



Municipal Campaign Finance Complaints Referral to Secretary of State Guidance

A campaign and political finance (CPF) complaint arising out of a municipal campaign finance matter must be exclusively filed with the clerk of the applicable municipality.¹ However, recent legislation² now allows municipalities to refer complaints concerning municipal campaign finance matters to the Secretary of State under two circumstances – (1) a conflict exists or (2) a statutory municipality does not have an enforcement structure. **Please be advised that certain criteria must be met in order for there to be a proper referral.**

GROUNDS FOR REFERRAL

Conflict of Interest (1-45-111.7(10)(c)(I), C.R.S.)

- **Who:** Applies to both statutory and home rule municipalities.
- **What:** “Conflict”: the actual or reasonably perceived inability to process a complaint or impose a remedy in a fair and impartial manner, including an actual or reasonably perceived bias or other factors that may impact the independence of the decision-maker regarding the complaint or candidate. Clerk must detail the conflict or potential conflict in writing.
- **Local ordinance required:** Municipality must have an ordinance that authorizes referral to the SOS based on an actual or potential conflict of the clerk or clerk’s staff. This ordinance must have been passed **and** a copy provided to the Department 180 days **before** the election at issue.

¹ Section 1-45-111.7(9), C.R.S

² House Bill 24-1283, section 1-45-111.7(10)

Statutory municipality without a CPF enforcement process (section 1-45-111.7(10)(c)(II), C.R.S.)

- **Who:** This provision **does not** apply to home rule municipalities.
- **Local ordinance required:** Municipality must have an ordinance that authorizes referral to the SOS. This ordinance must have been passed **and** a copy provided to the Department 180 days **before** the election at issue.

SUBMISSION REQUIREMENTS

Important Timelines

- 10 business days – Clerk must conduct an initial review within 10 business days and determine:
 - The complaint was timely filed;
 - The complaint was in writing, signed, and identified one or more respondents.
 - If these requirements are not met, the clerk shall dismiss the complaint.
- 14 business days – the complaint must be referred to the state within 14 business days of receipt of the complaint.
- 180 days – municipality must have an ordinance(s) allowing for referral and have provided a copy of the ordinance 180 days or more prior to the municipal election at issue.

Required Form

- Complaints referred to the Secretary of State’s Office must be submitted with the Municipal Complaint Referral form, available on our website and via email.

Information Required to be Shared:

- Copy of the complaint ordinance adopted that authorizes referral of municipal complaints;
- Confirmation of completed initial review;
- Copy of relevant local statute that was alleged to be violated; and
- Copies of all relevant documents related to the allegations in the complaint.

If you have any additional questions regarding the campaign finance complaint process, please contact the Campaign Finance Enforcement Team by email or phone at CPFComplaints@sos.state.co.us or 303-894-2200 x6338.