing as to any deficiencies found. Such notice may be delivered in person, by mail, by fax, or, if an electronic mail address is on file with the City Clerk, by electronic mail. The committee treasurer shall have seven (7) business days from the date of delivery of such notice to file an amended report that cures the deficiencies. Any such amended report shall supersede the original report filed for the reporting period.
 - (h) Any candidate committee, political committee or issue committee which has not accepted any contributions or contributions in kind, made any expenditures, or entered into any obligations during a reporting period, shall file a report with the City Clerk on the days specified in Subparagraph (c) above certifying that the committee has not accepted any contributions or contributions in kind, made any expenditures or entered into any obligations during the relevant reporting period.

SECTION 17-7 -- REPORTS TO BE PUBLIC RECORD

- (a) Upon receipt of any campaign report submitted pursuant to this Article, the City Clerk shall make available such report for public inspection. The campaign report filed with the City Clerk fourteen (14) days prior to the election pursuant to Section 17-6 above shall be posted by the City Clerk on the city's official website in a manner that makes it easily identifiable, which posting shall occur no less than seven (7) days prior to the election. The campaign report filed with the City Clerk thirty (30) days after the election pursuant to Section 17-6 above shall also be posted on the city's official website by the City Clerk, which publication shall occur no more than seven (7) days after the City Clerk's receipt of the report.
- (b) No information contained in any campaign report submitted pursuant to this Article shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

SECTION 17-8 -- UNEXPENDED CAMPAIGN CONTRIBUTIONS

- (a) Unexpended campaign contributions to a candidate committee may be:
 - (1) Contributed to a political party;
 - (2) Contributed to a candidate committee established by the same candidate for a subsequent campaign for the same office, subject to the limitations set forth in Section

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- 17-5(e), if the candidate committee making such a contribution is affirmatively closed by the candidate no later than ten (10) days after the date such a contribution is made;
 - (3) Donated to a charitable organization recognized by the Internal Revenue Service; or
 - (4) Returned to the contributors.

In no event shall contributions to a candidate committee be used for personal purposes not reasonably related to supporting the election or retention of the candidate.

- (b) A candidate committee for a former officeholder or a person not elected to office shall expend all of the unexpended campaign contributions retained by such candidate committee, for the purposes specified in Subsection (a) of this Section, no later than one (1) year from the date such officeholder's term expired or from the date of the election at which such person was a candidate for office, whichever is later.
- (c) Unexpended contributions to an issue committee or political committee may be donated to any charitable organization recognized by the Internal Revenue Service or returned to the contributor.

SECTION 17-9 -- INDEPENDENT EXPENDITURES

Any person or political committee making independent expenditures totaling more than one hundred dollars (\$100.00) shall deliver notice in writing of such independent expenditures to the City Clerk no later than three (3) business days after the day that such funds are obligated. Said notice shall include the following information:

- (1) The name, address, telephone number, occupation and employer of the person making the independent expenditures;
- (2) The name of the candidate(s) whom the independent expenditures are intended to support or oppose;
- (3) The name and address of the vendor(s) providing the property, materials or services;
- (4) A detailed description of the independent expenditures;
- (5) The amount of the independent expenditures; and
- (6) The date the funds were obligated.

For the purposes of this provision, funds shall be considered to have been obligated as soon as an agreement is reached for the provision of the property, materials or services in question, regardless of when payment is to be made for such property or services.

SECTION 17-10 -- DUTIES OF CITY CLERK

The City Clerk shall:

- (1) Prepare forms and instructions to assist candidates and the public in complying with the reporting requirements of this Article;
- (2) Develop a filing and indexing system consistent with the purposes of this Article;
- (3) Keep a copy of any report or statement required to be filed by this Article for a period of one (1) year from the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for one (1) year after the candidate leaves office;
- (4) Make reports and statements filed under this Article available for public inspection and copying no later than the end of the next business day after the date of filing;

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- (5) Upon request by the Secretary of State, transmit records and statements filed under this Article to the Secretary of State;
 - (6) Notify any person who has failed to fully comply with the provisions of this Article; and
 - (7) Report apparent violations of this Article to the City Manager.

SECTION 17-11 -- VIOLATIONS PROCEDURES AND PENALTIES

- (a) Any person who knowingly violates or fails to comply with any of the provisions of this Article commits a misdemeanor and is subject to a fine or imprisonment in accordance with ordinances adopted by the City Council pursuant to Section 4-14.
- (b) Failure to comply with the provisions of this Article shall have no effect on the validity of any election.

SECTION 17-12 -- SEVERABILITY

If any provision of this Article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

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