EFFECTIVE DATE: 10-30-21

ORDINANCE NO. 2021-35

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 54-2 AND SECTIONS 54-101, 54-103, 54-104.5 AND 54-110 OF THE CITY CODE RELATED TO THE FINANCING OF ELECTORAL CAMPAIGNS

WHEREAS, in 2020, the City adopted a comprehensive campaign finance ordinance in order to provide transparency about sources of money that influence municipal elections in the City of Aurora and to prevent corruption and the appearance of corruption in City government; and

WHEREAS, the United States Supreme Court, lower federal courts, and many state courts including the Colorado Supreme Court have previously recognized the critical importance of disclosure in informing voters about the sources of campaign contributions and expenditures as well as the funding of independent expenditures and electioneering communications which advocate the election or defeat of certain candidates; and

WHEREAS, any disclosure about the sources of campaign spending should allow voters to learn about which individuals, businesses, labor unions, non-profit organizations, and special interests seek to influence Aurora’s elections; and

WHEREAS, among the many important issues addressed by Aurora’s campaign finance ordinance is the need for a dividing line between candidates’ campaigns and independent spenders who seek to affect the results in those candidate elections to ensure that contributors and candidates do not evade applicable contribution limits and do not create an environment that allows for corruption and the appearance of corruption in City government; and

WHEREAS, such a dividing line is critically important to ensuring the actual independence of those who pay for electioneering communications and independent expenditures from the candidates whose elections they seek to impact; and

WHEREAS, in light of the upcoming 2021 municipal election, currently pending litigation over Aurora’s campaign finance ordinance could create uncertainty for contributors, candidates, political committees, issue committees, independent expenditure committees, and other independent spenders about the legal requirements governing contributions, spending, disclosure, and disclaimers on political advertisements; and

WHEREAS, the City seeks to resolve any such uncertainty in the most timely way possible for this election cycle and all following election cycles by means of an amendment to the 2020 campaign finance ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:
Section 1. That Section 54-2 of the City Code of the City of Aurora, Colorado, is hereby repealed and replaced by a newly adopted Section 54-2, which shall read as follows:

Sec. 54-2. - Definitions.

(a) Active voter means a registered voter who has not been marked inactive by the clerk and recorder of the voter's county of residence according to §1-2-605(1)(b)(i), C.R.S. Any registered elector whose registration record is marked "inactive" is eligible to vote in any election where registration is required if the elector meets all other requirements.

(b) Ballot means the list of candidates, ballot issues, and ballot questions an eligible elector can vote on in an election.

(c) Ballot issue means a non-recall, citizen-initiated petition or legislatively-referred measure which concerns local government matters arising under section 20 of Article X of the State Constitution, i.e., matters of taxes, debt, and other financial matters. Ballot issues may only be voted on at general elections held each November.

(d) Ballot question means any local government matter involving a citizen-initiated petition, including a petition to recall a public officerholder, or a legislatively-referred measure other than a ballot issue.

(e) Ballot title means the official, short summary of a ballot measure that appears on the ballot.

(f) Candidate means any person who seeks nomination or election to any public office of the City of Aurora that is to be voted on at a municipal election. A person is a candidate if the person has publicly announced an intention to seek election to public office; has circulated, or authorized another person to circulate, nomination petitions on behalf of their candidacy for public office; or has received a contribution or made an expenditure, or authorized another person to receive a contribution or make an expenditure, to support the person's election to public office. As used in the preceding sentence, "publicly announced" means organizing a candidate committee under section 54-103 of this Code or announcing an intention to seek public office through a speech, statement, or other public communication. Unless the context clearly indicates otherwise, "candidate" includes:

(1) An incumbent public officerholder, an unsuccessful candidate for public office, or former public officerholder, any of whom have not filed a termination report for their candidate committee with the city clerk. A public officerholder who is the subject of a recall election. For purposes of this provision, a public officerholder becomes the subject of a recall election when the city clerk has authorized the circulation of a petition for recall of the public officerholder under section 54-68(a) of this Code.

(2) An agent of a candidate.

(g) Circulator means a person who individually circulates a petition in an attempt to obtain signatures from qualified registered electors.

(h) City clerk means the city clerk or the city clerk's designated representative.

(i) Committee means any of the following:

(1) Candidate committee means a committee organized by or on behalf of a candidate under section 54-103(a).

(2) Independent expenditure committee means a political committee that only makes independent expenditures and that does not make
contributions to any candidate committee or to another political committee that makes contributions to any candidate committee.

(3) *Issue committee* means a person or a group of persons that receives contributions or makes expenditures, or anticipates receiving contributions or making expenditures, in an aggregate amount of one thousand dollars ($1,000) or more during an election cycle to support or oppose the qualification or passage of a ballot issue or ballot question. "Issue committee" includes a petition representative or other person that receives contributions or makes expenditures to support or oppose the recall of a public officeholder.

(4) *Political committee* means a person or a group of persons that is organized to support or oppose the nomination or election of one or more candidates and that receives contributions or makes expenditures, or anticipates receiving contributions or making expenditures, in an aggregate amount exceeding four hundred dollars ($400.00) during an election cycle.
   a. "Political committee" includes an independent expenditure committee, small donor committee, political party, or a separate segregated fund established by a covered entity pursuant to section 54-lOl(e) of this Code.
   b. "Political committee" does not include a candidate committee, issue committee, or recall defense committee.

(5) *Small donor committee* means a political committee that accepts contributions only from natural persons who each contribute no more than fifty dollars ($50.00) in the aggregate per calendar year.

(6) *Recall defense committee* means a committee organized under section 54-103(t) of this City Code to oppose the recall of a public officeholder. A recall defense committee is separate from but subject to the same limits and restrictions on contributions as a candidate committee of the public officeholder on whose behalf the recall defense committee is organized.

(7) Unless the context clearly indicates otherwise, "committee" includes an agent of the committee.

(j) *Conduit* means a person who transmits a contribution from another person to a committee. "Conduit" does not include the candidate or the treasurer of the committee receiving the contribution, a volunteer fundraiser hosting an event for a committee, or a professional fundraiser if the fundraiser is compensated at the usual and normal charge.

(k) *Contribution* means a gift, subscription, transfer, loan, payment, advance, or deposit of money or other thing of value made to a person to support or oppose the nomination or election of one (1) or more candidates, or the qualification or passage of a ballot issue or ballot question.
   (1) "Contribution" includes:
      a. A written contract, promise, or agreement to make a contribution.
      b. Anything of value given, directly or indirectly, to a recall defense committee to oppose the recall of a public officeholder.
c. The payment by another person for goods or services rendered to a candidate or committee without charge or at a charge that is less than the usual and normal charge.
d. A loan, other than a commercial loan made in the ordinary course of the lender's business, to a candidate or committee, up until the time when the loan is fully paid. An unsecured loan is a contribution from the lender. A secured or guaranteed loan is a contribution from the guarantor or person whose property secures the loan.
e. An unpaid financial obligation which is forgiven.
f. A contribution in kind.
g. A payment or transfer of money or other thing of value received by a committee from another committee.
h. A coordinated expenditure.

(2) "Contribution" does not include:

   a. Services provided without compensation by individuals volunteering their time on behalf of a committee.

   b. Costs associated with the establishment, administration, and solicitation of contributions for a separate segregated fund established by a covered entity under section 54-l01(e) of this Code.

   c. Payment of compensation for legal and accounting services rendered to a committee if the person paying for the services is the regular employer or client of the individual rendering the services and the services are solely to ensure compliance with the provisions of Article IV of this Chapter.

(l) Contribution in kind means a contribution of goods, services, or other thing of value provided without charge or at a charge that is less than the usual and normal charge. Examples of such goods or services include, but are not limited to, securities, facilities, equipment, supplies, personnel, advertising services, membership lists, and mailing lists.

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

   (2) "Contribution in-kind" does not include an endorsement of a candidate or an issue by any person.

(m) Coordinated election means an election where more than one political subdivision with overlapping boundaries or some electors in common holds an election on the same day, and the eligible electors are all registered electors. The county clerk and recorder is the coordinated election official who conducts the election on behalf of the political subdivisions.
(n) *Coordinated expenditure* means any of the following:

1. Payment for a public communication that republishes, disseminates, or distributes, in whole or part, any video, audio, written, graphic, or other form of campaign material, created or prepared by a candidate or candidate committee, unless the payment is made by the candidate or candidate committee that created or prepared the material, or the republished material is used to oppose the candidate or candidate committee that created or prepared the material.

2. An expenditure or electioneering communication made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or candidate committee to support or oppose, or to influence voters about, that candidate or any other candidate who seeks election to that same office during that same election cycle. An expenditure or electioneering communication is made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or candidate committee under any of the following conditions:
   a. The expenditure or electioneering communication is made according to any expressed or implied agreement with, any general or particular understanding with, or according to any request by or communication with the candidate or candidate committee.
   b. During the election cycle in which the expenditure or electioneering communication is made, the person making the expenditure was directly or indirectly established, maintained, controlled, or principally funded by the candidate or committee, or by an immediate family member of the candidate.

3. During the six months before an individual becomes a candidate and for the remainder of that election cycle, the candidate or candidate committee actively solicited funds for, provided nonpublic fundraising information or strategy to, appeared as a speaker or featured guest at a fundraiser for, or gave permission to be featured in fundraising efforts for the person making the expenditure for a person so that such funds would be available to be used for one or more independent expenditures or electioneering communications to support or oppose, or influence voters about, any candidate who seeks election to the office sought by the candidate soliciting such funds; provided, however, that this limitation on solicitations of funds does not apply to that candidate’s or candidate committee’s solicitation of funds for its own use through an independent expenditure or an electioneering communication.

4. The expenditure or electioneering communication is based on nonpublic information about the candidate’s or committee’s campaign needs or plans that the candidate or committee provided to the person making the expenditure directly or indirectly, such as information about campaign messaging, strategy, fundraising, planned expenditures, or polling data. Communications between the person making the expenditure or electioneering
communication and the candidate or candidate committee only to discuss with the candidate the person's or the candidate's position on a policy matter or whether the person will endorse the candidate, and that include no nonpublic information about the candidate's or committee's campaign needs or plans, do not result in a coordinated expenditure under this paragraph.

(5) During the election cycle in which the expenditure or electioneering communication is made, the A coordinated expenditure does not result if a person, making the expenditure or electioneering communication, has employed or otherwise retained the services, other than of a provider of accounting or legal services as long as that provider only delivers those professional services that are within the scope of the legal or accounting professions, of a person who at any prior point in the election cycle met one or more of the following conditions:

   e.—Had executive or managerial authority for the candidate or committee, whether paid or unpaid.
   d.—Was authorized to raise or expend funds for the candidate or committee and who had nonpublic information from the candidate or committee about the campaign's plans or needs.
   e.—Provided the candidate or committee with professional services, other than accounting or legal services, related to campaign or fundraising strategy.

(o) Corporation means a domestic corporation incorporated under and subject to the "Colorado Business Corporation Act," Articles 101 to 117 of Title 7, C.R.S., a domestic nonprofit corporation incorporated under and subject to the "Colorado Revised Nonprofit Corporation Act," Articles 121 to 137 of Title 7, C.R.S., or any corporation incorporated under and subject to the laws of another state. For purposes of this Article, "domestic corporation" means a for-profit or nonprofit corporation incorporated under and subject to the laws of the State of Colorado, and "foreign corporation" means a corporation incorporated under and subject to the laws of another state or foreign country. For purposes of this Article, "corporation" includes the parent of a subsidiary corporation or any subsidiaries of the parent. "Subsidiary" means a business entity of which more than half of its stock is owned by another entity or person, or a business entity of which a majority interest is controlled by another person or entity.

(p) Councilmember means a duly elected member of the governing body of the municipality. Councilmember will also include the office of mayor unless specifically noted otherwise.

(q) Covered entity means any of the following:

(1) An organization or enterprise operated for profit, including a corporation, association, proprietorship, firm, partnership, business trust, holding company, limited liability company, limited liability partnership, or similar legal entity through which business is conducted.

(2) A labor organization.

(3) An organization or corporation that is tax-exempt under section 501(c) of
the Internal Revenue Code of 1986.

(4) A political organization that is tax-exempt under section 527 of the Internal Revenue Code of 1986 and that is primarily operated for purposes other than to support or oppose the nomination or election of one (1) or more candidates, or the qualification or passage of a ballot issue or ballot question.

(r) Designated election official means the city clerk or other person contracting for or engaged in the performance of election duties as required by this Code.

(s) Donation means a payment, transfer, loan, pledge, gift, advance of money, or other thing of value made to an independent spender.

(1) "Donation" does not include:
   a. A payment received by a person in a commercial transaction in the regular course and scope of the person's business, trade, or investments.
   b. Membership dues or fees paid to an organization by its members to the extent the dues or fees do not exceed five thousand dollars ($5,000) per member in a calendar year.
   c. A payment or transfer of money or other thing of value made by a person if the person prohibited the recipient of the payment or transfer from directly or indirectly using the transferred money or thing of value for independent expenditures or electioneering communications, and the recipient agreed in writing to follow the prohibition and deposited the transferred money or thing of value in an account that is segregated from other funds directly or indirectly used for independent expenditures or electioneering communications.

(t) Donor means a person that makes a donation to an independent spender.

(u) Election cycle means one of the following:

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

(v) Electioneering communication means

   (1) A public communication that meets all of the following conditions:
      a. Refers to a clearly identified candidate, ballot issue, or ballot question.
      b. Is distributed within one hundred twenty (120) days of a municipal election in which the candidate, ballot issue, or ballot question is on the ballot.
      c. Can be received by members of the constituency eligible to vote for the candidate, ballot issue, or ballot question.

   (2) "Electioneering communication" does not include:
      a. A news story, editorial, or commentary distributed by a broadcasting
station, including a cable television operator, programmer, or producer, or satellite television or radio provider, newspaper, magazine, website, or other periodical publication, including an online or electronic publication, that is not owned or controlled by a candidate or committee.

b. A communication made by a person, other than a candidate or committee, that proposes a commercial transaction in the regular course and scope of the person's business or trade.

c. A communication that constitutes a candidate debate or forum, or communication that solely promotes a candidate debate or forum made by the sponsor of such debate or forum.

d. A membership communication.

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

(4) For purposes of this Article:

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

b. "Clearly identified ballot issue or ballot question" means the number, official title, or popular name of the issue or question is used in the communication, or there is a reference to the subject matter of the issue or question and the communication either states the issue or question is on the ballot or when taken as a whole and in context, makes an unambiguous reference to the issue or question.

(w) Expenditure means the purchase, payment, distribution, loan, advance, deposit or gift of money or other thing of value made by a person to support or oppose the nomination or election of one (1) or more candidates, or the qualification or passage of a ballot issue or ballot question. An expenditure occurs when the actual payment is made or when there is consideration received, whichever occurs first.

(1) "Expenditure" includes:

a. A purchase or payment made by a candidate or committee.

b. A payment, distribution, loan, or advance of any money or anything of value made by a person for the benefit of a candidate or committee that is made with the prior knowledge and consent of the candidate or committee.

c. A payment or transfer of money or other thing of value made by a committee to another committee.

d. An independent expenditure.

e. An electioneering communication made by a committee.

(2) "Expenditure" does not include:

a. A payment made by a person, other than a committee, in a
commercial transaction in the regular course and scope of the person's business or trade.

b. A news story, editorial, or commentary distributed by a broadcasting station, including a cable television operator, programmer, or producer, or satellite television or radio provider, newspaper, magazine, website, or other periodical publication, including an online or electronic publication, that is not owned or controlled by a candidate or committee.

c. A candidate debate or forum, or communication that solely promotes a candidate debate or forum and is made by the sponsor of such debate or forum.

d. A payment for nonpartisan voter registration or get-out-the-vote efforts made by a person other than a committee.

e. A membership communication.

(x) Final determination of sufficiency means a statement issued by the city clerk or designee following a protest hearing or the expiration of the time allowed for filing a protest, as to whether the petitioners have submitted a sufficient number of valid signatures on a petition.

(y) Foreign-influenced corporation means a corporation or other entity to which any of the following applies:

1. A foreign national or foreign owner holds, owns, controls, or otherwise has directly or indirectly acquired beneficial ownership of equity or voting shares equal to or greater than five percent (5%) of total equity or outstanding voting shares in the corporation or entity.

2. Two or more foreign nationals or foreign owners hold, own, control, or otherwise have directly or indirectly acquired beneficial ownership of equity or voting shares in total equal to or greater than twenty percent (20%) of the total equity or outstanding voting shares in the corporation or entity.

3. Any foreign national or foreign owner participates in any way, directly or indirectly, in the process of making decisions about the corporation's or entity's contributions, expenditures, or electioneering communications.

(z) Foreign national means a foreign national as defined by 52 U.S.C. § 30121(b), or a foreign-influenced corporation.

(aa) Foreign owner means a corporation or other entity in which a foreign national hold, owns, controls, or otherwise has directly or indirectly acquired beneficial ownership of equity or voting shares equal to or greater than fifty percent (50%) of total equity or outstanding voting shares.

(bb) General election means the statewide election held on the Tuesday following the first Monday of November of each even-numbered year.

(cc) Independent expenditure means an expenditure to support or oppose one (1) or more candidates that is not controlled by or coordinated with any candidate or candidate committee.

(dd) Independent spender means a person, other than a committee registered with the city clerk under section 54-103, that makes an independent expenditure or electioneering communication.
(ee) Initial determination of sufficiency means a statement issued by the city clerk or designee as to whether the petitioners have submitted a sufficient number of valid signatures on a petition.

(ft) Initiative means the right of registered electors to originate legally permissible municipal legislation by obtaining signatures on a petition resulting in the enactment of an ordinance by the city council or in a vote by the general electorate.

(gg) Labor organization means an organization of any kind, or an agency or employee representative committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(hh) Membership communication means a communication made by an organization, including a covered entity, that is limited in circulation to principal owners, members, stockholders, or executive or administrative employees of the organization, unless the organization is organized to support or oppose the nomination or election of one or more candidates or the qualification or passage of a ballot issue or ballot question.

   (1) "Membership communication" does not include a public communication or a communication that is distributed to persons who are not principal owners, members, stockholders, or executive or administrative personnel of the organization making the communication.

   (2) For purposes of this Article:

       a. "Member" means a person who, pursuant to a specific provision of an organization's articles or bylaws, has the right to vote directly or indirectly for the election of a director or officer of the organization, or on the disposition of all or substantially all of the assets of the organization, or on a merger or dissolution of the organization; or any person who is designated in the articles or bylaws of an organization as a member and, pursuant to a specific provision of an organization's articles or bylaws, has the right to vote on changes to the articles or bylaws, or who pays or has paid membership dues or fees in an amount predetermined by the organization so long as the organization is tax-exempt under section 501(c) of the Internal Revenue Code of 1986. A member of a local union or labor organization is considered to be a member of any national or international union or labor organization of which the local union or labor organization is a part and of any federation with which the local, national, or international union or labor organization is affiliated.

       b. "Stockholder" means a person who has a vested beneficial interest in stock, has the power to direct how that stock will be voted if it is voting stock, and has the right to receive dividends.

       c. "Executive or administrative personnel" means an individual employed by an organization who is paid on a salary rather than an hourly basis, and who has policy-making, managerial, professional, or supervisory responsibilities. "Executive or administrative personnel" includes an
individual who runs an organization's business, such as officers, executives, and plant, division, and section managers, and individuals following the recognized professions, such as attorneys and engineers.

(ii) Municipal election means a regular municipal election, special municipal election, or recall election.

(jj) Non-municipal political organization means any of the following:

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

(kk) Person means a natural person, partnership, committee, association, firm, corporation, company, labor organization, political party, or other entity or group of persons, however organized.

(II) Petition representative means the person or persons representing the proponents on all matters affecting a petition.

(mm) Petition section means the stapled or otherwise bound package of documents containing the warning, proposed summary or statement, signature pages, and affidavit of the circulator.

(nn) Political advertisement means any of the following:

a. An expenditure or independent expenditure that is public communication.

b. An electioneering communication.

1. "Political advertisement" does not include:
   a. Bumper stickers, pins, buttons, pens, or similar small items upon which a disclaimer statement required by section 54-104.5 cannot be conveniently printed.
   b. Skywriting, water tower, wearing apparel, or other means of advertising of a nature such that the inclusion of a disclaimer statement required by section 54-104.5 would be impracticable.

(oo) Principal owner means a person that owns or controls ten percent (10%) or more of an entity.

(pp) Principal place of operations means the primary location where the managers, officers, owners, or leadership personnel of an entity direct or control its activities and operations.

(qq) Public communication means a communication to the general public through broadcast, cable, satellite, internet or another digital method, newspaper, magazine, outdoor advertising facility, mass mailing, telephone bank, robocall, or any other form of general public advertising or marketing regardless of medium.
(rr) Public office means the office of mayor or city council of the city of Aurora.

(ss) Public officeholder means a person who holds public office.

(tt) Referendum means the right of registered electors, within 30 days after final publication of an ordinance, and by obtaining signatures on a petition, to require the city council to reconsider the Ordinance or to submit it to the electorate for a vote.

(nu) Referred measure means a ballot issue or ballot question placed on the ballot by the city council for a vote by the eligible electors of the city.

(vv) Registered elector means a resident of the city who is qualified to vote under the constitution and the statutes of the state and who is registered to vote.

(ww) Regular municipal election means an election held on the first Tuesday in November in odd-numbered years.

(xx) Special municipal election means an election held in conjunction with the statewide general election in November of even-numbered years, except as otherwise provided under section 3-7 of the Charter relating to city council vacancies, under section 4-2 of the Charter relating to recall petitions, as provided under section 6-2 of the Charter relating to initiative petitions, and as provided under sections 14-10 and 15-10 of the Charter relating to time frames for collective bargaining issues.

(yy) Standalone candidate means a candidate without a committee who does not accept contributions.

(zz) Support or oppose means any of the following:

(1) To expressly advocate for or against the nomination or election of one (1) or more candidates, or the qualification or passage of a ballot issue or ballot question.

(2) To aid or promote the success or defeat of a candidate, ballot issue, or ballot question.

(aaa) Unexpended campaign funds means the balance of funds on hand in the campaign account of a committee after a municipal election that is in excess of the amount necessary to pay remaining debts or financial obligations incurred by the committee with respect to the election.

(bbb) Volunteer means any person who freely gives time on behalf of a candidate or a candidate, issue, political, small donor, or independent expenditure committee for purposes of municipal election matters.

(ccc) Usual and normal charge means:

(1) For goods, the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution.

(2) For services, the hourly or piecework charge for the services at a commercially reasonable rate prevailing at the time the services were rendered.

Section 2. That Section 54-101 of the City Code of the City of Aurora, Colorado, is hereby repealed and replaced by Sections to read as follows:

Sec. 54-101. - Prohibited contributions.
(a) An issue committee or independent expenditure committee may not make a contribution to a candidate committee, recall defense committee, or political committee, other than an independent expenditure committee. A candidate, candidate committee, recall defense committee, or political committee, other than an independent expenditure committee, may not solicit or accept a contribution from an issue committee or independent expenditure committee.

(b) A candidate committee or recall defense committee may not make a contribution to a political committee, issue committee, or another candidate’s candidate committee or recall defense committee of another candidate. A political committee, issue committee, recall defense committee, or candidate committee may not solicit or accept a contribution from a candidate committee or recall defense committee or another candidate’s candidate committee.

(c) Neither an issue committee nor an independent expenditure committee may make a contribution to a candidate committee.

(d) No contribution is made through a candidate’s personal participation or physical presence at an organizational, planning, policy, or strategy meeting or fundraising or other event for any candidate or issue committee or, with the exception of coordinated expenditures described in section 54-2(n)(1), an independent expenditure committee or independent spender that makes an electioneering communication or independent expenditure.

(e) No committee may accept any contribution in cash, currency, or coin that exceeds one hundred dollars.

Section 3. That Section 54-103(a) of the City Code of the City of Aurora, Colorado, is hereby repealed and replaced to read as follows:

Sec. 54-103. - Requirements for registration and initial filings by candidates and committees; recordkeeping; campaign accounts.

(a) Except as provided in subsection (b) of this section, an individual must organize a candidate committee pursuant to subsection (c) upon becoming a candidate under this Article. A candidate may not organize, maintain, or control more than one candidate committee at any time. A candidate may not organize, maintain, control, or serve as an officer or treasurer of a political committee or issue committee.

(b) A standalone candidate must, within five (5) business days of becoming a candidate, submit an affidavit to the city clerk certifying that the candidate has reviewed and is familiar with the requirements of this Chapter [Chapter 54]. If a standalone candidate subsequently accepts a contribution at any point in the election cycle, the candidate must organize a candidate committee within five (5) business days pursuant to this section.
(c) A committee must, within five (5) business days of becoming a candidate committee, issue committee, or political committee under this Article, do all of the following:

(1) Appoint an individual as its treasurer. A candidate may serve as the treasurer of the candidate's own candidate committee if no other individual is appointed treasurer. In the event that the treasurer of a committee is vacated for any reason, the committee must promptly appoint a new treasurer, who must file the affidavit required under paragraph (7) of subsection (d) of this section with the city clerk within ten (10) business days of the vacancy by the prior treasurer.

(2) Open or designate a bank account with a financial institution in the state of Colorado to serve as its campaign account, which must include the full name of the committee in the title of the account.

(3) File a registration statement with the city clerk that includes the information required by subsection (d) of this section.

(d) The registration statement filed by a committee with the city clerk must include:

a. The full name and mailing address of the committee; the street address for the principal place of operations of the committee, if different from the mailing address; telephone number for the principal place of operations of the committee; an email address for the committee that is actively monitored; and the URL of the committee's official website, if any.

b. The full name, mailing address, telephone number, and email address of the treasurer of the committee.

c. The full name of any other committee or a non-municipal political organization that is organized, financed, maintained, or controlled by the same person or group of persons as the committee filing the registration statement, and in the case of a non-municipal political organization registered with the Colorado Secretary of State's campaign finance system, the organization's state-assigned Committee ID number.

d. A description of the purpose of the committee.

i. For a candidate committee, the description must include the full name and public office sought by the candidate on whose behalf the committee is organized.

ii. For a political committee, the description must include the full name and public office sought by each candidate the committee is supporting or opposing.

iii. For an issue committee, the description must include the official title and number of the ballot issue or ballot question the committee is organized to support or oppose if known, and whether the committee supports or opposes that issue or question.
iv. For a separate segregated fund sponsored by a covered entity pursuant to section 54-101(e)(2) of this Code, the description must include the full name and the address of the principal place of operations of the sponsoring entity.

e. The full name, mailing address, and telephone number of the financial institution with which the committee has opened or designated its campaign account, and the title of the campaign account.

f. An affidavit signed by the treasurer of the committee certifying that the treasurer has reviewed and is familiar with the provisions of this chapter, and, in the case of a candidate committee, the registration statement must also include an affidavit from the candidate on whose behalf the committee is organized certifying that the candidate has reviewed and is familiar with the requirements of this chapter.

(e) The city clerk must review all submitted registration statements within five (5) business days and reject any that do not meet all of the requirements of this section. Rejected registrations may be corrected and resubmitted within five (5) business days.

(f) Registration statements must be filed electronically with the city clerk. The city clerk must make all submitted registration statements available to the public online within three (3) business days of determining the statements that meet all requirements of this section.

(g) A public officeholder who is the subject of a recall must organize a recall defense committee in accordance with this section before soliciting or accepting a contribution or making an expenditure to oppose the recall. The public officeholder must file a registration statement for the recall defense committee with the city clerk that includes the information described in subsection (d) of this section, appoint a treasurer of the recall defense committee, and designate a bank account with a financial institution in the state of Colorado to serve as the defense committee’s campaign account, which must be separate from any other account of the officeholder or the officeholder’s campaign committee.

(h) If any of the information required in subsections (c) or (d) of this section subsequently changes, the committee must file an amendment to its registration statement within five (5) business days. A committee that has registered under this section in connection with a prior municipal election must file an amended registration statement with the city clerk for each subsequent election cycle until the committee submits a termination report.

(i) The treasurer of a committee must preserve copies of all filings and reports required by this article and complete records of all transactions of the committee’s campaign account for no less than five (5) years after a
termination report for the committee is submitted to the city clerk or until
the final disposition of any complaint or consequent litigation involving the
committee, whichever is later. The filings, reports, and records of the
committee are subject to inspection at any hearing held under this Article.

(j) All contributions received by a committee must be deposited in its
campaign account within ten (10) days of their receipt. All expenditures
made by a committee must be paid from its campaign account. A
committee may not deposit a contribution to or make an expenditure from
its campaign account without the express authorization of its treasurer or
the treasurer's designee. The campaign account must be segregated from
any other funds or bank accounts of the person that organized the
committee, and funds in the campaign account may not be commingled
with the personal funds of any person.

(k) The treasurer of a committee and the candidate, in the case of a candidate
committee, are jointly and severally responsible for all of the following:

(1) Filing all statements and reports required by this Article in full
and accurate detail.

(2) Except as otherwise provided in this Article, all other actions of the
committee.

Section 4. Section 4. That Section 54-104 of the City Code of the City of Aurora, Colorado,
is hereby repealed and replaced by Sections to read as follows:

Sec. 54-104. - Requirements for reporting contributions and expenditures by committees.

(a) The treasurer of each committee must prepare and file reports of contributions and
expenditures with the city clerk pursuant to this section. The treasurer must attest to the
accuracy and completeness of each report filed under this section.

(b) Each committee must file election-year reports with the city clerk in accordance with
the filing schedule specified by this subsection. The initial election-year report due
from a committee after filing its registration statement with the city clerk must cover
the period that begins on the first day of the election cycle and ends on the closing date
of the reporting period in which the committee filed its registration statement. In the
case of a committee originally organized in a prior election cycle, the initial election-year
report must cover the period that begins on the first day after the last date
included in the committee's last semi-annual report and ends on the closing date of the
reporting period specified under subparagraph (b)(1)(a) or (b)(2)(a) of this subsection,
as applicable. Each subsequent reporting period begins on the first day following the
last date included in the prior period and ends five (5) days before the filing deadline
for the next report.

(1) For a calendar year in which there is a regular municipal election, each
committee must file reports that are complete through the last date of each reporting
period and due by the dates below. If the due date falls on a weekend or legal
holiday, the report is due on the next business day.

a. February 5th, complete through January 31st.
b. May 5th, complete through April 30th.
c. August 5th, complete through July 31st.
d. September 5th, complete through August 31st.
e. October 5th, complete through September 30th.
f. The 14th day before the date of the election, complete through the 17th
day before the election.
g. The Friday preceding the date of the election, complete through the
Tuesday preceding the election.
h. December 5th, complete through November 30th.
i. January 5th of the year after the election, complete through December 31st of
the year of the election.

(2) For a calendar year in which there is a special municipal election, each committee
must file:

a. A report for each month after the special election is declared, due by the fifth
day of the following month and complete through the last day of the preceding
month.
b. A pre-election report, due on the Friday before the election and complete
through the Tuesday before the election.
c. A post-election report due on the 30th day after the date of the election,
complete through the 27th day after the election.
d. A year-end report on January 5th of the year after the election, complete
if the 27th day after the election falls on or after December 31st.

(3) For each non-election year within an election cycle, each committee that has not
filed a termination report must file semi-annual reports for non-election years due by
July 31st and January 31st. The July 31st report must cover January 1st
through June 30th of the non-election year, and the January 31st report must cover
July 1st through December 31st of the non-election year.

(c) In addition to other reports required under this section, a committee must file a major
contribution report disclosing any upon receiving a contribution of one thousand dollars
($1,000.00) or more that is received at any time within thirty-sixty (3060) days of the
date of a municipal election. If the major contribution is received more than fourteen (14)
days before the election, the major contribution report must be filed with the city clerk no
later than five (5) days after receipt of the contribution. If the date of the receipt of the
major contribution is within fourteen (14) days of the election, the such major
contribution report must be filed with the city clerk no later than 11:59 PM on the
calendar day following receipt of the contribution.

(d) A recall defense committee or issue committee that supports or opposes the recall of a
public officeholder must file reports of contributions and expenditures with the city
clerk within fifteen (15) days of filing its registration statement under section 54-103
and every thirty (30) days thereafter until the date of the recall election has been set,
and then thirty (30) days, fourteen (14) days and seven (7) days before the recall
election and thirty (30) days following the recall election.

(e) Each report required by this section must include the following information:

1. The amount of funds on hand at the beginning of the reporting period, including
funds carried over from the current election cycle or a prior election cycle. The
beginning of the reporting period is the date through which the committee's last report was complete.

(2) The total amount of all contributions received by the committee in the reporting period and in the election cycle to date.

(3) The full name and mailing address of each person who has made one or more contributions to the committee during the reporting period; the amount and date of each contribution made by the person in the reporting period; and the aggregate amount of contributions made by the person during the election cycle.
   a. If a contributor is a natural person, the report must include the person's occupation and employer.
   b. If a contributor is a covered entity or other organization, the report must also include the entity's principal office street address, as filed with the Secretary of State Business Division, or the street address of its principal place of operations, if different from its mailing address.
   c. If the covered entity has filed with the Business Division of the Colorado Department of State, then the entity's business name and principal place of operations must match the information filed with that Department.

(4) The total amount of all expenditures made by the committee in the reporting period and in the election cycle to date.

(5) The full name and mailing address of each person to whom an expenditure was made in the reporting period, along with the date, amount, and description of the expenditure, including the specific type of goods or services paid for.

(6) A description of any loan, letter of credit, line of credit, or commercial loan made to the committee during the reporting period, including the full name and address of the lender or person extending the letter of credit, line of credit, or commercial loan; the full name and address of any guarantor or endorsers of the loan, letter of credit, line of credit, or commercial loan; the amount guaranteed; the date and amount of the loan, letter of credit, line of credit, or commercial loan; the balance due on loan, letter of credit, line of credit, or commercial loan; and the terms of interest and the total amount of interest, if any.

(7) A description of any unpaid obligation of five hundred dollars ($500.00) or more that is thirty days or more overdue, which is not otherwise reported as a contribution, incurred by the committee during the reporting period, including the full name and address of the person to whom the obligation is due; the due date of the obligation; the purpose of the obligation; and the amount past due.

(f) All reports required by this section must be filed electronically with the city clerk. The city clerk must make each report filed under this section available online to the public within three (3) business days of determining the report meets all requirements of this section.

(g) The reporting requirements of this section continue to apply to a committee with outstanding debts or a balance of campaign funds on hand. If the city clerk determines that a committee has no outstanding debts or balance of campaign funds on hand, the committee may file a termination report with the city clerk, provided the committee is not otherwise required by this Article to remain open and active.

(h) A standalone candidate need not register a candidate committee but must file reports
in accordance with this section for all reporting periods in which the candidate makes expenditures.

Section 5. That Section 54-104.5 of the City Code of the City of Aurora, Colorado, is hereby repealed and replaced by Sections to read as follows:

Sec. 54-104.5. - Disclaimers for political advertisements.

(a) A political advertisement must include a disclaimer, as specified in this section. The disclaimer required for a political advertisement must include:

(1) The full legal name of the person or committee who paid for the advertisement.

(2) The name of the committee's treasurer and the word, "treasurer."

If the political advertisement is authorized by a candidate, a statement that the advertisement is authorized by the candidate.

(3) For independent spenders other than independent expenditure committees, the name of the person filing campaign finance reports for that entity and the words, "filing agent".

If the political advertisement is not authorized by a candidate, a statement that the advertisement is not authorized by any candidate or candidate committee.

(b) In addition to complying with subsection (a) of this section regarding disclaimers, a political advertisement, not addressed by subsection (c) of this section, that supports or opposes the election of a candidate or supports or opposes a municipal ballot issue or ballot question, referred measure, or measure for recall of any elected officer, must clearly and conspicuously state it is authorized by the committee that paid for the advertisement.

(1) If the political advertisement is a television, cable, radio, online or digital audio, telephone, or other audio communication, a person must verbalize at the beginning of such advertisement in a clearly audible and intelligible manner the following statement: "This political advertisement is authorized by (name of committee)."

(2) If the political advertisement is a text or graphic communication, including an online or digital text or graphic communication, such advertisement must conspicuously state in a manner that is clearly readable: "This political advertisement is authorized by (name of committee)."

(c) In addition to complying with the requirements of subsection (a) of this section regarding disclaimers, the disclaimer required for a political advertisement that is an independent expenditure or electioneering communication must clearly and conspicuously state that it is not authorized by any candidate or candidate committee. Include the full names of the five ($5) donors who have made the largest aggregate contributions or donations of one thousand dollars ($1,000.00) or more during the election cycle to the person who paid for the advertisement.

(1) If the political advertisement is a television, cable, radio, online or digital audio, telephone, or other audio communication, a person must verbalize at the beginning of such advertisement in a clearly audible and intelligible manner the following statement: "This political advertisement is not authorized by any candidate or candidate committee." If multiple donors have
made aggregate contributions or donations in identical amounts of one thousand dollars ($1,000.00) or more to the sponsor of a political advertisement during the election cycle, the advertisement must include the full name of the donor or donors who made the contributions or donations most recently.

(2) If the political advertisement is a text or graphic communication, including an online or digital text or graphic communication, such advertisement must conspicuously state in a manner that is clearly readable by the recipient of the communication: “This political advertisement is not authorized by any candidate or candidate committee.” If no donor has made aggregate contributions or donations of one thousand dollars ($1,000.00) or more to the sponsor of a political advertisement during the election cycle, the advertisement may exclude the statement required by this subsection.

(d) A political advertisement disclaimer required by this section must be presented clearly and conspicuously. A disclaimer is not presented clearly and conspicuously if it is difficult to read or hear, or if its placement is easily overlooked.

(1) If the political advertisement is a radio, online or digital audio, telephone, or other audio communication, the disclaimer must be spoken in a clearly audible and intelligible manner at the beginning or end of the communication.

(2) If the political advertisement is a television, cable television, online or digital video, or other video communication:
   a. The disclaimer must be written and spoken at the beginning or end of the communication.
   b. The written disclaimer must appear in the communication in a conspicuous size and style.
   c. The spoken disclaimer must be spoken in a clearly audible and intelligible manner.

(3) If the political advertisement is a text or graphic communication, including an online or digital text or graphic communication, the disclaimer must be:
   a. Of sufficient size to be clearly readable by the recipient of the communication.
   b. Contained in a text box set apart from the other contents of the communication.
   c. Displayed with a reasonable degree of color contrast between the background and the disclaimer statement.

(e) If the size, format, or display requirements of an online or digital political advertisement make it technologically impossible to include a disclaimer required by this section on the advertisement, the advertisement must clearly and conspicuously provide to the recipients a direct link to immediately obtain the complete disclaimer with minimal effort and without viewing any additional information other than the required disclaimer.

Section 6. That Section 54-110 of the City Code of the City of Aurora, Colorado, is hereby repealed and replaced by Sections to read as follows:

Sec. 54-110. - Municipal elections activity—Limitations on municipal officers and elected officials.
(a) Neither the city nor any city agency, city department, city board, city division, city bureau, or city commission, or City Council shall use any public moneys from any source to make any contribution in campaigns involving the nomination, retention, election, or recall of any person to any public office, nor shall any such entity use any public moneys from any source to make any contribution or donation to any other person for the purpose of making any independent expenditure or any electioneering communication, nor shall any such entity expend any public moneys from any source to urge electors to vote in favor of or against any:

1. Municipal ballot issue or ballot question that has been submitted and has had a title fixed;
2. Referred measure; or
3. Measure for the recall of any elected officer, upon the final determination of sufficiency.

(b) However, the city as well as any city agency, city department, city board, city division, city bureau, or city commission, or City Council may respond to questions about any such issue described in subsection (a) if the member, employee, or public entity has not solicited the question. A member or employee of any such agency, department, board, division, bureau, commission, or the city council who has policy-making responsibilities may expend not more than $50.00 of public moneys in the form of letters, telephone calls, or other activities incidental to expressing his or her opinion on any such issue described in subsection (a).

(c) Nothing in subsection (a) shall be construed as prohibiting the city or any city agency, city department, city board, city division, city bureau, or city commission, or City Council from expending public moneys or making contributions to dispense a factual summary, which shall include arguments both for and against the proposal, on any issue of official concern before the electorate in the city. Such summary shall not contain a conclusion or opinion in favor of or against any particular issue. As used herein, an issue of official concern shall be limited to issues that will appear on a municipal election ballot.

(d) Nothing in subsection (a) shall be construed to prevent an elected official from expressing a personal opinion on any issue.

(e) Nothing in subsection (a) shall be construed as prohibiting the city or any city agency, city department, city board, city division, city bureau, or city commission, or City Council from:

1. Passing a resolution or taking a position of advocacy on any issue described in subsection (a); or
2. Reporting the passage of or distributing such resolution through established, customary means, other than paid advertising, by which information about other proceedings of such city agency, department, board, division, bureau, commission, or council thereof is regularly provided to the public.

(f) Nothing in subsection (a) shall be construed as prohibiting a member of the city council, any elected or appointed city official, or any employee of the city or a city agency, city department, city board, city division, city bureau, or city commission;
or council from expending one’s personal funds, making contributions or donations from one’s personal funds, or using personal time to urge electors to vote in favor of or against any candidate or any issue described in subsection (a).

(g) Any violation of this section shall be subject to the sanctions authorized in section 54-108.

Section 7. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 8. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 9. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this 13rd day of September, 2021.

PASSED AND ORDERED PUBLISHED this 27th day of September, 2021.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

RACHEL ALLEN, Client Group Manager