Table of Contents

I. Letter of Introduction ........................................................................................................... 2

II. Committee Definitions ......................................................................................................... 3
   Candidate – Sec. 54-2(f)
   Standalone Candidate – Sec. 54-2(yy)
   Political Committee – Sec. 54-2 (i)(4)
   Independent Expenditure Committee – Sec. 54-2(i)(2) Sec. 54-105.5
   Small Donor Committee - Sec. 54-2(i)(5)
   Recall Defense Committee - Sec. 54-2(i)(6)
   Candidate Committee - Sec. 54-2(i)(1)
   Issue Committee - Sec. 54-2(i)(3)

III. Registration and Initial Filings – Sec. 54-103 .................................................................. 5
   Candidate Committee – 54-103(a)
   Issue Committee, or Political Committee
   (Independent Expenditure Committee or Small Donor Committee) – 54-103(c)
   Recall Defense Committee – Sec. 54-103(g)

IV. Contributions – Sec. 54-2(k) ............................................................................................... 7
   Prohibited, limited, and unlimited contributions
   Prohibited contributions
   Contribution violations - Sec. 54-108(h)

V. Expenditures – Sec. 54-2(w) ............................................................................................... 10

VI. Reporting Expenditures and Contributions 54-104 .............................................................. 11
   2021 Reporting Schedule
   Recall Defense Committee or Issue Committee – Sec. 54-104(d)
   Standalone Candidate – Sec. 54-104(h)
   Major Contribution Reports – Sec. 54-104(c)

VII. Reporting Independent Expenditures and Electioneering Communications – Sec. 54-105.5 ......................................................................................................................... 13

VIII. Terminating a candidacy or committee ............................................................................ 14

IX. Failing to file reports on time – Sec. 54-108 ...................................................................... 15
Dear Candidate,

Thank you for your interest in serving as an elected official for the City of Aurora. This campaign finance packet serves to explore questions and help guide you through the process of running your campaign. Ultimately, candidates and candidate advisors are responsible for compliance with the City Code. Reliance solely on this document is not advised. Potential candidates are strongly encouraged to consult private legal counsel if they have questions on complying with the City of Aurora’s Election Code. Please be aware that the City Clerk and the City Attorney’s offices do not represent the interest of candidates individually, but of the City generally and so are unable to offer legal advice to individual candidates or campaigns.

Many questions that are not specifically covered in this packet can be found using online resources. Please visit the City Clerk’s Election page at www.auroragov.org or Ordinance No. 2020-58.

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

Sincerely,

Kadee Rodriguez
Kadee Rodriguez, City Clerk
Committee Definitions

Committee and candidate representatives, committee and candidate treasurers, and the candidates themselves, are hereby cautioned that City regulations regarding campaign finance reporting vary depending upon the exact nature of any committee structured to help the candidate pursue nomination and election to office. Given that, determining the exact nature of any committee for reporting requirements and reporting deadlines is essential. Please review the following definitions.

**Candidate – Sec. 54-2(f)**
Anyone who seeks nomination or election to any public office of the City of Aurora. You become a candidate if you publicly announce an intention to run for office, if you or someone else circulates a nomination petition on your behalf, or if you make an expenditure or receive a contribution, either monetary or in-kind, to support your election. “Publicly announce” can include declaring an intention to seek public office through a speech, statement, or other public communication, or organizing a candidate committee. For some purposes, “candidate” also includes the agent of a candidate.

**Standalone Candidate – Sec. 54-2(yy)**
A candidate that does not accept contributions and does not have a committee.

**Political Committee – Sec. 54-2(i)(4)**
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, totaling more than four hundred dollars ($400.00) during an election cycle.

**Independent Expenditure Committee – Sec. 54-2(i)(2) Sec. 54-105.5**
A political committee that only makes independent expenditures. “Independent expenditure” means an expenditure to support or oppose candidates that isn't controlled by or coordinated with any candidate or candidate committee. The definition of “coordinated expenditure” in Sec. 54-2(n) is lengthy and detailed, and it should be consulted if there is any doubt. Generally, though, it is “an expenditure... made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or committee.” Payment for a communication that reuses material prepared by a candidate or committee is also a coordinated expenditure.

**Small Donor Committee - Sec. 54-2(i)(5)**
A political committee that accepts contributions only from natural persons who each contribute no more than fifty dollars ($50) in the aggregate per calendar year.

**Recall Defense Committee - Sec. 54-2(i)(6)**
A committee organized to oppose the recall of a public office holder. A recall defense committee is separate from a candidate committee, but subject to the same limits and restrictions on contributions as a candidate committee of the public officeholder whose recall the committee opposes.
Candidate Committee - Sec. 54-2(i)(1)
A committee organized by or on behalf of a candidate. A candidate cannot organize, maintain, or control more than one candidate committee at any time

Issue Committee - Sec. 54-2(i)(3)
A person or group of persons that receives contributions or makes expenditures, or anticipates receiving contributions or making expenditures, in an aggregate amount of one thousand dollars 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.
Registration and Initial Filings – Sec. 54-103

Any organized committee as described under the definitions in Section 54-2 must in furtherance of campaign and election transparency register their committee. The residents of Aurora have voiced that they demand and expect electoral transparency.

Standalone Candidate – 54-103 (b)

If you have not and will not accept any contributions, you can register your candidacy as a standalone candidate by filing a Standalone Candidate Affidavit with the City Clerk’s office within five (5) days of becoming a candidate. You do not need to register a candidate committee.

Candidate Committee – 54-103(a)

An individual must organize a candidate committee upon becoming a candidate. (Please refer to the complex definition of when one becomes a candidate set forth above in Committee Definitions.) Within 5 business days of becoming a committee you must:

1. Appoint an individual to serve as the committee’s treasurer. A candidate may serve as the treasurer of the candidate’s own candidate committee. The treasurer must file a Treasurer Affidavit with the City Clerk’s office.
2. Open or designate a bank account with a financial institution to serve as its campaign account, which must include the full name of the committee in the title of the account
   a. 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.
3. File a Committee Registration Statement with the City Clerk.
4. File a Candidate Affidavit with the City Clerk.

Issue Committee, or Political Committee (Independent Expenditure Committee or Small Donor Committee) – 54-103(c)

Within 5 business days of becoming a committee you must:

1. Appoint an individual to serve as the committee’s treasurer. A candidate may not organize, maintain, control, or serve as an officer or treasurer of a political committee or issue committee. The treasurer must file a Treasurer Affidavit with the City Clerk’s office.
2. Open or designate a bank account with a financial institution to serve as its campaign account, which must include the full name of the committee in the title of the account
   a. 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.
3. File a Committee Registration Statement with the City Clerk.
Recall Defense Committee – Sec. 54-103(g)
Before accepting contributions or making expenditures to oppose a recall, the public officeholder must:

1. Appoint an individual to serve as the committee’s treasurer. The treasurer must file a Treasurer Affidavit with the City Clerk’s office.
2. Open and designate a bank account with a financial institution to serve as its defense committee’s campaign account
3. File a Committee Registration Statement with the City Clerk.

An amendment to the Committee Registration Statement must be filed with the City Clerk within 5 business days if:

1. Any of the information required under Section 54-103(c) or (d) of the City Code subsequently changes;
2. A committee was registered in connection with a prior municipal election and has not submitted a termination report with the City Clerk.
3. The treasurer of a committee is vacated for any reason. The new Treasurer Affidavit must be filed with the City Clerk within ten (10) business days of the vacancy. Please see Section 54-103 for additional information regarding treasurer vacancies.
Contributions – Sec. 54-2(k)

“Contribution” means anything given to support the nomination or election of a candidate. All monetary contributions received by a committee must be deposited in its campaign account within ten (10) days of their receipt. A committee may only deposit a contribution to its campaign account with the express authorization of its treasurer or treasurer’s designee.

“Contribution” includes:
- A gift, transfer, loan, or deposit of money or anything else of value;
- A written contract or agreement to make a contribution;
- The payment by another person for goods or services provided to a candidate or committee without charge or at a charge that's less than usual;
- A loan, other than a commercial loan made in the ordinary course of the lender's business, to a candidate or committee, up until the time when the loan is fully paid. An unsecured loan is a contribution from the lender. A secured or guaranteed loan is a contribution from the guarantor or person whose property secures the loan.
- An unpaid financial obligation which is forgiven;
- A contribution in kind (see definition below);
- A payment or transfer of money or anything else of value received from another committee;
- A coordinated expenditure.

"Contribution" may not include:
- Services provided without compensation by volunteers;
- Costs associated with a separate segregated fund established by a covered entity;
- Compensation for legal and accounting services if the person paying for the services is the regular employer or client of the individual providing the services and the services are solely to ensure compliance with the ordinances.

“Contribution in kind” – Sec. 54-2(l)

A contribution of goods, services, or anything of value provided without charge or at a charge that's less than usual. Examples of such goods or services include, but are not limited to, securities, facilities, equipment, supplies, personnel, advertising services, membership lists, and mailing lists.
**Prohibited, limited, and unlimited contributions**

<table>
<thead>
<tr>
<th>CONTRIBUTOR ↓</th>
<th>→ COMMITTEE RECEIVING CONTRIBUTIONS →</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PC</td>
</tr>
<tr>
<td>Natural Person</td>
<td>$50</td>
</tr>
<tr>
<td>Political Committee (PC)</td>
<td>P</td>
</tr>
<tr>
<td>Small Donor Committee (SDC)</td>
<td>P</td>
</tr>
<tr>
<td>Candidate Committee</td>
<td>P</td>
</tr>
<tr>
<td>Recall Committee</td>
<td>P</td>
</tr>
<tr>
<td>Issue Committee</td>
<td>P</td>
</tr>
<tr>
<td>Independent Expenditure Committee (IEC)</td>
<td>P</td>
</tr>
<tr>
<td>Covered Entity (Unions, Corporations, LLCs, etc.)</td>
<td>P</td>
</tr>
<tr>
<td>Foreign Nationals</td>
<td>P</td>
</tr>
<tr>
<td>Non-Municipal Political Organizations (NMPO)</td>
<td>P</td>
</tr>
</tbody>
</table>

*This table is a general summary. For full information, consult the applicable ordinance.*

- All amounts are in aggregate, per election cycle
- Blank cells do not have contribution limits
- “Foreign Nationals” means foreign national as defined by 52 U.S.C § 30121(b), or a foreign-influenced corporation.

**Prohibited contributions**
- A committee can't solicit or accept a contribution from an anonymous source.
- A committee can't knowingly accept a contribution from a person acting as a conduit pursuant to Sec. 54-101(d).
- A committee can't solicit or accept a contribution of cash or other currency in excess of $100.

**Contribution violations - Sec. 54-108(h)**
- Any person who knowingly violates the prohibitions and limits on contributions in Sections 54-101 and 54-105 of the City Code, or who gives
or accepts any contribution or donation in such a way as to hinder or prevent identification of the true contributor or donor, in addition to any other penalties provided by law, will be subject to a penalty of $10,000 or 3 times the amount of the contribution, donation, or expenditure that was illegally accepted or made, whichever is greater.

- Any improperly attributed or non-attributed donations that campaigns have to disgorge due to lack of proper documentation shall be deposited in a fund established by the City Clerk for administering campaigns and for producing educational materials explaining Aurora’s campaign finance provisions. Sec. 54-108(j)
- Any unpaid debt owed to the City resulting from a penalty imposed will be collected by the City in accordance with the requirements of Section 50-138 of the City Code
Expenditures – Sec. 54-2(w)

Money spent by an individual or committee for the election of a candidate is considered an expenditure. An expenditure occurs when it is made, when funds are obligated, or when a contract is established, whichever occurs first. All expenditures made by a committee must be paid from its campaign account. A committee may not make an expenditure from its campaign account without the express authorization of its treasurer or the treasurer’s designee.

- Committees have to itemize all expenditures, with the name and address of the payee included as well as the date and purpose of the expenditure.
- Committees should report reimbursements by the campaign to candidates, staff, and volunteers as expenditures.

“Expenditure” includes:

- Reimbursing the candidate for reasonable and necessary expenses for the care of the candidate’s children or other dependents the candidate incurs directly in connection with the candidate’s campaign activities.
- Salary payments can be made to a candidate by the candidate committee if they are not above the lesser of:
  1. The prorated minimum salary paid to the officeholder of the office that the candidate seeks
  2. The prorated earned income that the candidate received during the year before becoming a candidate. Any earned income that a candidate receives from salaries or wages from any other source will count against the limit described in this paragraph.

"Expenditure" may not include:

Campaign funds of a committee can’t be used for personal use. Personal use includes, but is not limited to:

- household food items or supplies;
- funeral, cremation, or burial expenses, except those incurred for a candidate or an employee or volunteer of a committee whose death arises in the course of campaign activity;
- clothing, other than items of little value that are used in the campaign, such as campaign "t-shirts" or caps with campaign slogans;
- tuition payments, other than those associated with training campaign staff;
- mortgage, rent or utility payments for, or repairs or improvements upon, any part of any personal residence of the candidate or a member of the candidate's family, or for real or personal property that is owned by any of them;
- admission to a sporting event, concert, theater, or other form of entertainment, unless it's part of a specific campaign or officeholder activity.
- dues, fees, or gratuities at a country club, health club, recreational facility or other nonpolitical organization, unless they're part of the costs of a specific fundraising event that takes place on the organization's premises;
- salary payments to a member of the candidate's family, unless the family member is providing bona fide services to the campaign;
- salary payments to a candidate beyond the limits described above;
- a vacation.
Reporting Expenditures and Contributions 54-104

From the moment a candidate declares their candidacy, or a committee is formed, the reporting requirements come into effect. If a candidacy or committee first comes into being after a reporting deadline has passed, they are responsible to make their report on the next reporting deadline.

The reporting requirements continue to apply to a committee with outstanding debts or a balance of campaign funds on hand. For a calendar year in which there is a regular municipal election, all standalone candidates and candidate committees 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.

2021 Reporting Schedule

<table>
<thead>
<tr>
<th>Report due:</th>
<th>Period Starts:</th>
<th>Period Ends:</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 5, 2021</td>
<td>January 1, 2021</td>
<td>January 31, 2021</td>
</tr>
<tr>
<td>May 5, 2021</td>
<td>February 1, 2021</td>
<td>April 30, 2021</td>
</tr>
<tr>
<td>August 5, 2021</td>
<td>May 1, 2021</td>
<td>July 31, 2021</td>
</tr>
<tr>
<td>September 5, 2021</td>
<td>August 1, 2021</td>
<td>August 31, 2021</td>
</tr>
<tr>
<td>October 5, 2021</td>
<td>September 1, 2021</td>
<td>September 30, 2021</td>
</tr>
<tr>
<td>October 19, 2021</td>
<td>October 1, 2021</td>
<td>October 16, 2021</td>
</tr>
<tr>
<td>October 29, 2021</td>
<td>October 17, 2021</td>
<td>October 26, 2021</td>
</tr>
<tr>
<td>December 5, 2021</td>
<td>October 27, 2021</td>
<td>November 30, 2021</td>
</tr>
<tr>
<td>January 5, 2021</td>
<td>December 1, 2021</td>
<td>December 31, 2021</td>
</tr>
</tbody>
</table>

The treasurer of each committee must prepare and file reports of contributions and expenditures, certifying their accuracy and completeness. The treasurer of a committee must preserve copies of all filings/reports 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.
Recall Defense Committee or Issue Committee – Sec. 54-104(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:
- Within 15 days of filing its registration statement
- Every 30 days thereafter until the date of the recall election has been set
- 30, 14, and 7 days before the recall election
- 30 days following the recall election

Standalone Candidate – Sec. 54-104(h)
Must file reports for all reporting periods in which you make expenditures.

Major Contribution Reports – Sec. 54-104(c)
In addition to other reports required under this section, a committee must file a major contribution report upon receiving a contribution of one thousand dollars (1,000.00) or more at any time within sixty (60) 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 major contribution report must be filed with the city clerk no later than 11:59 PM on the day following receipt of the contribution.
Reporting Independent Expenditures and Electioneering Communications – Sec. 54-105.5

An independent spender is a person, other than a committee registered with the City Clerk under Section 54-103, that makes an independent expenditure or electioneering communication. Please review the following definitions relating to reports filed by an independent spender and reporting requirements required of an independent spender.

**Independent expenditure – Sec. 54-2(cc)**
An expenditure to support or oppose one or more candidates that is not controlled by or coordinated with any candidate or candidate committee.

**Electioneering Communications – Sec. 54-2(v)**
A public communication that refers to:
- A clearly identified candidate, ballot issue or ballot question
- Is distributed within one hundred and twenty (120) days of a municipal election in which the candidate, ballot issue, or ballot question is on the ballot
- Can be received by members of the constituency eligible to vote for the candidate, ballot issue, or ballot question

**Independent Spender Reporting Schedule**

1. **Initial Report:**
Within 48 hours of making one or more independent expenditures or electioneering communications in an aggregate amount of $1,000 or more during an election cycle.

Must cover the period that begins on the first day of the election cycle and ends on the date that the independent spender makes independent expenditures or electioneering communications in an aggregate amount of $1,000 or more in the election cycle.

2. **Subsequent report:**
Within 48 hours of making any additional independent expenditure or electioneering communication during the same election cycle in which the initial report was filed.

Must cover the period that begins on the day after the last date included in the independent spender’s previous report and ends on the date that the additional independent expenditure or electioneering communication is made.
Terminating a candidacy or committee

It may seem natural for office holders who have left office or candidates who have not obtained office to presume that they have no further reporting requirements if they have no further funds and all of their bills are paid. Still, both persons have one final requirement which is to complete their paperwork with the City Clerk’s office so that the City Clerk may close all accounting and auditing of these now confirmed closed committees.

Before filing a termination report, a committee must pay all remaining debts and financial obligations and dispose of any unexpended campaign funds. You are still considered a candidate if you are an incumbent public officeholder, an unsuccessful candidate for public office, or a former public officeholder, and you have not yet filed a termination report. The reporting requirements continue to apply to a committee with outstanding debts or a balance of campaign funds on hand. Standalone candidates not elected to office are not considered candidates once the election is over.
Failing to file reports on time – Sec. 54-108

Penalties

- The City Clerk must impose a penalty of $50 per day for each of the first three (3) days that a statement, report, or other information required by Article IV is not filed by the day due. – Sec. 54-108(b)
- After 3 days – the penalty for filing is $100 per day until the statement, report, or other information is filed with the City Clerk.
- A person who fails to file three (3) or more successive statements or reports required by Sections 54-103, 54-104, or 54-105.5 of the City Code is subject to a penalty of up to $500 for each day that a statement or report is not filed by the due date.
- A person who knowingly fails to file three or more reports due under Section 54-105.5 of the City Code is subject to a penalty of up to $1,000 for each day that the report is past due.
- If a penalty is not paid within 30 days, the matter is referred to a hearing officer pursuant to Section 54-107(a).
- Any unpaid debt owed to the city resulting from a penalty imposed will be collected by the city in accordance with the requirements of Section 50-138 of the City Code.
- Any penalties assessed shall be deposited in a fund established by the City Clerk for administering campaigns and for producing educational materials explaining Aurora’s campaign finance provisions, pursuant to Section 54-108(j).

Waiver of penalty

- A person who has been assessed a late filing penalty may file a Waiver of Penalty Form with the City Clerk to request a waiver or reduction of the penalty within 10 business days of the penalty’s final accrual pursuant to Section 54-108(e).

Disputing a penalty

- Petition the City Clerk for a hearing concerning the decision no later than 30 days after having been notified of any such decision. The hearing will be resolved by administrative hearings procedures according to Section 50-26 of the City Code.