

LONGMONT FAIR CAMPAIGN PRACTICES ACT
Longmont Municipal Code Sections 2.04.201 through 2.04.214
Last amended date: May 23, 2023 (effective June 5, 2023)

2.04.201. -2.04.201. - Short title.

Sections 2.04.201 through 2.04.214 of this Code shall be known and may be cited as the "Longmont Fair Campaign Practices Act."

(Code 1993, § 2.04.201; Ord. No. O-2000-36, § 1)

2.04.202. - Legislative declaration.

The people of the City of Longmont find and declare 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 limiting campaign contributions, encouraging voluntary campaign spending limits, full and timely disclosure of campaign contributions, and strong enforcement of campaign laws.

(Code 1993, § 2.04.202; Ord. No. O-2000-36, § 1; Ord. No. O-2010-49, § 2, 10-26-2010)

2.04.203. - Definitions.

As used in this Act:

“Agent” means a person acting on behalf of a candidate, candidate committee, issue committee or political committee, including, but not limited to, professional fundraisers, campaign managers, designated spokespersons, and treasurers.

“Candidate” means any person who seeks nomination or election to any City of Longmont public office that is to be voted on at any municipal election.

1. A person is a candidate for election if the person has publicly announced an intention to seek election to public office.
2. A person who seeks to be retained in the office of municipal judge under the Longmont Municipal Charter and any person who seeks to be retained in office in a recall election is a candidate.
3. A person remains a candidate for purposes of this Act as long as the candidate maintains a registered candidate committee.

“Candidate committee” means a person, including the candidate, or persons acting under the authority of a candidate. A candidate shall have only one candidate committee. A candidate committee shall be considered open and active until affirmatively closed by the candidate or by action of the city clerk.

“Conduit” means a person who transmits any contribution from another person directly to a candidate or candidate committee. The following shall not be considered a conduit:

1. The contributor's immediate family members who make contributions.
2. The candidate or the agent(s) of the candidate committee receiving the contribution.
3. A volunteer fundraiser hosting an event for a candidate committee, but only for the duration of the event.
4. A professional fundraiser retained by the candidate, candidate committee, issue committee or political committee, if the fundraiser is compensated at the usual and customary rate.
5. A political committee.

“Contribution” means any gift; subsidy; loan; reduction or forgiveness of indebtedness; any advance, payment or deposit of money; or anything of value made by any person, including an in-kind contribution, for the purpose of influencing any election for public office or an election on a ballot measure. "Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate, candidate committee, political committee or issue committee.

1. “In-kind contribution” means the fair market value of any gift or loan of property without compensation for the purpose of influencing an election. Volunteer work hours shall not be considered an in-kind contribution.

“Distributed” means broadcast by television, radio, Internet, cable or satellite; printed in a newspaper or on a billboard; directly mailed or delivered by hand to personal residences or otherwise disseminated.

“Election cycle” means the period of time beginning 31 days following a regular city election and ending 30 days following the next regular city election.

“Election year” means each year in which the particular candidate committee's candidate, or issue committee's issue, appears on the ballot as part of a municipal election.

“Electioneering communication” means any communication which is distributed that:

1. Refers to a clearly identified candidate or ballot measure. The candidate is considered to be "clearly identified" if the candidate's picture appears or the candidate's identity is apparent by clear reference. The ballot measure is considered to be “clearly identified” if the number or title of the measure is apparent by clear reference; and
2. Is distributed within 90 days before a city election or special election; and
3. Is distributed to an audience that includes members of the electorate for such public office or ballot measure.

The following shall not be considered an "electioneering communication":

1. Any news articles, editorial endorsements, opinion or commentary writings, including all electronic communication, or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate, or agent of a candidate committee or political committee;
2. Any endorsements or opinions aired by any broadcast facility, including cable or satellite not owned or controlled by a candidate or agent of a candidate committee or political committee; or
3. Any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;
4. A communication which constitutes an independent expenditure.

“Expenditure” means the payment, distribution, loan, advance, deposit, or gift of money by any person for the purpose of influencing the election or defeat of a candidate or supporting or opposing a ballot issue or ballot question. An expenditure is made when the actual spending occurs or when there is a contractual agreement, purchase order, or written estimate requiring such spending.

The following shall not be considered an "expenditure":

1. Any news articles, editorial endorsement, opinion or commentary writings, or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate or political party.
2. Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party.
3. Spending by persons, other than political parties, political committees and issue committees, in the regular course and scope of their business or payments by a membership organization for any communication solely to members and their families.
4. Any transfer by a membership organization of a portion of a member's dues to a political committee sponsored by such membership organization, or payments made by a corporation or labor organization for the costs of establishing, administering, or soliciting funds from its own employees or members for a political committee.

“Expressly advocating” means promoting the election or defeat of a candidate through the use of explicit phrases, including but not limited to: "vote for", "elect", "support", "vote against", "defeat" or "reject".

“Independent expenditure” means any expenditure made for the purpose of expressly advocating the election or defeat of a candidate, or expressly advocating the election or defeat of a ballot measure, that is not made with the cooperation or with the prior consent of, or in consultation with, or in coordination

with, or at the request or suggestion of, a candidate, candidate's agent, candidate's committee, or issue committee.

1. Expenditures that are controlled by or coordinated with a candidate's agent or issue committee's agent are deemed to be both contributions by the maker of the expenditures and expenditures by the candidate committee or issue committee.

“Issue committee” means: 1) two 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, and 2) that have accepted contributions or made expenditures of \$5,000.00 or more during an election cycle or special election cycle. "Issue committee" does not include political committees or candidate committees. A married couple shall not be considered an "issue committee."

“Person” means any natural person, partnership, committee, association, corporation, labor organization, or other organization or group of persons.

“Political committee” means two 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" does not include issue committees, candidate committees, or married couples.

For purposes of this Act, the following constitute a single political committee:

1. All political committees established by a single corporation or its subsidiaries;
2. All political committees established by a single labor organization unless the political committee is established by a local unit of the labor organization which has the authority to endorse candidates independently of the state and national units and if the local unit contributes funds raised only from its members;
3. All political committees established by substantially the same group of persons.

“Principal place of operations” means the primary geographical location of the committee. When a committee does not have a primary geographical location from which it operates, the street address listed on the registration shall be the street address of the registered agent.

“Registered agent” is the natural person who has filed with the city clerk for receiving mailings and filing reports on behalf of a candidate committee, issue committee or political committee, addressing concerns and responding to inquiries pursuant to sections 2.04.207 and 2.04.208 below, and any other pertinent requirements concerning the committee.

“Special city election” is an election called by resolution of the city council at least 30 days in advance of such election.

“Special election cycle” means the period of time from the day that city council passes a resolution calling the special election and ending 30 days following such election.

“Unexpended campaign contributions” means the balance of funds on hand in any candidate committee, issue committee or political committee at the end of any election cycle. (*Code 1993, § 2.04.203 ; Ord. No. O-2000-36, § 1; Ord. No. O-2009-12, § 1; Ord. No. O-2010-49, § 3, 10-26-2010; Ord. No. O-2011-32, § 3, 6-14-2011; Ord. No. O-2022-29, § 2, 08-09-2022*)

2.04.204. - Contributions.

- A. No person shall act as a conduit for a contribution.
- B. Notwithstanding any other section of this Act to the contrary, a candidate committee may receive a loan from a financial institution organized under state or federal law if the loan bears the usual and customary interest rate, is made on a basis that assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule.
- C. All contributions received by a candidate committee, issue committee or political committee shall, within seven business days after receipt, be deposited 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 90 days following any municipal election in which the committee received contributions unless a notice of violation is issued by the city clerk for a violation of this Act, in which case they shall be maintained until final disposition of the violation and any consequent litigation. Such records shall be subject to inspection at any hearing held under this Act. (*Ord. No. O-2019-28, §2, 04-23-2019*)
- D. No candidate committee, political committee or issue committee shall accept a contribution, or make an expenditure, in currency or coin exceeding \$100.00.
- E. 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 except as provided in subsections B. and G. of this section.
- F. Contribution limits.
1. No person shall contribute more than \$240.00 to any one candidate committee for an election or special election, except that this limit shall not apply to contributions by a candidate to the candidate's own committee.

2. Commencing with the election cycle that begins two years after the effective date of the ordinance from which this section is derived, and every two years thereafter, the contribution limits set forth in this subsection shall increase by adding an inflationary adjustment, rounded to the nearest ten dollars, which shall be equal to the inflation increase as defined by the Consumers Price Index for All Urban Consumers for the Denver-Boulder-Greeley Metropolitan Area, as published by the U.S. Department of Labor, Bureau of Labor Statistics or its successor ("CPI"). If publication of the CPI is

discontinued, any similar index published for the Longmont area and recognized by the financial community as a substitute for the CPI shall be used in its place. In no event shall the contribution limits be decreased. (*Ord. No. O-2019-28, §2, 04-23-2019*)

G. Notwithstanding any other provision of this Act, a candidate may make a monetary loan to the candidate's own candidate committee at zero percent interest pending the receipt of contributions. The candidate must file with the city clerk either a promissory note or a report on a form provided by the city clerk setting forth the amount of the loan. On or before the date that the candidate committee is closed, the candidate must file a report with the city clerk setting forth the amount, if any, of the loan that has been converted into a contribution.

(*Code 1993, § 2.04.204 ; Ord. No. O-2000-36, § 1; Ord. No. O-2009-12, § 2; Ord. No. O-2010-49, § 4, 10-26-2010*)

2.04.205. - Unexpended campaign contributions.

A. 1. Unexpended campaign contributions to a candidate committee may be donated to a charitable organization recognized by the Internal Revenue Service, returned to the contributors, retained by the committee for use by the candidate in a subsequent campaign, or contributed to a new candidate committee established by the same candidate for a different elected municipal office in Longmont if the existing candidate committee making such a contribution is affirmatively closed by the candidate not later than ten days after the date such a contribution is made under the restrictions set forth in subsection B. of this section. In no event shall contributions to a candidate committee be used for personal purposes not reasonably related to supporting the election of the candidate. (*Ord. No. O-2019-28, §3, 04-23-2019*)

2. In addition to any use described in subsection A.1. of this section, a person elected to a public office may use unexpended campaign contributions held by the person's candidate committee for any of the following purposes:

- a. Voter registration;
- b. Political issue education, which includes obtaining information from or providing information to the electorate;
- c. Postsecondary educational scholarships;
- d. To defray reasonable and necessary expenses related to mailings and similar communications to constituents;
- e. Any expenses that are directly related to such person's official duties as an elected official, including, but not limited to, expenses for the purchase or lease of office equipment and supplies, room rental for public meetings, necessary travel and lodging expenses for legislative education such as seminars, conferences, and meetings on legislative issues, and telephone and pager expenses.

B. Any unexpended campaign contributions retained by a candidate committee for use in a subsequent election cycle shall be counted and reported as unexpended campaign contributions in any subsequent election for purposes of section 2.04.207.A. of this chapter no matter how those

contributions were originally classified. Unexpended campaign contributions shall not be counted towards the contribution limits set forth at section 2.04.204 of this chapter.

C. Unexpended contributions to an issue committee may be donated to any charitable organization recognized by the Internal Revenue Service or returned to the contributor.

D. This section shall apply to unexpended campaign contributions transferred from a political committee formed prior to the passage of this Act to a candidate committee registering after passage of this Act under section 2.04.207 of this chapter.

(Code 1993, § 2.04.205 ; Ord. No. O-2000-36, § 1; Ord. No. O-2010-49, § 5, 10-26-2010)

2.04.206. - Independent expenditure disclosure.

A. Any person making one or more independent expenditures totaling in excess of \$250.00 shall be required to file a report of such expenditure(s). Such reports shall be filed with the city clerk on the first day of the month following the expenditure; or if within sixty days of an election, on the sixtieth day, thirtieth day, twenty-first day, fourteenth day or on the Wednesday before or 30 days after the election in election years, or on May 1 or November 1 in off-election years. Independent expenditure reports shall include the amount of such expenditure, a detailed description of the use of such independent expenditure, shall specifically state the name of the candidate or ballot measure the independent expenditure is intended to support or oppose, and shall be delivered to the city clerk. *(Ord. No. O-2019-28, §4; Ord. No. O-2022-29, §3, 08-09-2022)*

B. Any person making an independent expenditure in excess of \$250.00 shall disclose in the communication produced by the expenditure, the full name of the person making the independent expenditure and the specific statement that the advertisement or material is not authorized by any candidate or issue committee. Such disclosure shall be prominently featured in the communication. *(Code 1993, § 2.04.206 ; Ord. No. O-2000-36, § 1; Ord. No. O-2009-12, § 3; Ord. No. O-2010-03, § 1, 1-26-2010; Ord. No. O-2010-49, § 6, 10-26-2010; Ord. No. O-2022-29, §3, 08-09-2022)*

2.04.206.5. - Electioneering communication disclosure.

A. Electioneering communications shall clearly state the full name of the person making the expenditure. Such disclosure shall be prominently featured in the electioneering communication. *(Ord. No. O-2019-28, §, 5, 04-23-2019)*

B. Electioneering communications shall clearly state whether the communication has been authorized by a candidate, candidate committee or agent, issue committee or agent, or made in cooperation with or with the prior consent of, or in consultation or coordination with, or at the request or suggestion of, a candidate or candidate's committee, issue committee or their agents. Such disclosure shall be prominently featured in the electioneering communication. *(Ord. No. O-2010-49, § 7, 10-26-2010; Ord. No. O-2019-28, §5, 04-23-2019; Ord. No. O-2022-29, §4, 08-09-2022)*

2.04.207. – Disclosures and reporting.

A. All candidate committees, political committees, and issue committees shall report to the city clerk the balance of funds at the beginning of the reporting period, all contributions received, including the name and street address of each person who has contributed \$50.00 or more per

election year; expenditures made; unexpended campaign contributions; obligations entered into by the committee or candidate, including expenses incurred but not yet paid, and the name and street address of the financial institution used by the committee. All candidates and committees shall file such reports, whether or not contributions have been received.

1. Reports of contributions and expenditures filed by issue committees shall be prospective only. Contributions received and expenditures made prior to reaching the \$5,000.00 threshold set forth in the definition of issue committee are not required to be reported. Contributions received and expenditures made after reaching the \$5,000.00 threshold shall be reported in accordance with this Act.

2. Such reports shall be filed with the city clerk on the sixtieth day, thirtieth day, twenty-first day, fourteenth day and on the Wednesday before and 30 days after the election in election years, and on May 1 and November 1 in off-election years. Open candidate committees from prior election years shall file a report within five days after the candidate publicly declares his or her candidacy for the current election.

3. Any person who publicly announces their intention to become a candidate prior to the statutorily defined period for circulating petitions, shall file a contributions and expenditures report on the first of every month until the city clerk certifies their nomination petition sufficient. Once certified by the city clerk, the candidate will follow the reporting schedule outlined in this section.

4. All reports filed with the city clerk shall be subject to the following:

a. The reporting period for all reports required to be filed with the city clerk shall close two calendar days before the effective day of filing.

b. The reporting period for the report due 30 calendar days after a regular municipal election shall close on the last day of the calendar month in which the election was held.

c. The reporting period for the report due 30 calendar days after a special municipal election shall close 25 calendar days after the date on which such election was held.

B. All candidate committees, political committees and issue committees shall register with the city clerk before accepting or making any contributions. Registration shall include a statement listing:

1. The committee's full name, spelling out any acronyms used therein;
2. A natural person authorized to act as a registered agent and up to four other agents;
3. A street address and telephone number for the principal place of operations;

4. A mailing address of the principal place of operations to which correspondence with the committee is to be directed, if different than the street address;
5. All affiliated candidates and committees;
6. The purpose or nature of interest of the committee.

C. Any political committee whose purpose is the recall of any elected official shall file a statement of organization with the city clerk within ten business days of receiving its first contribution. Reports of contributions and expenditures shall be filed with the city clerk within 15 days of the filing of the statement of organization and every 30 days thereafter until 60 days before the recall election, at which point a report shall be filed 60 days, 30 days, 21 days, 14 days and the Wednesday before the recall election and 30 days following the recall election.

D. Upon a request from the city clerk, all candidate and issue committees shall, within one business day, provide documentation for all expenditures and obligations entered into by such committee, including expenses incurred but not yet made, including the date of the transaction or agreement, items contracted for and the amount of the expenditure. All documentation shall be contemporaneous with the transaction or agreement and may include, but is not limited to, contracts, estimates, receipts and purchase orders.

E. Persons associated for the purpose of obtaining signatures on an initiative or referendum petition shall file one report of their contributions and expenditures 30 days after the city clerk approves the form of the petition. The report shall be filed in accordance with the provisions of section 2.04.208 below. *(Code 1993, § 2.04.207 ; Ord. No. O-2000-36, § 1; Ord. No. O-2009-12, § 4, 3-10-2009; Ord. No. O-2009-28, § 2, 6-23-2009; Ord. No. O-2010-49, § 8, 10-26-2010; Ord. No. O-2011-32, § 4, 6-14-2011; Ord. No. O-2019-28, §6, 04-23-2019; Ord. No. O-2022-29, §5, 08-09-2022)*

2.04.208. - Filing—Where to file—Timeliness.

A. All reports required to be filed by this Act shall be filed with the Longmont city clerk.

B. There shall be no charge to file a report that is timely filed. Any report not filed in accordance with this Act shall be a violation of this Act. *(Ord. No. O-2019-28, §7, 04-23-2019)*

C. In addition to any other reporting requirements of this Act, every incumbent in public office and every candidate elected to public office is subject to the reporting requirements of C.R.S. § 24-6-203.

D. All reports required by this Act are public records and shall be open to inspection by the public during regular business hours. All reports shall be accessible to the public electronically on the city's website within 24 hours after they are filed. Any report which is deemed to be incomplete by the city clerk shall be accepted on a conditional basis and the candidate and committee treasurer shall be notified by mail as to any deficiencies found. The candidate or committee treasurer shall have seven business days from mailing of such notice to file an addendum that cures the deficiencies.

(Code 1993, § 2.04.208 ; Ord. No. O-2000-36, § 1; Ord. No. O-2009-12, § 5, 3-10-2009; Ord. No. O-2010-49, § 9, 10-26-2010; Ord. No. O-2019-28, §7, 04-23-2019))

2.04.208.5. - Computation of time.

- A. If the reporting day for reports required by this Act falls on a weekend or legal holiday, the report shall be filed by the close of the next business day.
- B. The deadline for all reports required by this Act shall be close of business on the date due. Reports may be filed electronically, including by facsimile or email, and are timely if received by the city clerk not later than the close of business on the due date only if an original of the report is received by the city clerk within seven days of the due date.
- C. Unless this Act uses the term business day, all computations of time shall be based on calendar days.
- D. In computing any period of time prescribed or allowed by this Act, including the computation of the number of days of a violation of this Act, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period shall be included. (*Ord. No. O-2010-49, § 10, 10-26-2010; Ord. No. O-2019-28, §8, 04-23-2019*)

2.04.209. - Candidate affidavit.

- A. When any individual becomes a candidate, such individual shall certify, by affidavit filed with the city clerk within ten days, that the candidate is familiar with this Act.
- B. If a person is defeated as a candidate or withdraws from the candidacy, that person shall not be required to comply with this section after the withdrawal or defeat. (*Code 1993, § 2.04.209 ; Ord. No. O-2000-36, § 1*)

2.04.210. - Duties of city clerk.

The city clerk shall:

- A. Develop forms for reports and statements required by this Act and a filing and indexing system for the city clerk's office consistent with the purposes of this Act; (*Ord. No. O-2019-28, §9, 04-23-2019*)
- B. Keep a copy of any report or statement required to be filed by this Act for a period of one 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 year after the candidate leaves office;
- C. Make reports and statements filed under this Act available to the public for inspection and copying no later than 24 hours after the date of filing. No information copied from such reports and statements shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose;
- D. Upon request by the secretary of state, transmit records and statements filed under this Act to the secretary of state;

E. Notify any person under the city clerk's jurisdiction who has failed to fully comply with this Act; (Ord. No. O-2019-28, §9, 04-23-2019)

F. Issue notice for violations of this Act and forward timely requests for hearings to the Longmont Municipal Court.

(Code 1993, § 2.04.210 ; Ord. No. O-2000-36, § 1; Ord. No. O-2009-12, § 6, 3-10-2009; Ord. No. O-2010-49, § 11, 10-26-2010; Ord. No. O-2019-28, §9, 04-23-2019)

2.04.210.5. - Reserved.

Editor's note— Section 12, of Ord. No. O-2010-49, adopted Oct. 26, 2010, repealed § 2.04.210.5, which pertained to the election committee and derived from Ord. No. O-2009-12, adopted Mar. 10, 2009.

2.04.211. - Violations and civil fines.

- A. If the city clerk finds, suspects or is made aware that any person has potentially violated any provision of this Act, the city clerk shall notify the person, identify the provision of this Act that has been violated and, if the city clerk determines that an alleged violation can be cured or handled by an alternative cure, allow the person seven (7) business days to cure the violation or implement an alternative cure. If the potential violation is not corrected within this timeframe, the clerk shall proceed with the issuance of a notice of violation in accordance with 2.04.211(B). The city clerk shall have the discretion to accept, recommend an alternative, or decline a proposed alternative cure. If the city clerk determines that an alleged violation cannot be cured or handled by an alternative cure, the city clerk may immediately issue a notice of violation as set forth in subsection (B) of this section.
- B. Issuance of notice of violation(s).
1. If the city clerk determines that any person has violated any provision of this Act, and the person cannot or did not, cure the violation within the time period set forth in subsection A above, the city clerk shall issue a notice of violation to such person by personal service or regular mail. No notice of violation may be issued more than 90 days after the election in an election year, or more than 90 days after the required date of filing of any report required to be filed by this Act in an off election year. The notice of violation shall include the following information:
 - a. The section or sections of the Act the person violated and a general description of the violation(s).
 - b. The appropriate civil fine for each violation, except that no such fine shall be due or payable if the person cures the violation within the time period set forth in subsection A, above, or if an alternative resolution is accepted by the city clerk and implemented by the person.
 - c. A notice in substantially the following form:

Notice of Violation of the Longmont Fair Campaign Practices Act

You have violated the provisions of the Longmont Fair Campaign Practices Act referred to above. You have 14 business days from the date of the issuance of this notification to pay the fine, or to contest the violation. You may pay the fine by bringing it or mailing it to the City Clerk's Office, 350 Kimbark St., Longmont, CO, 80501. An additional fine will be assessed for late payment and this item may be referred to the City Attorney's office for collections

IF YOU WISH TO CONTEST THE VIOLATION, you must file a written request for a hearing with the city clerk's office within 14 days of the date of the notice of violation. The hearing shall be held by the Longmont Municipal Court. You will be notified of the date of the hearing by the Court within 30 days of the request. You have the right to be represented by an attorney at the hearing.

2. If the person fails to cure the violation, the person shall, within 14 days of the date of the notice of violation, either pay the fine or contest the violation by requesting a hearing in writing. The person shall pay the fine or request a hearing by bringing or mailing the payment or written request for a hearing to:

City Clerk's Office
350 Kimbark Street
Longmont, CO, 80501
Attn: City Clerk

Upon timely receipt of a written request for a hearing, the city clerk shall forward the request to the Longmont Municipal Court which shall, within 30 days of the request, notify the person of the date of the hearing.

C. Hearing. Upon a timely request for a hearing, the Longmont Municipal Court shall conduct the hearing. If the violation is proved by a preponderance of the evidence, the Court shall affirm the violation and issue a civil judgment for a fine in accordance with this Act. If the Court affirms the violation, the Court may increase or reduce the amount of fine imposed by the city clerk upon a finding of good cause or excusable neglect based on evidence presented during the hearing and any other lawful consideration, except that the maximum total combined fine for all violations considered in a particular appeal shall not exceed \$999. If the notice of violation is affirmed in whole or in part, the Court shall also assess costs in the amount of \$50.00 plus \$5.00 for each subpoena issued on behalf of any party to the hearing.

D. Civil fines. Civil fines for violations of this Act are set forth below. Candidates shall be personally liable for fines imposed against the candidate's committee. Failure to comply with this Act shall have no effect on the validity of any election. In no event shall the maximum total combined fines for all violations of this section by a single person, candidate, or committee during a single election cycle exceed \$999.

1. Failure to file a report required by this Act, other than independent expenditures, if not cured within 7 business days of notice of violation issued by the city clerk: \$400.00.
2. Failure to file a report for independent expenditures: \$200.00.
3. After notification by the city clerk, failure to cure a report/violation within the specified time period: \$499.00.
4. Accepting contributions in excess of the amounts allowed by this Act: \$400.00, except that it shall not be considered a violation if the candidate or issue committee returns the contribution within 72 hours of its receipt. Each such contribution accepted in excess of the amounts allowed by this Act shall be a separate violation.
5. Acting as a conduit in violation of this Act: \$400.00 for each violation.
6. Failing to disclose a contribution or expenditure, including obligations entered into by the committee: \$100.00 for each violation.
7. Failure to timely file a candidate affidavit: \$100.00.
8. Failure to file a candidate committee, political committee or issue committee statement of registration: \$100.00.
9. Failure to deposit funds in a separate account in a financial institution: \$100.00.
10. Accepting coin or currency in excess of the limits set by this Act: \$50.00 per violation.
11. Use of unexpended campaign funds in violation of this Act: \$400.00.
12. Encouraging withdrawal from a campaign: \$499.00.
13. Any violation of this Act not otherwise set forth herein: \$100.00 per violation.

E. The city clerk shall reconcile all fines issued during an election cycle, including any judgment entered by the Court, and adjust the amount due such that no single person, candidate, or committee owes more than \$999.00 during a single election cycle.

F. Collection of civil fines. If the civil fine is not paid when due or upon entry of a civil judgement by the municipal court, the city may commence procedures to collect the fine, including referral to the city attorney's office for commencement of a civil action to collect the fine. A person found to be in violation of this Act shall be responsible for all costs of collection, including reasonable attorney's fees.

G. Judicial review. All decisions by the municipal court shall be final subject only to judicial review pursuant to Colorado Rules of Civil Procedure 106(A)(4).

(Code 1993, § 2.04.211 ; Ord. No. O-2000-36, § 1; Ord. No. O-2009-12, § 7; Ord. No. O-2010-49, § 13, 10-26-2010; (Ord. No. O-2019-28, §10 amending all of 2.04.211, 04-23-2019; Ord. No. O-2022-29, §6, 08-09-2022)

2.04.212. - Expenditures—Political advertising—Rates and charges.

No candidate shall pay to any radio or television station, newspaper, periodical, or other supplier of materials or services a different charge than that normally required for local commercial customers for comparable use of space, materials, or services. Any such rate shall not be rebated, directly or indirectly. Nothing in this Act shall be construed to prevent an adjustment in rates related to frequency, volume, production costs and agency fees if such adjustments are offered consistently to other advertisers.

(Code 1993, § 2.04.212 ; Ord. No. O-2000-36, § 1; Ord. No. O-2010-49, § 14, 10-26-2010)

2.04.213. - Encouraging withdrawal from campaign prohibited.

No person shall offer or give any candidate or candidate committee any money or any other thing of value for the purpose of encouraging the withdrawal of the candidate's candidacy, nor shall any candidate offer to withdraw a candidacy in return for money or any other thing of value.

(Code 1993, § 2.04.213 ; Ord. No. O-2000-36, § 1)

2.04.214. - Severability.

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

(Code 1993, § 2.04.214 ; Ord. No. O-2000-36, § 1)