

## INFORMATION ON CAMPAIGN FINANCE LAW VIOLATIONS

### **1. What can I do if I believe someone has violated campaign finance laws in a municipal election?**

Any person who believes a violation of campaign finance laws has occurred may file a complaint with the Colorado Secretary of State's office.

(Colo. Const. Art. XXVIII, § 9(2)(a); see also Colorado Campaign Finance Manual ("CFM"), Pt 4, pp. 35-36)

### **2. What types of violations can a complaint cover?**

State law provides a citizen complaint process for violations of Sections 3, 4, 5, 6, 7, and 9(1)(e) of Article XXVIII of the Colorado Constitution and for violations of Sections 1-45-108, 1-45-114, 1-45-115, and 1-45-117, C.R.S. These laws cover campaign contributions, expenditures, obligations entered into, and disclosure requirements.

(Colo. Const. Art. XXVIII, § 9(2)(a); CFM, Pt 4, pp. 35-36)

### **3. Is there a complaint deadline?**

Yes. Complaints must be filed within 180 days after the alleged violation occurred.

(Colo. Const. Art. XXVIII, § 9(2)(a); CFM, Pt 4, pp. 35-36)

### **4. How do I file a complaint?**

Complainants file a complaint with the Secretary of State's office. Filing instructions can be found online at [www.sos.state.co.us/pubs/elections/CampaignFinance/home.html](http://www.sos.state.co.us/pubs/elections/CampaignFinance/home.html) under the "Complaints" heading.

The Secretary of State's office has also published details for filing complaints in 8 CCR 1505-6, Rule 18.2 ([www.sos.state.co.us/pubs/rule\\_making/CurrentRules/8CCR1505-6CPF.pdf](http://www.sos.state.co.us/pubs/rule_making/CurrentRules/8CCR1505-6CPF.pdf)).

### **5. What happens after I file a complaint?**

The Secretary of State's office refers the complaint to an administrative law judge ("ALJ") with the Office of Administrative Courts within 3 days of the date on which the complaint was filed. The ALJ holds a hearing on the complaint within 15 days of the date the complaint was referred. The complainant gathers and presents evidence of the violation at the hearing. The defendant (person who allegedly violated campaign finance laws) may also present evidence. Then the ALJ renders a decision on the complaint within 15 days of the hearing date.

(Colo. Const. Art. XXVIII, § 9(2)(a); 8 CCR 1505-6, Rule 18.2.2; CFM, Pt 4, pp. 35-36)

**6. What happens if the ALJ finds that a violation has occurred?**

If the ALJ finds that a violation occurred, he or she will impose civil penalties of at least double and up to five times the amount that was illegally accepted or spent.

(Colo. Const. Art. XXVIII, § 10(1); CFM, Pt 4, pp. 35-36)

**7. Are there any consequences specifically for failing to file disclosures or not filing complete disclosures by the applicable deadline(s)?**

Yes. For municipal elections, the City Clerk is required to impose a fee of \$50 per day for each day that a statement or other information required to be filed under state law is not filed by close of business on the date due.

(Colo. Const. Art. XXVIII, § 10(2)(a); CFM, Pt. 4, pp. 35-36)

**8. Can the late filing penalties be waived?**

Yes. The person upon whom a late filing penalty is imposed may send a waiver request to the City Clerk within 30 days of the date the notice of penalty was sent. The City Clerk may waive or reduce the penalty according to the standards set forth in 8 CCR 1505-6, Rule 18 and shall make such a determination within 60 days of the request for a penalty fee waiver or reduction.

(Colo. Const. Art. XXVIII, § 10(2)(b)(I); 8 CCR 1505-6, Rule 18.1; CFM, Pt 4, pp. 35-36)