

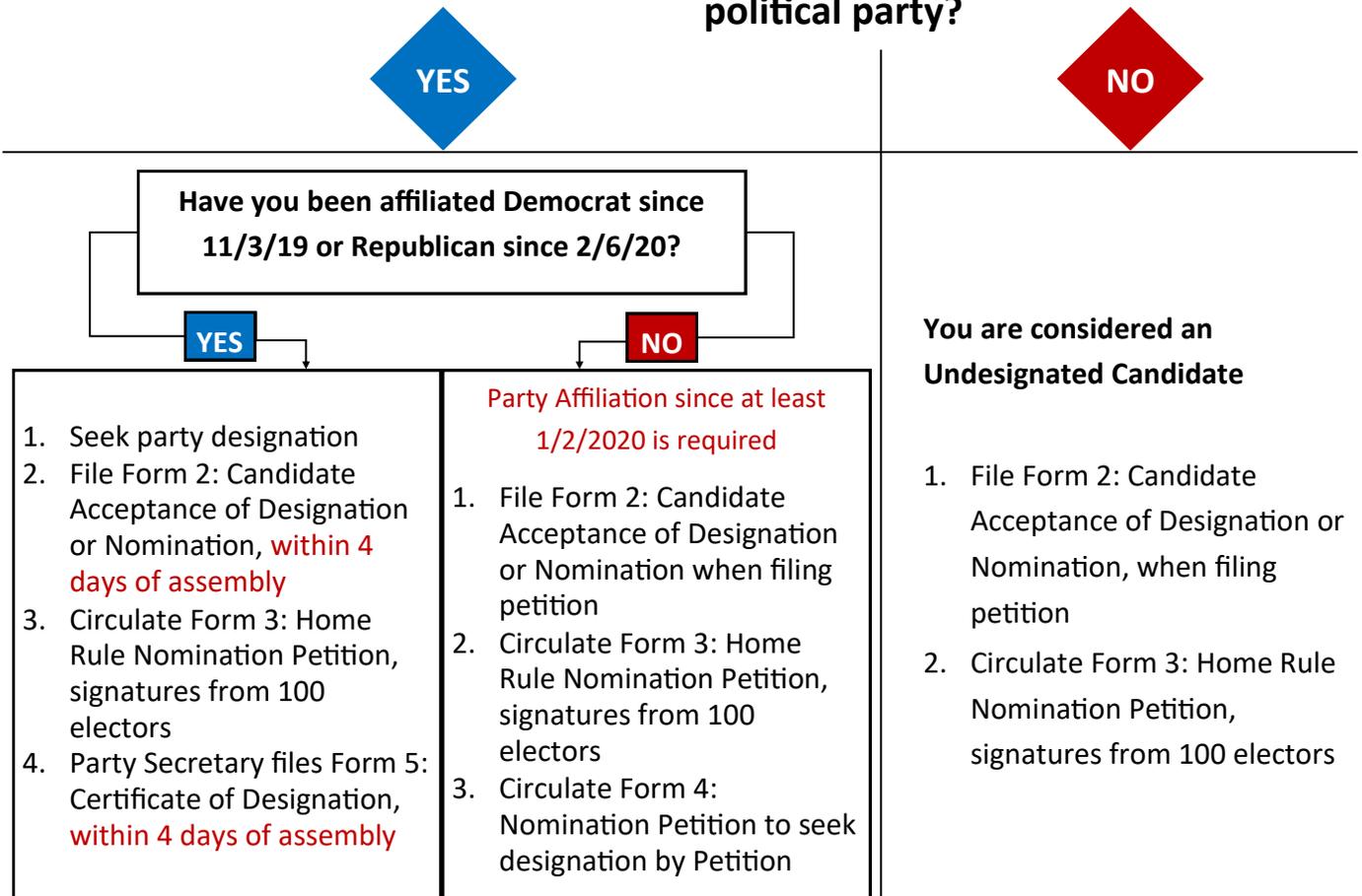
HOW TO RUN FOR PITKIN COUNTY OFFICE



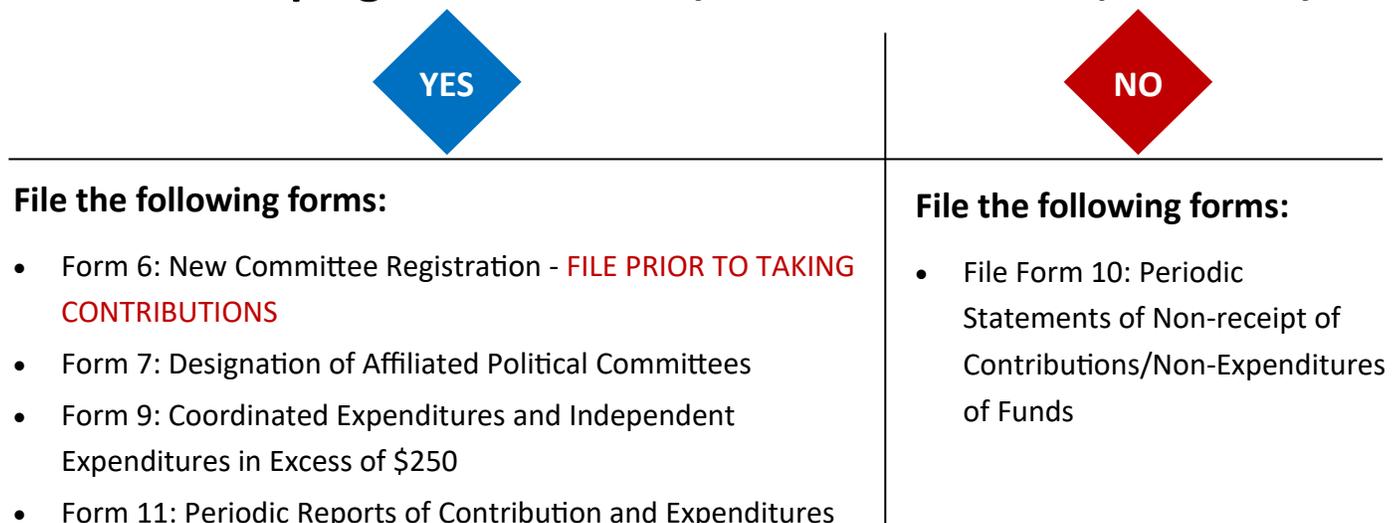
STEP 1: File Candidate Affidavit (FORM 1).

This must be filed within 10 days after announcing candidacy.

STEP 2 - Ballot Access: Do you want to obtain designation from a major political party?



STEP 3 - Campaign Finance: Do you want to raise and spend money?



**PITKIN
COUNTY**



CLERK AND RECORDER



INFORMATION PACKET

FOR

PROSPECTIVE CANDIDATES FOR COUNTY ELECTIVE OFFICES

“BALLOT ACCESS & CAMPAIGN FINANCE FILING”

PITKIN COUNTY, COLORADO

2020

Dear Prospective Candidate:

Congratulations on your decision to seek Pitkin County elective office. The Elections Department of the Pitkin County Clerk and Recorder's Office is charged with the administration of elections for federal, state and county offices, and state and county ballot issues and questions, in Pitkin County.

This manual represents our best effort to explain the manner in which elections for county office are administered in Pitkin County. The information compiled here results from the sometimes complex interaction between multiple sources of law governing elections and campaign finance, including:

- The Election Code of 1992, as amended, C.R.S. §§ 1-1-101 *et seq.*, and the Election Rules (8 CCR 1505-1) issued by the Colorado Secretary of State;
- State campaign finance laws, rules and regulations, including COLO. CONST. art. XXVIII, the Fair Campaign Practices Act, C.R.S. §§ 1-45-101 *et seq.*, and the Secretary of State's Rules Concern Campaign and Political Finance ("CPF");
- State constitutional and statutory provisions relating to county home rule (commonly called "structural" home rule), including COLO. CONST. art. XIV, § 16, and C.R.S. §§ 30-11-501 to 30-11-513; and
- The Pitkin County Home Rule Charter, as amended, specifically Article VI, which contains provisions relating to the election of county officials and campaign finance rules unlike those applicable to every other county in the state.
- Pitkin County Code, as amended, specifically Title 4 – Campaign Contributions and Expenditures.

Ultimately, these are legal matters, and it is the responsibility of all candidates, political committees and other persons involved in the election process to both understand and comply with all applicable laws.

DISCLAIMER: While we are eager to share our procedures with the public and respond to questions or concerns as they arise, we are not permitted to give legal advice. Therefore, interested persons should direct legal questions to and obtain independent legal advice from their own attorneys.

Sincerely,

Elizabeth Granado
Pitkin County Elections Manager
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I. COUNTY ELECTIVE OFFICES

A. Election Dates in 2020

- Primary Election: June 30, 2020
- General Election: November 3, 2020

B. Open Offices in 2020

In 2020, three of Pitkin County's five commissioner seats are up for election:

1. County Commissioner District 3

- Incumbent: Greg Poschman
- Term Limits: Cannot serve more than three consecutive terms
- Incumbent's reelection eligibility: Eligible; currently serving first term

2. County Commissioner District 4

- Incumbent: Steve Child
- Term Limits: Cannot serve more than three consecutive terms
- Incumbent's reelection eligibility: Eligible; currently serving second consecutive term

3. County Commissioner District 5

- Incumbent: George Nerman
- Term Limits: Cannot serve more than three consecutive terms
- Incumbent's reelection eligibility: Not eligible; currently serving third consecutive term

C. Candidate Eligibility

1. All County Elective Offices

- Candidates for all Pitkin County elective offices must be at least eighteen years of age.

2. Candidates for Assessor¹, Clerk & Recorder², and County Commissioner³

- Be a registered elector of Pitkin County; and
- Have resided in the county or applicable commissioner district since November 3, 2019, or at least one year prior to the date of the general election on November 3, 2020; and
- Remain a resident of the county or applicable commissioner district throughout his or her term of office.

3. Candidates for Sheriff⁴

- Be a citizen of the United States, a citizen of the state of Colorado, and a resident of the county to which the person is to be appointed or elected; and
- Possess a high school diploma or its equivalent or a college degree; and
- Have a complete set of fingerprints taken by a qualified law enforcement agency which are forwarded to the Colorado bureau of investigation for the purpose of determining whether the person has ever been convicted of or pleaded guilty or entered a plea of *nolo contendere* to any felony charge under federal or state laws.
 - The Colorado bureau of investigation shall notify the County Clerk & Recorder of the county for which the person is a candidate of the results of the fingerprint analysis. If a conviction or plea is disclosed, the person is unqualified for the office of sheriff, unless pardoned.
 - The results of the fingerprint analysis are confidential; except that the County Clerk & Recorder may divulge whether the person is qualified or unqualified for the office of sheriff.
 - The candidate must submit their completed fingerprint card to the Clerk & Recorder or his or her designee, and pay a fee of \$39.50 payable by money order, cashier check, or credit card. The Clerk & Recorder or his or her designee will submit the candidates fingerprint application and fee to CBI for processing.
- If elected for the first time, attend the new sheriff training course the first time it is offered, and obtain basic peace officer certification within one year of taking office;
- Undergo at least 20 clock hours of in-service training every year during their term.

II. OVERVIEW: PITKIN'S "OPEN PRIMARY" FOR COUNTY OFFICES

Because of its Home Rule Charter ("HRC"), Pitkin County elects its county officials differently than every other Colorado county. Here, every registered voter is eligible to vote for every candidate for

¹ C.R.S. § 30-10-8, & HRC § 5.6

² C.R.S. § 30-10-4, C.R.S. & HRC § 5.5

³ C.R.S. § 1-4-2-5, & C.R.S. § 30-10-3, & HRC § 1.1 *et seq.*

⁴ C.R.S. § 30-10-501.5, & HRC § 5.7

county office, without regard to the voter's party affiliation or a candidate's party designation.⁵ The HRC also permits candidates to run for county office with or without the designation of the political party with which they are affiliated for voter registration purposes. If a candidate desires the designation of a political party, however, he or she must obtain it in accordance with state law and the rules of the political party in question. Candidates who obtain the designation of a political party in accordance with state law are referred to below as "designated candidates" or "party designees," and candidates who do not do so are referred to as "undesignated candidates."⁶ These principles are quite different from those prevailing in other Colorado counties, and their significant procedural and substantive implications are briefly discussed below.

In Pitkin County, if three or more candidates timely file sufficient petitions and other required papers for an office, their names and party designations (if any) will appear in alphabetical order on the primary election ballot. The two candidates receiving the highest number of votes for any given county office in the primary election – without regard to the candidates' party affiliation or designation – will be certified to appear on the ballot for the general election in November. If not more than two candidates timely submit sufficient filings for a given office before the primary election, the office of the Clerk (hereafter, the "Clerk") will simply certify those individuals as candidates for the general election ballot, and neither their names nor the office they seek will appear on the primary election ballot.

The HRC effectively mandates an "open primary" system for the election of Pitkin County officers since voters need not be affiliated to receive a primary election ballot with Pitkin County officer races. The rest of Colorado has effectively moved toward a "partially open primary" system due to the passage of Proposition 108 in 2016. Due to Pitkin County's Home Rule Charter, however, there remain

⁵ A political party's designation of a candidate simply means that all legal requirements have been satisfied for the party's name to be printed next to the candidate's name on the ballot. Political parties *designate* candidates for a primary election. The primary election itself is the process by which major (and occasionally minor) political parties *nominate* candidates to appear on a general election ballot. The party *designee* who wins the party's primary election becomes its *nominee* for the succeeding general election.

⁶ Use of the term "undesignated candidate" rather than "unaffiliated candidate" is intentional and denotes an important distinction between candidates for county office in Pitkin County from their counterparts elsewhere in Colorado. Under state law, voters' *party affiliation* (as reflected in the voter registration records) generally "follows them onto the ballot" if they become candidates for partisan elective office. For Pitkin County candidates, the HRC severs this complete identity between a person's *party affiliation* as a voter and his or her *party designation* as a candidate. Candidates for Pitkin County elective office are "undesignated" because they do not seek or obtain the designation of a political party; whether their voter registration records reflect a political party affiliation is an entirely separate matter. Undesignated candidates do not have any reference to a political party printed on the ballot.

some important distinctions. To understand this difference, first consider the manner in which primary elections are conducted elsewhere in Colorado. In other counties, a separate primary election ballot is prepared for voters affiliated with the major (and sometimes minor) political parties. Each party's ballot lists only that party's designees for all federal, state, district and county offices. The order in which the candidates for a given office appear on the ballot is established by lot. The party designee receiving the highest number of votes for each office on the primary election ballot becomes the party's nominee. He or she advances to the general election in November to face off against both unaffiliated candidates and the nominees of the other political parties.

After the passage of Proposition 108, all unaffiliated voters in Colorado have the opportunity to participate in the primary election. Unaffiliated voters may declare a "party preference" by which they would receive only that party's primary ballot in the subsequent election, but which would preserve their unaffiliated status. Or they may remain unaffiliated and not declare a "party preference" and receive every major party's primary ballot and a non-partisan county ballot (if applicable) in the mail ballot packet sent to them, with the explicit instruction that the unaffiliated voter must choose only one ballot to vote and cast.

Pitkin County follows the same template for its primary elections with respect to offices above the county level because state law rather than the HRC determines eligibility to vote for candidates for these offices. However, the HRC compels a different protocol for the portion of the primary election ballot devoted to races for Pitkin County offices as described above. This is because the HRC permits all county voters to vote for any candidate for county office, regardless of the voter's party affiliation or the candidate's party designation. Accordingly, Pitkin County preserves the non-partisan nature of the election of county offices, and prepares a primary election ballot that only contains county races (when there are more than two candidates for county office). Therefore, in addition to receiving the primary ballots of political parties as now allowed under Proposition 108, unaffiliated voters in Pitkin County will also receive the non-partisan ballot that only has the county offices on it.

III. CANDIDATE FILING REQUIREMENTS

A. Introduction

Pitkin County candidates are required to file documents of two general types, "ballot access" and "campaign finance" filings. Because of its Home Rule Charter, the ballot access and campaign

finance rules and filings for Pitkin County candidates are different from those that apply to candidates in other Colorado counties.

- Ballot access filings are those which, once made, perfect an individual’s right to appear as a candidate on an election ballot and, if applicable, as the designee of a political party, subject only to challenges authorized by state law.
- Campaign finance filings include those by which a candidate initially organizes a committee to support his or her candidacy, and periodic reports disclosing his or her candidate committee’s contributions and expenditures.

B. Ballot Access Filings

1. Introduction

All candidates for Pitkin County office must file candidate acceptances and nomination petitions signed by a minimum number of electors who are registered to vote in Pitkin County. As noted, the HRC permits but does not require candidates for county office to obtain the designation of a political party on the ballot. However, if a candidate desires political party designation, he or she must obtain it in accordance with state law and the rules of the parties in question.

State law divides political parties into two camps (*major* and *minor* political parties⁷), and provides two alternative methods for a candidate to obtain the designation of either type of party (designation **by assembly** and **by petition**). As a practical matter, however, Pitkin County candidates can obtain party designation only from either of the two *major political parties*.⁸ Therefore, Pitkin County candidates can opt to run as undesignated candidates, as major party designees by assembly, or as major party designees by petition.⁹

⁷ A “major political party” is one whose candidate for governor in the most recent gubernatorial election received at least ten percent of the total votes cast for that office. C.R.S. § 1-1-104(22). A “minor political party” is any political party other than a “major political party.” C.R.S. § 1-1-104(23). In 2018, Colorado has two major political parties (Democratic and Republican) and four minor political parties (American Constitution, Green, Libertarian, and Unity).

⁸ Designation **by assembly** of the Republican and Democratic Parties are the only available party designation options because candidates cannot receive designation **by assembly** from the four minor parties because they will not convene county assemblies in Pitkin County.

⁹ Candidates cannot obtain designation **by petition** from *minor* political parties in Pitkin County because there are not enough registered voters affiliated with any of the minor parties in Pitkin County to satisfy the signature requirements for this manner of designation under state law. Specifically, state law requires candidates for county office who desire minor political party designation by petition to obtain signatures of registered voters affiliated with the party in question equal to a) 750, or b) 2% of total votes cast for each office at the last general election, whichever is less. None of the minor political parties have a sufficient number of affiliated voters in Pitkin County to satisfy the petition signature requirements of state law.

2. Ballot Access Filings – Undesignated Candidates

Affiliated and unaffiliated electors alike may seek county elective office without first obtaining the designation of a political party. The ballot access filing requirements for undesignated candidates in Pitkin County are:

- Pitkin County Candidate Affidavit [FORM 1], by which the candidate certifies that he or she has reviewed and is familiar with the HRC’s campaign finance rules and applicable provisions of state campaign finance law;
- Candidate Acceptance [FORM 2]: Candidate files Pitkin County Home Rule Candidate Acceptance of Designation or Nomination at time nomination petition [FORM 3] is filed, and not later than April 24, 2020. (No later than 5 days before the deadline established by state statute for the Secretary of State to transmit to the County Clerk the certificate in writing of the ballot order and content for the primary election.)
- Petition [FORM 3]: Candidate or petition circulator files Pitkin County Home Rule Nomination Petition signed by at least 100 signatures of eligible electors of Pitkin County, not earlier than April 13, 2020 and not later than April 24, 2020. (No earlier than twenty (20) days nor later than five (5) days before the deadline established by state statute for the Secretary of State to transmit to the County Clerk the certificate in writing of the ballot order and content for the primary election.)

3. Ballot Access Filings – Major Party Designation by Assembly

a) Eligibility

As a threshold matter, a candidate who desires to obtain the designation of a political party designation must first be eligible to receive it. A “default” provision of state law requires prospective candidates to have been affiliated with the party in question by at least the first business day in January preceding the primary election (in 2020, January 2nd), but only to the extent the rules of the party do not provide otherwise.¹⁰ This default rule of state law does not apply in 2020, because the internal rules of both the Democratic Party and the Republican Party set forth other affiliation deadlines:

- Democratic Party: The rules of the Colorado Democratic Party require a candidate to be affiliated with the party at least one year before the general election on November 3, 2020, or by not later than November 3, 2019;
- Republican Party: The bylaws of the Colorado Republican Party require a candidate to be affiliated with the party for at least 30 days before the date of the assembly conferring the designation. Since the Pitkin County Republican Party will hold its county assembly on March 7, 2020, a candidate seeking party designation by *assembly* must be affiliated with the Republican Party February 6, 2020.

¹⁰ C.R.S. § 1-4-601(4) (a).

b) Procedure

To obtain major political party designation by assembly, an eligible candidate must receive the votes of at least thirty percent of the accredited delegates to the county assembly of the party in question. Delegates to the county assemblies are elected at the parties' precinct caucuses. The presiding officer or secretary of the county assembly is required to file a Certificate of Designation with the Clerk not later than four days after the county assembly adjourns. (The Certificate of Designation is the assembly's presiding officer's verification to the Clerk that the candidates listed received the number of votes required by state law.) In addition, all candidates named in the Certificate of Designation must file with the Clerk a Pitkin County Home Rule Acceptance of Designation or Nomination within the same four-day period.

These ballot access filing requirements for Pitkin County candidates seeking major party designation by assembly can be summarized as follows:

- Pitkin County Candidate Affidavit [FORM 1], by which the candidate certifies that he or she has reviewed and is familiar with the HRC's campaign finance rules and applicable provisions of state campaign finance law;
- Candidate Acceptance [FORM 2]: Candidate files Pitkin County Home Rule Candidate Acceptance of Designation or Nomination within 4 days of adjournment of county assembly.
- Petition [FORM 3]: Candidate or petition circulator files Pitkin County Home Rule Nomination Petition signed by at least 100 signatures of eligible electors of Pitkin County, between April 13th & April 24th; this petition will include the candidate's party designation on it.
- Certificate of Designation by Assembly [FORM 5]: Secretary of party's county assembly files Certificate of Designation by Assembly verifying that candidate received the votes of at least 30% of the accredited delegates to the county assembly; must be filed within 4 days of adjournment of county assembly.

4. Ballot Access Filings – Major Party Designation by Petition

a) Eligibility

As with the eligibility requirements for candidates who wish to obtain political party designation by assembly, a candidate who desires to obtain the designation of a political party designation must first be eligible to receive it. In addition to meeting the eligibility requirements set forth for each office, the following also apply for candidates interested in obtaining political party designation by petition:

- Candidates who attempted and failed to receive at least 10% of the votes for the nomination at the party's county assembly are completely precluded from obtaining political party designation by petition, C.R.S. § 1-4-801(4). Candidates who did not attempt to receive designation at assembly may attempt to receive designation by petition.

- A candidate seeking designation by petition must have been affiliated with the political party as shown in the statewide voter registration system, no later than the first business day of the January immediately preceding the election, C.R.S. § 1-4-801(3).

b) Procedure

Designation by petition is the second mechanism under state law for a candidate to obtain a major political party’s designation on the primary election ballot. The petition requirements of this procedure under state law are significantly more onerous than the HRC’s petition requirements:

- For candidates seeking political party designation by petition, the petition requires the lesser of 1000 signers or signers equal in number to 10% of the votes cast in the political subdivision at the contested or uncontested primary election for the political party’s candidate for the office which the petition is being circulated or, if there was no primary election, at the last preceding general election for which there was a candidate for the office. Since the county commissioner seats in Districts 4 and 5 did not have a contested primary in 2016, the number of signatures required for those offices up for election in 2020 is calculated by reference to total votes cast in the 2016 general election, C.R.S. § 1-4-801(2).

OFFICE	TOTAL VOTES CAST - 2016 PRIMARY/GENERAL ELECTION	SIGNATURES REQUIRED FOR MAJOR PARTY DESIGNATION BY PETITION - 2020
County Commissioner Dist. 3	2633 (2016 Primary)	263
County Commissioner Dist. 4	7326 (2016 General)	733
County Commissioner Dist. 5	7077 (2016 General)	708

- State law sets forth that the petition shall not be circulated prior to the third Tuesday in January and must be filed no later than the third Tuesday in March, C.R.S. § 1-4-801(5). The candidate must also file the Pitkin County Home Rule Candidate Acceptance of Designation or Nomination form [FORM 2] at the time he or she files the nomination petition, C.R.S. § 1-4-906.
 - Additionally, circulators must be a resident of the state and affiliated with the political party mentioned in the petition as shown on the statewide voter registration system, C.R.S. § 1-4-905.
 - The circulator must complete a notarized affidavit prior to filing the petition for it to be reviewed for sufficiency.
- Candidates seeking major political party designation by petition must file Pitkin County Nomination Petition for Candidates Seeking Major Political Party Designation by Petition [FORM 4], because state law imposes the following restrictions on petition signers:
 - Must be registered to vote in Pitkin County and affiliated with the political party for at least 29 days before the date they sign the petition, C.R.S. 1-2-219;
 - Cannot sign any other petition for any other candidate for the same office.

Upon filing of Pitkin County Nomination Petition for Candidates Seeking Major Political Party Designation by Petition [FORM 4], the County Clerk and Recorder or her designee will review all petition

information and verify the information against the statewide voter registration system, C.R.S. § 1-4-908(1). After review, the Clerk will notify the candidate of the number of valid signatures and whether the petition is sufficient or insufficient. Candidates are encouraged to file petitions early so in the event the petitions do not include enough valid signatures, the candidate has time to obtain enough valid signatures to render his or her petition sufficient.

Finally, because the above petition process addresses the desire to obtain partisan political party designation, and because the Home Rule Charter sets forth different petition requirements and timelines than those set forth in state law, the candidate must additionally comply with the HRC requirements. Therefore, if a candidate's petitions are sufficient to obtain political party designation, the candidate must also circulate a petition [FORM 3] between April 13th and April 24th to obtain 100 signatures of eligible electors of Pitkin County who may or may not be affiliated with the political party and may or may not have signed the petition of another candidate for the same office. Additionally, candidates whose petitions were not sufficient to obtain political party designation by petition may still access the ballot as an undesignated candidate.

These ballot access filing requirements for Pitkin County candidates seeking major party designation by petition can be summarized as follows:

- Pitkin County Candidate Affidavit [FORM 1], by which the candidate certifies that he or she has reviewed and is familiar with the HRC's campaign finance rules and applicable provisions of state campaign finance law;
- Candidate Acceptance [FORM 2]: Candidate files Pitkin County Home Rule Candidate Acceptance of Designation or Nomination at time nomination petition is filed [FORM 3], and not later than April 24, 2020.
- Petition [FORM 3]: Candidate or petition circulator files Pitkin County Home Rule Nomination Petition signed by at least 100 signatures of eligible electors of Pitkin County, not earlier than April 13, 2020 and not later than April 24, 2020. This petition will include the candidate's party designation on it if obtained or no political party information if his/her party designation petition was deemed insufficient and the candidate still desires to run as an undesignated candidate.
- Pitkin County Home Rule Nomination Petition for Candidates Seeking Major Party Designation by Petition [FORM 4]: Candidate or petition circulator files Pitkin County Home Rule Nomination Petition signed by at least the minimum number of eligible electors of Pitkin County affiliated with the specified political party as set forth for each office, between January 16 & March 20th.

C. Campaign Finance Filings

1. Introduction

Pitkin County is the only county in Colorado that has adopted its own campaign finance regulations, which are set forth at HRC § 6.6 and Title 4 of the Pitkin County Code. At times, the HRC incorporates or relies on the substantive concepts and procedures of state campaign finance law, the principal sources of which include article XXVIII of the Colorado Constitution, the Fair Campaign Practices Act, C.R.S. §§ 1-45-101 *et seq.* (“FCPA”), and the Campaign & Political Finance Rules issued by the Secretary of State (“CPF Rules”). In other respects, however, the HRC effectively preempts state campaign finance law.

Campaign finance filings are of two general types, consisting of organizational filings and periodic disclosure reports. Unlike candidates in other counties, Pitkin County candidates must file all forms and disclosures with the Clerk and Recorder’s office, rather than the Secretary of State.

2. Candidate Organizational Filings

For those seeking county office, the obligation to comply with Pitkin County’s campaign finance rules is triggered when they become a “candidate.” The HRC defines a candidate as a person who “publicly announces his/her intention to seek election to any elective County office, has filed with the County Clerk his/her nominating petition for such office, or has been chosen to fill a vacancy.” The term “candidate” includes that person’s “candidate committee,” i.e., the political committee established by the candidate to accept contributions and make expenditures in support of his or her candidacy.¹¹

Before publicly announcing an intention to seek office, prospective candidates should file the following organizational documents that apply:

- Pitkin County Candidate Affidavit [FORM 1], by which the candidate certifies that he or she has reviewed and is familiar with the HRC’s campaign finance rules and applicable provisions of state campaign finance law;
- Pitkin County New Committee Registration Form [FORM 6], which establishes a candidate committee to accept contributions and make expenditures. Candidates who will accept contributions in furtherance of their candidacy must form a candidate committee by filing the New Committee Registration Form before accepting any contributions;
- Pitkin County Designation of Affiliated Political Committees [FORM 7], in which the candidate identifies all political committees, if any, known to be making expenditures in support of his or her candidacy.

¹¹ HRC 6.6.1(a).

3. Candidate Periodic Filings

Candidate committees are required to periodically disclose their financial activity by filing Pitkin County Reports of Contributions and Expenditures [FORM 11] with the Clerk. Candidates who do not accept contributions but make expenditures from their own money are required to file the same forms, itemizing expenditures of \$20 or more.

4. Reporting Periods and Filing Deadlines for 2020 Candidates & Committees

The reporting periods and filing deadlines for candidates and committees are set forth in Title 4 of the Pitkin County Code and for the 2020 election cycle are:

Reporting Period	Event	Due Date in 2020
01/01/2020 – 06/04/2020		June 9th
06/05/2020 – 06/21/2020		June 26th
	PRIMARY ELECTION DAY	June 30th
06/22/2020 – 07/25/2020		July 30th
07/26/2020 – 10/08/2020		October 13th
10/09/2020 – 10/25/2020		October 30th
	GENERAL ELECTION DAY	November 3rd
10/26/2020 – 11/28/2020		December 3rd

Reports of Contributions and Expenditures can be filed in person in paper format during regular business hours of the Clerk’s office (8:30 am – 4:30 pm, Monday through Friday, except for legal and county holidays). The reports also can be filed electronically, by fax (970-445-3007) or by email (elections@pitkincounty.com). In order to facilitate even-handed application of these deadlines for all filing entities, all organizational and disclosure reports required by the HRC – whether filed in person or electronically – will be considered timely only if received by the Elections Department at or before the regular close of business (4:30 p.m.) on the filing deadline.

5. Contribution Limits

The HRC prohibits any person from making “a contribution in an amount which exceeds five hundred (\$500) dollars to any candidate, or to any political committee making coordinated expenditures for the purpose of supporting or opposing the nomination, retention, election or defeat of any candidate.” Several important points should be noted about this HRC provision:

- A candidate committee (or political committee making coordinated expenditures in support of or opposition to candidate) can accept the maximum contribution from an individual donor for *both* the primary election and the succeeding general election, but only if the candidate is certified for the general election ballot. If a candidate runs for county office and is not certified for the general

election ballot because he or she was not among the two candidates receiving the highest number of votes in the primary election, he or she is limited to a maximum of \$500/donor.

- Since money is fungible, the timing of the contributions for each separate election is immaterial so long as the candidate advances to the general election. In that event, a contribution for the primary election may be accepted after the primary election, and a contribution for the general election may be accepted before the primary election.
- This protocol has an obvious downside, however. For example, if a candidate accepts a contribution of \$1,000 from a single donor before the primary election and is not among the two candidates for that office receiving the highest number of votes, he or she will not be certified to for the general election ballot and will have violated the HRC's contribution limits. Please review the "Penalties" subsection below before deciding to pursue such an approach.
- Unlike state law, the HRC does not prohibit contributions to candidates by non-natural or fictitious "persons," such as corporations, limited liability companies, and limited partnerships. Although county candidate committees can accept contributions from these entities, caution is urged with respect to the following two types of business organizations:
 - Under Colorado's law of business organizations, general partnerships are sometimes not considered to be legally distinct "persons" from their partners. A candidate who accepts the maximum contribution from a partnership and its partners may be determined to have violated the HRC's contribution limits, because a general partnership's status as a legal entity distinct from its owners for purposes of campaign finance law is unclear;
 - Contributions from sole proprietorships operating under a trade name should be attributed to and reported under the name of the proprietor, not the trade name. Under Colorado law, sole proprietorships are not legally distinct persons from their owners.

6. Coordinated and Independent Expenditures

The HRC requires both the candidate and the third person to disclose all coordinated expenditures, regardless of amount. The candidate or candidate committee makes this disclosure in particular portions of the Pitkin County Report of Contributions and Expenditures [FORM 11], discussed above. The third person who actually incurred the coordinated expense or made the expenditure on the candidate's behalf is required to disclose all coordinated expenditures, and all independent expenditures in excess of \$250, by filing with the Clerk a Report of Coordinated/Independent Expenditures [FORM 9]. (An "independent expenditure" is defined by the HRC as any expenditure other than a coordinated expenditure.) This report must be filed not more than one week after the funds representing the expenditure are delivered, committed or obligated; provided that, if the coordinated or independent expenditure is made in the eight days preceding an election, the report must be filed within twenty-four hours after the funds representing the expenditure are delivered, committed or obligated.

7. Penalties

The HRC contains penalties for violation of its campaign finance rules. Any person who violates a provision of HRC § 6.6 is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$100, or by imprisonment in the Pitkin County jail for not more than 10 days, or both. In addition, candidates who knowingly or conspire with another to violate a provision of HRC § 6.6 are denied the right to take the oath of office for which they were elected, or the office is deemed vacated if they have already taken the oath. Any person who believes a violation of HRC § 6.6 can file a complaint with the County Clerk & Recorder. The complaint will be referred to the District Attorney of Colorado's Ninth Judicial District for investigation and prosecution, if warranted.

Pitkin County Home Rule Candidate Ballot Access Filings and Deadlines

IMPORTANT NOTES: FORMS 1 – 4 MUST BE FILED WITH THE PITKIN COUNTY CLERK AND RECORDER. PETITION FORMS 3 AND 4 MUST BE PERPARED BY AND OBTAINED FROM THE PITKIN COUNTY CLERK AND RECORDER IN ADVANCE OF CIRCULATING. FOR CANDIDATES' CONVENIENCE, PETITION FORM 3 WILL BE AVAILABLE TO ALL CANDIDATES 90 DAYS BEFORE THE BALLOT CONTENT CERTIFICATION DEALINE.

Document:	To Be Filed By:	Filing Deadline:	File With:	Purpose:
Candidate Affidavit [Form 1]	Unaffiliated candidates, candidates seeking party designation by Assembly, and Candidates seeking Party designation by Petition	Should be filed at time of public announcement; must be filed within 10 days of becoming a candidate within meaning of FCPA, i.e., publicly announcing intention to seek office <u>and</u> either accepting a contribution or making an expenditure	File original with Pitkin County Clerk & Recorder	Announces Candidacy and acknowledges understanding of campaign finance activities
Candidate Acceptance of Designation or Nomination [Form 2]	Unaffiliated Candidates, Candidates seeking Party designation by Assembly, and Candidates seeking Party Designation by Petition	<u>Unaffiliated Candidate</u> : no earlier than 20 days, nor later than 5 days before ballot certification (60 days before the election). <u>Candidate seeking Designation by Assembly</u> : no later than 4 days after county assembly adjourns <u>Candidate seeking Party Designation by Petition</u> : no earlier than 20 days, nor later than 5 days before ballot certification (60 days before the election).	File original with Pitkin County Clerk & Recorder	The official acceptance form and information is used to build ballot content and provide accurate contact information
Nomination Petition [Form 3]	Unaffiliated Candidate, Candidate with Major Political Party Designation by Assembly, and Candidate with Sufficiency for Major Party Designation by Petition	All Petition Sections, at one time, should be filed no earlier than 20 days, nor later than 5 days before ballot certification (60 days before the election). It is recommended that candidates secure more than 100 signatures to assure sufficiency with the first submission of petitions. Also, it is recommended that candidates hand in petitions earlier versus on the deadline to address "insufficiency" issues before the deadline.	File original with Pitkin County Clerk & Recorder	For ballot access in Pitkin County, Candidates are required to Petition onto the ballot by securing 100 "sufficient" signature

Document:	To Be Filed By:	Filing Deadline:	File With:	Purpose:
Major Party Candidate Petition [Form 4]	Candidate seeking Party Designation by Petition	No earlier than 3 rd Tuesday in January and no later than the 3 rd Tuesday in March.	File original with Pitkin County Clerk & Recorder	For candidates who failed to secure Party Designation at Assembly, they may petition for Party Designation to place the Party name on the ballot
Certificate or Designation By Assembly [Form 5]	Presiding officers of county assembly must file Certificate of Designation by Assembly	Must be filed within four (4) days of adjournment of assembly.	File original with Pitkin County Clerk & Recorder	Candidates secure Party Designation at Assembly to have affiliation placed on the ballot.

Revised 1/2020

Pitkin County Clerk and Recorder
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eFile address: elections@pitkincounty.com
Website: www.pitkinvotes.com
Elizabeth Granado, Election Manager
elizabeth.granado@pitkincounty.com

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CLERK AND RECORDER

PITKIN COUNTY CANDIDATE AFFIDAVIT

[Art. XXVIII, Sec. 2(2); C.R.S. §1-45-110(1); HRC § 6.6; Title 4 - Pitkin County Code]

This affidavit certifies that I, _____, a present or anticipated
Designee of the _____ political party (if applicable), am a candidate
(Political Party*)
for the _____ election, for the office of _____,
(Year*) (Office*)
District _____ (if applicable), in Pitkin County, Colorado.
(District*)

I understand that campaign finance activities of candidates for elective office of Pitkin County, Colorado are governed by § 6.6 of the Pitkin County Home Rule Charter ("HRC"), any applicable ordinances adopted by the Pitkin County Board of County Commissioners, and, to the extent incorporated by the HRC or county ordinance, Article XXVIII of the Colorado Constitution; Article 45, the Fair Campaign Practices Act, C.R.S. §§ 1-45-101 *et seq.* ("FCPA"); and the Secretary of State's Rules Concerning Campaign and Political Finance ("CPF Rules").

I further certify that I am familiar with the provisions of the Colorado Fair Campaign Practices Act (FCPA) as required in §1-45-110 of the Colorado Revised Statutes.

Signature of Candidate* _____ Date*: _____

Physical Address of Candidate*: _____
(Street/City/St/Zip*)

Mailing Address of Candidate: _____

Business Phone: _____ Residence Phone*: _____

Fax: _____ Web Address: _____

E-Mail Address*: _____

Fields marked with * are required unless they do not apply to the race for which you are submitting this affidavit. The notary section below must be completed in full.

STATE OF COLORADO

COUNTY OF _____

Before me, _____, a notary/officer duly authorized to administer oaths, in and for said State, personally appeared _____, whose name is subscribed to the foregoing Candidate Affidavit, and who affirms, that said statements are true and that he/she acknowledges the execution of said instrument to be of their own free act and voluntary deed for the uses and purposes therein set forth. Subscribed and affirmed to before me this _____ day of _____, 20_____.

(Seal)

Notary Public/Officer
My commission expires: _____

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PITKIN COUNTY HOME RULE CANDIDATE ACCEPTANCE OF DESIGNATION OR NOMINATION

[HRC § 6.6]

Candidate must complete, sign and file this form with the Pitkin County Clerk and Recorder no later than:

- April 24, 2020, if candidate is not the designee of a major political party
- Four (4) days after adjournment of the party's county assembly, if candidate receives major political party designation by assembly.

Office & District

This is an Acceptance of Designation or Nomination for:

Office: _____ District (if applicable): _____

Qualifications of Office (List the eligibility requirements for this office)

Candidate Information

Full Legal Name: _____

Name exactly as it will appear on the official ballot: _____

Candidate Contact Information

Residence Street Address _____ Apt/Unit _____

Residence Address City _____ State _____ Zip Code _____

Mailing Address _____ Apt/Unit _____

Mailing Address City _____ State _____ Zip Code _____

Work telephone: _____ Home telephone: _____

Mobile telephone: _____ Email: _____

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For all candidates' convenience, Petition Form 3 will be available for pickup at the Pitkin County Clerk and Recorder Election Department on or after Wednesday, April 1, 2020.

Candidate petitions must be filed with the Pitkin County Clerk and Recorder Election Office not earlier than Monday, April 13, 2020 (20 days prior to SOS ballot certification), nor later than Friday, April 24, 2020 (5 days prior to SOS ballot certification), as established for the deadline by the State Statute for Secretary of State (SOS) to transmit to each County Clerk and Recorder the notice of primary election.

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**PITKIN
COUNTY**

—  —
CLERK AND RECORDER

MAJOR POLITICAL PARTY PRIMARY DESIGNATION PETITION

To proceed with Form 4, Major Political Party Primary Designation Petition, speak with the Pitkin County Election Manager as soon as feasible to review policy and procedures.

Elizabeth Granado

Pitkin County Election Manager

elizabeth.grando@pitkincounty.com

970-429-2711

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CLERK AND RECORDER

CERTIFICATE OF DESIGNATION BY ASSEMBLY

[Art. XXVIII, Sec. 2(2); C.R.S. §1-45-110(1); HRC § 6.6]

Complete, sign and file this form with the Pitkin County Clerk and Recorder no later than:

- Four (4) days after adjournment of the party's county assembly, if candidate receives major political party designation by assembly.

Office & District

Office _____ District _____

Assembly Information

Name of Political Party _____ County _____

Location of Assembly _____ Date _____

Number of Assembly Delegates Present and Voting _____

Names of all Candidates Receiving Votes by Assembly (Must include rank order of Votes and Percentage)

-----Ballot 1----- -----Ballot 2-----

Name & Address of Candidate	Votes Received	% of Vote Received	Rank	Votes Received	% of Vote Received	Rank

Assembly Requirements (Please check all boxes that are applicable)

No more than 2 ballots were taken for the office listed on this form

First Ballot

At least one candidate received 30 percent or more of the votes of all delegates who were present and voted on this office.

Pitkin County Candidate Campaign Finance Filings and Deadlines

IMPORTANT NOTES: THE HRC IMPOSES A CONTRIBUTION LIMIT OF \$500 BY ANY PERSON TO A CANDIDATE FOR COUNTY OFFICE; THERE IS NO SIMILAR CONTRIBUTION LIMIT APPLICABLE TO CANDIDATES FOR COUNTY OFFICE UNDER STATE LAW. IN ADDITION, THE HRC REQUIRES DISCLOSURE OF ALL “COORDINATED EXPENDITURES” AND ALL “INDEPENDENT EXPENDITURES IN EXCESS OF \$250.” THESE REPORTING THRESHOLDS ARE DIFFERENT UNDER STATE LAW. THESE DIFFERENCES BETWEEN STATE AND LOCAL LAW ARE NOT REFLECTED IN THIS TABLE.

Document:	To Be Filed By:	Filing Deadline:	File With:	Purpose:
Candidate Affidavit [Form 1] THIS FORM IS REPEATED UNDER “BALLOT ACCESS”	Candidate	Should be filed at time of public announcement; must be filed within 10 days of becoming a candidate within meaning of FCPA, i.e., publicly announcing intention to seek office <u>and</u> either accepting a contribution or making an expenditure	File original with Pitkin County Clerk & Recorder	Announces Candidacy and acknowledges understanding of campaign finance activities
New Committee Registration Form [Form 6]	Candidate (and registered agent of candidate committee); Political Committees; Issue Committees	Should be filed at or about time candidate publically announces; must be filed <u>before</u> accepting contributions	File original with Pitkin County Clerk & Recorder	Establishes and registers a new committee – Candidate, Political, or Issue
Candidate Designation of Affiliated Political Committees [Form 7]	Candidate	Should be filed at or about time candidate publically announces; must be filed <u>before</u> accepting contributions or making expenditures	File original with Pitkin County Clerk & Recorder	Certifies the affiliation with a political committee that will be making contributions and expenditures in support of the candidates campaign
Affidavit of Decision - Making Independence [Form 8]	Political Committees, in support or opposition of any candidate	Not later than ten days after filing of New Committee Registration Form [Form 6] ; must be filed before accepting contributions.	File original with Pitkin County Clerk & Recorder	An independent committee of a candidate, collecting or expending money

Document:	To Be Filed By:	Filing Deadline:	File With:	Purpose:
Report of Coordinated Expenditures and Independent Expenditures in Excess of \$250 <u>[Form 9]</u>	Persons making specified expenditures	Must be filed within one week of qualifying expenditure except that, if expenditure occurs within eight (8) days before an election, report must be filed within 24 hours of expenditure	File original with Pitkin County Clerk & Recorder	Reports any coordinated expenditure in any amount, or independent expenditure in excess of \$250.
Candidate Statement of Non-Receipt of Contributions and Non-Expenditure of Funds <u>[Form 10]</u>	Candidate	This form is recommended but not required. This form is for the use of candidates that do not have a campaign committee and have not received contributions. No expenditures have been made on behalf of the candidate.	File original with Pitkin County Clerk & Recorder	For candidates who do not receive contributions or have expenditures during a reporting period.
Periodic Reports of Contributions and Expenditures <u>[Form 11]</u>	Candidate (registered agent of candidate committee); Political Committees; Issue Committees	See "Secretary of State Campaign and Political Finance 2020 County Filing Calendar" (next page)	File original with Pitkin County Clerk & Recorder	Financial reports that summarize contributions and expenditures, etc. and are submitted on or before filing due dates for reporting periods
Revised 1/20				

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**PITKIN
COUNTY**

CLERK AND RECORDER

PITKIN COUNTY NEW COMMITTEE REGISTRATION FORM

Please use this **only** if you are registering a new committee governed by the Home Rule Charter or Title Four of the Pitkin County Code.

Select Only One Committee Type:

County Candidate Committee County Political Committee County Issue Committee

Committee Name: _____
Name should be descriptive. Include office, organization name, etc.

Committee Address (Physical): _____

Committee Address (Mailing): _____

Phone Number: _____ Alternate Phone Number: _____

Fax Number: _____ Web Address: _____

Purpose/Office Sought (include party, office, district & election year, if applicable): _____

Financial Institution Information:

Institution Name: _____

Institution Address: _____

Agent / Contact Information:

Name of Person Acting As Registered Agent: _____

Phone Number: _____ Registered Agent E-Mail: _____

Alternate E-Mail 1: _____

Alternate E-Mail 2: _____

Authorization: *Only the registered agent or the candidate (in the case of a candidate committee) may file candidate reports.*

Registered Agent's Signature: _____ Date: _____

Print Candidate Name: _____

Candidate Address (include mailing): _____

Candidate Signature: _____ Date: _____

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CLERK AND RECORDER

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AFFIDAVIT OF DECISION MAKING INDEPENDENCE

HRC § 6.6; Title 4 - Pitkin County Code]

Complete, sign and file this form with the Pitkin County Clerk and Recorder before collecting or expending money or contributions in kind in support or opposition of any candidate, pursuant to Pitkin County Home Rule Charter § 6.6.2.

I, _____, being first duly sworn, swear or affirm under penalty of perjury that:
Print Name of Affiant

1) I am the registered agent for: _____ (the "Political Committee").
Print Name of Political Committee

2) My contact information is: _____
Registered Agent Telephone Number Registered Agent Email Address

2) The Political Committee's physical address is: _____
Street & No. City State Zip Code

3) The Political Committee's mailing address is: _____
Street & No. or PO Box City State Zip Code

4) The Political Committee's other contact information is:
Telephone Number: _____ Alternate Telephone Number: _____
Fax Number: _____ Web Address: _____

5) One of the Political Committee's purposes is to [check one] support oppose the following candidate(s) for Pitkin County elective office [if more than two, attach additional pages as necessary]:

Name of 1st Candidate: _____ Office and District: _____

Name of 2nd Candidate: _____ Office and District: _____

6) I have read and understand the campaign finance provisions set forth in Pitkin County Home Rule Charter ("HRC") § 6.6, including without limitation the following provision:

No person shall make a contribution in an amount which exceeds five hundred (\$500.00) dollars to any candidate, or to any political committee making coordinated expenditures for the purpose of supporting or opposing the nomination, retention, election, or defeat of any candidate. All political committees shall comply with all organizational and filing requirements of the Colorado Fair Campaign Practices Act, as amended. All candidates in any

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REPORT OF COORDINATED EXPENDITURES AND INDEPENDENT EXPENDITURES IN EXCESS OF \$250

[HRC § 6.6; Title 4 - Pitkin County Code]

This report must be filed with the Pitkin County Clerk & Recorder's Office by any person making a) a coordinated expenditure in any amount, or b) an independent expenditure in excess of \$250. This report must be filed no later than one (1) week after the funds are delivered, committed, or obligated, unless the expenditure is made in the eight (8) days preceding an election, in which event this report must be filed no later than twenty-four (24) hours after the funds are delivered, committed or obligated. Pitkin County Home Rule Charter § 6.6.4.

1. NATURE OF EXPENDITURE(S) (See Definitions of Terms on attached Instruction Sheet)

Coordinated Expenditure in any amount (Complete Sections 2 & 4, below)

Independent Expenditure in excess of \$250 (Complete Section 3 & 4, below)

Coordinated *and* Independent Expenditure (Complete Sections 2 – 4, below)

2. COORDINATED EXPENDITURE IN ANY AMOUNT

Name of Person Making Coordinated Expenditure (Please type or print legibly)

Physical Address of Person Making Coordinated Expenditure

Mailing Address of Person Making Coordinated Expenditure (if different)

Name of Candidate or Candidate Committee with whom or which Expenditure was Coordinated

Name and Address of Vendor/Person to whom Expenditure was Paid

Detailed Description of Purpose or Use of Expenditure: _____

Date Funds Were Obligated: _____

Amount of Expenditure: _____

3. INDEPENDENT EXPENDITURE IN EXCESS OF \$250

Name of Person Making Independent Expenditure (Please type or print legibly)

Physical Address of Person Making Independent Expenditure

Mailing Address of Person Making Independent Expenditure (if different)

The Independent Expenditure was Used to Support Oppose the following Candidate:

Name of Candidate the Independent Expenditure Supported or Opposed

Name and Address of Vendor/Person Receiving Payment of Expenditure

Detailed Description of Purpose or Use of Expenditure: _____

Date Funds Were Obligated: _____ Amount of Expenditure: _____

STATE OF COLORADO)
) ss.
County of _____)

I, _____, solemnly swear or affirm under penalty of perjury that the information
Print Name of Person Filing Report
provided on this form is true, correct and complete to the best of my knowledge, information and belief.

Signature of Person Filing Report _____
Date of Signing

Subscribed and sworn to before me this ____ day of _____, 20____, by

Witness my hand and official seal.

[Seal]

Notary Public or Officer Administering Oath
My commission expires: _____

INSTRUCTIONS AND DEFINITIONS

REPORT OF COORDINATED AND/OR INDEPENDENT EXPENDITURE(S)

Pitkin County's Home Rule Charter ("HRC") requires persons making "coordinated expenditures" in any amount and "independent expenditures" in excess of two hundred fifty dollars (\$250.00) to report such expenditures to the Pitkin County Clerk & Recorder. (HRC § 6.6.2). **The report filing required by the HRC is in addition to and not in lieu of any other reports for the same or similar expenditures that must be filed with the Colorado Secretary of State pursuant to COLO. CONST. ART. XXVIII and/or the Fair Campaign Practices Act, COLO. REV. STAT. ("CRS") § 1-45-101 et seq.**

The report must be filed no later than one (1) week after the funds are delivered, committed, or obligated. However, if the expenditure is made in the eight (8) days preceding an election, this report must be filed no later than twenty-four (24) hours after the funds are delivered, committed or obligated. (HRC § 6.6.4)

The following definitions apply for purposes of this report (underscored words within a definition refer to other defined terms):

"Candidate" means a person who publicly announces his/her intention to seek election to any elective County office, has filed with the County Clerk & Recorder his/her nominating petition for such office, or has been chosen to fill a vacancy on the Board of County Commissioners. "Candidate" includes any candidate committee, as that term is defined by the Colorado Fair Campaign Practices Act, C.R.S. § 1-45-103, associated with a candidate. (HRC § 6.6.1(a))

"Election" means any general, primary, or special election held within Pitkin County at which any person or persons are certified to appear on the ballot at the general election for, or are elected to, the office of County Commissioner, Sheriff, County Clerk and Recorder, or County Assessor. (HRC § 6.6.1(d))

"Expenditure" means the payment, pledge, promise of payment of money or anything of value, or other obligation, loan, or advance of money, whether or not legally enforceable, or goods, materials, services or facilities, by any person, political committee, or agent of any of them, for the purpose of influencing the nomination, retention, election, or defeat of any candidate. (HRC § 6.6.1(e))

- "Coordinated expenditure" means an expenditure made by any person in coordination, cooperation, consultation, or concert with – or at the request or suggestion of – a candidate or agent of a candidate. Coordinated expenditures are treated as contributions, and count against the contribution limitations set forth in HRC § 6.6.2. (HRC § 6.6.1(c))
- "Independent expenditure" means an expenditure that is not a coordinated expenditure. (HRC § 6.6.1(f))

"Person" means any individual, partnership, corporation, association, firm, committee, governmental entity, or other organization or group of persons, however organized. (HRC § 6.6.1(g))

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CANDIDATE STATEMENT OF NON-RECEIPT OF CONTRIBUTIONS AND NON-EXPENDITURE OF FUNDS

This form is recommended but not required.
This form is for use by candidates that do **not** have a campaign committee and have not received contributions.
No expenditures have been made on behalf of the candidate.

Office & District

Office: _____

District (if applicable): _____

Candidate Information

Candidate Name: _____

Residence Street Address _____ Apt/Unit _____

Residence Address City _____ State _____ Zip Code _____

Reporting Period: Beginning Date: _____ Ending Date: _____

CONTRIBUTIONS RECEIVED OR RECEIVABLE DURING THIS REPORTING PERIOD

\$0.00

EXPENDITURES MADE OR INCURRED DURING THIS REPORTING PERIOD

\$0.00

I, _____, affirm that no person received contributions on my behalf nor made expenditures on my behalf. No contributions have been pledged to me nor on my behalf. I have not received any contributions nor have I made or incurred any expenditures on my own behalf during this election period.

Signature of Candidate

Date of Signing

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PITKIN COUNTY REPORT OF CONTRIBUTIONS AND EXPENDITURES

[C.R.S. §1-45-108, HRC § 6.6; Title 4 - Pitkin County Code]

The Report of Contributions and Expenditures is a financial report required for all Pitkin County candidate committees, political committees and issue committees that accept contributions or make expenditures to support or oppose the election of candidate for Pitkin County elective office, or the passage or defeat of a ballot issue or referred or initiated ballot question to be voted on by Pitkin County electors.

The report is comprised of 7 basic data entry pages along with several informational and instructional pages. The data entry forms consist of the Report of Contributions and Expenditures with the Detail Summary, Schedules A, B, C, D and the Statement of Non-Monetary Contributions. Completion of Schedules A, B, C, D and the Statement of Non-Monetary Contribution forms should be done prior to completion of the Report of Contributions and Expenditures and Detail Summary pages. Listed below are brief descriptions of what each data entry page accomplishes to help you complete and finalize this report.

Report of Contributions and Expenditures (page 1)

A summary page of the committee or party name, address, financial institution, registered agent and the contribution/expenditure totals for a specific reporting period.

Detailed Summary page (page 2)

Summarizes totals for all other data entry forms. Complete this 2-page form last.

Schedule A

This form is used to itemize and disclose monetary contributions received by the candidate or committee of \$20.00 or more.

Schedule B

This form is used to itemize and disclose expenditures of \$20.00 or more paid out or incurred by the candidate or committee.

Schedule C

This form details loans received and repaid by the candidate or committee.

Schedule D

This form is used to itemize and disclose a contribution that has been received by the candidate or committee and is being returned to the donor.

Statement of Non-Monetary Contributions

This form details contributions received by a candidate or candidate committee that are tangible and can be assessed a fair market value. In addition, “coordinated expenditures” should be reported on this form, whether tangible or monetary in character. Generally speaking, “coordinated expenditures” are expenditures made by any person in coordination, cooperation, consultation or concert with – or at the request or suggestion of – a candidate or agent of a candidate. Coordinated expenditures are treated as direct contributions to the candidate with whom they are coordinated, and count against the contribution limits set forth in § 6.6.2 of the Pitkin County Home Rule Charter.

The Report must be received by the Pitkin County Clerk and Recorder’s office during regular business hours (8:30am – 4:30pm, Monday-Friday except legal holidays), on or before the due date. Postmark dates are not recognized.

The reports also can be filed electronically, by fax (970-445-3007) or by email (elections@pitkincounty.com) and must be followed up with the original document within seven calendar days. In order to facilitate even-handed application of these deadlines for all filing entities, all organizational and disclosure reports required by the HRC – whether filed in person or electronically – will be considered timely only if received by the Elections Department at or before the regular close of business (4:30 p.m.) on the filing deadline. The candidate or registered agent who signs this report is responsible for the content and accuracy of the report.

Pitkin County candidates and committees requiring assistance should contact the Pitkin County Election Manager by telephone at (970) 429-2732, or by email at elections@pitkincounty.com

Sincerely,

Elizabeth Granado
Pitkin County Election Manager
970.429.2732
elizabeth.granado@pitkincounty.com

**INSTRUCTIONS FOR
REPORT OF CONTRIBUTIONS AND EXPENDITURES
DETAILED SUMMARY**

Reference Colorado Revised Statute:	Colorado Revised Statute ("C.R.S.") §1-45-108; Pitkin County Home Rule Charter ("HRC") § 6.6.4
Who uses this form?	All Pitkin County Candidates, Candidate Committees, Political Committees and Issue Committees
Purpose of form:	This form is used to summarize the information from all other forms.
Is this form required?	Yes
When do I file this form?	This form must be received by the Pitkin County Clerk and Recorder on or before the filing due date for the reporting period. Postmarks are not accepted.

COMPLETING THE FORM

This form uses information contained on other forms; all other applicable forms must be completed prior to filing this summary form.

STEP 1. Completely fill out the Report of Contributions and Expenditures page until you reach Line 1.

- Print or type the full name of the committee
- Print or type the address of your committee. Print or type the city, state and zip code of your committee.
- Print or type the name of the financial institution where the committee funds are deposited. [C.R.S. § 1-45-108(1)(a)(IV)(b); HRC § 6.6.4]
- Print or type the address of the financial institution including city, state and zip code.
- Determine what type of report is being filed.
 - **Regularly Scheduled Filings** are normal reporting periods as required in C.R.S. §§ 1-45-108 & 1-45-109, and HRC § 6.6.2. (These dates are available through the Information Packet for Prospective Candidates for County Election Office, your local election official, and the Pitkin County Elections Department website www.pitkinvotes.com)
 - **Amended Filings** are reports that correct a previously filed report.
 - **Termination Reports** are filings that close a committee, indicating the committee is no longer in existence. You **must** report a zero balance on line #5. (Art. XXVIII, Sec. 2(3); C.R.S. § 1-45-106; *Rules Concerning Campaign and Political Finance 3.3*; HRC § 6.6.2)
- Check () the appropriate box next to the type of report filed. If this report is an *amended filing*, print or type the date of the originally filed report being amended.
- Print or type the Reporting Period being covered. (The beginning and ending dates)

- Print or type the Declared Total Spending Limit if applicable. (Art. XXVIII, Sec. 4)
This is only for candidates that have accepted the Voluntary Spending limits.

STEP 2. Skip Lines 1-5 and the Authorization portion of the Report of Contributions and Expenditures page (page 1) and go to the Detailed Summary page (page 2).

STEP 3. On the Detail Summary page of the Report of Contributions and Expenditures form, completely fill out the header information and lines 6 through 20.

- Line #6 – Enter the total amount from Schedule A.
- Line #7 – Enter the total amount of contributions received this reporting period that were \$19.99 or less.
- Line #8 – Enter the total amount of all loans received this reporting period. (Schedule C)
- Line #9 – Enter the total amount of all other receipts. (Example: Interest, Dividends)
- Line #10 – Enter the total amount of all expenditures returned or refunded to the committee. (Schedule D - money coming back to the committee).
- Line #11 – Enter the sum of Lines #6 **through** #10.
- Line #12 – Enter the total amount of all Non-Monetary Contributions from the Statement of Non- Monetary Contributions form.
- Line #13 – Enter the sum of Line #11 **and** #12.
- Line #14 – Enter the total amount from Schedule B.
- Line #15 – Enter the total amount of all Expenditures \$19.99 or less.
- Line #16 – Enter the total amount of all loan payments paid this reporting period. (Schedule C)
- Line #17 – Enter the total amount of contributions returned to the donor. Example: A contributor exceeded contribution limits and the amount exceeding that limit must be returned. (Schedule D - money going out of the committee).
- Line #18 – Enter the total amount of expenditures by a third party that are controlled by or coordinated with a candidate, candidate committee or political party. (Statement of Non-Monetary Contribution form)
- Line #19 – Enter the sum of Lines #14 **through** #17.
- Line #20 – Enter the sum of lines #18 **and** #19. [Art. XXVIII, Sec. 5(3); HRC § 6.6.4]

STEP 4. Return to the Report of Contributions and Expenditures form and complete Lines 1-5.

- Line #1 – If this is your first Report of Contributions and Expenditures as a committee enter zero (0). If you have previously filed enter the ending balance from line #5 of your most recently filed report.

- Line #2 – Enter the total amount from Line #11.
- Line #3 – Enter the sum of Lines #1 **and** #2.
- Line #4 – Enter the total amount from Line #19.
- Line #5 – Enter the difference of Line #3 **minus** Line #4.

STEP 5. Complete the Authorization portion of the Report of Contributions and Expenditures form by printing the name of the registered agent and then sign and date the report.

REMINDER: PITKIN COUNTY HOME RULE CHARTER § 6.6.2 PROHIBITS CONTRIBUTIONS IN EXCESS OF \$500 FOR EACH PRIMARY ELECTION AND EACH GENERAL ELECTION TO ANY CANDIDATE FOR PITKIN COUNTY ELECTIVE OFFICE, HIS OR HER CANDIDATE COMMITTEE, AND ANY POLITICAL COMMITTEE MAKING COORDINATED EXPENDITURES FOR THE PURPOSES OF SUPPORTING OR OPPOSING ANY CANDIDATE FOR PITKIN COUNTY ELECTIVE OFFICE.

REMINDER: ORDINANCE NO. 013-2012, "COUNTY ISSUE COMMITTEE" MEANS ANY PERSON, OTHER THAN A NATURAL PERSON, AND ANY GROUP OF TWO OR MORE PERSONS, INCLUDING NATURAL PERSONS, THAT HAVE ACCEPTED OR MADE CONTRIBUTIONS OR EXPENDITURES OF ONE THOUSAND FIVE HUNDRED DOLLARS OR MORE TO SUPPORT OR OPPOSE ANY COUNTY BALLOT ISSUE OR COUNTY BALLOT QUESTION. A COUNTY ISSUE COMMITTEE SHALL BE CONSIDERED OPEN AND ACTIVE UNTIL AFFIRMATIVELY CLOSED BY SUCH COMMITTEE OR BY ACTION OF CLERK AND RECORDER

Pitkin County Clerk and Recorder
 530 E Main St., STE 104
 Aspen, Colorado 81611
 Phone: (970) 429-2732
 Fax: (970) 445-3007
 eFile address: elections@pitkincounty.com
 Website: www.pitkinvotes.com
 Elizabeth Granado, Election Manager
 elizabeth.granado@pitkincounty.com

space below for office use only



REPORT OF CONTRIBUTIONS AND EXPENDITURES

Full Name of Committee/Candidate:	
<small>As Shown On Pitkin County Committee Registration</small>	
Address of Committee/Candidate:	
City, State & Zip Code:	
Committee Type:	
Name and Address of Financial Institution	

Type of Report

- Regularly Scheduled Filing.
- Amended Filing. This amends previous report filed on (date)
Submit changes or new information ONLY
- Termination Report. (Termination Reports MUST Have a Monetary Balance of Zero in Line 5)
- Check this box if this Report Contains Electioneering Communications Information

Reporting Period Covered: **Through**
Date Date

Declared Total Spending (if applicable)
[Art. XXVIII, Sec. 4(1)]

		Totals Detailed Summary Page
1	Funds on Hand at the Beginning of Reporting Period (monetary only)	\$
2	Total Monetary Contributions (line 11)	\$
3	Total of Monetary Contributions & Beginning Amount (line 1 + line 2)	\$
4	Total Monetary Expenditures (line 19)	\$
5	Funds on Hand at the End of Reporting Period (monetary) (line 3 – line 4)	\$

Authorization (Must be completed by either the Registered Agent **OR** the Candidate): *I hereby certify and declare, under penalty of perjury, that to the best of my knowledge or belief all contributions received during this reporting period, including any contributions received in the form of membership dues transferred by a membership organization, are from permissible sources.*

Print Registered Agent's Name: _____

Registered Agent's Signature: _____ Date: _____

Print Candidate Name: _____

Candidates Signature: _____ Date: _____

DETAILED SUMMARY

Full Name of Committee/Candidate: _____

Current Reporting Period: _____ **Through** _____

	Funds on hand at the beginning of reporting period (Monetary Only)	\$
6	Itemized Contributions of \$20 or More <small>[C.R.S. §1-45-108(1)(a); HRC §6.6.4] (Please list on Schedule "A")</small>	\$
7	Total of Non-Itemized Contributions <small>(Individual Contributions of \$19.99 and Less)</small>	\$
8	Loans Received <small>(Please list on Schedule "C")</small>	\$
9	Total of Other Receipts <small>(Interest, Dividends, etc.)</small>	\$
10	Returned Expenditures (from recipient) <small>(Please list on Schedule "D")</small>	\$
11	Total Monetary Contributions <small>(Total of Lines 6 through 10)</small>	\$
12	Total Non-Monetary Contributions <small>(From Statement of Non-Monetary Contributions)</small>	\$
13	Total Contributions <small>(Line 11 + Line 12)</small>	\$
14	Itemized Expenditures \$20 or More [C.R.S. §1-45-108(1)(a); HRC § 6.6.4] <small>(Please list on Schedule "B")</small>	\$
15	Total of Non-Itemized Expenditures <small>(Expenditures of \$19.99 or Less)</small>	\$
16	Loan Repayments Made <small>(Please list on Schedule "C")</small>	\$
17	Returned Contributions (to donor) <small>(Please list on Schedule "D")</small>	\$
18	Total Expenditure by third party controlled by or coordinated with a candidate, candidate committee or political party. <small>(Statement of Non-Monetary Contribution form)</small>	\$
19	Total Monetary Expenditures <small>(Total of Lines 14 through 17)</small>	
20	Total Spending <small>(Line 18 + line 19)</small>	\$

Schedule A – Instructions

NOTE: In addition to the reporting requirements of 1-45-108, C.R.S., please note provisions for specific committee types, as follows:

Candidate, Issue, Political Party and Political Committee (PC)

- Required to disclose occupation **and** employer for all \$100 or more contributions made by natural persons. (Art. XXVIII, Sec. 7; HRC § 6.6.4)

Small Donor Committee

- Accepts contributions of no more than \$50 per year, FROM NATURAL PERSONS ONLY. [Art. XXVIII, Sec. 2(14)(a); HRC § 6.6.4]

Electioneering Communications Reporting

- Reporting required by persons spending \$1,000 or more on Electioneering Communications,
- Required to disclose occupation **and** employer for all \$250 or more contributions made by natural persons. (Art. XXVIII, Sec. 6; HRC § 6.6.4)
- Corporate and Labor Organization funding are prohibited. (Art. XXVIII, Sec. 6; HRC § 6.6.4)

Contribution Limits – Pitkin County Candidates and Political Committees (HRC § 6.6.2)

- **\$500/contributor for each primary and general election for which the candidate is certified.**

Note: Candidates may receive the primary and general election contributions at one time, the contributor must note that the contribution is for both the primary and general election contribution. Candidates must note both contributions on their report. It is preferred that each contribution be given separately; one check written for the primary and one check written for the general, and so noted by the contributor on the check and by the recipient on the report.

Political Committees Supporting or Opposing Pitkin County Candidates:

- **\$500/contributor for each primary and general election for which the candidate is certified.**

Political Party (From any person other than Small Donor) CPF Rule 10.16.1(d):

- **\$ 3,650/contributor** per year at the state, county, district and local level, of which no more than \$3,050◇ may be contributed to the party at the state level.

Political Party (From Small Donor Committee) CPF Rule 10.16.1(e):

- **\$18,425/contributor** per year at the state, county, district and local level, of which no more than \$15,350◇ may be contributed to the party at the state level.

Please refer to Article XXVIII, Section 3 of the Colorado Constitution and Section 6.6.2 of the Pitkin County Home Rule Charter for complete contribution limits and prohibited contributions.

* Primary Election

** General Election

◇ Contribution Limits reflect adjustments made by CPF Rule 10 pursuant to Article XXVIII, Sec. 3(13) of the Colorado Constitution.

Schedule A – Itemized Contributions Statement (\$20 or more)

I.C.R.S. 81-45-108(1)(a); HRC § 6.6.41

Full Name of Committee/Person: _____

WARNING: Please read the instruction page for Schedule “A” before completing!

PLEASE PRINT/TYPE

1. <u>Date Accepted</u>	4. Name (Last, First): _____
2. <u>Contribution Amt.</u> \$	5. Address: _____
3. <u>Aggregate Amt. *</u> \$	6. City/State/Zip: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. Occupation (if applicable, <u>mandatory</u>): _____

1. <u>Date Accepted</u>	4. Name (Last, First): _____
2. <u>Contribution Amt.</u> \$	5. Address: _____
3. <u>Aggregate Amt. *</u> \$	6. City/State/Zip: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. Occupation (if applicable, <u>mandatory</u>): _____

1. <u>Date Accepted</u>	4. Name (Last, First): _____
2. <u>Contribution Amt.</u> \$	5. Address: _____
3. <u>Aggregate Amt. *</u> \$	6. City/State/Zip: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. Occupation (if applicable, <u>mandatory</u>): _____

1. <u>Date Accepted</u>	4. Name (Last, First): _____
2. <u>Contribution Amt.</u> \$	5. Address: _____
3. <u>Aggregate Amt. *</u> \$	6. City/State/Zip: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. Occupation (if applicable, <u>mandatory</u>): _____

* For contribution limits within a committee’s election cycle or contribution cycle, please refer to the following legal authorities: Political Party – Colo. Const. art. XXVIII, Sec. 3(3); Small Donor Committee – Colo. Const. art. XXVIII, Sec. 2(14); Pitkin County Candidate or Candidate Committee – HRC § 6.6.2; Political Committee Supporting or Opposing Pitkin County Candidate(s) – HRC § 6.6.2.

Schedule B – Itemized Expenditures Statement (\$20 or more)

[1-45-108(1)(a), C.R.S.]

Full Name of Committee/Person: _____

PLEASE PRINT/TYPE

1. <u>Date Expended</u>	4. Name: _____
2. <u>Amount</u> \$	5. Address: _____
3. Recipient is (optional): <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	6. City/State/Zip: _____
	7. Purpose of Expenditure: _____ <input type="checkbox"/> Check box if Electioneering Communication

1. <u>Date Expended</u>	4. Name: _____
2. <u>Amount</u> \$	5. Address: _____
3. Recipient is (optional): <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	6. City/State/Zip: _____
	7. Purpose of Expenditure: _____ <input type="checkbox"/> Check box if Electioneering Communication

1. <u>Date Expended</u>	4. Name: _____
2. <u>Amount</u> \$	5. Address: _____
3. Recipient is (optional): <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	6. City/State/Zip: _____
	7. Purpose of Expenditure: _____ <input type="checkbox"/> Check box if Electioneering Communication

1. <u>Date Expended</u>	4. Name: _____
2. <u>Amount</u> \$	5. Address: _____
3. Recipient is (optional): <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	6. City/State/Zip: _____
	7. Purpose of Expenditure: _____ <input type="checkbox"/> Check box if Electioneering Communication

1. <u>Date Expended</u>	4. Name: _____
2. <u>Amount</u> \$	5. Address: _____
3. Recipient is (optional): <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	6. City/State/Zip: _____
	7. Purpose of Expenditure: _____ <input type="checkbox"/> Check box if Electioneering Communication

Schedule C - Loans

Full Name of Committee/Person: _____

LOANS - Loans Owed by the Committee

(Use a separate schedule for each loan. This form is for line item 8 and 16 of the Detailed Summary Report.)

[No information copied from such reports shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose. [Art. XXVIII, Sec. 9(e)] Notwithstanding any other section of this article to the contrary, a candidate's 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 [Art. XXVIII, Sec. 3(8)]

LOAN SOURCE

Name (Last, First or Institution): _____

Address: _____

City/State/Zip: _____

Original Amount of Loan: \$ _____ Interest Rate: _____

Loan Amount Received This Reporting Period: \$ _____
Total of All Loans This Reporting Period: \$ _____
(Place on line 8 of Detailed Summary Report)

Principal Amount Paid This Reporting Period: \$ _____

Interest Amount Paid This Reporting Period: \$ _____

Amount Repaid This Reporting Period: \$ _____
(Amount Repaid is sum of Principal & Interest entered on Detail Summary)
Total Repayments Made: \$ _____
(Sum of Schedule C pages, Place on line 16 of Detailed Summary)

Outstanding Balance: \$ _____

TERMS OF LOAN: _____
Date Loan Received Date Due for Final Payment

LIST ALL ENDORSERS OR GUARANTORS OF THIS LOAN

Full Name	Address, City, State, Zip	Amount Guaranteed

Schedule D – Returned Contributions & Expenditures

Full Name of Committee/Person: _____

Returned Contributions

(Previously reported on Schedule A – Contributions accepted and then returned to donors)

PLEASE PRINT/TYPE

<u>1. Date Accepted</u>	<u>4. Name (Last, First):</u> _____
<u>2. Date Returned</u>	<u>5. Address:</u> _____
<u>3. Amount</u> \$	<u>6. City/State/Zip:</u> _____
	<u>7. Purpose:</u> _____

<u>1. Date Accepted</u>	<u>4. Name (Last, First):</u> _____
<u>2. Date Returned</u>	<u>5. Address:</u> _____
<u>3. Amount</u> \$	<u>6. City/State/Zip:</u> _____
	<u>7. Purpose:</u> _____

<u>1. Date Accepted</u>	<u>4. Name (Last, First):</u> _____
<u>2. Date Returned</u>	<u>5. Address:</u> _____
<u>3. Amount</u> \$	<u>6. City/State/Zip:</u> _____
	<u>7. Comment (Optional):</u> _____

Returned Expenditures

(Previously reported on Schedule B – Expenditures returned or refunded to the committee)

PLEASE PRINT/TYPE

<u>1. Date Expended</u>	<u>4. Name (Last, First):</u> _____
<u>2. Date Returned</u>	<u>5. Address:</u> _____
<u>3. Amount</u> \$	<u>6. City/State/Zip:</u> _____
	<u>7. Comment (Optional):</u> _____

Statement of Non-Monetary Contributions

[Art. XXVIII, Sec. 2(5)(a)(II)(III) & Sec. 5(3) & C.R.S. 1-45-108(1)]

Full Name of Committee/Person: _____

PLEASE PRINT/TYPE

1. <u>Date Provided</u>	4. Name (Last, First): _____
2. <u>Fair Market Value</u> \$	5. Address: _____
3. <u>Aggregate Amt.</u> \$	6. City/State/Zip: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. Occupation (if applicable, <u>mandatory</u>): _____
	10. <input type="checkbox"/> Check box if Coordinated with a Candidate/Candidate Committee or Political Party. *

1. <u>Date Provided</u>	4. Name (Last, First): _____
2. <u>Fair Market Value</u> \$	5. Address: _____
3. <u>Aggregate Amt.</u> \$	6. City/State/Zip: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. Occupation (if applicable, <u>mandatory</u>): _____
	10. <input type="checkbox"/> Check box if Coordinated with a Candidate/Candidate Committee or Political Party. *

1. <u>Date Provided</u>	4. Name (Last, First): _____
2. <u>Fair Market Value</u> \$	5. Address: _____
3. <u>Aggregate Amt.</u> \$	6. City/State/Zip: _____
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, <u>mandatory</u>): _____
	9. Occupation (if applicable, <u>mandatory</u>): _____
	10. <input type="checkbox"/> Check box if Coordinated with a Candidate/Candidate Committee or Political Party. *

* Note: If coordinated, then contribution must also be reported as a non-monetary expenditure on Detailed Summary. Art. XXVIII, Sec. 2(9) states: "...Expenditures that are controlled by or coordinated with a candidate or candidate's agent are deemed to be both contributions by the maker of the expenditures, and expenditures by the candidate committee."