

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2024

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:

4
5 A BILL
6

7 **For an ordinance amending Chapter 15, Article III concerning campaign finances.**
8

9 **WHEREAS**, on August 27, 2018, the Denver City Council referred Ordinance No. 900, series
10 2018 to Denver voters, creating the Fair Elections Fund (the "Fund") and amending article III, chapter
11 15 of the Code;

12 **WHEREAS**, at the coordinated election held on November 6, 2018, Denver voters
13 overwhelmingly approved of Referred Measure 2E creating the Fund and amending article III, chapter
14 15 of the code;

15 **WHEREAS**, pursuant to Section 3.3.6 of the Charter, City Council shall not amend or repeal a
16 referred ordinance adopted by a vote of the people after the first year, and up to ten (10) years,
17 following final passage of the referred ordinance without a two-thirds (2/3) vote and a public hearing;

18 **WHEREAS**, in order to clarify that the requirements of section 3.3.6 of the Charter shall
19 continue to apply as it relates to referred Ordinance No. 900, series 2018 and Referred Measure 2E
20 until 2028, Council hereby adopts an amendment to article III, chapter 15 of the code in lieu of
21 repealing and replacing the article.
22

23 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
24 **DENVER:**
25

26 **Section 1.** That article III, chapter 15 of the Code shall be amended by deleting the language
27 stricken and adding the language underlined, to read as follows:
28

29 **~~Sec. 15-31. -- Purpose and finding.~~**

30 ~~(a) — As a home rule city under article XX of the Colorado Constitution, the people hereby find~~
31 ~~and declare that preserving integrity and openness in the political process is a matter of the highest~~
32 ~~public interest; that the people of Denver can be better served through a more informed electorate;~~
33 ~~that the trust of the people is essential to representative government; and that public disclosure and~~

1 ~~regulation of certain campaign contributions are necessary to promote public confidence in~~
2 ~~government and to protect the integrity of the electoral process.~~

3 ~~(b) The people further find and declare that regulation of campaign contributions, public~~
4 ~~disclosure of political spending, and establishment of a voluntary alternative source of campaign~~
5 ~~financing in the form of limited public matching funds are required because the costs of running~~
6 ~~political campaigns have dramatically escalated in recent years, leading to a public perception that~~
7 ~~special interests and wealthy individuals may have undue influence on or access to elected officials.~~

8 ~~(c) It is the policy of the city to promote and encourage broad-based citizen involvement in~~
9 ~~the financing of election campaigns. The people further find and declare that providing public funds to~~
10 ~~match small donation from city residents will give a greater voice to smaller donors, thereby~~
11 ~~encouraging more citizens to get involved in the financing of election campaigns. It is also the intent of~~
12 ~~this article to foster an open political process which allows incumbents and challengers alike to~~
13 ~~compete in the marketplace of ideas on a fair and equitable basis. The people of Denver will best be~~
14 ~~served by a process which promotes the fullest and most thorough discussion and debate of issues~~
15 ~~and candidates.~~

16 ~~(d) The Supreme Court held in Citizens United v FEC that "the public has an interest in~~
17 ~~knowing who is speaking about a candidate shortly before an election," and in McCutcheon v FEC that~~
18 ~~disclosure of political spending is "justified based on a governmental interest in provid[ing] the~~
19 ~~electorate with information about the sources of election related spending." The people further find~~
20 ~~and declare that full and timely disclosure of political spending referring to municipal candidates and~~
21 ~~ballot issues preserved integrity and openness in the political process.~~

22 ~~(e) The people further find and declare that adequate enforcement of the provisions of this~~
23 ~~article is required to protect public confidence in the political process.~~

24 ~~(f) The people of Denver voted in 1974 to amend the Charter to provide for limitations on~~
25 ~~political contributions and expenditures to be adopted by ordinance. This article implements §~~
26 ~~8.2.15 of the Charter.~~

27
28 **Sec. 15-31. - Purpose and finding.**

29 (a) As a home rule city under article XX of the Colorado Constitution, the people hereby find
30 and declare that preserving integrity and openness in the political process is a matter of the highest
31 public interest; that the people of Denver can be better served through a more informed electorate;
32 that the trust of the people is essential to representative government; and that public disclosure and
33 regulation of certain campaign contributions are necessary to promote public confidence in
34 government and to protect the integrity of the electoral process.

1 **(b) The people further find and declare that establishment of a voluntary alternative source**
2 **of campaign financing in the form of limited public matching funds is required because the costs of**
3 **running political campaigns have dramatically escalated in recent years, leading to a public perception**
4 **that special interests and wealthy individuals may have undue influence on or access to elected**
5 **officials. It is also the policy of the city to promote and encourage broad-based citizen involvement in**
6 **the financing of election campaigns. Providing public funds to match small donations from city**
7 **residents will give a greater voice to smaller donors, thereby encouraging more citizens to get involved**
8 **in the financing of election campaigns and fosters an open political process which allows incumbents**
9 **and challengers alike to compete in the marketplace of ideas on a fair and equitable basis.**

10 **(c) The people further find and declare that adequate enforcement of the provisions of this**
11 **article is required to protect public confidence in the political process.**

12 **(d) The people of Denver voted in 1974 to amend the Charter to provide for limitations on**
13 **political contributions and expenditures to be adopted by ordinance. This article implements section**
14 **8.2.15 of the Charter.**

15
16 **~~Sec. 15-32. -- Definitions.~~**

17 ~~As used in this article, the following words and phrases shall have the following meanings, unless~~
18 ~~otherwise clearly indicated by the context:~~

19 ~~(a) — *Candidate* shall mean any person who:~~

20 ~~(1) — Seeks election or re-election to any elected Charter office listed in Charter section~~
21 ~~9.2.1(A) (the offices of mayor, auditor, clerk and recorder, and member of city council) and any judge~~
22 ~~of the county court who seeks to be retained in office pursuant to Charter subdivision 4.1.5. A person~~
23 ~~is a candidate for election upon the first to occur of the following:~~

24 ~~a. — The person has publicly announced an intention to seek election or re-election to~~
25 ~~office and the person or a candidate committee authorized by the person has received contributions~~
26 ~~and contributions in-kind or has made expenditures aggregating five hundred dollars (\$500.00) or~~
27 ~~more during the election cycle; or~~

28 ~~b. — The person has filed nominating petitions pursuant to Charter section 8.2.7; or~~

29 ~~c. — The person has filed a declaration of intent to run for another term as judge under~~
30 ~~Charter subdivision 4.1.5.~~

31 ~~(2) — As an incumbent, an unsuccessful candidate for office, or former office holder, still has a~~
32 ~~cash balance of contributions or a debt or deficit or who receives contributions or contributions in-kind.~~

33 ~~(b) — *Candidate committee* shall mean the committee authorized by a candidate to receive~~
34 ~~contributions or contributions in-kind or make expenditures on behalf of such candidate. A candidate~~

1 ~~shall have only one (1) candidate committee.~~

2 ~~(c) — Commercial loan shall mean any loan of money by a commercial lending institution~~
3 ~~made in accordance with applicable law and in the ordinary course of business, but such loans shall~~
4 ~~be made on a basis which assures repayment, evidenced by a written instrument, and subject to a~~
5 ~~due date or amortization schedule, and shall bear the usual and customary interest rate of the lending~~
6 ~~institution.~~

7 ~~(d) — Contribution shall mean a gift, loan, pledge or advance of money; guarantee or~~
8 ~~endorsement of loan; or letter of credit or line of credit made by any person for the purpose of~~
9 ~~influencing any election. "Contribution" includes, but is not limited to:~~

10 ~~(1) — A transfer of money between one (1) candidate or committee and another (which shall~~
11 ~~be a contribution to the committee which receives the money);~~

12 ~~(2) — The payment by any person of compensation for the personal services of another person~~
13 ~~which are rendered to a committee;~~

14 ~~(3) — A payment made to a third party at the request of or with the prior knowledge of a~~
15 ~~candidate, committee, or agent of either;~~

16 ~~(4) — A payment made after an election to meet any deficit or debt incurred during the course~~
17 ~~of a campaign;~~

18 ~~(5) — A loan, other than a commercial loan, to a candidate or committee, up until the time~~
19 ~~when the loan is fully paid. An unsecured loan shall be a contribution from the lender. A secured or~~
20 ~~guaranteed loan shall be a contribution from the guarantor or person whose property secures the loan;~~
21 ~~and~~

22 ~~(6) — An unpaid financial obligation which is forgiven.~~

23 ~~"Contribution" does not include services provided without compensation by any individual who~~
24 ~~volunteers on behalf of a candidate or committee. "Contribution" does not include any commercial~~
25 ~~loan.~~

26 ~~(e) — Contribution in-kind shall mean a gift or loan of any item of real or personal property, or~~
27 ~~any other thing of value, but not including money, made to or for any candidate or committee for the~~
28 ~~purpose of influencing an election or for the purpose of disseminating newsletters related to the scope~~
29 ~~of duties of an incumbent. "Contribution in-kind" does not include services provided without~~
30 ~~compensation by any individual who volunteers on behalf of a candidate or committee or an~~
31 ~~endorsement of candidacy or issue by any person. In determining the value to be placed on~~
32 ~~contributions in-kind, a reasonable estimate of the fair market value shall be used.~~

33 ~~(f) — Contributor shall mean any person who makes a contribution or contribution in-kind.~~

34 ~~(g)(1) — Controlled by or coordinated with a candidate committee or issue committee means a~~

1 communication that refers to a candidate or ballot issue or ballot question when:

2 a.——The communication is made in cooperation or consultation with, or at the request
3 or suggestion of, a candidate, or issue committee or agents of the candidate or committee, including
4 any general or particular understanding with, or pursuant to any non-public communication with, the
5 candidate, committee, or agents;

6 b.——The communication is made by a person or committee that was directly or
7 indirectly formed by, or at the request of, the candidate or issue committee or agents of the candidate
8 or committee, or by a person or committee that is established, financed, directed or controlled by a
9 member of the immediate family of the candidate; or

10 c.——The candidate, issue committee, or agents of the candidate or committee solicit
11 funds or appear at fundraising events on behalf of the person or committee making the communication
12 during the same election cycle as the communication is made.

13 (2)——No communication shall be considered controlled by or coordinated with a candidate or
14 issue committee if it is a news story, commentary, or editorial distributed through the facilities of any
15 broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are
16 owned or controlled by any political party, political action committee, or candidate or the
17 communication is a candidate or issue debate or promotion materials for such a debate.

18 (3)——Any communications referring to a candidate or ballot issue or ballot question that are
19 controlled by or coordinated with a candidate or issue committee or their agents pursuant to this
20 section are deemed to be contributions to the candidate or issue committee and are subject to all
21 contribution limits and prohibitions in section 15-37 and reporting requirements in sections 15-35.

22 (g.5) ~~Covered entity~~ shall mean any of the following:

23 (1)——An organization or enterprise operated for profit, including a corporation, association,
24 proprietorship, firm, partnership, business trust, holding company, limited liability company, limited
25 liability partnership, or similar legal entity through which business is conducted;

26 (2)——A labor organization;

27 (3)——An organization or corporation that is tax-exempt under section 501(c) of the Internal
28 Revenue Code of 1986; or

29 (4)——A political organization that is tax-exempt under section 527 of the Internal Revenue
30 Code of 1986 and that is primarily operated for purposes other than to support or oppose the
31 nomination or election of one (1) or more candidates, or the qualification or passage of a ballot issue
32 or ballot question.

33 (h)——*Election* shall mean any city general election or runoff election; any special election held
34 to elect Charter officers listed in Charter section 9.2.1(A), held under Charter section 1.1.13 or 9.7.9;

1 or at which an issue is submitted to the electorate as required by part 3 of article VIII of the Charter;
2 any election at which a Charter amendment or the question of issuing bonds is submitted to the
3 electorate; or any election held under article X, section 20, paragraph (3) of the Colorado Constitution.

4 (i) — *Election cycle* shall mean;

5 (1) — For the candidates of mayor, auditor, clerk and recorder, and member[s] of city council,
6 the period from January 1 of the year following a general municipal election held to elect Charter
7 officers listed in Charter section 9.2.1 through December thirty-first of the next year in which such an
8 election is held.

9 (2) — For judges in their first term, the date from appointment as a judge through December
10 thirty-first of the year in which the judge is subject to a retention election as required by
11 subdivision 4.1.5 of the Charter.

12 (3) — For judges in other terms, the period from January first of the year following the last
13 election for retention of the judge through December thirty-first of the year in which the next retention
14 election is held.

15 (4) — For any vacancy election, the election cycle shall end on December thirty-first of the year
16 in which the vacancy election is held and a new election cycle shall begin on January first of the
17 following year, and shall end on December thirty-first of the next year in which a general municipal
18 election is held; and

19 (5) — For any ballot issue or ballot question, except as otherwise provided in section 15-35(c),
20 the calendar period from January first through December thirty-first during which the issue or question
21 is on the ballot.

22 (j) — *Electioneering communication* shall mean any communication broadcasted by television
23 or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal
24 residences, placed on a website, streaming media service, or online forum for a fee, or a pre-recorded
25 audio message delivered by telephone, that:

26 (1) — Unambiguously refers to any candidate, ballot issue or ballot question; and

27 (2) — Is broadcast, printed, mailed, delivered, posted or otherwise distributed in the period
28 beginning sixty (60) days before a general municipal election until the run-off election, or within thirty
29 (30) days of a special or vacancy election; and

30 (3) — Is broadcast to, printed in a newspaper distributed to, mailed or delivered by hand to,
31 targeted online to, or posted on a billboard to an audience that includes members of the electorate for
32 the candidate, ballot issue or ballot question.

33 (4) — Electioneering communication does not include:

34 a. — Any news articles, editorial endorsements, opinion or commentary writings, or

1 ~~letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a~~
2 ~~candidate or political party;~~

3 ~~b.—— Any editorial endorsements or opinions aired by a broadcast facility not owned or~~
4 ~~controlled by a candidate or political party; or~~

5 ~~c.—— Any communication by persons, other than committees, made in the regular~~
6 ~~course and scope of their business or any communication made by a membership organization solely~~
7 ~~to members of such organization and their families.~~

8 ~~(5)—— An electioneering communication is made when the actual spending occurs or when~~
9 ~~there is a contractual agreement requiring such spending and the amount is determined.~~

10 ~~(k)—— *Expenditure* shall mean the purchase, payment, distribution, loan, advance, deposit or~~
11 ~~gift of money or anything of value, made by any person for the purpose of influencing an election.~~
12 ~~Expenditure includes a transfer of money between one (1) committee and another (which shall be an~~
13 ~~expenditure by the committee that transfers the funds). An expenditure occurs when the actual~~
14 ~~payment is made. A written contract, promise or agreement to make an expenditure shall be~~
15 ~~considered and reported as an unpaid obligation if payment is thirty (30) days or more overdue.~~

16 ~~(l)—— *Independent expenditure* shall mean an expenditure made by any person for the~~
17 ~~purpose of expressly advocating the election or defeat of a candidate or supporting or opposing a~~
18 ~~ballot issue or ballot question that is not controlled by, or coordinated with, any candidate or issue~~
19 ~~committee or agent of a candidate or issue committee.~~

20 ~~(1)—— Independent expenditure does not include:~~

21 ~~a.—— Any news articles, editorial endorsements, opinion or commentary writings, or~~
22 ~~letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a~~
23 ~~candidate;~~

24 ~~b.—— Any editorial endorsements or opinions aired by a broadcast facility not owned or~~
25 ~~controlled by a candidate;~~

26 ~~c.—— Any communication by persons made in the regular course and scope of their~~
27 ~~business or any communication made by a membership organization solely to members of such~~
28 ~~organization and their families.~~

29 ~~(2)—— Any expenditure that is controlled by, or coordinated with, a candidate or issue~~
30 ~~committee or agent of a candidate or issue committee, is deemed to be both a contribution by the~~
31 ~~maker of the expenditure and an expenditure by the candidate or issue committee.~~

32 ~~(3)—— An independent expenditure is made when the actual spending occurs or when there is a~~
33 ~~contractual agreement requiring such spending and the amount is determined.~~

34 ~~(m)—— *Issue committee* shall mean any committee, club, association, corporation, or other~~

~~group of persons which receives contributions or contributions in-kind aggregating five hundred dollars (\$500.00) or more during an election cycle and makes expenditures aggregating five hundred dollars (\$500.00) or more during an election cycle for the major purpose of supporting or opposing one (1) or more ballot issues or ballot questions. Issue committee does not include political parties, political action committees, or candidate committees as otherwise defined in this section.~~

~~(n) — Person shall have the same meaning as contained in section 1-2(12) of the Revised Municipal Code.~~

~~(o) — Political action committee shall mean any committee, club, association, local political party, or other group of persons not authorized by a candidate and formed for the major purpose of making contributions to candidate, issue, or political action committees, which receives contributions or contributions in-kind aggregating five hundred dollars (\$500.00) or more during an election cycle and which makes expenditures aggregating five hundred dollars (\$500.00) or more during an election cycle. Political action committee includes a committee, club, association or other group which solicits contributions or contributions in-kind and places such contributions or contributions in-kind in its treasury for distribution to candidate, issue, or political action committees. Political action committee does not include a committee, club, association or other group which solicits individual contributions and passes those contributions along to candidate, issue, or political action committees without placing the contributions in its own treasury prior to distribution to a political action committee.~~

~~(p) — Small donor committee means any political committee that has accepted contributions only from natural persons who each contributed no more than fifty dollars (\$50.00) in the aggregate per year. "Small donor committee" does not include political parties, political action committees, issue committees, or candidate committees.~~

Sec. 15-32. - Definitions.

As used in this article, the following words and phrases shall have the following meanings, unless otherwise clearly indicated by the context:

(a) Candidate means any person who:

(1) Seeks election or re-election to the offices of mayor, auditor, clerk and recorder, member of city council and any judge of the county court who seeks to be retained in office. A person is a candidate upon the first of the following to occur:

a. The person has publicly announced an intention to seek election or re-election to office and the person, or a candidate committee authorized by the person, has received contributions, contributions in-kind, or has made expenditures, aggregating five hundred dollars (\$500.00) or more during the election cycle; or

1 b. The person has filed nominating petitions pursuant to section 8.2.7 of the
2 Charter ; or

3 c. The person has filed a declaration of intent to run for another term as judge under
4 section 4.1.5 of the Charter.

5 (2) As an incumbent, an unsuccessful candidate for office, or former office holder, still has a
6 cash balance of contributions or a debt or deficit or who receives contributions or contributions in-kind.

7 (b) *Candidate committee* means the committee authorized by a candidate to receive
8 contributions or contributions in-kind or make expenditures on behalf of such candidate.

9 (c) *Cash or coin* means coin or paper money of the United States that is designated as legal
10 tender, is circulated, and is customarily used and accepted as a medium of exchange.

11 (d) *Commercial loan* means any loan of money by a commercial lending institution made in
12 accordance with applicable law and in the ordinary course of business, but such loans shall be made
13 on a basis which assures repayment, evidenced by a written instrument, and subject to a due date or
14 amortization schedule, and shall bear the usual and customary interest rate of the lending institution.

15 (e) *Contribution* means a gift, loan, pledge or advance of money; guarantee or endorsement
16 of loan; letter of credit or line of credit made by any person for the purpose of influencing any election.

17 Contribution includes, but is not limited to:

18 (1) A transfer of money received from another candidate or committee;

19 (2) The payment of compensation for personal services rendered to a candidate or
20 committee if the payment is made by any person other than the candidate or committee receiving the
21 services;

22 (3) A payment made to a third party at the request of, or with the prior knowledge of, a
23 candidate, committee, or agent of either;

24 (4) A payment made after an election to meet any deficit or debt incurred during the course
25 of a campaign;

26 (5) A loan, other than a commercial loan, to a candidate or committee, up until the time
27 when the loan is fully paid. An unsecured loan shall be a contribution from the lender. A secured or
28 guaranteed loan shall be a contribution from the guarantor or person whose property secures the loan;
29 and

30 (6) An unpaid financial obligation which is forgiven.

31 A contribution does not include services provided without compensation by any individual who
32 volunteers on behalf of a candidate or committee.

33 (f) *Contribution in-kind* means a gift or loan of any item of real or personal property, or any
34 other thing of value, but not including money, made to or for any candidate or committee for the

purpose of influencing an election or for the purpose of disseminating newsletters related to the scope of duties of an incumbent but does not include services provided without compensation by any individual who volunteers on behalf of a candidate or committee or an endorsement of candidacy or issue by any person. In determining the value to be placed on contributions in-kind, a reasonable estimate of the fair market value shall be used.

(g) Contributor means any person who makes a contribution or contribution in-kind.

(h)(1) Controlled by or coordinated with a candidate committee or issue committee means a communication that refers to a candidate, ballot issue, or ballot question when:

a. The communication is made in cooperation or consultation with, or at the request or suggestion of, a candidate, or issue committee or agents of the candidate or committee, including any general or particular understanding with, or pursuant to any non-public communication with, the candidate, committee, or agents;

b. The communication is made by a person or committee that was directly or indirectly formed by, or at the request of, the candidate or issue committee or agents of the candidate or committee, or by a person or committee that is established, financed, directed or controlled by a member of the immediate family of the candidate; or

c. The candidate, issue committee, or agents of the candidate or committee solicit funds or appear at fundraising events on behalf of the person or committee making the communication during the same election cycle as the communication is made.

(2) No communication shall be considered controlled by or coordinated with a candidate or issue committee if it is a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political action committee, or candidate or the communication is a candidate or issue debate or promotion materials for such a debate.

(3) Any communications referring to a candidate or ballot issue or ballot question that are controlled by or coordinated with a candidate or issue committee or their agents pursuant to this section are deemed to be contributions to the candidate or issue committee and are subject to all contribution limits and prohibitions in section 15-35 and reporting requirements in sections 15-37.

(i) Covered entity means the following:

(1) An organization or enterprise operated for profit, including a corporation, association, proprietorship, firm, partnership, business trust, holding company, limited liability company, limited liability partnership, or similar legal entity through which business is conducted;

(2) A labor organization;

(3) An organization or corporation that is tax-exempt under section 501(c) of the Internal

1 Revenue Code of 1986; or

2 (4) A political organization that is tax-exempt under section 527 of the Internal Revenue
3 Code of 1986 and that is primarily operated for purposes other than to support or oppose the
4 nomination or election of one (1) or more candidates, or the qualification or passage of a ballot issue
5 or ballot question.

6 (j) Election means any city general election or run-off election; any special election held to
7 elect Charter officers listed in section 9.2.1(A) of the Charter , held under section 1.1.13 of the
8 Charter , or at which an issue is submitted to the electorate as required by part 3 of article VIII of the
9 Charter; any election at which a Charter amendment or the question of issuing bonds is submitted to
10 the electorate; or any election held under article X, section 20, paragraph (3) of the Colorado
11 Constitution.

12 (k) Election cycle means;

13 (1) For the candidates of mayor, auditor, clerk and recorder, and member(s) of city council,
14 the period from January 1 of the year following a general municipal election held to elect Charter
15 officers listed in section 9.2.1 of the Charter through December thirty-first of the next year in which
16 such an election is held.

17 (2) For judges in their first term, the date from appointment as a judge through December
18 thirty-first of the year in which the judge is subject to a retention election as required by
19 section 4.1.5 of the Charter.

20 (3) For judges in other terms, the period from January first of the year following the last
21 election for retention of the judge through December thirty-first of the year in which the next retention
22 election is held.

23 (4) For any vacancy election, the election cycle shall end on December thirty-first of the year
24 in which the vacancy election is held and a new election cycle shall begin on January first of the
25 following year, and shall end on December thirty-first of the next year in which a general municipal
26 election is held; and

27 (5) For any ballot issue or ballot question, except as otherwise provided in section 15-37(d),
28 the calendar period from January first through December thirty-first during which the issue or question
29 is on the ballot.

30 (l) Electioneering communication means any communication broadcasted by television or
31 radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal
32 residences, placed on a website, streaming media service, or online forum for a fee, or a pre-recorded
33 audio message delivered by telephone, that:

34 (1) Unambiguously refers to any candidate, ballot issue or ballot question; and

1 (2) Is broadcast, printed, mailed, delivered, posted or otherwise distributed in the period
2 beginning sixty (60) days before a general municipal election until the run-off election, or within thirty
3 (30) days of a special or vacancy election; and

4 (3) Is broadcast to, printed in a newspaper distributed to, mailed to, delivered by hand to,
5 targeted online to, or posted on a billboard to an audience that includes members of the electorate for
6 the candidate, ballot issue or ballot question.

7 (4) Electioneering communication does not include:

8 a. Any news articles, editorial endorsements, opinion or commentary writings, or
9 letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a
10 candidate or political party;

11 b. Any editorial endorsements or opinions aired by a broadcast facility not owned or
12 controlled by a candidate or political party; or

13 c. Any communication by persons, other than committees, made in the regular
14 course and scope of their business or any communication made by a membership organization solely
15 to members of such organization and their families.

16 (5) An electioneering communication is made when the money for the communication is
17 obligated or when the money is actually spent, whichever occurs first.

18 (m) Expenditure means the purchase, payment, distribution, loan, advance, deposit or gift of
19 money or anything of value, made by any person for the purpose of influencing an election.
20 Expenditure includes a transfer of money from one (1) committee to another. An expenditure occurs
21 when the actual payment is made. A written contract, promise or agreement to make an expenditure
22 shall be considered and reported as an unpaid obligation if payment is thirty (30) days or more
23 overdue. An expenditure that is controlled by, or coordinated with, a candidate or committee or agent
24 of either, is deemed to be an expenditure of the committee.

25 (n) Independent expenditure means an expenditure made by any person for the purpose of
26 expressly advocating the election or defeat of a candidate or supporting or opposing a ballot issue or
27 ballot question that is not controlled by, or coordinated with, any candidate or issue committee or
28 agent of a candidate or issue committee. Independent expenditure does not include:

29 (1) Any news articles, editorial endorsements, opinion or commentary writings, or
30 letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a
31 candidate;

32 (2) Any editorial endorsements or opinions aired by a broadcast facility not owned or
33 controlled by a candidate;

34 (3) Any communication by persons made in the regular course and scope of their

business or any communication made by a membership organization solely to members of such organization and their families.

(4) An independent expenditure is made when the money for the expenditure is obligated or when the money is actually spent, whichever occurs first.

(o) Issue committee means any committee, club, association, corporation, or other group of persons which receives contributions or contributions in-kind aggregating five hundred dollars (\$500.00) or more during an election cycle and makes expenditures aggregating five hundred dollars (\$500.00) or more during an election cycle for the major purpose of supporting or opposing one (1) or more ballot issues or ballot questions. Issue committee does not include political parties, political action committees, or candidate committees as otherwise defined in this section.

(p) Person shall have the same meaning as contained section 1-2.

(q) Political action committee means any committee, club, association, local political party, or other group of persons not authorized by a candidate and formed for the major purpose of making contributions to candidate, issue, or political action committees, which receives contributions or contributions in-kind aggregating five hundred dollars (\$500.00) or more during an election cycle and which makes expenditures aggregating five hundred dollars (\$500.00) or more during an election cycle. Political action committee includes a committee, club, association or other group which solicits contributions or contributions in-kind and places such contributions or contributions in-kind in its treasury for distribution to candidate, issue, or political action committees. Political action committee does not include a committee, club, association or other group which solicits individual contributions and passes those contributions along to candidate, issue, or political action committees without placing the contributions in its own treasury prior to distribution to a political action committee.

(r) Small donor committee means any political committee that has accepted contributions only from natural persons who each contributed no more than fifty dollars (\$50.00) in the aggregate per year. "Small donor committee" does not include political parties, political action committees, issue committees, or candidate committees.

~~Sec. 15-33. -- Candidate affidavit, reporting, and disclosure.~~

~~(a) Within ten (10) days after becoming a candidate as defined in subsection 15-32(a)(1), each candidate, including an incumbent officeholder who is a candidate for re-election or election to a different office, shall affirm to the clerk and recorder that the person is familiar with the provisions of this article.~~

~~(b) Any contributions or contributions in-kind received or expenditures made prior to the person becoming a candidate as defined in section 15-32(a)(1), shall be reported in the first report~~

required under section 15-35.

(c) ~~— All candidates, including incumbent officeholders who become candidates for re-election or election to a different office, shall file a financial disclosure statement within ten (10) days after becoming a candidate. The statement shall be filed with the clerk in accordance with and containing the information required by section 2-72(d) and (e) of the Revised Municipal Code~~

Sec. 15-33. - Candidate affidavit, financial disclosure, and committee designation.

(a) Candidate affidavit. Within ten (10) days after becoming a candidate for the applicable election cycle each candidate shall affirm to the clerk and recorder that the person is familiar with the provisions of this article.

(b) Financial disclosure. All candidates shall file a financial disclosure statement containing the information required by section 2-72 with the clerk and recorder within ten (10) days after becoming a candidate for the applicable election cycle.

(c) Committee designation. A candidate shall designate a candidate committee for the applicable election cycle no later than ten (10) days after becoming a candidate and shall file, or cause the committee to file, a statement of organization as provided in this division.

(1) Except as provided in subsection (2), a candidate may only designate one (1) candidate committee during the election cycle.

(2) A candidate may designate one (1) other candidate committee for a separate city office before closing the original committee solely in order to transfer funds to the new committee if the candidate transfers money from the original committee to the new committee, then closes the original committee no later than ten (10) days after such transfer.

Sec. 15-34. -- Organization of committees.

~~(a) — Every committee shall have a treasurer. For a candidate committee, the candidate shall be the treasurer if no other person is appointed. No expenditure shall be made for or on behalf of a committee without the authorization of the treasurer or his or her designated agent.~~

~~(b) — Every committee shall file a statement of organization with the clerk and recorder no later than ten (10) days after becoming a candidate, issue, or political action committee. The statement of organization of a committee shall include:~~

~~(1) — The name and address of the committee and the name of the candidate or description of the issue that the committee supports or opposes, and any other purpose of the committee; and~~

~~(2) — The name, address and telephone number of the treasurer of the committee; and~~

~~(3) — A list of any financial institution or depository used by the committee.~~

1 (c) — The treasurer of every committee shall certify by affidavit filed with the clerk and recorder
2 that he or she is familiar with the provisions of this article. The affidavit shall be filed with the clerk and
3 recorder no later than ten (10) days after the committee has become a candidate, issue, political
4 action, or small donor committee; in the event that a treasurer is replaced, the new treasurer shall file
5 the affidavit with the clerk and recorder no later than ten (10) days after being appointed.

6 (d) — Any contributions or contributions in-kind received or expenditures made by the
7 committee during the election cycle, but prior to becoming a candidate, issue, political action, or small
8 donor committee shall be reported in the first report required under section 15-35.

9 (e) — Every person who receives a contribution or contribution in-kind for a committee shall, no
10 later than ten (10) days after receiving such contribution or contribution in-kind, forward to the
11 treasurer such contribution or contribution in-kind, along with the information required by section 15-
12 35 about the person making the contribution or contribution in-kind and the date of receipt.

13 (f) — All funds of a committee shall be segregated from, and may not be commingled with, the
14 personal funds of any individual. All funds of a committee shall be deposited in a financial institution in
15 an account whose title shall include the name of the committee. The account shall be used solely by
16 the committee named.

17 (g) — The treasurer shall preserve all records required to be kept by this article and copies of
18 all reports required to be filed by this article for five (5) years after the report is filed or until final
19 disposition of any complaint and consequent litigation, whichever is later. Such records are subject to
20 public inspection at any hearing held pursuant to this article.

21 (h) — Proponents of an initiative, referendum, or recall petition shall register an issue
22 committee no later than ten (10) calendar days from the date on which the clerk and recorder
23 approves their petition for circulation. An issue committee shall terminate no later than one (1) year
24 from the date of the election at which a ballot issue that the issue committee has a major purpose to
25 support or oppose is voted on.

26
27 **Sec. 15-34. - Organization of candidate committees, issue committees, political action**
28 **committees and small donor committees.**

29 (a) Statement of organization. Candidate, small donor, and political action committees shall
30 file a statement of organization with the clerk and recorder no later than ten (10) days after becoming
31 a committee. Issue committees shall file a statement of organization with the clerk and recorder no
32 later than ten (10) days after becoming a committee or, for proponents of an initiative, referendum, or
33 recall petition, no later than ten (10) days from the date on which the clerk and recorder approves the
34 affidavit, ballot title, and petition form for the applicable ballot issue or question, whichever is

earlier. The statement of organization shall include:

(1) The name and address of the committee;

(2) The name of the candidate or description of the issue that the committee supports or opposes, and any other purpose of the committee;

(3) The name, address, and telephone number of the treasurer of the committee; and

(4) A list of any financial institutions or depository institutions used by the committee.

(b) *Treasurer designation.* Every committee shall have a treasurer. For a candidate committee, the candidate shall be the treasurer if no other person is appointed. Every person who receives a contribution or contribution in-kind for a committee shall, no later than ten (10) days after receipt, forward such contribution or contribution in-kind to the treasurer, along with the information required by section 15-37. No expenditure shall be made for or on behalf of a committee without the authorization of the treasurer or the treasurer's designated agent.

(c) *Treasurer affidavit.* The treasurer of every committee shall certify by affidavit filed with the clerk and recorder that the treasurer is familiar with the provisions of this article no later than ten (10) days after formation. In the event that a treasurer is replaced, the new treasurer shall file the affidavit with the clerk and recorder no later than ten (10) days after being appointed.

(d) *Separate bank accounts.* All funds of a committee shall be segregated from, and may not be commingled with, the personal funds of any other person and shall be deposited in a financial institution in an account whose title includes the name of the committee. The account shall be used solely by the committee named.

(e) *Record preservation.* Except as otherwise provided in this article, the treasurer shall preserve all records required to be kept by this article and copies of all reports required to be filed by this article for five (5) years after the report is filed or until final disposition of any complaint and consequent litigation, whichever is later. Such records are subject to public inspection at any hearing held pursuant to this article.

~~Sec. 15-35. -- Reporting requirements for committees.~~

~~(a) — General.~~ The treasurer of each committee, or his or her designee, shall file reports in accordance with the provisions of this section and shall attest to each report's accuracy. Each report, except for the first report, must account for the period of time between the end of the previous reporting period and the end of the current reporting period in accordance with the applicable deadline specified below in sections 15-35(b) or (c).

~~(b) — Candidate committees, political action committees, and small donor committees.~~

~~(1) — General and run-off elections.~~ In the calendar year in which there is a general municipal

~~election and run-off election, candidate committees, political action committees, and small donor committees shall file the following reports:~~

~~a.—— Monthly reports for the complete months of January and February, which shall be filed no later than the fifth day of the following month;~~

~~b.—— Pre-election report, as follows:~~

~~1.—— A report for the period beginning March 1 to March 14, which shall be filed no later than March 17; and~~

~~2.—— A report for the period of March 15 to the Wednesday before the general election, which shall be filed no later than the Friday before the general election.~~

~~c.—— Pre-run-off-election reports as follows:~~

~~1.—— A report for the period beginning the Thursday before the general election through April 30, which shall be filed no later than May 3; and~~

~~2.—— A report for the period beginning May 1 through the Wednesday before the runoff election, which shall be filed no later than the Friday before the runoff election.~~

~~d.—— A post-run-off-election report, which shall be filed no later than the thirtieth day after the run-off election and which shall include the period from the Thursday before the runoff election through the twenty-fifth day after the run-off election; and~~

~~e.—— A year-end report, which shall be filed no later than the thirty-first day of January of the following year, and which shall cover the twenty-sixth day after the run-off election through December 31.~~

~~(2)—— *Special elections.* For each month before a special election, beginning in the month that a candidate is declared or a candidate committee is formed for the office, the following reports shall be filed:~~

~~a.—— Reports for each month before the month of the special election, which shall be filed no later than the fifth day of the following month, except for the pre-election reports required under subsection (2)b. of this section;~~

~~b.—— A pre-election reports as follows:~~

~~1.—— A report for the period beginning on the first day of the month immediately before the month of the election through the 14th day of that month, which shall be filed no later than the 17th day of that month; and~~

~~2.—— A report for the period beginning on the 15th day of the month immediately before the month of the election through the Wednesday before the election, which shall be filed no later than the Friday before the election.~~

~~c.—— A post-election report, which shall be filed no later than the 30th day after the~~

special election, through the 25th day after the special election; and

d. ~~— A year-end report, which shall be filed no later than the 31st day of January of the following year and which shall cover the period from the 26th day after the special election through December 31.~~

~~(3) — Non-election years within an election cycle — candidate committees, political action committees and small donor committees.~~

a. ~~— During the first two (2) calendar years of an election cycle, each committee shall file semiannual reports. The first report shall cover January 1 to June 30 and is due on or before July 31. The second report shall cover July 1 to December 31 and is due on or before January 31 of the following year.~~

b. ~~— During the third calendar year of an election cycle, each committee shall file quarterly reports due no later than the 15th calendar day after the end of the applicable quarter.~~

~~(c) — Issue committees. For each month before an election, beginning in the month that an issue committee is formed, each issue committee shall file:~~

~~(1) — Reports for each month before the month of the election, which shall be filed no later than the fifth day of the following month, except for the pre-election reports required under subsection (c)(2) of this section;~~

~~(2) — Pre-election reports as follows:~~

a. ~~— A report for the period beginning on the first day of the month immediately before the month of the election through the 14th day of that month, which shall be filed no later than the 17th day of that month; and~~

b. ~~— A report for the period beginning on the 15th day of the month immediately before the month of the election through the Wednesday before the election, which shall be filed no later than the Friday before the election.~~

~~(3) — A post-election report, for the period beginning with the Thursday before the election through the 25th day after the election, which shall be filed no later than the 30th day after the election; and~~

~~(4) — A year-end report, which shall be filed no later than the 31st day of January of the year following the election and which shall cover the period from the 26th day after the election through December 31; except that, in a calendar year with two (2) elections at which one (1) or more ballot issues or questions may be voted on:~~

a. ~~— The year-end report for the first election shall cover the period from the 26th day after the first election through the end of that calendar month, which shall be filed no later than the fifth day of the following month; and~~

1 ~~b.——The monthly reports required under subsection (c)(1) of this section resume on~~
2 ~~the first day of the next month after the year-end report required by subsection a. An issue committee~~
3 ~~shall also file the pre-election, post-election, and year-end reports required under this section for the~~
4 ~~second election.~~

5 ~~(d)——Each report required by this section shall contain the following information:~~

6 ~~(1)——The amount of funds on hand at the beginning of the reporting period, including any~~
7 ~~carry-over funds from the current election cycle and any prior election cycle. The beginning of the~~
8 ~~reporting period shall be the date through which the prior report was complete;~~

9 ~~(2)——For the reporting period and the election cycle, the total amount of all contributions and~~
10 ~~contributions in-kind to or for the committee;~~

11 ~~(3)——The name and address of each person who makes a contribution or contribution in-kind~~
12 ~~to the committee during the reporting period and whose contributions and contributions in-kind have~~
13 ~~an aggregate amount or value of fifty dollars (\$50.00) or more within the election cycle; the amount~~
14 ~~and date of such contribution and contribution in-kind; and the aggregate contribution and contribution~~
15 ~~in-kind of such person during the election cycle. The committee may file a listing of all contributions~~
16 ~~and contributions in-kind during the reporting period, but such listing must include the name and~~
17 ~~address of each contributor, along with the aggregate contribution and contribution in-kind of such~~
18 ~~contributor during the election cycle;~~

19 ~~(4)——The occupation and employer of any natural person if the sum of that person's~~
20 ~~contribution and contribution in-kind is fifty dollars (\$50.00) or more in an election cycle. In fulfilling the~~
21 ~~obligations of this subparagraph (4), the committee's treasurer must show that he or she used best~~
22 ~~efforts to obtain the information required. "Best efforts" means that the treasurer has made at least~~
23 ~~one (1) documented effort per contribution or contribution in-kind to obtain the contributor's information~~
24 ~~and to inform the contributor that the reporting of the information is required by law;~~

25 ~~(5)——For the reporting period and the election cycle, the total amount of all expenditures;~~

26 ~~(6)——The name and address of each person to whom an expenditure in an aggregate amount~~
27 ~~or value of fifty dollars (\$50.00) or more within the election cycle is made by the committee on behalf~~
28 ~~of a candidate or the committee, together with the date, amount, and types of goods or services~~
29 ~~purchased;~~

30 ~~(7)——The name and address of any bank or other depository for funds used by the committee;~~

31 ~~(8)——The details of any loan of money, letter of credit, line of credit, or commercial loan made~~
32 ~~to the committee during the reporting period, including: identification of the lender or entity extending~~
33 ~~the letter of credit, line of credit, or commercial loan; identification of any lender, endorser or guarantor~~
34 ~~of such loan, letter of credit, line of credit, or commercial loan; the amount guaranteed; the date; the~~

~~amount or value of the loan, line of credit, letter of credit, or commercial loan; the method of disposition of the loan, letter of credit, line of credit, or commercial loan; the balance due on the loan, letter of credit, line of credit, or commercial loan; and the terms of interest and the total amount of interest, if any;~~

~~(9) — The details of any unpaid obligation of five hundred dollars (\$500.00) or more and thirty (30) days or more overdue, which is not otherwise included as a contribution or contribution in-kind, incurred by the committee during the reporting period, including: the name and address of the person to whom the obligation is due; the due date of the obligation; the purpose of the obligation; and the amount past due of the obligations; and~~

~~(e) — If the clerk and recorder deems any report required by this section to be incomplete, the clerk and recorder shall accept such report on a conditional basis and shall notify the committee treasurer by mail, telephone, or email with respect to any deficiencies found.~~

~~(1) — If the clerk and recorder identifies one (1) or more curable deficiencies in a report, the notice shall include a description of each deficiency and instructions on how the committee may cure the deficiency.~~

~~(2) — If the committee does not cure a deficiency within ten (10) days of notice of the deficiency, the clerk and recorder shall, beginning on the eleventh day after the date of the notice, assess a penalty for late reporting in accordance with section 15-40.5.~~

~~(f) — Notwithstanding any other report required under this section, the committee's treasurer shall file a report if the committee receives any contribution or contribution in-kind of five hundred dollars (\$500.00) or more within the six (6) days immediately preceding the election. Such report shall be filed no later than forty eight (48) hours after receipt.~~

~~(g) — The reporting requirements of this section shall apply to any committee which has a cash balance of contributions or an expenditure deficit. The reporting obligations of this section shall end when the committee files a report showing no unexpended balance, no debt, and no expenditure deficit.~~

~~(h) — If a reporting day falls on a weekend, legal holiday, or a City and County of Denver furlough day, the report shall be filed by the next business day. If a reporting day falls on a day when the city is fully or partially closed for business, then the report shall be filed in accordance with any and all rules or policies designated by the clerk and recorder. This provision does not apply to subsection 15-35(f) and 15-35.5(a).~~

Sec. 15-35. – Contribution limits and prohibitions.

(a) Aggregate contribution limit. Except as provided in subsection (g), no person other than

a small donor committee shall make contributions or contributions in-kind to a candidate, and no candidate or candidate committee shall accept contributions or contributions in-kind that, in the aggregate during an election cycle, exceed the following amounts:

(1) For the office of the mayor, \$1190.

(2) For the offices of councilmember-at-large, clerk and recorder, auditor, and judge, \$835.

(3) For the office of district councilmember, \$475.

(b) *Small donor committee limit.* No small donor committee shall make and no candidate or candidate committee shall accept contributions or contributions in-kind that, in the aggregate during the election cycle, exceeds ten (10) times the aggregate contribution limit for the office the candidate seeks.

(c) *Inflation adjustment.* The aggregate contribution limit shall be adjusted every four (4) years by an amount based upon the percentage change over a four-year period in the United States Department of Labor (Bureau of Labor Statistics) consumer price index for Denver-Aurora-Lakewood, all items, all consumers, or its successor index, rounded to the lowest five-dollar (\$5.00) increment. The adjustment shall take effect on January 1, 2028, and every four (4) years thereafter. The clerk and recorder shall specify the limits as adjusted in rules promulgated pursuant to this article and shall make such limits available on the public website of the city.

(d) *Cash contribution limit.* No person may make a contribution in cash or coin to any committee which exceeds fifty dollars (\$50.00) and no committee shall accept any contribution in cash or coin above fifty dollars (\$50.00).

(e) *Prohibited contributions.*

(1) No covered entity or other entity, other than an entity who has filed a statement of organization pursuant to this article as a committee, may make a contribution or contribution in-kind to a candidate committee and candidate committees may only accept contributions and contributions in-kind from natural persons and committees who have filed a statement of organization pursuant to this article.

(2) No person may make a contribution of cryptocurrency to any committee and no committee may accept contributions in cryptocurrency.

(3) Anonymous contributions and anonymous contributions in-kind may not be retained or expended by any committee.

(f) *Disposition of excess and prohibited contributions.*

(1) The treasurer of a committee who receives any contribution, contribution in-kind, or portion thereof, which exceeds the aggregate contribution limits in this article, or which is prohibited in this article, shall remit such contribution, contribution in-kind, or portion thereof to the contributor no

1 later than seventy-two (72) hours after receipt. If, after reasonable effort, the committee is unable to
2 return the contribution, contribution in-kind, or portion thereof to the contributor, the committee may
3 remit the amount to the manager of finance for deposit into the general fund.

4 (2) Anonymous contributions and contributions in-kind received by a candidate committee
5 shall be remitted to the manager of finance for deposit into the general fund no later than seventy-two
6 (72) hours after receipt, and the distribution of such funds shall be indicated on the next report
7 required to be filed pursuant to this division.

8 (g) Exceptions. This section shall not apply to contributions or contributions in-kind from the
9 candidate's personal funds to the candidate's own campaign, any loan to the candidate's own
10 campaign which is personally guaranteed by the candidate or secured by the candidate's property, or
11 a transfer between committees as authorized in section 15-33.

12
13 **~~Sec. 15-35.5. -- Reporting requirements for independent expenditures and electioneering~~**
14 **~~communications.~~**

15 ~~(a) — Once any person spends an aggregate of one thousand dollars (\$1,000.00) or more on~~
16 ~~either electioneering communications or independent expenditures in an election cycle, the person~~
17 ~~shall file an initial report that accounts for the first one thousand dollars (\$1,000.00) of spending. The~~
18 ~~person shall then be required to file a report for each subsequent electioneering communication or~~
19 ~~independent expenditure, regardless of the amount. The report shall be filed within forty-eight (48)~~
20 ~~hours after obligating moneys for the independent expenditure or electioneering communication.~~

21 ~~(b) — No later than ten (10) days after filing the first report in an election cycle under this~~
22 ~~section, the individual responsible for filing reports shall affirm to the clerk and recorder that the person~~
23 ~~is familiar with the provisions of the article. If a covered entity replaces the individual responsible for~~
24 ~~filing on behalf of the entity, the new individual shall make the affirmation required under this~~
25 ~~subsection within ten (10) days after being appointed.~~

26 ~~(c) — The report shall include the following:~~

27 ~~(1) — If the communication is made by a natural person, the full name, mailing address,~~
28 ~~telephone number, email address, occupation, and employer of the natural person;~~

29 ~~(2) — If the communication is made by a covered entity or other organization:~~

30 ~~a. — The full name, mailing address, telephone number, and email address of the~~
31 ~~individual filing the report on behalf of the entity;~~

32 ~~b. — The URL for the website of the entity, if any;~~

33 ~~c. — The full name of each principal owner of the entity, if any;~~

34 ~~d. — The business or purpose of the entity, including its tax-exempt status, if~~

1 applicable; and

2 e. ~~— The street address of the entity's principal place of operations, if different from the~~
3 ~~mailing address listed in subsection a.~~

4 ~~(3) — Whether each communication is an independent expenditure or electioneering~~
5 ~~communication;~~

6 ~~(4) — The date of each communication;~~

7 ~~(5) — The method of communication;~~

8 ~~(6) — The name of the candidates, ballot issues, or ballot questions referred to in the~~
9 ~~communication;~~

10 ~~(7) — Whether the communication supports or opposes the named candidates, ballot issues or~~
11 ~~ballot questions; and~~

12 ~~(8) — The amount spent on each communication:~~

13 a. ~~— If the person used donor funds for the communication, the report shall include the~~
14 ~~name, address, employer, and occupation of any person that donated fifty dollars (\$50.00) or more for~~
15 ~~the purposes of making the communication.~~

16 b. ~~— If the person used non-donor funds for the communication, whether whole or in~~
17 ~~part, the person shall briefly describe the source of the non-donor funds. For the purposes of this~~
18 ~~section, "non-donor funds" include investment income, capital gains, regular membership dues,~~
19 ~~income earned from providing goods, services or facilities, sales of assets, or other receipts that are~~
20 ~~not donations.~~

21 22 **Sec. 15-36. – Use of campaign funds.**

23 (a) General prohibition. No committee may use any contribution or contribution in-kind for
24 private purposes not reasonably related to influencing an election. No candidate committee may use
25 any contribution or contribution in-kind for private purposes not reasonably related to supporting the
26 election of the candidate who designated the committee.

27 (b) Exceptions. Contributions and contributions in-kind to any committee may be returned to
28 contributors or donated to a nonprofit organization in good standing under section 501(c)(3) of the
29 United States Internal Revenue Code of 1986, as amended. Contributions and contributions in-kind to
30 a candidate committee may be:

31 (1) Contributed to a candidate committee established by the same candidate for a different
32 elected office as provided in section 15-33;

33 (2) Contributed to a candidate committee for any other candidate running for elected office
34 of the city;

1 (3) Contributed to any issue committee organized to support or oppose any city or state
2 ballot question or ballot issue, or any ballot issue or ballot question proposed by a special district or
3 governmental entity that includes territory within the city;

4 (4) Retained by the committee for use by the candidate in a subsequent campaign as a
5 candidate for any elected office of the city;

6 (5) Donated to the fair election fund established under division 2; or

7 (6) For any person elected to office, used to:
8 a. encourage voter registration,
9 b. provide political education, which includes obtaining information from or providing
10 information to the electorate, or

11 c. to defray the cost of expenses that are directly related to such person's official
12 duties as an elected official of the city, including, but not limited to, reasonable and necessary
13 expenses related to mailings and similar communications to constituents, expenses for the purchase
14 or lease of office equipment and supplies, room rental for public meetings, necessary travel and
15 lodging expenses for legislative education such as seminars, conferences, and meetings on legislative
16 issues, and telecommunication expenses.

17
18 **~~Sec. 15-36. -- Filing of reports.~~**

19 ~~(a) The treasurer of any committee shall file all reports required by this article with the clerk~~
20 ~~and recorder.~~

21 ~~(b) Reports required to be filed by this article shall be deemed timely filed if received by the~~
22 ~~clerk and recorder no later than 11:59 p.m. on the designated day.~~

23 ~~(c) All reports required by this article shall be open to inspection by the public during regular~~
24 ~~business hours. Effective January 1, 2011, all reports required by this article shall also be posted by~~
25 ~~the clerk and recorder on the city's internet website no later than 5:00 p.m. on the next business day~~
26 ~~following the deadline for submission of the report as set forth in section 15-35.~~

27
28 **~~Sec. 15-37. -- Limitations on contributions and contributions in-kind.~~**

29 ~~(a)(1) For any particular election cycle, no person shall make contributions or contributions in-~~
30 ~~kind to a candidate and his or her candidate committees that, in the aggregate, exceed the following~~
31 ~~amounts:~~

Office	Amount
Mayor	\$1,000.00

Auditor	\$700.00
Councilmember at large	\$700.00
Judge	\$700.00
Clerk and Recorder	\$700.00
District councilmember	\$400.00

1

2 For the purposes of transferring money between candidate committees that are authorized by the
3 same candidate, it is not a violation of D.R.M.C. section 15-32(b) if a candidate creates a new
4 candidate committee for another city office, transfers money from the original committee to the new
5 committee, and then closes the original committee no later than ten (10) days after such transfer is
6 made.

7 (2) Except for entities registered as committees pursuant to section 15-34, it shall be
8 unlawful for any unincorporated association, corporation, limited liability company, partnership, limited
9 political partnership, or labor organization to make contributions to a candidate committee and no
10 candidate committee shall accept any contribution from these entities.

11 (3) Each election cycle limit on contributions and contributions in kind described in
12 subsection (a)(1) of this section shall be adjusted by an amount based upon the percentage change
13 over a four-year period in the United States bureau of labor statistics consumer price index for Denver-
14 Aurora-Lakewood, all items, all consumers, or its successor index, rounded to the nearest lowest five
15 dollars (\$5.00). The first adjustment shall be done before the second quarter of 2024 and then every
16 four (4) years thereafter. The clerk and recorder shall calculate such an adjustment in each limit and
17 specify the limits in rules promulgated in accordance with section 15-46.

18 (b) No candidate committee shall accept any contribution or contribution in kind from any
19 person if that person's contributions or contributions in kind on behalf of the candidate have an
20 aggregate amount or value in excess of the amounts listed in section 15-37(a). Any contribution or
21 contribution in kind or portion thereof exceeds the limits in section 15-37(a) shall be returned to the
22 contributor within seventy-two (72) hours of receipt.

23 (c) The limitations imposed by subsections (a) and (b) of this section shall not apply to
24 contribution of a candidate's personal funds to the candidate's own campaign, or to any loan which is
25 personally guaranteed by the candidate or is secured by property owned by the candidate.

26 (d) No person shall make a contribution to a committee which exceeds fifty dollars (\$50.00)
27 in currency or coin. Any portion of a contribution in currency or coin exceeding fifty dollars (\$50.00) or
28 more shall be remitted by the treasurer to the clerk and recorder no later than seventy-two (72) hours

1 after receipt, for deposit by the clerk and recorder into the Fair Elections Fund of the city.

2 (e) — Any portion of an anonymous contribution of more than fifty dollars (\$50.00) received by
3 a committee shall be remitted by the treasurer to the clerk and recorder no later than seventy-two (72)
4 hours after receipt, for deposit by the clerk and recorder into the Fair Elections Fund of the city.

5 (f) — A candidate may not accept contributions from a small donor committee in the aggregate
6 in excess of the ten (10) times the contribution limit for the office that the candidate seeks, the
7 amounts of which are listed below.

Office	Amount for Fair candidates not participating in the Fair Elections Fund	Amount for Fair Elections Fund Participating Candidates
Mayor	\$10,000.00	\$5,000.00
Auditor	\$7,000.00	\$3,500.00
Councilmember at large	\$7,000.00	\$3,500.00
Judge	\$7,000.00	\$3,500.00
Clerk and Recorder	\$7,000.00	\$3,500.00
District councilmember	\$4,000.00	\$2,000.00

8

9 **Sec. 15-37. - Reporting requirements for candidate committees, issue committees, political**
10 **action committees, and small donor committees.**

11 (a) Applicability. The reporting requirements of this section shall apply to all committees
12 upon filing of a statement of organization, and the committee shall be responsible for reporting all

information during the reporting period in which they are formed. The reporting requirements shall continue to apply to all committees which have a cash balance of contributions or an expenditure deficit and shall end when the committee files a report showing no unexpended balance, no debt, and no expenditure deficit.

(b) *Contents of reports.* The treasurer of each committee shall file reports with the clerk and recorder during the election cycle in accordance with the provisions of this section and shall attest to the accuracy of each report. Any contributions or contributions in-kind received or expenditures made by the candidate or committee during the election cycle, but prior to becoming a candidate or committee shall be reported in the first report required under this section. Each report shall contain:

(1) The amount of funds on hand at the beginning of the reporting period;

(2) The amount and date of each contribution and contribution in-kind received during the reporting period;

(3) The name and address of each contributor;

(4) The occupation and employer of any natural person whose contributions and contributions in-kind aggregate fifty dollars (\$50.00) or more during the election cycle;

(5) The total amount of all expenditures during the reporting period;

(6) The name and address of each person who received an expenditure from the committee or the candidate prior to the person becoming a candidate with an aggregate value of fifty dollars (\$50.00) or more in an election cycle, together with the date, amount, and types of goods or services purchased;

(7) The name and address of any bank or other depository for funds used by the committee or the candidate prior to the person becoming a candidate;

(8) The details of any loan of money, letter of credit, line of credit, or commercial loan ("loan") made to the committee or the candidate prior to the person becoming a candidate during the reporting period, including identification of the lender or entity; identification of any endorser or guarantor; the amount guaranteed; the date the loan was made; the amount of the loan; the method of disposition; the balance due; the terms of interest and the total amount of interest, if any; and

(9) The details of any unpaid obligation of five hundred dollars (\$500.00) or more which is at least thirty (30) days overdue and is not otherwise included as a contribution or contribution in-kind incurred during the reporting period, including the name and address of the person to whom the obligation is due; the due date of the obligation; the purpose of the obligation; and the total amount past due of the obligation;

(c) *Frequency of reports for candidate committees, political action committees, and small donor committees.* Candidate committees, political action committees, and small donor committees

shall file reports with the clerk and recorder throughout the election cycle, with increasing frequency. Reports shall be filed beginning semiannually, then quarterly, then monthly, and shall be followed by pre-election reports approximately once every two weeks, run-off election reports, a post-election report, and a year-end report. The reporting periods and schedule shall be as follows:

(1) Non-election years.

a. During the first two (2) years of an election cycle, each committee shall file semiannual reports. The first report shall cover January 1 to June 30 and is due on or before July 31. The second report shall cover July 1 to December 31 and is due on or before January 31 of the following year.

b. During the third year of an election cycle, each committee shall file quarterly reports due no later than the 15th day after the end of the applicable quarter.

(2) General election year.

a. A monthly report for the period beginning January 1 to January 31, which shall be filed no later than February 5;

b. A monthly report for the period beginning February 1 to February 28, which shall be filed no later than March 5;

c. A pre-election report for the period beginning March 1 to March 14, which shall be filed no later than March 17;

d. A pre-election report for the period of March 15 to the Wednesday before the general election, which shall be filed no later than the Friday before the general election.

(3) Run-off election period.

a. A pre-run-off election report for the period beginning the Thursday before the general election through April 30, which shall be filed no later than May 3;

b. A pre-run-off election report for the period beginning May 1 through the Wednesday before the run-off election, which shall be filed no later than the Friday before the run-off election;

c. A post-election report for the period beginning the Thursday before the run-off election to twenty-five (25) days after the run-off election, which shall be filed no later than thirty (30) days after the run-off election; and

d. A year-end report for the period beginning twenty-six (26) days after the run-off election through December 31, which shall be filed no later than January 31 of the following year.

(4) Special elections. Beginning in the month that a candidate is declared or a candidate committee is formed for the office, the following reports shall be filed:

a. A report for each month before the month preceding the special election, which

1 shall be filed no later than the 5th day of the following month;

2 b. A pre-election report for the period beginning the 1st day of the month immediately
3 preceding the election through the 14th day of that month, which shall be filed no later than the 17th
4 day of that month;

5 c. A pre-election report for the period beginning on the 15th day of the month
6 immediately preceding the election through the Wednesday before the election, which shall be filed no
7 later than the Friday before the election;

8 d. A post-election report for the period beginning on the Thursday before the election
9 through the 25th day after the election, which shall be filed no later than the 30th day after the election;

10 e. A year-end report for the period beginning on the 26th day after the election
11 through December 31, which shall be filed no later than January 31 of the following year.

12 (d) *Frequency of reports for issue committees.* Issue committees shall file reports with the
13 clerk and recorder throughout the election cycle, with increasing frequency. Reports shall be filed
14 beginning monthly and shall be followed by pre-election reports approximately once every two weeks,
15 along with a post-election report and a year-end report. The reporting periods and schedule shall be
16 as follows:

17 (1) A report for each month before the month preceding the election, which shall be filed no
18 later than the 5th day of the following month;

19 (2) A pre-election report for the period beginning on the 1st day of the month immediately
20 before the election through the 14th day of that month, which shall be filed no later than the 17th day of
21 that month;

22 (3) A pre-election report for the period beginning on the 15th day of the month immediately
23 before the election through the Wednesday before the election, which shall be filed no later than the
24 Friday before the election;

25 (4) A post-election report for the period beginning on the Thursday before the election
26 through the 25th day after the election, which shall be filed no later than the 30th day after the election;
27 and

28 (5) A year-end report for the period beginning on the 26th day after the election through
29 December 31, which shall be filed no later than January 31st of the following year. Provided, however,
30 in a year with two (2) or more elections at which (1) or more ballot issues or ballot questions may be
31 voted on, the year-end report shall only include the period beginning on the 26th day after the election
32 through the end of that month and shall be filed no later than the 5th day of the following month. Issue
33 committees shall then resume monthly reports required by this section on the 1st day of the following
34 month and file the pre-election, post-election, and year-end reports required by this section for the

1 second election.

2
3 (e) Major contribution reports. In addition to other reports required by this section, the
4 committee's treasurer shall file a report with the clerk and recorder if the committee receives any
5 contribution or contribution in-kind of one thousand dollars (\$1,000.00) or more during the period
6 beginning on the Thursday before the election through, and including, the Monday before the election.
7 Notwithstanding the reporting requirements in subsection (g), such report shall be filed no later than
8 twenty-four (24) hours after receipt of such contribution or contribution in-kind.

9 (f) Incomplete reports. If the clerk and recorder deems any report required by this section to
10 be incomplete, the clerk and recorder may deem such report deficient, accept such report on a
11 conditional basis and notify the committee treasurer as provided in section 15-45.

12 (g) Deadlines and posting. Reports required to be filed by this article shall be deemed timely
13 filed if received by the clerk and recorder no later than 11:59 p.m. on the designated day. If a reporting
14 deadline, other than the reporting deadlines for major contributions identified in this section or
15 expenditures identified in section 15-39, falls on a weekend, legal holiday, or a City and County of
16 Denver furlough day, the report shall be filed by the next business day. The clerk and recorder shall
17 post all reports required by this article on the city's internet website no later than 5:00 p.m. on the
18 business day following the deadline for submission of the report.

19
20 **~~Sec. 15-38. Use of campaign funds restricted.~~**

21 ~~(a) No candidate or treasurer of a committee may use any contribution or contribution in-~~
22 ~~kind for private purposes not reasonably related to influencing an election.~~

23 ~~(b) Unexpended campaign contributions to a candidate committee may be:~~

24 ~~(1) Contributed to a candidate committee established by the same candidate for a different~~
25 ~~elected office of the city if the candidate committee making such a contribution is affirmatively closed~~
26 ~~by the candidate no later than ten (10) days after the date such a contribution is made;~~

27 ~~(2) Contributed to a candidate committee for any other candidate for elected office in the~~
28 ~~city;~~

29 ~~(3) Contributed to any issue committee organized to support or oppose any city or state~~
30 ~~ballot question or ballot issue or any ballot issue or ballot question proposed by any other local~~
31 ~~government that includes territory within the city;~~

32 ~~(4) Donated to a charitable organization recognized by the internal revenue service;~~

33 ~~(5) Returned to the contributors, or retained by the committee for use by the candidate in a~~
34 ~~subsequent campaign for any non-partisan office; or~~

1 ~~(6) — Donated to the Fair Election Fund established under section 15-51, D.R.M.C.~~

2 ~~(c) — A candidate committee for a former officeholder or a person not elected to office shall~~
3 ~~expend all of the unexpended campaign contributions retained by such candidate committee, for the~~
4 ~~purposes specified in subsection (b) of this section, no later than four (4) years from the date such~~
5 ~~officeholder's term expired or from the date of the election at which such person was a candidate for~~
6 ~~office, whichever is later.~~

7 ~~(d) — In addition to any use described in paragraph (b) of this section, a person elected to a~~
8 ~~public office may use unexpended campaign contributions held by the person's candidate committee~~
9 ~~for any of the following purposes:~~

10 ~~(1) — Voter registration;~~

11 ~~(2) — Political education, which includes obtaining information from or providing information to~~
12 ~~the electorate;~~

13 ~~(3) — Postsecondary educational scholarships;~~

14 ~~(4) — To defray reasonable and necessary expenses related to mailings and similar~~
15 ~~communications to constituents;~~

16 ~~(5) — Any expenses that are directly related to such person's official duties as an elected~~
17 ~~official, including, but not limited to, expenses for the purchase or lease of office equipment and~~
18 ~~supplies, room rental for public meetings, necessary travel and lodging expenses for legislative~~
19 ~~education such as seminars, conferences, and meetings on legislative issues, and telephone and~~
20 ~~pager expenses.~~

21 ~~(e) — Unexpended contributions to a political committee organized to support or oppose a city~~
22 ~~ballot question or ballot issue may be donated to any charitable organization recognized by the~~
23 ~~Internal Revenue Service or returned to the contributor.~~

24
25 **Sec. 15-38. - Closing of committees.**

26 ~~(a) Candidate committees. Candidate committees shall be closed no later than four (4)~~
27 ~~years from the date of the general municipal election, run-off election, or expiration of the incumbent~~
28 ~~officeholder's final term of office, whichever is later. On or prior to the date of closure, the treasurer of~~
29 ~~a candidate committee shall notify the clerk and recorder and file a report showing no unexpended~~
30 ~~balance, no debt, and no expenditure deficit.~~

31 ~~(b) Issue committees. Issue committees shall be closed no later than one (1) year from the~~
32 ~~date of the election at which the ballot issue for which it was formed is voted on. On or prior to the date~~
33 ~~of closure, the treasurer of an issue committee shall notify the clerk and recorder and file a report~~
34 ~~showing no unexpended balance, no debt, and no expenditure deficit. Any issue committee that fails~~

to close shall continue filing all required reports for the subsequent election cycle and shall be subject to the penalties provided in this division.

(c) All other committees. At the election of the treasurer, a small donor committee or political action committee may close their account by notifying the clerk and recorder and filing of a report showing no unexpended balance, no debt, and no expenditure deficit.

Sec. 15-39. -- Duties of the clerk and recorder.

The clerk and recorder shall:

(1) ~~Prescribe forms and provide instructional materials for reports required to be filed by this article.~~

(2) ~~Preserve and maintain all such reports and make them available for inspection and copying under the requirements of the state Public Records Act.~~

(3) ~~Except for late reports subject to section 15-40.5, notify the committee or person involved if the clerk and recorder makes a determination of an apparent violation. The receiving committee or person will have ten (10) days from the date of notice of an apparent violation to correct any violation of this article, including failure to file complete reports as required by section 15-35; except when any violation concerning deadlines for reports during special elections occurs, then the clerk and recorder will allow the committee or person two (2) days in which to correct the deficiency.~~

(4) ~~Audit filings or submissions as needed to ensure compliance with the provisions of this article.~~

(5) ~~Except for late reports subject to section 15-40.5, if any apparent violation of this article is not corrected within ten (10) days as provided in paragraph (3) above, the clerk and recorder shall file a complaint with a hearing officer who shall resolve the complaint in accordance with sections 15-40 (c) through (e).~~

Sec. 15-39. - Reporting requirements for independent expenditures and electioneering communications.

(a) Reporting. Once any person spends an aggregate of one thousand dollars (\$1,000.00) or more on either electioneering communications or independent expenditures in an election cycle, the person shall file an initial report that accounts for the first one thousand dollars (\$1,000.00) of spending. The person shall then file a report for each subsequent electioneering communication or independent expenditure, regardless of the amount. Notwithstanding the reporting deadline identified in section 15-35, the report shall be filed within forty-eight (48) hours after obligating the money or actually spending the money, whichever occurs first.

1 (b) Affirmation. No later than ten (10) days after filing the first report in an election cycle
2 under this section, the individual responsible for filing reports shall affirm to the clerk and recorder that
3 the person is familiar with the provisions of the article. If another person replaces the individual
4 responsible for filing on behalf of the entity, the new person shall make the affirmation within ten (10)
5 days after being appointed.

6 (c) Contents of report. Both the initial report and subsequent reports shall include the
7 following:

8 (1) If the communication is made by a natural person, the full name, mailing address,
9 telephone number, email address, occupation, and employer of the person;

10 (2) If the communication is made by a covered entity or other organization:

11 a. The full name, mailing address, telephone number, and email address of the
12 individual filing the report on behalf of the organization;

13 b. The URL for the website of the organization;

14 c. The full name of each principal owner of the organization;

15 d. The business or purpose of the organization, including its tax-exempt status; and

16 e. The street address of the organization's principal place of operations, if different
17 from the mailing address.

18 (3) Whether each communication is an independent expenditure or electioneering
19 communication;

20 (4) The date and method of each communication;

21 (5) The name of the candidates, ballot issues, or ballot questions referred to in the
22 communication and whether the communication supports or opposes the candidate, issue, or
23 question; and

24 (6) The amount spent on each communication and the source of the funds including the
25 name, address, employer and occupation of any person that donated fifty dollars (\$50.00) or more for
26 the purposes of making the communication or a brief description of the source if the person used, in
27 whole or in part, receipts that are not donations such as investment income, capital gains, regular
28 membership dues, income earned from providing goods, services or facilities, or sales of assets.

29
30 **~~Sec. 15-40. - Complaints; duties of clerk and recorder.~~**

31 ~~(a) A resident of the City and County of Denver who believes a violation of this article has~~
32 ~~occurred may file a written complaint with the clerk and recorder no later than sixty (60) days after the~~
33 ~~date on which the complainant either knew or should have known, by the exercise of reasonable~~
34 ~~diligence, of the alleged violation.~~

1 (b)—— Upon receipt of a complaint, the clerk and recorder must conduct an initial review of the
2 complaint for completeness. If the complaint is incomplete, the clerk and recorder must dismiss the
3 complaint for incompleteness and provide the complainant an opportunity to file a new, complete
4 complaint. If the complaint is complete, the clerk and recorder must send notice of the complaint to the
5 respondent. The respondent has thirty (30) days from the date of the complaint notice to respond to
6 the complaint or cure the alleged violations in the complaint.

7 (1)—— If, after reviewing the response, the clerk and recorder determines that the respondent
8 has either cured the alleged violations in the complaint or provided sufficient information for the clerk
9 and recorder to determine that no violation occurred, the clerk and recorder may dismiss the
10 complaint.

11 (2)—— If the respondent fails to provide sufficient information to allow the clerk and recorder to
12 dismiss the complaint, the clerk and recorder must either request additional specific information from
13 the respondent or appoint a hearing officer to resolve the complaint.

14 (c)—— A hearing officer who is appointed to resolve a campaign finance complaint may not be a
15 full-time employee of the clerk and recorder's office. Once appointed, the hearing officer must review
16 all relevant information, including the complaint, response, and any motion to dismiss the complaint.

17 (1)—— If the hearing officer receives a motion to dismiss, the hearing officer may, in the hearing
18 officer's discretion:

19 a.—— Provide the nonmoving party an opportunity to respond to the motion to dismiss;
20 and

21 b.—— Either grant or deny the motion. Any decision on a motion to dismiss is final and
22 subject to review by the district court.

23 (2)—— If, before any hearing, the hearing officer determines that there are no genuine issues of
24 material fact in the complaint, the hearing officer may, in the hearing officer's discretion, dispose of the
25 complaint through written briefing by the parties.

26 (3)—— If the hearing officer determines that a hearing on the complaint is necessary, the
27 hearing officer must set the date for a hearing, which must be no later than thirty (30) days from the
28 date of the hearing officer's notice setting the hearing.

29 (d)—— The hearing officer, at the request of any party to the hearing, may subpoena witnesses,
30 documents, and other evidence where the attendance of the witness or the admission of evidence is
31 deemed necessary to decide the issues at the hearing. Any subpoena must be served by delivering a
32 copy of it to the person named or by sending it to them by first-class mail. All costs related to the
33 subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena.
34 Any subpoena is enforceable by the requesting party in the county court. The respondent and

complainant may present evidence to the hearing officer in the form of testimony, documents, rebuttal testimony, and opening and closing statements. The hearing officer is entitled to examine any witness and request the submission of additional evidence and arguments.

(e) — At the conclusion of the hearing or upon review of the written briefs, the hearing officer must determine by a preponderance of the evidence if a violation of this article has been committed. Upon a finding for or against a respondent, the hearing officer must enter a decision and order any necessary relief, if applicable. The decision of the hearing officer is final and subject to review by the district court. The clerk and recorder and the hearing officer are not necessary parties to the review.

(f) — The clerk and recorder may promulgate any rules necessary for the proper administration of campaign finance complaints, cures, and hearings including, but not limited to, any rules necessary to ensure the complaint, cure, and hearing process is a simplified and scalable process designed to enhance the just, speedy, and efficient determination of complaints.

Sec. 15-40. - Disclosure required for independent expenditures, electioneering communications, and other campaign communications.

Whenever any person makes an electioneering communication, independent expenditure, or other communication expressly advocating a particular result in an election, or solicits any contribution or contribution in-kind, through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public advertisement, such communication shall:

(a) Clearly state that the communication is paid for by a committee if paid for and authorized by a committee or its agent;

(b) Clearly state both the full name of the person who paid for the communication and the name of the committee that authorized it if paid for by other persons but authorized by a committee or its agent; or

(c) Clearly state the full name of the person that paid for the communication and include a statement that the communication is not authorized by any candidate or committee if paid for by a person as an independent expenditure or electioneering communication that is not controlled by or coordinated with a candidate or committee.

Sec. 15-40.5. - Fines for late reports; waiver; appeal.

(a) — *Fines imposed.* The clerk is authorized to assess civil penalties as provided in article XII, chapter 2 of the Code. If a person or committee fails to timely file a report or fails to timely cure a deficient report identified by the clerk and recorder under section 15-35 (e), the clerk and recorder's office will penalize the offending party fifty dollars (\$50.00) per day for either each calendar day that

the report is late or each calendar day that the deficient report remains uncured. For all persons or committees, a fine for a single violation will not exceed five hundred dollars (\$500.00) per filing deadline violation.

(b) ~~Waiver.~~

(1) ~~A fined party may request a waiver or reduction of the fine within ten (10) calendar days of the fine's final accrual. The request must include the following information:~~

- ~~a. The reason for the delinquency, including all relevant factors related to it;~~
- ~~b. Remedial actions the filer has taken to avoid future delinquencies; and~~
- ~~c. Any other information the requestor deems relevant to the request.~~

(2) ~~The clerk and recorder's office will consider the waiver request and respond to the requestor with a written final decision within five (5) business days.~~

(3) ~~Before issuing a final decision, the clerk's office may consider:~~

- ~~a. The requestor's history of delinquency;~~
- ~~b. Circumstances that made complying with the deadline an impossibility;~~
- ~~c. Outstanding penalties;~~
- ~~d. Whether the city's database was unavailable to the committee;~~
- ~~e. The date when the requestor filed the waiver; and~~
- ~~f. If the requestor has previously incurred unpaid fines, the clerk and recorder may,~~

~~in the clerk and recorder's sole discretion, waive those fines if the requestor takes affirmative action to comply with code and terminate their reporting requirements.~~

(4) ~~Any person or committee who disputes the final amount of a penalty imposed against that person or committee may seek review of the administrative citation as provided in article XII, chapter 2 of the Code.~~

(5) ~~If a candidate for the office of the clerk and recorder requests a waiver, the clerk and recorder's office will refer the matter to the office's compliance officer.~~

~~Sec. 15-41. -- Penalties.~~

(a) ~~Except as provided in this section, failure to comply with the provisions of this article shall have no effect on the validity of any election, issue, or bonds issued pursuant to law.~~

(b) ~~Upon determination by a court of competent jurisdiction, any violation of sections 15-35, 15-36, and 15-37 of the Revised Municipal Code shall be considered a violation of section 8.1.5 of the Charter. The candidate shall forfeit his or her right to assume office to which he or she may have been elected. If the person has already assumed office, the office shall be vacated as provided under Charter section 8.2.15. Any vacancy created by the operation of this subsection shall be filled as~~

provided in section 8.2.15 of the Charter.

(c) — Any person who knowingly violates any provision of this article or who gives or accepts any contribution or contribution in kind in such a way as to hinder or prevent identification of the true donor, in addition to any other penalties provided by law, shall be subject to the penalty in section 1-13 of the Revised Municipal Code.

Sec. 15-41. – Payments and rebates for political advertising.

(a) Payments for political advertising. No candidate, campaign treasurer, or campaign committee may pay any radio or television station, newspaper, periodical, or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space, materials, or services.

(b) Rebates prohibited. No radio or television station, newspaper, periodical, or other supplier of materials or services may rebate, directly or indirectly, any rate charged to a candidate, campaign treasurer or campaign committee.

(c) Exception. Nothing in this section shall be construed to prevent an adjustment in rates related to frequency, volume, production costs, and agency fees, if such adjustments are offered consistently to other advertisers.

Sec. 15-42. – Responsibility for communications.

Whenever any person or committee makes a communication expressly advocating a particular result in an election, or solicits any contribution or contribution in kind, through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, or when a person or covered entity makes an independent expenditure or electioneering communication, such communication:

(a) — If paid for and authorized by a candidate committee, issue committee, political action committee or their agents, shall clearly state that the communication is paid for by that candidate committee, issue committee, or political action committee;

(b) — If paid for by other persons but authorized by a candidate committee, issue committee, political action committee or their agents, shall clearly state that the communication is paid for by such other persons and authorized by candidate committee, issue committee, or political action committee;
or

(c) — If paid for by a person or covered entity as an independent expenditure or electioneering communication, shall clearly state both the full name of the person or covered entity making the expenditure and that the advertisement or material is not authorized by the candidate, candidate

committee, issue committee, or political action committee.

Sec. 15-42. - Encouraging withdrawal from campaign prohibited.

No person shall offer or give any candidate or candidate committee any money or any other thing of value for the purpose of encouraging the withdrawal of the candidate's candidacy, nor shall any candidate offer to withdraw a candidacy in return for money or any other thing of value.

Sec. 15-43. -- Reserved.

Sec. 15-43. - Limitations on use of city funds and city staff time for election matters.

(a) Use of city funds and staff time. Except as provided in subsections (b) and (c), no department, agency, board, commission, officer or employee of the city, may expend city funds or use city staff time with the intent to further a campaign for the nomination, retention, election, or recall of a person to a public office in an election or with the intent to urge electors to vote for or against a:

(1) Municipal ballot issue or ballot question, after the clerk and recorder has approved the contents of the affidavit, ballot title, and petition sample, as specified in section 8.3.2 of the Charter;

(2) Statewide ballot issue or ballot question after the title has been fixed;

(3) Statewide or municipal referred measure after final passage of the bill referring the measure;

(4) Municipal measure for the recall of an elected officer, after the clerk and recorder has approved the contents of the affidavit, ballot title, and petition sample, as specified in section 8.3.2 of the Charter; or

(5) Measure for the recall of a state elected officer upon the final determination of sufficiency.

(b) Exceptions. Nothing in this section shall prohibit a department, agency, board, commission, officer or employee from:

(1) Providing the text of an issue, question, or measure, or report the details of any official action taken to refer an issue, question, or measure;

(2) Taking actions necessary to compile and distribute the fiscal impact estimate and ballot information booklet authorized in article I of this chapter, or necessary to comply with any of the provisions of this article;

(3) Passing a resolution or proclamation analyzing and commenting on an issue, question, or measure or report the passage of such resolution or proclamation;

(4) Permitting or allow an individual or group to use a city facility or city staff time for political

purposes if the facility or city staff are offered or available to the public on the same terms regardless of the use and content of the activity;

(5) Responding to unsolicited questions or requests for information about a candidate, issue, question, or measure;

(6) Expending fifty dollars (\$50.00) or less of city funds, or city staff time calculated by an hourly rate, in the form of letters, telephone calls, or other activities incidental to expressing their opinion on a candidate, issue, question, or measure; or

(7) Dispensing a factual summary of an issue, question, or measure, that includes arguments both for and against the issue, question, or measure, which does not contain a conclusion or urge electors to vote for or against the issue, question, or measure;

(c) *Elected officials.* Nothing in this section shall prohibit an elected official from expressing their personal opinion on a candidate, issue, question, or measure at any time provided that the elected official may not use staff time in excess of fifty dollars (\$50.00) as calculated by an hourly rate, nor may the official directly expend more than fifty dollars (\$50.00) of city funds incidental to such expression.

(d) *Penalty.* A violation of this section shall be a noncriminal violation subject only to the penalty authorized in section 15-45.

Sec. 15-44. – Expenditures for political advertising; rates and charges.

(a) ~~It shall be unlawful for any person who is a candidate, campaign treasurer, or campaign committee to pay any radio or television station, newspaper, periodical, or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space or materials and services.~~

(b) ~~It shall be unlawful for any radio or television station, newspaper, periodical, or other supplier of materials and services to rebate any such rate, directly or indirectly.~~

(c) ~~Nothing in this section shall be construed to prevent an adjustment in rates related to frequency, volume, production costs, and agency fees, provided such adjustment is a normal charge paid by other persons who are advertisers.~~

Sec. 15-44. – Complaints, hearing officer, and final determination.

(a) *Complaints.*

(1) *Citizen complaints.* A resident of the city who believes a violation of this article has occurred may file a written complaint with the clerk and recorder no later than sixty (60) days after the date on which the complainant either knew or should have known, by the exercise of reasonable

diligence, of the alleged violation. Each complaint shall identify the person alleged to have committed a violation, the date of the violation, the facts giving rise to the violation, the provisions of this article alleged to have been violated, and any other information required by the clerk and recorder. The clerk and recorder shall not accept a complaint that fails to meet the requirements of this subsection. Provided, however, if the complaint alleges a violation of this article committed by a candidate running for election or re-election to the office of the clerk and recorder, the clerk and recorder shall appoint an administrative hearing officer pursuant to subsection (c) to carry out the duties assigned to the clerk and recorder in this section.

(2) *Complaints filed by the clerk and recorder.* The clerk and recorder is authorized to file a complaint with an administrative hearing officer appointed pursuant to this section, after providing notice of the violation pursuant to section 15-45, if the person alleged to have committed the violation has failed to cure and is not a candidate for the office of the clerk and recorder.

(b) *Response and dismissal.* If the complaint meets the requirements of subsection (a), the clerk and recorder shall notify the person alleged to have committed the violation (the “respondent”) and order the respondent to file a response within thirty (30) days of such notification. If the complaint is filed by a resident, the clerk and recorder may dismiss the complaint if:

(1) The respondent has cured the alleged violation(s);

(2) The respondent has already been issued an administrative citation related to the violation(s);

(3) Based on the information in the complaint and taking the facts stated therein as true, the complainant has not stated a plausible violation of this article; or

(4) Based on the information in the complaint and the response, there is sufficient information to find, by a preponderance of evidence, that no violation has been committed.

(c) *Appointment and qualifications of hearing officer.* Upon receipt of a response that does not result in dismissal pursuant to subsection (b), or upon the filing of a complaint by the clerk and recorder, the clerk and recorder shall appoint an administrative hearing officer to render a final decision regarding the complaint. The administrative hearing officer may not be career service personnel of the clerk and recorder’s office or otherwise work in a full-time capacity as an employee of the clerk and recorder but shall be an agent or employee of the city. Additionally, any person designated to serve as an administrative hearing officer shall be subject to the standards of conduct set forth in the Colorado Code of Judicial Conduct and subject to disqualification for bias, prejudice, interest, or for any other reason for which a judge may be disqualified in a court of law.

(d) *Final determination.* Upon receipt of the complaint, response, and any other information provided by the clerk and recorder, the hearing officer shall schedule a date and time for a hearing or,

1 if there are no genuine issues of material fact in the complaint, render a final decision based on written
2 briefing by the parties. If the hearing officer determines that a hearing on the complaint is necessary,
3 the hearing shall be set no later than thirty (30) days from the mailing date of notice of the hearing. At
4 the conclusion of the hearing or upon review of the written briefs, the hearing officer shall issue a
5 written final decision determining whether the complainant has shown by a preponderance of evidence
6 that the respondent has committed a violation of this article. Upon finding a violation, the hearing
7 officer may assess a penalty as set forth in subsection 15-45. The final decision together with the
8 penalty may be appealed pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

9 (e) *Authority of hearing officer.* The hearing officer shall have the power to control the
10 hearing including, but not limited to setting a schedule for written for briefings, ruling upon motions and
11 offers of proof, receiving and admitting evidence, limiting the presentation of evidence and cross-
12 examination so as to prevent repetitive and cumulative evidence or examination, and ordering any
13 person to be removed from the hearing. The hearing officer is entitled to examine any witness and
14 request the submission of additional evidence and arguments. At the request of any party to the
15 hearing, the hearing officer may subpoena witnesses, documents, and other evidence where the
16 attendance of the witness or the admission of evidence is deemed necessary to decide the issues at
17 the hearing. Any subpoena must be served by delivering a copy of it to the person named or by
18 sending it to them by first-class mail. All costs related to the subpoena, including witness and mileage
19 fees, shall be borne by the party requesting the subpoena. Any subpoena is enforceable by the
20 requesting party in the county court. The respondent and complainant may present evidence to the
21 hearing officer in the form of testimony, documents, rebuttal testimony, and opening and closing
22 statements.

23
24 **~~Sec. 15-45. – Encouraging withdrawal from campaign prohibited.~~**

25 ~~(a) — It shall be unlawful for any person to pay, cause to be paid, or attempt to pay to any~~
26 ~~candidate or to any candidate committee any money or any other thing of value for the purpose of~~
27 ~~encouraging a candidate to withdraw his or her candidacy.~~

28 ~~(b) — It shall be unlawful for any person who is a candidate to offer to withdraw his or her~~
29 ~~candidacy in return for money or any other thing of value.~~

30
31 **Sec. 15-45. – Duties of clerk and recorder; enforcement and penalties.**

32 (a) *Duties of the clerk and recorder.* The clerk and recorder shall provide forms and
33 instructional materials for reports required to be filed pursuant to this article and shall preserve and
34 maintain such reports throughout the applicable election cycle.

1 **(b) Requests for information.** Any person subject to the requirements of this article shall
2 obtain and furnish to the clerk and recorder any information relating to campaign expenditures or
3 contributions and other proof of compliance with this article.

4 **(c) Enforcement.** Except as otherwise provided in subsection (g), a violation of this article,
5 shall be a noncriminal violation. The clerk and recorder, or an administrative hearing officer in
6 rendering a final decision, is authorized to assess civil penalties as provided in this section.

7 **(d) Late and deficient reports.**

8 **(1)** The clerk and recorder may issue an administrative citation pursuant to article XII,
9 chapter 2 only for the failure to file a report or receipt required by this article, or cure a deficient report
10 or receipt ("reporting violation"). The procedures for enforcement, penalty, and appeals of such an
11 administrative citation shall be as specified in this section.

12 **(2)** Prior to issuing an administrative citation for a deficient report, the clerk and recorder
13 shall notify the treasurer of a committee by mail, telephone, or email with respect to any deficiencies
14 found. The notice shall include a description of each deficiency and instructions on how to cure.
15 Deficient reports filed for a general municipal election or run-off election must be cured within ten (10)
16 days of notice, and deficient reports filed for a special election shall be cured within two (2) days of
17 notice.

18 **(3)** Any person who has been issued an administrative citation for a reporting violation may
19 file a request with the clerk and recorder requesting that the fine be waived or reduced. Such request
20 shall be filed within ten (10) days of the due date of the fine. In determining whether to waive or reduce
21 any such fine, the clerk and recorder may consider the requestor's history of delinquency, outstanding
22 penalties, and any other information provided by the requestor. The clerk and recorder shall issue a
23 written final decision granting or denying the request within five (5) business days.

24 **(4)** Any person who has been issued an administrative citation for a reporting violation may
25 seek review of the citation by filing a petition with the clerk and recorder no later than thirty (30) days
26 after receipt of the citation. Compliance with the provisions of this subsection shall be a jurisdictional
27 prerequisite to appeal any administrative citation and failure to comply shall bar any such appeal. The
28 filing of a petition shall stay the enforcement of any penalty assessed pursuant to this section until a
29 final determination is made. Upon receipt of a petition, the clerk and recorder shall appoint a hearing
30 officer to render a final determination on the appeal, pursuant to the procedures identified in section
31 15-44. The clerk and recorder shall bear the burden to establish, by a preponderance of evidence, that
32 a violation of this article was committed by the person who received an administrative citation.

33 **(e) Complaints filed by the clerk and recorder.** For any violation of this article other than a
34 reporting violation, the clerk and recorder may issue a notice of violation by mail to the last known

address of the person alleged to have violated this article. Such notice shall contain the identity of the person alleged to have committed a violation, the date of the violation, the facts giving rise to the violation, and the provisions of this article alleged to have been violated. Any person who has received a notice of an alleged violation shall have ten (10) days from the mailing date of the notice to cure the violation. If the person fails to cure the violation, the clerk and recorder shall file a complaint pursuant to section 15-44, unless the person alleged to have violated this article is a candidate for the office of clerk and recorder.

(f) *Civil penalty.*

(1) The penalty for a reporting violation shall be fifty dollars (\$50.00) per day, but shall not exceed five hundred dollars (\$500.00) per violation.

(2) The only penalty for a violation of section 15-43 may be an order to reimburse the city for the amount of money spent in violation of that section.

(3) The penalty for a violation of this article, other than a reporting violation or a violation of 15-43, shall be within the discretion of a hearing officer, but shall not exceed nine hundred ninety-nine dollars (\$999.00) per violation. Unless distinct and separate violations can be otherwise established, each day an offense and violation continues shall constitute a separate offense and violation.

(g) *Criminal penalty.* It shall be unlawful to violate a provision of this article with the intent to hinder or prevent the identification of a true donor or with the intent to circumvent the limits on contributions or contributions in-kind identified herein. Any such violation shall be subject to the penalties authorized under this article, in addition to the penalties authorized in section 1-13.

(h) *Impact on election and candidacy.* Except as otherwise provided in section 8.2.15 of the Charter, failure to comply with the provisions of this article shall have no effect on the validity of any election, issue, or bonds issued pursuant to law.

~~Sec. 15-46. -- Rules and regulations.~~

~~The clerk and recorder may adopt rules and regulations necessary for the implementation of this article III. Such rules shall be promulgated in accordance with D.R.M.C. chapter 2, article VI.~~

Sec. 15-46. - Rules and regulations.

The clerk and recorder may adopt rules and regulations necessary for the implementation of this article which may include additional procedures for requesting a waiver of discretionary penalties authorized in this article. Such rules shall be promulgated in accordance with article VI of chapter 2, including but not limited to the notification and public hearing procedures identified therein.

~~Sec. 15-47. -- Municipal elections activity-- Limitations on municipal officers and elected officials.~~

~~(a) -- No city agency, department, board, division, bureau, commission, or council may make a contribution in a campaign for the nomination, retention, election, or recall of a person to a public office in an election, nor may such entity expend public moneys from any source, or make a contribution, to urge electors to vote for or against a:~~

~~(1) -- Municipal ballot issue or ballot question, after the clerk and recorder has approved the contents of the affidavit, ballot title, and petition sample, as specified in section 8.3.2 of the Charter;~~

~~(1.5) -- Statewide ballot issue or ballot question after the title has been fixed;~~

~~(2) -- Statewide or municipal referred measure;~~

~~(3) -- Municipal measure for the recall of an elected officer, after the clerk and recorder has approved the contents of the affidavit, ballot title, and petition sample, as specified in section 8.3.2 of the Charter; or~~

~~(4) -- Measure for the recall of a state elected officer upon the final determination of sufficiency.~~

~~(b) -- No incumbent candidate, sitting elected officer, or city employee may use city time, resources, or monies in furtherance of a campaign for the nomination, retention, election, or recall of a person to a public office in an election, nor may such person expend public moneys from any source, or make a contribution, to urge electors to vote for or against a:~~

~~(1) -- Municipal ballot issue or ballot question, after the clerk and recorder has approved the contents of the affidavit, ballot title, and petition sample, as specified in section 8.3.2 of the Charter;~~

~~(1.5) -- Statewide ballot issue or ballot question after the title has been fixed;~~

~~(2) -- Statewide or municipal referred measure;~~

~~(3) -- Municipal measure for the recall of an elected officer, after the clerk and recorder has approved the contents of the affidavit, ballot title, and petition sample, as specified in section 8.3.2 of the Charter; or~~

~~(4) -- Measure for the recall of a state elected officer upon the final determination of sufficiency.~~

~~(c) -- Nothing in subsections (a) or (b) prohibits a city agency, department, board, division, commission, council, or elected or appointed official or employee from responding to questions about an issue, question, or measure described in subsections (a) and (b) if an appointed official, member or employee of the public entity, or public entity did not solicit the question. An elected or appointed official, member or employee of any such agency, department, board, division, commission, or council who has policy-making responsibilities may expend fifty dollars (\$50.00) or less of public moneys in~~

1 the form of letters, telephone calls, or other activities incidental to expressing his or her opinion on any
2 such issue described in subsection (a) or (b). Nothing in subsections (a) or (b) prohibits an individual
3 or group from using a city facility for political purposes, including an activity to express an opinion or
4 urge electors to vote for or against an issue described in subsections (a) or (b), if the facility is offered
5 to the public on the same terms regardless of the use and content of the activity.

6 (d) — Nothing in subsection (a) or (b) prohibits a city agency, department, board, division,
7 commission, or council, or elected or appointed official or employee from expending public moneys to
8 provide the language of the ballot title, to provide the text of the measure, or to dispense a factual
9 summary that includes arguments both for and against the proposal, on an issue of official concern
10 before the electorate in the city. The summary may not contain a conclusion or opinion for or against
11 an issue. As used in this subsection (d), "an issue of official concern" means an issue that will appear
12 on a municipal election ballot.

13 (e) — Nothing in subsection (a) or (b) prohibits a city agency, department, board, division,
14 commission, council, or elected or appointed official or employee from taking actions necessary to
15 compile the fiscal impact estimate and ballot information booklet authorized in article I of this chapter.

16 (f) — Nothing in subsection (b) prohibits an elected official from expressing a personal opinion
17 on an issue.

18 (g) — Nothing in subsection (a) prohibits a city agency, department, board, division,
19 commission, or council from:

20 (1) — Passing a resolution or analyzing and commenting on an issue described in subsection
21 (a); or

22 (2) — Reporting the passage of or distributing such resolution through established, customary
23 means, other than paid advertising, by which information about other proceedings of the city agency,
24 department, board, division, commission, or council is regularly provided to the public.

25 (h) — Nothing in subsection (b) prohibits a member or an employee of a city agency,
26 department, board, division, commission, or council from expending personal funds, making a
27 contribution, or using personal time to urge electors to vote for or against an issue, question, or
28 measure described in subsection (b).

29 (i) — If a candidate who is also an incumbent inadvertently or unavoidably expends public
30 moneys for campaign purposes, the candidate must reimburse the city for the amount of money spent
31 for campaign purposes.

32 (j) — A resident of the City and County of Denver who believes there has been a violation of
33 this section may file a complaint with the clerk and recorder in accordance with section 15-40.
34 Appropriate relief shall be an order from the hearing officer directing the person who made or caused

to be made the contribution or expenditure in violation of this section to reimburse the fund of the city from which the moneys were diverted for the amount of the contribution or expenditure or injunctive relief enjoining the continuance of the violation.

Secs. 15-47. – 15-50. - Reserved.

DIVISION 2. - DENVER FAIR ELECTIONS FUNDACT

Sec. 15-48. - Purpose and findings.

This division shall be known as the Denver Fair Elections Act. Its purpose is to advance the findings and declarations articulated by the people of Denver in section 15-31 of the Denver Municipal Code.

Sec. 15-5149. - Definitions.

In addition to the definitions set forth in division 1, the following words and phrases shall have the following meanings:

(a) ~~As used in this division, the following words and phrases shall have the following meanings, unless otherwise clearly indicated by the context:~~

(1) “Debate” means the moderated reciprocal discussion of issues among participating candidates on the ballot for the same office.

~~(21) “Fund” means the Fair eElections fFund created by section 15-52.~~

~~(32) “Match-eligible contribution” means any contribution subject to the limits in section 15-54 to a no more than fifty dollars (\$50.00) of the total amount of contributions received by a participating candidate from a single Denver resident who is a natural person during the election cycle. The maximum amount of a contribution that is eligible for match is fifty dollars (\$50.00) per contributor.~~

~~(43) “Participating candidate” means a candidate running in a general or special election for the office of mayor, city council, clerk and recorder, judge, and auditor who has been certified by the clerk and recorder to participate in the fair elections campaign funding program pursuant to this division as eligible to receive payments from the fund.~~

~~(54) “Qualifying contributions” means a contributions received during the qualifying period of at least five dollars (\$5.00) each from unique contributors who are, but not greater than the limits in section 15-54, to a candidate running for the office of mayor, judge, city council, clerk and recorder, and auditor from a natural persons and Denver residents who is a natural person.~~

~~(65) “Qualifying period” means for the general municipal election, the period beginning on the January 1 immediately following the most recent election for the specific office and ending seventy-five (75) days before the election date, and - The qualifying period for any special or vacancy election~~

starts the period beginning on the day that notice has been made for the ~~special or vacancy~~ election and ending on the date of certification or fifty (50) days before the election date, whichever is earlier.

~~Sec. 15-50. - Severability.~~

~~(a) The provisions of this division and each of its sections, paragraphs, subparagraphs, sentences, and clauses are severable. If any such provision is held to be invalid or unenforceable by any judicial or administrative tribunal, it is the intent of the people of Denver that all other provisions thereof shall remain in full force and effect.~~

Sec. 15-521. - Fair Elections Fund.

(a) ~~Permitted uses of revenue in the fund. Establishment of the Fair Elections Fund.~~ A special, dedicated Fair Elections Fund is established for the purpose of:

(1) ~~Providing Monies in the fund shall be expended solely on public financing for the election campaigns of certified participating candidates that have been certified pursuant to this division; and~~

(2) ~~Paying for the administrative costs of city staff related to the Fair Elections Act public campaign funding program, incurred by the city associated directly with the administration of the fund and the duties required under this article.~~

(b) ~~Annual Appropriations to the Fair Elections Fund.~~

(1) ~~The city council shall annually appropriate two dollars and eighty-eight cents (\$2.88) per City of Denver resident per year, as determined by the most recent official United States Census Bureau Population Estimate for the City of Denver, from the city general fund to the Fair Elections Fund. The per resident appropriation shall be adjusted by an amount based upon the percentage change over a four-year period in the United States Department of Labor (Bureau of Labor Statistics) consumer price index for Denver-Aurora-Lakewood, all items, all consumers, or its successor index, rounded to the nearest-lowest one cent (\$.01). The first adjustment shall be calculated prior to March 31, 2024 and before the second quarter of 2024 and then every four (4) years thereafter. The first adjustment shall take effect on January 1, 2025 and then every four (4) years thereafter. The second adjustment shall be calculated prior to March 31, 2027, and every four (4) years thereafter, and shall take effect on January 1, 2028, and every four (4) years thereafter. The clerk and recorder shall calculate and specify the adjusted amount in rules promulgated in accordance with this article. section 15-59.~~

a. ~~The mayor and council's duty to appropriate funds for the public financing program shall cease upon the termination of the public financing program.~~

b. ~~Appropriations to the Fund shall be made to satisfy the obligation created by~~

subsection (a) of this section pursuant to Charter section 7.2.3 until the maximum amount allowed in the Fair Elections Fund is reached pursuant to subsection (b)(3) of this section.

(2) Other sources of revenue in the Fund shall include:

a. Unspent funds distributed to any participating candidate who does not remain a candidate until the election for which they were distributed, or such funds that remain unspent by a participating candidate;

b. Other funds appropriated by the mayor and city council;

c. Unexpended campaign contributions from any committee.

d. Any interest generated by the Fund; and

e. Any other sources of revenue determined as necessary by the city council.

(c3) Maximum fund balance. The amount in the Fair Elections Fund shall not exceed eight million dollars (\$8,000,000.00) as. To comply with this limitation, revenue that would otherwise be deposited in the Fair Elections Fund pursuant to subsections (a) and (b) shall instead be deposited in the general fund.

(4) The city council may, by adoption of an ordinance by not less than a two-thirds (2/3) vote of its membership, make an official declaration of fiscal emergency and suspend or reduce the amount of the annual appropriation specified in this subsection.

a. Any such ordinance suspending or reducing the annual appropriation shall be effective for no more than one (1) year.

(c) Periodic adjustments to appropriations. The fund limit specified in subsection (b)(3) of this section and the aggregate amounts in section 15-56 (b) shall be adjusted by an amount based upon the percentage change over a four-year period in the United States Department of Labor (Bureau of Labor Statistics) consumer price index for Denver-Aurora-Lakewood, all items, all consumers, or its successor index, rounded to the nearest lowest five dollars (\$5.00) increment. The first adjustment shall be done calculated before the second quarter of prior to March 31, 2024 and shall take effect on January 1, 2025. The second adjustment shall be calculated prior to March 31, 2027, and then every four (4) years thereafter, and shall take effect on January 1, 2028 and every four years thereafter. The clerk and recorder shall calculate such adjustments and specify the adjusted amount in rules promulgated in accordance with this article.

(d) Fiscal emergency. The city council may suspend or reduce the amount in the annual appropriation in this section by adoption of an ordinance approved by a two-thirds vote declaring a fiscal emergency.

Sec. 15-52. -- Offices covered.

~~(a) Candidates for the office of mayor, city council, clerk and recorder, judge, and auditor shall be eligible to participate in the public campaign financing program established by this division, pursuant to the restrictions, requirements, and provisions specific to these respective offices.~~

Sec. 15-53. - Eligibility for fair elections campaign funding. Certification of participating candidates.

~~(a) Eligibility for certification. To be eligible to be certified for certification as a participating candidate, a candidate must comply with the contribution limits identified in this division 2 throughout the election cycle and have received the following number of qualifying contributions from unique contributors before the close of the qualifying period:~~

~~(1) For the office of mayor, two-hundred and fifty (250).~~

~~(2) For all other offices, one hundred (100).~~

~~(b) Application for certification. Prior to receiving fund payments, a candidate eligible for certification shall file an application seeking certification to receive payments from the fund within the qualifying period in the manner provided by the clerk and recorder. Each application shall contain:~~

~~(1) Before the end of the qualifying period for the election involved, file with the clerk and recorder an application for certification as a participating candidate, containing tThe identity of the candidate, and the office that the candidate seeks;~~

~~(2) An affirmation that the candidate and the candidate's committee and the candidate's signature, under penalty of perjury, certifying that:~~

~~a. The candidate has complied with the restrictions of this chapter requirements of this article during the election cycle to as of the date of the application and will continue to comply with the requirements of this article during the remainder of the election cycle;~~

~~b. The candidate's campaign committee has filed all campaign finance reports required by law during the election cycle to date and that they are complete and accurate; and~~

~~c. The candidate will comply with the requirements of this division during the remainder of the election cycle and, specifically, if certified as a participating candidate, will comply with the requirements applicable to participating candidates.~~

~~(2) Before the close of the qualifying period, ensure that the following number of qualifying contributions from unique contributors have been collected by the candidate or the candidate's campaign committee;~~

~~a. For the office of mayor: Two hundred fifty (250).~~

~~b. For the office of city council, auditor, judge, or clerk and recorder: 100.~~

~~(3) Ensure that each qualifying contribution and match-eligible contribution is acknowledged~~

by a receipt to the contributor, with a copy retained by the candidate for a period of two (2) years after the election for which he or she is a candidate. The candidate shall provide a copy of the completed ~~Receipts~~ for each qualifying contribution with the application for certification as a qualifying candidate along with a signed statement from the candidate affirming that all information on the qualifying contribution receipts is complete and accurate to the best of the candidate's knowledge;

(4) A certification that the candidate will maintain two (2) separate bank accounts, one (1) bank account for all public monies received from the fund and a second account for all other campaign loans and contributions; and

(5) Any other information required by the clerk and recorder.

(c) Contents of qualifying contribution receipts. ~~The clerk and recorder shall not count a contribution as a qualifying contribution until the candidate has submitted a copy of a fully completed Receipts that includes~~ for each qualifying contribution shall contain:

a. ~~The contributor's printed name, home address, and telephone number, if any, and the name of the candidate receiving on whose behalf the contribution is made; and~~

b. ~~A statement that the contributor understands that the purpose of the contribution is to help the candidate qualify for fund payments fair elections campaign funding, that the contribution up to fifty dollars (\$50.00) will be matched by the Fund by nine hundred (900) percent, and that the contribution is made without coercion or reimbursement.~~

(d4) Ministerial denial of certification. ~~After ballot certification, be~~ The clerk and recorder shall deny certification if the candidate is not in a race with at least one (1) other candidate for that office after the ballot has been certified or the candidate has not received qualifying contributions on or before the date of application. Any such denial shall be in writing, shall be issued within ten (10) business days of receipt of the application, and shall be a final agency action.

(e) Discretionary denial of certification. The clerk and recorder may deny certification if the application contains any fraudulent, misrepresented, or false statement of relevant fact or the candidate has violated or failed to comply with the requirements of this chapter or any other campaign finance law. Any such denial shall be in writing and shall be issued within ten (10) business days of receipt of the application. Any person who has been issued a denial of certification pursuant to this subsection may seek review of the denial by filing a petition with the clerk and recorder no later ten (10) business days after receipt of the denial. Compliance with the provisions of this subsection shall be a jurisdictional prerequisite to appeal any denial pursuant to this subsection and failure to comply shall bar any such appeal. Upon receipt of a petition, the clerk and recorder shall appoint a hearing officer to render a final determination on the appeal, pursuant to the procedures identified in section 15-44. The clerk and recorder shall bear the burden to establish, by a preponderance of evidence, that

1 a violation was committed by the applicant or that the application contained a fraudulent,
2 misrepresented, or false statement of relevant fact.

3
4 **Sec. 15-54. - Requirements for participation; debate requirement in the fair elections program.**

5 In addition to the requirements identified in division 1, the following requirements shall apply to
6 participating candidates.

7 (a) ~~Except as provided in subsection (g) of this section, participating candidates and~~
8 ~~candidates seeking certification may not accept contributions from natural persons above these limits.~~

Mayor	\$500.00
Councilmember at large, Judge, Clerk and Recorder, Auditor	\$350.00
District councilmember	\$200.00

9
10 ~~Each election cycle limit on contributions and contributions in kind in this subsection (a) shall be~~
11 ~~adjusted by an amount based upon the percentage change over a four year period in the United~~
12 ~~States bureau of labor statistics consumer price index for Denver-Aurora-Lakewood, all items, all~~
13 ~~consumers, or its successor index, rounded to the nearest lowest five dollars (\$5.00). The first~~
14 ~~adjustment shall be done before the second quarter of 2024 and then every four (4) years thereafter.~~
15 ~~The clerk and recorder shall calculate such an adjustment in each limit and specify the limits in rules~~
16 ~~promulgated in accordance with section 15-59.~~

17 (b) ~~Participating candidates and candidates seeking certification may accept contributions~~
18 ~~only from natural persons or a small donor committee, as defined in section 15-32(p), and may not~~
19 ~~accept contributions from any local, state, or federal issue, candidate, or political action committee. A~~
20 ~~participating candidate or a candidate seeking certification may not accept contributions from a small~~
21 ~~donor committee in the aggregate in excess of ten (10) times the contribution limit for participating~~
22 ~~candidates for the office that the candidate seeks.~~

23 (ae) Receipts for match-eligible contributions. Participating candidates shall obtain and retain
24 ~~the record of receipts for all qualifying contributions and each~~ match-eligible contributions required
25 ~~by section 15-53(a)(3) which shall contain the same information required for each contribution making~~
26 up a qualifying contribution.

27 (b) Receipt retention. Participating candidates shall retain receipts for each contribution
28 making up the qualifying contributions and each match-eligible contribution for a period of two (2)

1 years after the election.

2 (d) ~~Participating candidates and candidates seeking certification shall obtain and furnish to~~
3 ~~the clerk and recorder any information the clerk may request relating to campaign expenditures or~~
4 ~~contributions and furnish such documentation and other proof of compliance with this chapter as may~~
5 ~~be requested by the clerk. If a candidate fails to respond to a request for information or documentation~~
6 ~~from the clerk, the clerk may take either or both of the following actions:~~

7 (1) ~~Withhold payment of Fair Elections Funds in accordance with section 15-56(d); or~~

8 (2) ~~Deem a committee filing deficient and provide notice and an opportunity to cure the~~
9 ~~deficiency in accordance with section 15-35(e).~~

10 (e)(1c) Debate participation. Participating candidates must agree to participate in at least one (1)
11 public debate with participating candidates who are opponents in the general election and at least one
12 (1) public debate with the participating candidate who is the opponent in a run-off election ~~if offered.~~
13 ~~For purposes of this section, a "debate" means the moderated reciprocal discussion of issues among~~
14 ~~candidates on the ballot for the same office.~~

15 (1) If there is only one (1) candidate for a given office on the ballot, or if the only other
16 candidate or candidates on the ballot for the given office are not participating candidates in the Fair
17 Elections Fund, then no debate for that given office shall be held pursuant to this section.

18 (2) Each debate shall be organized pursuant to an agreement between the city and a third-
19 party contractor who shall not be affiliated or endorsed by a political party or candidate and shall
20 disclose any prior relationship with a political party or candidate.

21 (23) Each debate held pursuant to this section shall be at least one (1) hour's duration and
22 shall take place only after the ballot is certified but before ballots are mailed in accordance with state
23 law. The clerk and recorder's office shall select one (1) or more sponsors for each debate required
24 pursuant to this section.

25 (4) Each debate shall be held at a facility compliant with the Americans with Disabilities Act
26 (ADA), 42 U.S.C. § 12101, and the regulations adopted thereunder.

27 (5) The contractor shall notify and coordinate with participating candidates to schedule the
28 date and time of debates at least ten (10) days prior to holding the debate, and rescheduled debates
29 at least three (3) days prior to holding the debate.

30 (3) ~~Written applications by organizations to sponsor a debate shall be submitted to the clerk~~
31 ~~and recorder's office on a form provided by the clerk not later than a date chosen by the clerk and~~
32 ~~recorder in any year in which a municipal election is held with the parameters that the debate takes~~
33 ~~place after the ballot is certified and before ballots are mailed in accordance with C.R.S. § 1-7.5-~~
34 ~~107(3)(a)(I). The written application shall:~~

- 1 a. ~~— Demonstrate that the organization and any proposed co-sponsor meet the criteria~~
2 ~~established in this section;~~
- 3 b. ~~— Specify any elections and offices for which the organization seeks to sponsor~~
4 ~~debates;~~
- 5 c. ~~— Set forth proposed dates, times, durations, and locations of the debates and the~~
6 ~~circumstances under which the dates or times may be changed, together with a provision for when the~~
7 ~~rescheduled debates will be held;~~
- 8 d. ~~— Provide a detailed description of the format and ground rules for the debates;~~
- 9 e. ~~— Verify that the staging, promotion, and coverage of the debates shall be in~~
10 ~~conformance with all applicable laws;~~
- 11 f. ~~— Include an agreement to indemnify the city for any liability arising from the acts or~~
12 ~~omissions of the sponsor; and~~
- 13 g. ~~— Set forth plans for publicity and for broadcast and other media coverage for the~~
14 ~~debates.~~
- 15 (f) ~~— Participating candidates and candidates seeking certification must comply with all~~
16 ~~requirements for candidate affidavits, organization, registration, and reporting for candidate~~
17 ~~committees in sections 15-33 and 15-35.~~
- 18 (g) ~~— Participating candidates may not donate to their own campaigns in an aggregate amount~~
19 ~~greater than the limits in section 15-54(a). However, a candidate may, before the clerk certifies the~~
20 ~~candidate as a participating candidate, personally loan his or her own campaign seed money up to five~~
21 ~~thousand dollars (\$5,000.00). Any money loaned must be repaid by the campaign, from the account~~
22 ~~that does not include public monies, before the clerk may disburse any public matching funds to the~~
23 ~~candidate. Any portion of the loan not repaid is deemed a contribution and must comply with~~
24 ~~applicable contribution limits and reporting requirements.~~
- 25 (h) ~~— A participating candidate must immediately cease obligating new Fair Elections Fund~~
26 ~~expenditures when:~~
- 27 (1) ~~— The candidate dies, is disqualified, withdraws from the race, or fails to qualify for the~~
28 ~~ballot;~~
- 29 (2) ~~— The candidate ceases to be a participating candidate under section 15-53 (4) either~~
30 ~~because the clerk has certified the ballot and the candidate has no opponent, or, after ballot~~
31 ~~certification, the candidate's only opponent dies, is disqualified, or withdraws from the race;~~
- 32 (3) ~~— The clerk certifies the general election results and the candidate has either won his or~~
33 ~~her election or has failed to qualify for the run-off election; or~~
- 34 (4) ~~— If the candidate participated in the run-off election, the clerk certifies the run-off election~~

1 results.

2 (i) ~~Participating candidates must maintain and certify to the clerk and recorder two (2)~~
3 ~~separate bank accounts. The candidate must use one (1) bank account for all public monies received~~
4 ~~from the Fund and a second account for all other campaign loans and contributions. The restrictions~~
5 ~~contained in section 15-38 apply to both accounts maintained in accordance with this provision.~~

6 (j) ~~No later than sixty (60) days after any of the conditions outlined in subsection (h) of this~~
7 ~~section occur, the candidate must refund any unexpended money received from the Fair Elections~~
8 ~~Fund back to the Fair Elections Fund.~~

9
10 **~~Sec. 15-55. - Certification of participating candidates by clerk and recorder.~~**

11 (a) ~~No later than ten (10) business days after a candidate files with the clerk and recorder an~~
12 ~~application for certification as a participating candidate, the clerk and recorder shall notify the~~
13 ~~candidate whether the application is approved.~~

14 (b) ~~If the clerk and recorder determines that a candidate is not certified, the candidate is not~~
15 ~~required to comply with provisions of this division applicable only to participating candidates as of the~~
16 ~~date of the clerk's notice.~~

17 (c) ~~The clerk and recorder's determination on the application for certification is a final action~~
18 ~~subject to judicial review.~~

19 (d) ~~A participating candidate's initial request for funds from the Fair Elections Fund within the~~
20 ~~application for certification as a participating candidate shall be made using a form prescribed by the~~
21 ~~clerk and recorder and shall be accompanied by qualifying contribution receipts and any other~~
22 ~~information the clerk and recorder deems necessary. The clerk and recorder shall verify that a~~
23 ~~candidate's qualifying contributions meet all the requirements and restrictions of this division before~~
24 ~~the disbursement of funds from the Fair Elections Fund to the candidate.~~

25
26 **~~Sec. 15-565. - Fair Elections Fund payments.~~**

27 (a) Match amount. ~~Except as otherwise provided in subsection (d), p~~Participating candidates
28 shall receive payments ~~of funds from the Fair Elections F~~und equal to nine-hundred percent (900
29 percent) ~~of times~~ the amount of match-eligible contributions ~~up to fifty dollars (\$50.00) received by the~~
30 ~~candidate during the election cycle with respect to a single election, subject to the aggregate limit on~~
31 ~~the total amount of Fair Elections Fund payments to a candidate specified in subsection (b).The~~
32 maximum amount of a single contribution eligible for match shall be fifty dollars (\$50.00) and the
33 maximum match payment from the fund to a participating candidate shall be four-hundred fifty dollars
34 (\$450.00) per contribution. ~~The maximum match is \$50 per donor per candidate in an election cycle.~~

(b) Aggregate limit on fund payments. Except as otherwise provided in subsection (d), ~~t~~The aggregate amount of ~~Fair Elections F~~und payments that may be made to a participating candidate may accept during an election cycle shall ~~may~~ not exceed:

(1) Seven hundred fifty thousand dollars (\$750,000.00) for a participating candidate running for the office of mayor;

(2) Two hundred fifty thousand dollars (\$250,000.00) for a participating candidate running for the office of councilmember-at-large, clerk and recorder, judge or auditor; and

(3) One hundred twenty-five thousand dollars (\$125,000.00) for a participating candidate running for a district councilmember.

(4) The aggregate amount of fund payments that a participating candidate may accept during an election cycle may be adjusted to comply with an increase in contribution limits pursuant to section 15-57.

(c) ~~The clerk and recorder must authorize payments in accordance with the following schedule:~~

(1) ~~The clerk must authorize payment of the eligible monies~~ Schedule of payments. For participating candidates running in the general municipal election, the clerk and recorder shall authorize the first payment on the August 15 immediately preceding the regularly scheduled general municipal general election; and shall authorize

(2) ~~S~~ subsequent payments must be authorized in conjunction with the due date of the campaign finance reports filed by candidates during no later than ten (10) days after the reporting deadline identified in division 1 the year of a regularly scheduled municipal general election; , or as soon thereafter as is practicable.

(3) ~~The clerk must authorize payment of any remaining eligible monies due to the candidate on the fourteenth day before the election.~~

(4) ~~For participating candidates in a run-off election, the clerk and recorder shall authorize the payment promptly after certification of the general municipal election results. For participating candidates running in a special election held to fill a vacancy in office, the clerk will authorize the clerk and recorder shall authorize the first payment of eligible monies in conjunction with the due dates of campaign finance reports for the special election beginning with the report for the month when the vacancy is declared no later than ten (10) days after the first reporting deadline identified in division 1 for special elections. The clerk will authorize~~ For all participating candidates, the clerk and recorder shall authorize the remaining payments of any remaining eligible monies to the candidates on the no later than fourteenth (14) days before prior to the election.

(d) ~~The clerk and recorder shall provide each participating candidate with a written~~

determination specifying the basis for any non-payment of funds from the Fair Elections Fund. The clerk and recorder shall provide participating candidates with a process by which they may immediately upon receipt of such determination petition the clerk and recorder for reconsideration of any such non-payment and such reconsideration shall occur within five (5) business days of the filing of such petition. Run-off elections. Promptly after certification of the general municipal election results, the clerk and recorder shall authorize a one-time payment to participating candidates in a run-off election equal to twenty-five (25) percent of payments that the candidate received from the fund prior to the certification of the general municipal election results.

Sec. 15-57. -- Run-off elections.

Notwithstanding any other provision of this division, a participating candidate in a run-off election held pursuant to article VIII part 2., section 8.2.21 and part 3., section 8.3.5 of the Denver Charter shall obtain prompt payment for qualified campaign expenditures in an amount equal to twenty-five cents (\$.25) for each one dollar (\$1.00) of public funds paid pursuant to this chapter to the candidate's principal committee for the preceding election. Run-off funds do not count against the aggregate limit in section 15-56 (b).

Sec. 15-58. - Insufficient funds in the program.

If the clerk and recorder determines that there are insufficient funds in the Fair Elections Fund to fund adequately the fund does not contain sufficient monies to provide all participating candidates the full amount of the aggregate limit on fund payments, the clerk and recorder shall notify participating candidates that the clerk and recorder will not likely be capable of distributing to all participating candidates the maximum aggregate amount of Fair Elections Fund payments permissible under section 15-54. Under such circumstances, at such time as the clerk and recorder is unable to fulfill a valid application for funds from the Fair Elections Fund submitted by a participating candidate pursuant to sections 15-53(a) and 15-54 the participating candidate may solicit for such candidate's committee and accept contributions under the limit for candidates not participating in the program, and is no longer subject to the requirements for participating candidates in sections 15-53 and 15-54 and participating candidates may elect to be decertified.

Sec. 15-57. - Contribution limits and prohibitions for participating candidates.

(a) Aggregate contribution limit. Except as provided in subsection (f) of this section, no participating candidate or candidate seeking certification shall accept contributions or contributions in kind from a natural person that, in the aggregate during an election cycle, exceed the following

amounts:

(1) For the office of the mayor, \$595.

(2) For the offices of the auditor, judge, clerk and recorder, and councilmember-at large, \$415.

(3) For the office of district councilmember, \$235.

(b) *Small donor committee limit.* No participating candidate or candidate seeking certification shall accept contributions or contributions in kind from a small donor committee that, in the aggregate during the election cycle, exceeds ten (10) times the aggregate contribution limit applicable to natural persons for the office the participating candidate seeks.

(c) *Inflation adjustment.* The aggregate contribution limit shall be adjusted every four (4) years by an amount based upon the percentage change over a four-year period in the United States Department of Labor (Bureau of Labor Statistics) consumer price index for Denver-Aurora-Lakewood, all items, all consumers, or its successor index, rounded to the lowest five-dollar (\$5.00) increment. The adjustment shall take effect on January 1, 2028, and every four (4) years thereafter. The clerk and recorder shall specify the limits as adjusted in rules promulgated pursuant to this article and shall make such limits available on the public website of the City and County of Denver.

(d) *Additional contribution limitations.* In addition to the limit on cash contributions and the prohibited contributions identified in division 1, participating candidates and candidates seeking certification may accept contributions only from natural persons or a small donor committee, and may not accept contributions from any local, state, or federal issue, candidate, or political action committee.

(e) *Disposition of excess and prohibited contributions.* The treasurer of a committee who receives any contribution, contribution in-kind, or portion thereof, which exceeds the aggregate contribution limits in this division or which is prohibited in this division, shall remit such contribution, contribution in-kind, or portion thereof as provided in division 1.

(f) *Personal donations and loan.* Participating candidates may not donate to their own campaigns in an aggregate amount greater than the limits in this section. However, prior to certification, a candidate may personally loan a candidate's own campaign seed money up to five thousand dollars (\$5,000.00). Any money loaned must be repaid by the campaign, from the account that does not include public monies, before the clerk may disburse any public matching funds to the candidate. Any portion of the loan not repaid is deemed a contribution and must comply with applicable contribution limits and reporting requirements.

Sec. 15-58. – Use of fund payments.

(a) *Prohibited expenditures.* In addition to the prohibited uses on contributions and

contributions in-kind set forth in division 1, participating candidates may not use monies from fund payments on any of the following:

(1) The purchase of "alcoholic beverages" as that term is defined at chapter 6;

(2) The purchase of "regulated marijuana" as that term is defined in the Colorado Marijuana

Code;

(3) The purchase of "tobacco products" as that term is defined in chapter 24;

(4) Gifts valued more than fifty dollars (\$50.00) per gift;

(5) Payments of fees, fines, or penalties to the city;

(6) The purchase of any prepaid credit or gift card of any kind;

(7) Reimbursing contributors for their contributions;

(b) *Property purchased with fund monies.* Participating candidates shall reimburse the city for fund payments used to purchase personal or real property valued above a de minimus amount determined by the clerk and recorder. Within sixty (60) days of notice of decertification, candidates shall either reimburse the city in an amount equal to the money spent on the property or liquidate the property at fair-market value and remit the proceeds as unexpended funds to the manager of finance.

~~**Sec. 15-59. Duties of the clerk and recorder—Violations—Persons ineligible for public funds—**~~

~~**Time limit.**~~

~~(a) The clerk and recorder shall:~~

~~(1) Adopt rules and regulations if necessary for the implementation of this division of article III. Such rules shall be promulgated in accordance with D.R.M.C chapter 2, article VI.~~

~~(2) Prescribe forms and provide instructional materials for reports required to be filed by this division.~~

~~(3) Preserve and maintain all such submissions pursuant to this division and make them available for inspection and copying under the requirements of the state Public Records Act, and maintain an online repository of all information filed pursuant to this division which may be accessed by the public through the clerk's website.~~

~~(4) Notify any committee or person involved if the clerk and recorder makes a determination of an apparent violation of this division, or if a written complaint about the committee or person is filed with the clerk and recorder pursuant to section 15-40 regarding compliance with this division.~~

~~(5) Audit the filings or submissions of various candidate committees as needed to ensure that the committees fully comply with the provisions of this division.~~

1 ~~(b) — Complaints and duties of the clerk and recorder regarding potential violations of this~~
2 ~~article shall be governed by the provisions in Sections 15-40 and 15-41.~~

3 ~~(c) — If a participating candidate violates any portion of this division, the candidate, in the~~
4 ~~hearing officer's discretion, may be ordered to return any public matching funds previously received,~~
5 ~~may be ineligible to receive any further matching funds for that election, and may be subject to a civil~~
6 ~~penalty.~~

7
8 **Sec. 15-59. – Enforcement, penalties, and decertification.**

9 (a) In general. Complaints, investigations, and enforcement of violations under this division
10 shall be conducted as provided in division 1. Penalties under this division shall be in addition to those
11 provided in division 1.

12 (b) Withholding of payments pending decertification. The clerk and recorder may withhold
13 payments from the fund upon a reasonable belief that the participating candidate has failed to comply
14 with any provision of this chapter and shall provide a participating candidate with a written
15 determination specifying the basis for any non-payment of funds within ten (10) days of such
16 withholding. Upon receipt of the written determination, a participating candidate may petition the clerk
17 and recorder for reconsideration of the non-payment, and the clerk and recorder shall make a
18 determination on such petition within five (5) business days of the filing of such petition. If the petition
19 is denied, the clerk and recorder shall issue a decertification or release the funds no later than thirty
20 (30) days after providing the initial written determination pursuant to this subsection.

21 (c) Ministerial decertification. The clerk and recorder shall decertify a participating candidate
22 if the participating candidate is not in a race with at least one (1) other candidate for that office after
23 the ballot has been certified, the participating candidate dies, is disqualified, withdraws from the race,
24 fails to qualify for the ballot, fails to qualify for the run-off, or the election results have been certified.
25 Any such decertification shall be issued in writing and shall be a final agency action.

26 (d) Discretionary decertification. The clerk and recorder may decertify a participating
27 candidate if the candidate's application for certification contained a fraudulent, misrepresented, or
28 false statement of relevant fact or the participating candidate has not complied with the requirements
29 of this chapter or any other campaign finance law. Any such decertification shall be in writing and
30 participating candidate who has been decertified pursuant to this subsection may seek review of the
31 decertification by filing a petition with the clerk and recorder no later than ten (10) business days after
32 receipt of the decertification. Compliance with the provisions of this subsection shall be a jurisdictional
33 prerequisite to appeal any decertification pursuant to this subsection and failure to comply shall bar
34 any such appeal. Upon receipt of a petition, the clerk and recorder shall appoint a hearing officer to

1 render a final determination on the appeal, pursuant to the procedures identified in section 15-44. The
2 clerk and recorder shall bear the burden to establish, by a preponderance of evidence, that a violation
3 was committed by the applicant or that the original application contained a fraudulent, misrepresented,
4 or false statement of relevant fact.

5 (e) *Unexpended fund monies after decertification.* Immediately upon the occurrence of an
6 event that qualifies the participating candidate for ministerial decertification, or immediately upon
7 notice of discretionary decertification, a candidate shall not spend or commit to spending any monies
8 received from the fund except to satisfy obligations entered into prior to decertification. The candidate
9 shall remit any unexpended funds to the manager of finance within sixty (60) days of the notice of
10 decertification, and the manager shall remit such monies to the fund.

11 (f) *Order to reimburse fund payments.* Upon finding a violation of this article, a hearing
12 officer may order any participating candidate or former participating candidate to reimburse the city for
13 fund payments. Such payments shall be remitted to the manager of finance, and the manager shall
14 remit such monies to the fund. Any such order may be appealed in the same manner as provided for
15 discretionary decertification under this section.

16
17 **Sec. 15-60. - Effective date and applicability.**

18 ~~(a) This bill takes effect only upon the withdrawal of the "Democracy for the People" initiative~~
19 ~~from the ballot for the special municipal election to be held at the same time and in conjunction with~~
20 ~~the November 6, 2018, general election and applies to all municipal elections beginning with the~~
21 ~~municipal election cycle beginning on January 1, 2020.~~

22
23 **Sec. 15-60 – Reserved.**

24
25 COMMITTEE APPROVAL DATE: _____, 2024.
26 MAYOR-COUNCIL DATE: _____, 2024.
27 PASSED BY THE COUNCIL _____ 2024
28 _____ - PRESIDENT
29 APPROVED: _____ - MAYOR _____ 2024
30 ATTEST: _____ - CLERK AND RECORDER,
31 EX-OFFICIO CLERK OF THE
32 CITY AND COUNTY OF DENVER
33
34 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2024; _____ 2024
35

1 PREPARED BY: Anshul Bagga, Assistant City Attorney; DATE: November 15, 2024

2

3 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
4 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
5 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
6 3.2.6 of the Charter.

7

8 Kerry Tipper, City Attorney

9

10 BY: _____, _____ City Attorney DATE: _____

DRAFT