

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2023

COUNCIL BILL NO. CB23-1767
COMMITTEE OF REFERENCE:
Finance & Governance

A BILL

For an ordinance amending Article III of Chapter 15 of the Revised Municipal Code concerning the regulation of campaign finances.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. Section 15-35 (b) (3), D.R.M.C., is amended by deleting the language stricken and adding the language underlined to read as follows:

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

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

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

a. ~~Each committee shall, in the calendar year immediately before a general—municipal election, file quarterly reports due no later than the fifteenth calendar day after the end of the applicable quarter. During the first two 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 fifteenth calendar day after the end of the applicable quarter.

Section 2. Section 15-37 (a), D.R.M.C., is 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, 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:

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

6 (2) Except for entities registered as committees pursuant to section 15-34, it shall be
7 unlawful for any unincorporated association, corporation, limited liability company,
8 partnership, limited political partnership, or labor organization to make contributions to
9 a candidate committee and no candidate committee shall accept any contribution from
10 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
13 percentage change over a four-year period in the United States bureau of labor
14 statistics consumer price index for ~~Denver-Boulder-Greeley~~Denver-Aurora-Lakewood,
15 all items, all consumers, or its successor index, rounded to the nearest lowest five
16 dollars (\$5.00). The first adjustment shall be done ~~in~~before the second quarter of 2024
17 and then every four (4) years thereafter. The clerk and recorder shall calculate such
18 an adjustment in each limit and specify the limits in rules promulgated in accordance
19 with section 15-46.

20 **Section 3.** Section 15-51, D.R.M.C., is amended by deleting the language stricken and adding
21 the language underlined to read as follows:

22 **Sec. 15-51. – Fair Elections Fund**

23 (a) *Establishment of the Fair Elections Fund.* A special, dedicated Fair Elections Fund is
24 established for the purpose of:

- 1 (1) Providing public financing for the election campaigns of certified participating
2 candidates; and
- 3 (2) Paying for the administrative costs of city staff related to the Fair Elections Act public
4 campaign funding program.

5 (b) *Appropriations to the Fair Elections Fund.*

- 6 (1) The city shall annually appropriate two dollars and eighty-eight cents (\$2.88) per City
7 of Denver resident per year, as determined by the most recent official United States
8 Census Bureau Population Estimate for the City of Denver, from the city general fund
9 to the Fair Elections Fund. The per-resident appropriation shall be adjusted by an
10 amount based upon the percentage change over a four-year period in the United
11 States bureau of labor statistics consumer price index for Denver-Aurora-Lakewood,
12 all items, all consumers, or its successor index, rounded to the nearest lowest one cent
13 (\$0.01). The first adjustment shall be calculated before the second quarter of 2024 and
14 then every four (4) years thereafter. The first adjustment shall take effect in January
15 2025 and then every four (4) years thereafter. The clerk and recorder shall calculate
16 and specify the adjusted amount in rules promulgated in accordance with section 15-
17 59. The mayor and council's duty to appropriate funds for the public financing program
18 shall cease upon the termination of the public financing program. Appropriations to the
19 Fund shall be made to satisfy the obligation created by subsection (a) of this section
20 pursuant to Charter section 7.2.3 until the maximum amount allowed in the Fair
21 Elections Fund is reached pursuant to subsection (b)(3) of this section.

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

24 b. Appropriations to the Fund shall be made to satisfy the obligation created by
25 subsection (a) of this section pursuant to Charter section 7.2.3 until the maximum
26 amount allowed in the Fair Elections Fund is reached pursuant to subsection
27 (b)(3) of this section.

- 28 (2) Other sources of revenue in the Fund shall include:
 - 29 a. Unspent funds distributed to any participating candidate who does not remain a
30 candidate until the election for which they were distributed, or such funds that
31 remain unspent by a participating candidate;
 - 32 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.

(3) The amount in the Fair Elections Fund shall not exceed eight million dollars (\$8,000,000.00). 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 ~~dollar amounts 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 bureau of labor statistics consumer price index for ~~Denver-Boulder-Greeley~~ Denver, Aurora, Lakewood, all items, all consumers, or its successor index, rounded to the nearest lowest five dollars (\$5.00). The first adjustment shall be done ~~in~~ before the second quarter of 2024 and then every four (4) years thereafter.

The clerk and recorder shall calculate such adjustments.

Section 4. Section 15-54 (a), D.R.M.C., is amended by adding the language underlined to read as follows:

Sec. 15-54. – Requirements for participation in the fair elections program.

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

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

Each election-cycle limit on contributions and contributions in-kind in this subsection (a) 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-Aurora-

1 Lakewood, all items, all consumers, or its successor index, rounded to the nearest lowest
2 five dollars (\$5.00). The first adjustment shall be done before the second quarter of 2024
3 and then every four (4) years thereafter. The clerk and recorder shall calculate such an
4 adjustment in each limit and specify the limits in rules promulgated in accordance with
5 section 15-59.

6 COMMITTEE APPROVAL DATE: November 14, 2023

7 MAYOR-COUNCIL DATE: November 21, 2023 by Consent

8 PASSED BY THE COUNCIL: December 4, 2023

9  - PRESIDENT

10 APPROVED: _____ - MAYOR _____

11 ATTEST: _____ - CLERK AND RECORDER,
12 EX-OFFICIO CLERK OF THE
13 CITY AND COUNTY OF DENVER

14 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

15 PREPARED BY: Troy C. Bratton, Assistant City Attorney DATE: November 20, 2023

16 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
17 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
18 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
19 3.2.6 of the Charter.

20
21 Kerry Tipper, Denver City Attorney

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23 BY: Anshul Bagga, Assistant City Attorney DATE: Nov 21, 2023