

Democracy for the People Initiative

Be it ordained by the people of the City of Denver:

Section 1. Article III Sec. 15-31 of Chapter 15 of the Denver Revised Municipal Code shall be amended by deleting the language stricken and adding the language underlined, to read as follows:

Sec. 15-31. – Purpose & Finding

- (a) As a home rule city under Article XX of the Colorado Constitution, the ~~council~~ people of Denver hereby find and declare that preserving integrity and openness in the political process is a matter of the highest public interest; that the people of Denver can be better served through a more informed electorate; that the trust of the people is essential to representative government; and that public disclosure and regulation of certain campaign contributions are necessary to promote public confidence in government, to curb corruption and its appearance, and to protect the integrity of the electoral process.
- (b) The ~~council~~ people further find and declare that regulation of campaign contributions, public disclosure of political spending, and establishment of a voluntary alternative source of campaign financing in the form of limited public matching funds are required because the costs of running political campaigns have dramatically escalated in recent years, leading to a public perception that special interests and wealthy individuals may have undue influence on or access to elected officials.
- (c) It is the policy of the city to promote and encourage broad based citizen involvement in the financing of election campaigns. The people further find and declare that providing public funds to match small donations from city residents will give a greater voice to small donors, thereby encouraging more citizens to get involved in the financing of election campaigns. It is also the intent of this article to foster an open political process which allows incumbents and challengers alike to compete in the marketplace of ideas on a fair and equitable basis. The people of Denver will best be served by a process which promotes the fullest and most thorough discussion and debate of issues and candidates.
- (d) The Supreme Court held in Citizens United v FEC that “the public has an interest in knowing who is speaking about a candidate shortly before an election,” and in McCutcheon v FEC that disclosure of political spending is “justified based on a governmental interest in provid[ing] the electorate with information about the sources of election related spending.” The people further find and declare that full and timely disclosure of political spending referring to municipal candidates and ballot issues preserves integrity and openness in the political process.

- (e) The ~~council~~ people further find and declare that adequate enforcement of the provisions of this article is required to protect public confidence in the political process.
- (f) The people of Denver voted in 1974 to amend the Charter to provide for limitations on political contributions and expenditures to be adopted by ordinance. This article modernizes and further implements section 8.2.15 of the Charter.

Section 2. That the following shall be added to the end of Article III Sec. 15-32 of Chapter 15 of the Denver Revised Municipal Code:

- (12) “Controlled by or coordinated with” a candidate committee or issue committee shall mean that a communication referring to a candidate or ballot issue or ballot question meets at least one of the following:
 - (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; or
 - (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 communication is made by a person or committee that retains a professional vendor, who has provided professional services related to the campaign to the candidate or issue committee within the last two years (excluding services that do not involve political or communications strategy, such as mailing or printing services that do not include design or targeting strategy); or
 - (d) 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.
 - (e) 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 committee, or candidate or the communication is a candidate or issue debate or promotion materials for such a debate.

- (f) 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 15-37 and reporting requirements in sections 15-35.
- (13) Electioneering Communication shall mean any communication broadcasted by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, placed on a website, streaming media service, or online forum for a fee, or a pre-recorded audio message delivered by telephone, that:
- a. Unambiguously refers to any candidate, ballot issue or ballot question; and
 - b. Is broadcast, printed, mailed, delivered, posted or otherwise distributed in the period beginning sixty (60) days before a general city and county election until the run-off election, or within thirty (30) days of a special or vacancy election; and
 - c. Is broadcast to, printed in a newspaper distributed to, mailed or delivered by hand to, targeted online to, or posted on a billboard to an audience that includes members of the electorate for the candidate, ballot issue or ballot question.
 - d. An electioneering communication is made when the actual spending occurs or when there is a contractual agreement requiring such spending and the amount is determined
 - e. "Electioneering communication" does not include:
 - 1. Any news articles, editorial endorsements, opinion or commentary writings, or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate or political party;
 - 2. Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party;
 - 3. Any communication by persons, other than committees, made in the regular course and scope of their business or any communication made by a membership organization solely to dues-paying members of such organization and their families;
- (14) An "Independent Expenditure" is an expenditure that is not controlled by, or coordinated with, any candidate or issue committee or agent of a candidate or issue committee.

Section 3. That Sec. 15-37 of the Denver Revised Municipal Code shall be amended by deleting the language stricken and adding the language underlined, to read as follows:

Sec. 15-37. - Limitations on contributions and contributions in-kind.

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

<u>Office</u>	<u>Amount</u>
Mayor	\$3,000.00
Auditor	\$2,000.00
Councilmember at large	\$2,000.00
Judge	\$2,000.00
Clerk and Recorder	\$2,000.00
District councilmember	\$1,000.00

<u>Office</u>	<u>Amount</u>
<u>Mayor</u>	<u>\$1,000.00</u>
<u>Auditor</u>	<u>\$700.00</u>
<u>Councilmember-at-large</u>	<u>\$700.00</u>
<u>Judge</u>	<u>\$700.00</u>
<u>Clerk and Recorder</u>	<u>\$700.00</u>
<u>District councilmember</u>	<u>\$400.00</u>

For purposes of this subsection, the aggregate limits shall not apply to transfers between candidate committees when both candidate committees are authorized by the same candidate(s). Further, the aggregate limits shall

- not apply to transfers between a joint candidate committee and the candidate committee of one (1) of its candidates.
- (2) Except for entities registered as committees pursuant to section 15-34, it shall be unlawful for any unincorporated association, corporation, limited liability company, partnership, limited political partnership or labor organization to make contributions to a candidate committee and no candidate committee shall accept any contribution from these entities.
- (3) Each election cycle limit on contributions and contributions in-kind described in subsection (a)(1) of this section shall be adjusted by an amount based upon the percentage change over a four year period in the United States bureau of labor statistics consumer price index for Denver- Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest five dollars. The first adjustment shall be done in the first quarter of 2020 and then every four years thereafter. The clerk and recorder shall calculate such an adjustment in each limit and specify the limits in rules promulgated in accordance with section 15-46.
- (b) No candidate committee shall accept any contribution or contribution in-kind from any person if that person's contributions or contributions in-kind on behalf of the candidate have an aggregate amount or value in excess of the amounts listed in section 15-37(a). Any contribution or contribution in-kind or portion thereof that exceeds the limits in section 15-37(a) shall be returned to the contributor within seventy-two (72) hours of receipt.
- (c) The limitations imposed by subsections (a) and (b) of this section shall not apply to contribution of a candidate's personal funds to the candidate's own campaign, or to any loan which is personally guaranteed by the candidate or is secured by property owned by the candidate.
- (d) No person shall make a contribution to a political committee that equals or exceeds fifty dollars (\$50.00) in currency or coin. Any portion of a contribution in currency or coin of fifty dollars (\$50.00) or more shall be remitted by the treasurer to the clerk and recorder no later than seventy-two (72) hours after receipt, for deposit by the clerk and recorder into the ~~general fund of the city~~ Fair Elections Fund of the city.
- (e) Any portion of an anonymous contribution of fifty dollars (\$50.00) or more received by a political committee shall be remitted by the treasurer to the clerk and recorder no later than seventy-two (72) hours after receipt, for deposit by the clerk and recorder into the ~~general fund of the city~~ Fair Elections Fund of the city.

Section 4. That the following shall be added to the end of Article III Sec. 15-35 of Chapter 15 of the Denver Revised Municipal Code:

- (i) Any person who spends more than two hundred dollars (\$200) on electioneering communications or independent expenditures must file a “City & County Election Spending Report”.
 - (1) The report shall be filed on the next filing deadline according to the schedule in 15-35(b) or 15-35(c) in any period when an electioneering communication or independent expenditure is made, except if the communication is made within thirty (30) days of a general, run-off, or recall election the report shall be filed within forty-eight (48) hours after such communication is made pursuant to section 15-32(14).
 - (2) The report shall include the following information regarding the spending on electioneering communications and independent expenditures made during the reporting period:
 - a. Whether each communication is an electioneering communication or independent expenditure;
 - b. the amount spent on each communication in the period;
 - c. the method of communication;
 - d. the name of the candidate or ballot issue referred to in the communication and whether the communication supports or opposes the named candidate or ballot issue;
 - (3) The report shall also disclose total donations received by the person making the communication in an amount equal to the total spending listed under subsection (2) for the reporting period in the following order of priority:
 - a. the name and address of any person that donated more than two hundred dollars (\$200) to the person making the communication subject to the donor’s condition, agreement or understanding that all or a portion of donation may be used for communications regarding municipal candidates, ballot issues or ballot questions;
 - b. For the balance of the amount of the spending, a listing of the name and address of persons donating more than two hundred dollars (\$200) based on a last in, first out accounting method except for the following:
 - i. A donor who designates or restricts the donation for purposes other than political activity in municipal elections.
 - ii. A donor who prohibits the person from using the donation for political activity in municipal elections.
 - iii. A private foundation (as defined by section 509(c) of the Internal Revenue Code) that provides a grant that does not constitute a taxable expenditure for purposes of paragraph (1) and (2) of subdivision (d) of section 4945 of the Internal Revenue Code.

- c. For purposes of this section, "last in, first out accounting method" means an accounting method by which spending is attributed to the donors in reverse chronological order beginning with the most recent donors or, if there are any prior reporting spending, beginning with the most recent donor for which unattributed donations remain.
 - d. A person who makes electioneering communications or independent expenditures using only non-donor funds (investment income, capital gains, regular membership dues, income earned from providing goods, services or facilities, sale of assets or other receipts that are not donations) shall briefly describe the source of non-donor funds instead of itemized donations pursuant to subsections (1) and (2) of this section.
 - e. If the person making the communication, or any donor disclosed pursuant to subsection (d)(2), is a natural person, the report shall state the person's occupation and employer.
- (4) Any report filed under section 15-35(i) must also include a statement certifying that the communications included in the report were not controlled by or coordinated with any candidate or issue committee under section 15-32.
- (5) A committee registered pursuant to section 15-34 need not file an additional report under this subsection separate from regularly filed disclosure reports listing all contributions and expenditures under section 15-35.
- (6) Any electioneering communication or independent expenditure that is reported on a regularly filed report by a committee must include the name of the candidate(s) or ballot issues referred to in the communication and whether the communication supports or opposes the named candidate or ballot issue.
- (7) Any communications under this section that are controlled by or coordinated with a candidate or issue committee or their agents under section 15-32 (12) are deemed to be contributions to the candidate or issue committee. Such communications are subject to all contribution limits and prohibitions in section 15-37 and reporting requirements in section 15-35.

Section 5. That Article III Sec. 15-38 of Chapter 15 of the Denver Revised Municipal Code shall be amended by deleting the language stricken and adding the language underlined, to read as follows:

- (a) No candidate or treasurer of a political committee may use any contribution or contribution in-kind for private purposes not reasonably related to influencing an election.
- (b) Unexpended campaign contributions to a candidate committee may be:
 - (1) Contributed to a candidate committee established by the same candidate for a different elected office of the city if the candidate committee making such a contribution is affirmatively closed by the candidate no later than ten days after the date such a contribution is made;
 - ~~(2) Contributed to a candidate committee for any other candidate for elected office in the city;~~
 - (2) Donated to the Fair Elections Fund;
 - (3) Contributed to any political committee or issue committee organized to support or oppose any city or state ballot question or ballot issue or any ballot issue or ballot question proposed by any other local government that includes territory within the city;
 - (4) Donated to a charitable organization recognized by the internal revenue service; or
 - (5) Returned to the contributors, or retained by the committee for use by the candidate in a subsequent campaign for any non-partisan office.
- (c) A candidate committee for a former officeholder or a person not elected to office shall expend all of the unexpended campaign contributions retained by such candidate committee, for the purposes specified in subsection (b) of this section, no later than nine years from the date such officeholder's term expired or from the date of the election at which such person was a candidate for office, whichever is later.
- (d) In addition to any use described in paragraph (b) of this section, a person elected to a public office may use unexpended campaign contributions held by the person's candidate committee for any of the following purposes:
 - (1) Voter registration;
 - (2) Political education, which includes obtaining information from or providing information to the electorate;
 - (3) Postsecondary educational scholarships;
 - (4) To defray reasonable and necessary expenses related to mailings and similar communications to constituents;
 - (5) Any expenses that are directly related to such person's official duties as an elected official

, including, but not limited to, expenses for the purchase or lease of office equipment and supplies, room rental for public meetings, necessary travel and lodging expenses for legislative education such as seminars, conferences, and meetings on legislative issues, and telephone and pager expenses.

- (e) Unexpended contributions to a political committee organized to support or oppose a city ballot question or ballot issue may only be donated to the Fair Elections Fund or any charitable organization recognized by the Internal Revenue Service or returned to the contributor.

Section 6. That Article VIII of Chapter 15 of the Denver Revised Municipal Code (sections 15-90 to 15-104) shall be enacted to read as follows:

Section 15-90 Purpose and Finding.

Denver Municipal Code, Chapter 15 (“ELECTIONS”), Article VIII (“DENVER FAIR ELECTIONS ACT”), is hereby created to read as follows:

This Article 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.

Section 15-91 Definitions.

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

- (a) Fund means the Fair Elections Fund created by Sec. 15-93.
- (b) Participating candidate means a candidate running in a general or special election for the office of Mayor, City Council, Clerk and Recorder, and Auditor who has been certified by the clerk and recorder to participate in the Fair Elections Campaign Funding program.
- (c) Qualifying contribution means a contribution of at least \$5, but not greater than the limits in Sec. 15-96, to a candidate running for the office of Mayor, City Council, Clerk and Recorder, and Auditor from a Denver resident who is a natural person, received during the qualifying period.
- (d) Match-eligible contribution means any contribution subject to the limits in Sec. 15-96 to a participating candidate from a Denver resident who is a natural person, not to exceed fifty dollars per contributor.
- (e) Qualifying period means the period beginning on the day after the date of the most recent general election or run-off election for the specific office or seat that a candidate is seeking and ending on the date of certification or eighteen (18) days before the election date, whichever occurs first. The qualifying period for any special, recall, or vacancy election starts the day that notice has been made for the special, recall, or vacancy election and ends on the date of certification or eighteen (18) days before the election date.

Sec. 15-92 Severability.

- (a) The provisions of this article and each of its sections, paragraphs, subparagraphs, sentences, and clauses are severable. In the event that 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. 15-93 Fair Elections Fund.

- (a) Establishment of Fair Elections Fund. A special, dedicated Fair Elections Fund shall be established by the City Council for the purpose of:
- (1) Providing public financing for the election campaigns of certified participating candidates; and
 - (2) Paying for the administrative costs of City staff related to the Fair Elections Act public campaign funding program.
- (b) Appropriations to the Fair Elections Fund.
- (1) City Council shall annually appropriate \$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 Mayor and Council's duty to appropriate funds for the public financing program shall cease upon the termination of the public financing program. Appropriations to the Fund shall be encumbered to satisfy the obligation created by Sec. 15-93 (a) pursuant to Charter Sec. 7.2.3 until the maximum amount allowed in the Fair Elections Fund is reached pursuant to subsection (b)(3).
 - (2) Other sources of revenue to be deposited 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 pursuant to Section 15-38 governing use of campaign funds;
 - b. Other funds appropriated by the Mayor and City Council;
 - c. Unexpended campaign contributions from any candidate or political committee pursuant to Sec. 15-38;
 - d. Any interest generated by the Fund; and
 - e. Any other sources of revenue determined as necessary by the City Council.
 - (3) The amount in the Fair Elections Fund shall not exceed \$8 million. In order 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 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 year.

- (c) Periodic Adjustments to Appropriations. The dollar amounts specified in subsection (b) of this section and the aggregate amounts in Sec. 15-98(b) shall be adjusted by an amount based upon the percentage change over a four year period in the United States bureau of labor statistics consumer price index for Denver- Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest five dollars. The first adjustment shall be done in the first quarter of 2020 and then every four years thereafter. The clerk and recorder shall calculate such adjustments.

Sec. 15-94 Offices Covered.

- (a) Candidates for the offices of Mayor, City Council, Clerk and Recorder, and Auditor shall be eligible to participate in the public campaign financing program established by this chapter, pursuant to the restrictions, requirements, and provisions specific to these respective offices.

Sec. 15-95 Eligibility for Fair Elections Campaign Funding.

- (a) To be eligible to be certified as a participating candidate, a candidate must:
- (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 the identity of the candidate, the office that the candidate seeks, and the candidate's signature, under penalty of perjury, certifying that:
 - a. The candidate has complied with the restrictions of this chapter during the election cycle to date;
 - 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 Act during the remainder of the election cycle and, specifically, if certified 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 have been collected by the candidate or his or her campaign committee;
 - a. For a candidate running for the office of Mayor, at least 250 qualifying contributions;
 - b. For a candidate running for the office of City Council, Auditor, and Clerk and Recorder at least 100 qualifying contributions.
 - (3) Each qualifying contribution shall be acknowledged by a receipt to the contributor, with a copy retained by the candidate for a period of two (2) years after the election. The receipt shall include the contributor's printed name,

home address, and telephone number, if any, and the name of the candidate on whose behalf the contribution is made. In addition, the receipt shall indicate that the contributor understands that the purpose of the contribution is to help the candidate qualify for Fair Elections campaign funding, that the contribution up to \$50 will be matched by the Fund by 900 percent, and that the contribution is made without coercion or reimbursement. A copy of completed receipts for all qualifying contributions shall be submitted with the application for certification as a participating candidate, and any contribution for which a candidate has not obtained a fully completed receipt shall not be counted as a qualified contribution. This application shall include a signed statement from the candidate indicating that all information on the qualifying contribution receipts is complete and accurate to the best of the candidate's knowledge.

Sec 15-96 Requirements for Participation in the Fair Elections Program

- (a) Participating candidates and candidates seeking certification may not accept contributions from natural persons above these limits.

Mayor	\$500
Councilmember-at-large, Clerk and Recorder, Auditor	\$350
District councilmember	\$200

- (b) Participating candidates and candidates seeking certification may only accept contributions from natural persons and may not accept contributions from any local, state, or federal issue, candidate, small donor, or political committees;
- (c) Participating candidates and candidates seeking certification may not accept contributions from a person or a person who is a principal, owner, or partner in an entity that has submitted a bid regarding, or been awarded, a city contract that has an anticipated value of at least \$500,000. This prohibition does not apply to contributions from a member of the candidate's immediate family.
- (d) Participating candidates shall obtain and maintain receipts for all match-eligible contributions retained by the candidate for a period of two (2) years after the election. The receipt shall include the contributor's printed name, home address, and telephone number, if any, and the name of the candidate on whose behalf the contribution is made. In addition, the receipt shall indicate that the contributor understands that the contribution up to \$50 will be matched by the Fund by 900 percent, and that the contribution is made without coercion or reimbursement.
- (e) Participating candidates and candidates seeking certification shall obtain and furnish to the clerk and recorder any information it may request relating to his or her campaign expenditures or contributions and furnish such documentation and other proof of compliance with this chapter as may be requested by such clerk and recorder;

- (f) Participating candidates must agree to participate in at least two public debates with opponents in the general election and at least one public debate with the opponent in a run-off election if available; and
- (g) Participating candidates and candidates seeking certification must comply with all requirements for candidate affidavits, organization, registration, and reporting for candidate committees in Sections 15-33 and 15-35.

Sec. 15-97 Certification of Participating Candidates by clerk and recorder.

- (a) No later than five business days after a candidate files with the clerk and recorder an application for certification as a participating candidate, the clerk and recorder shall notify the candidate whether or not the application is approved.
- (b) If the clerk and recorder determines that a candidate is not certified, the candidate is not required to comply with provisions of this Act applicable only to participating candidates as of the date of the Clerk's notice.
- (c) The clerk and recorder's determination on the application for certification is a final action subject to judicial review.
- (d) A participating candidate's initial request for funds from the Fair Elections Fund within the application for certification as a participating candidate shall be made using a form prescribed by the clerk and recorder and shall be accompanied by qualifying contribution receipts and any other information the clerk and recorder deems necessary. The clerk and recorder shall verify that a candidate's qualifying contributions meet all of the requirements and restrictions of this Act prior to the disbursement of funds from the Fair Elections Fund to the candidate.
- (e) The clerk and recorder shall make an initial payment of funds from the Fair Elections Fund within four business days of the clerk and recorder's certification of a participating candidate's eligibility.

Sec. 15-98 Fair Elections Fund Payments.

- (a) Participating candidates shall receive payment of funds from the Fair Elections Fund equal to nine-hundred percent (900 percent) of the amount of match-eligible contributions up to \$50 received by the candidate during the election cycle with respect to a single election, subject to the aggregate limit on the total amount of Fair Elections Fund payments to a candidate specified in subsection (b). The maximum match is \$50 per donor per candidate in an election cycle.
- (b) The aggregate amount of Fair Elections Fund payments that may be made to a participating candidate during an election cycle may not exceed:
 - (1) \$750,000 for a candidate running for the office of Mayor;
 - (2) \$250,000 for a candidate running for the office of Councilmember-at-large, Clerk and Recorder, and Auditor; and
 - (3) \$125,000 for a candidate running for a District councilmember.

- (c) Any payments to participating candidates after the initial post-certification payment shall be made automatically by the clerk and recorder based on the contributions disclosed pursuant to Section 15-35. The clerk and recorder shall establish a schedule for payments that includes at least one payment a month, and a minimum of three payment dates within the thirty days prior to an election, and a payment date for run-off candidates pursuant to Section 15-100.
- (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 business days of the filing of such petition. In the event that the clerk and recorder denies such petition then the office shall immediately notify the candidate of his or her right to seek judicial review of the clerk and recorder's denial.

Sec. 15-99 Transition Rule for Current Election Cycle.

- (a) A candidate may be certified as a participating candidate, notwithstanding the acceptance of contributions other than qualifying contributions before the date of enactment that would, absent this Section, disqualify the candidate as a participating candidate, provided that the candidate complies with all requirements in this Act beginning January 1, 2018.

Sec. 15-100 Run-off and Recall Elections.

- (a) Notwithstanding any other provision of this chapter, a participating candidate in a run-off or recall election held pursuant to Article VIII Part 2. Section 8.2.21 and Part 3. Section 8.3.5 of the City of Denver Charter shall obtain prompt payment for qualified campaign expenditures in an amount equal to twenty-five cents for each one dollar of public funds paid pursuant to this chapter to the candidate's principal committee for the preceding election. Run-off and recall funds do not count against the aggregate limit in Section 15-98(b).

Sec. 15-101 Insufficient Funds in the Program.

- (a) If the clerk and recorder determines that there are insufficient funds in the Fair Elections Fund to fund adequately all participating candidates, 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 Sec. 15-98(b). 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 Sec. 15-95(a) and 15-96, 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 15-95 and 15-96.

Sec. 15-102 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 Article VIII. 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 article.
- (3) Preserve and maintain all such submissions pursuant to this article 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 article 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 article, 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 article. If an electronic mail address is on file with the Clerk, such notification shall also be provided by electronic mail. The committee or person will have ten (10) days from the date of notice of an apparent violation or a complaint to correct any violation of this article. If the committee or person fails to correct the violation within the preceding timeframe, the clerk and recorder shall appoint a hearing officer to investigate the apparent violation or complaint in accordance with the procedure provided in section 15-40.
- (5) Audit the filings or submissions of various candidate committees as needed to ensure that the committees fully comply with the provisions of this article.

(b) Complaints and duties of the clerk and recorder with regard to potential violations of this article shall be governed by the provisions in Sec. 15-40 and 15-41.

(c) Penalties for failure to comply with this Article shall be governed by the provisions Section 15-41.

Section 15-104 EFFECTIVE DATE.

(a) All provisions of this act will take effect immediately.