

# CCI

Colorado Counties, Inc.

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Colorado Independent Ethics Commission  
101 W. Colfax Avenue, Suite 500  
Denver, CO 80202

RE: Campaigns Involving National Organizations

#### Commission Members:

This request is presented on behalf of Colorado Counties, Inc. (CCI), Colorado county commissioners' professional association, and on behalf of one of our county commissioner members. The request pertains to the candidacy of a Colorado county commissioner for 2<sup>nd</sup> vice-president of the National Association of Counties (NACo), a nationwide association of elected and appointed county officials. NACo is a nonprofit corporation, organized under section 501(c)(4) of the Internal Revenue Code. More information about NACo's activities and structure is available at [www.naco.org](http://www.naco.org). CCI is also a nonprofit corporation, organized under section 501(c)(4) of the Internal Revenue Code, and an active participant in NACo. More information about CCI is available at [www.ccionline.org](http://www.ccionline.org).

Election to the office of NACo 2<sup>nd</sup> vice-president ultimately leads to service as president of NACo and can be a highly competitive process. For this reason, NACo has established guidelines for candidates that limit non-travel campaign expenditures to no more than \$25,000, along with other limitations on the duration of campaigns and the extent of travel to other states to campaign. Nevertheless, expenditures up to \$25,000 may still be incurred within the parameters of the NACo guidelines. This is more than many candidates or state associations like CCI can afford to fund on their own.

We are aware that article XXIX of the Colorado Constitution prohibits gifts to local government officials in excess of \$50 and prohibits all gifts by lobbyists to local government officials but makes an exception from both restrictions for "campaign contributions."

"Campaign contribution" does not appear to be a defined term in Colorado law; however, "contribution", as defined in the law applicable to campaign finance, refers to contributions to any "candidate committee, issue committee, political committee, small donor committee, or political party." "Candidate" is described as a person "who seeks nomination or election to any state or local public office that is to be voted on in this state".



Application of the Article XXIX gift ban to Colorado elected officials' campaigns to serve in national organizations will have a significant impact on the ability Colorado officials to serve in leadership roles in national organizations like NACo and may also impact the ability of organizations like CCI to support the efforts of our members to seek such positions and, therefore, we are seeking some clarification of what is permissible in this regard. More specifically:

1. Are contributions to a county commissioner's campaign to be an officer in a national association of county commissioners "campaign contributions" and therefore exempt from the gift ban restrictions contained in article XXIX, section 3 of the Colorado Constitution?
2. Can an association of county commissioners (of which the candidate commissioner is a member) solicit and accept contributions in support of the member commissioner's candidacy for a national association office consistent with article XXIX?
3. Can an association of county commissioners (of which the candidate commissioner is a member) expend funds in support of the member commissioner's candidacy for a national association office?

Do the provisions of Article XXIX, section 3(2)(f) concerning the funding sources of a nonprofit organization affect the answer to this question?

Does it matter whether the funds to be expended are campaign contributions received by the association specifically for this purpose or part of the association's general operating revenues?

Please do not hesitate to let me know if we can provide any additional information that would help you evaluate these inquiries!

Thank you for your time and consideration,



John (Chip) Taylor  
Executive Director  
Colorado Counties, Inc.

Cc: CCI Board of Directors