

ORDINANCE NO. 112, 2020  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING SECTION 7-135 OF THE CODE OF THE CITY OF FORT COLLINS TO  
MODIFY AND UPDATE REQUIREMENTS AND PROCEDURES FOR CAMPAIGNS IN  
CITY ELECTIONS

WHEREAS, Chapter 7 of the City Code sets out procedures and requirements for redistricting of Council districts, for the conduct of City elections, for disclosure of campaign finance information, and other related matters; and

WHEREAS, in 2015 the City Council formed an ad hoc committee to review, discuss and recommend the most beneficial changes to the Code and City Charter regarding elections and other related matters; and

WHEREAS, in January 2017, Council made the ad hoc Committee a standing committee of Council for the purpose of identifying and evaluating ideas for improvements to City election laws and practices and anticipating adjustments that may be needed to adapt to a changing legal and technological environment, for Council consideration; and

WHEREAS, as a result of the Committee's work (as both an ad hoc committee and a standing committee), Ordinance No. 021, 2016, Ordinance No. 005, 2017, Ordinance No. 045, 2018, Ordinance No. 077, 2018, and Ordinance No. 113, 2018, were considered and adopted by the Council to update various provisions of Chapter 7; and

WHEREAS, the Committee continued to meet in 2018, 2019 and 2020, and has recommended additional clarifications and amendments to Chapter 7; and

WHEREAS, the Council discussed several proposed changes to Chapter 7 at its August 25, 2020, work session and expressed general support for the election and campaign finance amendments recommended by the Committee, which are included in Ordinance No. 109, 2020, and under consideration for adoption on this date; and

WHEREAS, also prepared based on the Council's work session discussion, this Ordinance amends the Code to impose certain requirements on limited liability companies concerning contributions, contribution limits, and disclosures, as well as limits on contributions to political committees; and

WHEREAS, these amendments generally improve and clarify the City's campaign finance disclosure; and

WHEREAS, these amendments further the City's and the public's interest in shedding light for the public on the expenditure of money to influence the outcome of City elections, while respecting the speaker's interest in freedom of political speech; and

WHEREAS, the Council desires to enact the related amendments to Section 7-135, as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 7-135(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7-135. Campaign contributions/expenditures.**

(a) *Limits.*

- (1) No person may make contributions and/or contributions in kind totaling more than one hundred dollars (\$100.) to the candidate committee of any candidate for the office of Mayor. No person may make contributions and/or contributions in kind totaling more than seventy-five dollars (\$75.) to the candidate committee of any candidate for the office of Councilmember. These limitations shall apply to all contributions or contributions in kind, whether made directly to a candidate committee or indirectly via earmarked gifts passed through an intermediary, except that these limitations shall not apply to:
  - a. Contributions or contributions in kind made by a candidate to his or her own candidate committee;
  - b. Independent expenditures;
  - c. Monetary loans that are: (a) personally guaranteed in writing by the candidate, the candidate's immediate family or a business entity in which the candidate owns at least five (5) percent; or (b) secured by real or personal property owned by the candidate, the candidate's immediate family or a business entity in which the candidate owns at least five (5) percent; or
  - d. Contributions made to a candidate committee by another candidate committee established by the same candidate for the office of Mayor or Councilmember.
- (2) No person may make contributions and/or contributions in kind totaling more than one hundred dollars (\$100.) to a political committee.
- (3) No person shall make a contribution or contribution in kind in the name of another person or knowingly permit one's name to be used by another person to effect such a contribution or contribution in kind.

Section 3. That Section 7-135 of the Code of the City of Fort Collins is hereby amended to add a new subsection (b), to read as follows:

(b) *Limited Liability Company Contributions.* A limited liability company (“LLC”) may make contributions or contributions in kind to candidate committees or political committees subject to the following requirements and all other applicable limits of this Section:

- (1) Any contribution from an LLC shall count against contribution limits for both the LLC itself and the individual members of the LLC as apportioned according. The amount a person contributes as an individual member of the LLC shall count towards the aggregate contribution limit for that person in Subsection (a) herein.
- (2) The LLC shall provide the candidate committee or political committee with a written statement affirming the permissibility of the contribution on a form provided by the City Clerk. The affirmation shall include:
  - a. The name and address of the LLC and each LLC member;
  - b. Information on how the contribution is attributed among the LLC members, which attribution must reflect the capital each member has invested in the LLC relative to the total amount of capital invested in the company, or the percentage of ownership each member has in the LLC as of the date of the contribution.
- (3) No candidate committee or political committee shall accept a contribution from an LLC unless the LLC provides the written affirmation in compliance with this Section before the contribution is deposited by the committee.
- (4) The candidate committee or political committee receiving the contribution shall:
  - a. List both the individual LLC members’ names and the name of the LLC as contributors on disclosure reports; and
  - b. Retain the affirmation statements for one (1) year after the date of the election; provided however, in the event a complaint is filed against the committee, the committee must maintain the affirmations until the final disposition of the complaint.
- (5) As used in this Subsection (b), “limited liability company” shall have the same meaning as “domestic limited liability company” as defined in Section 7-90-102(15), C.R.S., or “foreign limited liability company” as defined in Section 7-90-102(24), C.R.S., as amended.

Section 4. That the remaining subsections of Section 7-135 shall be renumbered as necessary in light of the addition of a new subsection 7-135(b).

Introduced, considered favorably on first reading, and ordered published this 1st day of September, A.D. 2020, and to be presented for final passage on the 15th day of September, A.D. 2020.

  
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Mayor

ATTEST:

  
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City Clerk



Passed and adopted on final reading on the 15th day of September, A.D. 2020.

  
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Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

