

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2017

COUNCIL BILL NO. CB17-0866
COMMITTEE OF REFERENCE:
Finance and Governance

ABILL

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 15-32 of the Denver Revised Municipal Code is hereby amended by deleting the language stricken and adding the language underlined below, to read as follows:

“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:

(4a) *Candidate* shall mean any person who:

(a1) Seeks election or re-election to any elected Charter office listed in Charter section 9.2.1(A) (the offices of mayor, auditor, clerk and recorder, and member of city council) and any judge of the county court who seeks to be retained in office pursuant to Charter subdivision 4.1.5. A person is a candidate for election upon the first to occur of the following:

- 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 and contributions in-kind or has made expenditures aggregating five hundred dollars (\$500.00) or more during the election cycle; or
- b. The person has filed nominating petitions pursuant to Charter section 8.2.7; or
- c. The person has filed a declaration of intent to run for another term as judge under Charter subdivision 4.1.5.

(b2) As an incumbent, an unsuccessful candidate for office, or former office holder, still has a cash balance of contributions or a debt or deficit or who receives contributions or contributions in-kind.

(2b) *Candidate committee* shall mean ~~a political~~ the committee authorized by a candidate to receive contributions or contributions in-kind or make expenditures on behalf of such candidate. A candidate shall have only one candidate committee.

1 (3c) *Commercial loan* shall mean any loan of money by a commercial lending institution
2 made in accordance with applicable law and in the ordinary course of business, but
3 such loans shall be made on a basis which assures repayment, evidenced by a
4 written instrument, and subject to a due date or amortization schedule, and shall bear
5 the usual and customary interest rate of the lending institution.

6 (4d) *Contribution* shall mean a gift, loan, pledge or advance of money; guarantee or
7 endorsement of loan; or letter of credit or line of credit made by any person for the
8 purpose of influencing any election. "Contribution" includes, but is not limited to:

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

12 b. ~~A gift of money to or for any incumbent in an elected Charter office, the~~
13 ~~purpose of which is to compensate the person for public service or to help~~
14 ~~defray expenses incident thereto, but which are not covered by official~~
15 ~~compensation;~~

16 e.(2) The payment by any person of compensation for the personal services of
17 another person which are rendered to a ~~political~~ committee;

18 e.(3) A payment made to a third party at the request of or with the prior knowledge
19 of a candidate, ~~or political~~ committee, or agent of either;

20 e.(4) A payment made after an election to meet any deficit or debt incurred during
21 the course of a campaign;

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

27 g.(6) An unpaid financial obligation which is forgiven.

28 "Contribution" does not include services provided without compensation by any
29 individual who volunteers on behalf of a candidate or ~~political~~ committee.
30 "Contribution" does not include any commercial loan.

31 (5e) *Contribution in-kind* shall mean a gift or loan of any item of real or personal property,
32 or any other thing of value, other than but not including money, made to or for any
33 candidate or ~~political~~ committee for the purpose of influencing an election or for the
34 purpose of disseminating newsletters related to the scope of duties of an incumbent.
35 "Contribution in-kind" does not include services provided without compensation by
36 any individual who volunteers on behalf of a candidate or ~~political~~ committee or an
37 endorsement of candidacy or issue by any person. In determining the value to be
38 placed on contributions in-kind, a reasonable estimate of the fair market value shall
39 be used.

40 (6f) *Contributor* shall mean any person who makes a contribution or contribution in-kind.

1 (7g) *Election* shall mean any city general election or runoff election; any special election
2 held to elect Charter officers listed in Charter section 9.2.1(A), held under Charter
3 section 1.1.13 or 9.7.9, or at which an issue is submitted to the electorate as required
4 by part 3 of article VIII of the Charter; any election at which a Charter amendment or
5 the question of issuing bonds is submitted to the electorate; or any election held
6 under Article X, Section 20, paragraph (3) of the Colorado Constitution.

7 (8h) *Election cycle* shall mean:

8 (1) For the candidates of mayor, auditor, clerk and recorder, and member of city
9 council, ~~*election cycle shall mean*~~ the period from January 1 of the year
10 following a general municipal election held to elect Charter officers listed in
11 Charter section 9.2.1 through December thirty-first of the next year in which
12 such an election is held-;

13 (2) For judges in their first term, ~~*election cycle shall mean*~~ the date from
14 appointment as a judge through December thirty-first of the year in which the
15 judge is subject to a retention election as required by subdivision 4.1.5 of the
16 Charter-;

17 (3) For judges in other terms, ~~*election cycle shall mean*~~ the period from January
18 first of the year following the last election for retention of the judge through
19 December thirty-first of the year in which the next retention election is held-;

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

24 (5) For any ballot issue or ballot question, ~~*election cycle shall mean*~~ the calendar
25 period from January first through December thirty-first during which the issue
26 or question is on the ballot.

27 (i) *Electioneering communication* shall mean any communication broadcasted by
28 television or radio, printed in a newspaper or on a billboard, directly mailed or
29 delivered by hand to personal residences, placed on a website, streaming media
30 service, or online forum for a fee, or a pre-recorded audio message delivered by
31 telephone, that:

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

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

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

40 (4) Electioneering communication does not include:

- 1 a. Any news articles, editorial endorsements, opinion or commentary
2 writings, or letters to the editor printed in a newspaper, magazine or
3 other periodical not owned or controlled by a candidate or political party;
- 4 b. Any editorial endorsements or opinions aired by a broadcast facility not
5 owned or controlled by a candidate or political party; or
- 6 c. Any communication by persons, other than committees, made in the
7 regular course and scope of their business or any communication made
8 by a membership organization solely to members of such organization
9 and their families.

10 (5) An electioneering communication is made when the actual spending occurs or
11 when there is a contractual agreement requiring such spending and the
12 amount is determined.

13 (9j) *Expenditure* shall mean the purchase, payment, distribution, loan, advance, deposit
14 or gift of money or anything of value, made by any person for the purpose of
15 influencing an election. Expenditure includes a transfer of money between one (1)
16 ~~political~~ committee and another (which shall be an expenditure by the committee
17 ~~which that~~ transfers the funds). An expenditure occurs when the actual payment is
18 made. A written contract, promise or agreement to make an expenditure shall be
19 considered and reported as an unpaid obligation if payment is thirty (30) days or more
20 overdue.

21 (k) Independent expenditure shall mean an expenditure made by any person for the
22 purpose of expressly advocating the election or defeat of a candidate or supporting
23 or opposing a ballot issue or ballot question that is not controlled by, or coordinated
24 with, any candidate or issue committee or agent of a candidate or issue committee.

25 (1) Independent expenditure does not include:

- 26 a. Any news articles, editorial endorsements, opinion or commentary
27 writings, or letters to the editor printed in a newspaper, magazine or
28 other periodical not owned or controlled by a candidate;
- 29 b. Any editorial endorsements or opinions aired by a broadcast facility not
30 owned or controlled by a candidate;
- 31 c. Any communication by persons made in the regular course and scope
32 of their business or any communication made by a membership
33 organization solely to members of such organization and their families.

34 (2) Any expenditure that is controlled by, or coordinated with, a candidate or issue
35 committee or agent of a candidate or issue committee, is deemed to be both
36 a contribution by the maker of the expenditure and an expenditure by the
37 candidate or issue committee.

38 (3) An independent expenditure is made when the actual spending occurs or when
39 there is a contractual agreement requiring such spending and the amount is
40 determined.

1 (9.5l) ~~Issue committee shall mean a political committee as defined by subsection 15-~~
2 ~~32(11), D.R.M.C. any committee, club, association, corporation, or other group of~~
3 ~~persons which receives contributions or contributions in-kind aggregating five~~
4 ~~hundred dollars (\$500.00) or more during an election cycle and makes expenditures~~
5 ~~aggregating five hundred dollars (\$500.00) or more during an election cycle for the~~
6 ~~purpose of supporting or opposing one or more ballot issues or ballot questions. Issue~~
7 ~~committee does not include political parties, political committees, or candidate~~
8 ~~committees as otherwise defined in this section.~~

9 (40m) Person shall have the same meaning as contained in section 1-2(12) of the Revised
10 Municipal Code.

11 (44n) ~~Political committee shall mean any committee, club, association, local political party,~~
12 ~~or other group of persons not authorized by a candidate and formed for the purpose of~~
13 ~~making contributions to candidate, issue, or political committees, which receives~~
14 ~~contributions or contributions in-kind aggregating five hundred dollars (\$500.00) or~~
15 ~~more during an election cycle and which makes expenditures aggregating five hundred~~
16 ~~dollars (\$500.00) or more during an election cycle. Political committee shall include a~~
17 ~~separate political education or political action fund or committee which is associated~~
18 ~~with an organization or association formed principally for some other purpose and shall~~
19 ~~include an organization or association formed principally for some other purpose~~
20 ~~insofar as it receives contributions or contributions in-kind or makes expenditures for~~
21 ~~the purpose of influencing an election. Political committee includes a committee, club,~~
22 ~~association or other group which solicits contributions or contributions in-kind and~~
23 ~~places such contributions or contributions in-kind in its treasury for distribution to~~
24 ~~campaigns candidate, issue, or political committees. Political committee does not~~
25 ~~include a committee, club, association or other group which solicits individual~~
26 ~~contributions and passes those contributions along to campaigns candidate, issue, or~~
27 ~~political committees without placing the contributions in its own treasury prior to~~
28 ~~distribution to a political committee.”~~

29 **Section 2.** Section 15-33 of the Denver Revised Municipal Code is hereby amended by
30 deleting the language stricken and adding the language underlined below, to read as follows:

31 **“Sec. 15-33. – Candidate affidavit, reporting, and disclosure.**

- 32 (a) Within ten (10) days after becoming a candidate as defined in subsection 15-32(1) ~~a.(a)(1),~~
33 each candidate shall ~~certify by affidavit filed with~~ affirm to the clerk and recorder that the
34 person is familiar with the provisions of this article.
35
- 36 (b) Any contributions or contributions in-kind received or expenditures made prior to the person
37 becoming a candidate as defined in section 15-32(1) ~~a(a)(1)~~ shall be reported in the first
38 report required under section 15-35.
39
- 40 (c) All candidates, including incumbent officeholders who become candidates for re-election,
41 shall file a financial disclosure statement within ~~fifteen (15)~~ ten (10) days after becoming a
42 candidate. The statement shall be filed with the clerk in accordance with and containing the
43 information required by section 2-72(d) and (e) of the Revised Municipal Code.”

1 **Section 3.** Section 15-34 of the Denver Revised Municipal Code is hereby amended by
2 deleting the language stricken and adding the language underlined below, to read as follows:

3 **“Sec. 15-34. - Organization of ~~political~~ committees.**

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

8
9 (b) Every ~~political~~ committee shall file a statement of organization with the clerk and recorder
10 no later than ten (10) days after becoming a political candidate, issue, or political committee
11 ~~as such terms are defined by section 15-32(11) of this article.~~ The statement of organization
12 of a ~~political~~ committee shall include:

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

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

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

19 (c) The treasurer of every ~~political~~ committee shall certify by affidavit filed with the clerk and
20 recorder that he or she is familiar with the provisions of this article. The affidavit shall be
21 filed with the clerk and recorder no later than ten (10) days after the committee has become
22 a political candidate, issue, or political committee ~~as defined in section 15-32(11);~~ in the
23 event that a treasurer is replaced, the new treasurer shall file the affidavit with the clerk and
24 recorder no later than ten (10) days after being appointed.

25
26 (d) Any contributions or contributions in-kind received or expenditures made by the ~~political~~
27 committee during the election cycle, but prior to becoming a political candidate, issue, or
28 political committee ~~as defined by section 15-32(11)~~ shall be reported in the first report
29 required under section 15-35.

30
31 (e) Every person who receives a contribution or contribution in-kind for a ~~political~~ committee
32 shall, no later than ten (10) days after receiving such contribution or contribution in-kind,
33 forward to the treasurer such contribution or contribution in-kind, along with the information
34 required by section 15-35 about the person making the contribution or contribution in-kind
35 and the date of receipt.

36
37 (f) All funds of a ~~political~~ committee shall be segregated from, and may not be commingled
38 with, the personal funds of any individual. All funds of a ~~political~~ committee shall be
39 deposited in a financial institution in an account whose title shall include the name of the
40 ~~political~~ committee. The account shall be used solely by the ~~political~~ committee named.

41
42 (g) The treasurer shall preserve all records required to be kept by this article and copies of all
43 reports required to be filed by this article for five (5) years after the report is filed or until final

1 disposition of any complaint and consequent litigation, whichever is later. Such records are
2 subject to public inspection at any hearing held pursuant to this article.”

3 **Section 4.** Section 15-35 of the Denver Revised Municipal Code is hereby amended by
4 deleting the language stricken and adding the language underlined below, to read as follows:

5 **“Sec. 15-35. – Reporting requirements for committees.**

6 (a) General. The treasurer of each political committee, or his or her designee, shall file reports
7 ~~of receipts and disbursements~~ in accordance with the provisions of this section. ~~The treasurer~~
8 ~~or his or her designated agent~~ and shall attest to each report’s accuracy. sign each such
9 ~~report.~~ Each report, except for the first report, must account for the period of time between
10 the end of the previous reporting period and the due date for the report in accordance with
11 the applicable deadline specified below in sections 15-35(b) or (c).

12
13 (b) Candidate committees and political committees. ~~For years in which there is an election which~~
14 ~~the political committee seeks to influence by making contributions, contributions in-kind, or~~
15 ~~expenditures, the treasurer shall file the following reports:~~

16 (1) General and Run-off elections. ~~In For~~ the calendar year in which there is a general city
17 ~~and county~~ municipal election and run-off election, candidate committees and political
18 committees shall file the following reports ~~shall be filed by any candidate for office,~~
19 ~~any treasurer of an issue committee, or by an incumbent officeholder who is seeking~~
20 ~~re-election:~~

21 a. Monthly reports for the complete months of January, and February, ~~and March,~~
22 ~~which shall be complete through the last day of the month and which shall be filed~~
23 ~~no later than the fifth day of the following month;~~

24 b. ~~A p~~Pre-election reports, as follows:

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

27
28 2. A report for the period beginning March 15 to March 31, which shall be filed no
29 later than April 3;

30
31 3. A report for the period beginning April 1 to April 14, which shall be filed no later
32 than April 17; and which shall cover the period beginning April 1 and shall be
33 ~~complete through the Wednesday prior to the general city and county election~~
34 ~~and which shall be filed no later than the Thursday prior to the general city and~~
35 ~~county election;~~

36
37 4. A report for the period of April 15 to the Wednesday before the general election,
38 which shall be filed no later than the Friday before the general election.

39
40 c. A post-election report, which shall be filed no later than the Thursday ~~prior to~~ before
41 ~~the scheduled date for a run-off election and which shall be complete through the~~
42 ~~Wednesday prior to~~ before the schedule date for a run-off election;

1 d. A post-run-off-election report, ~~which shall be filed only by those candidates listed~~
2 ~~on the run-off ballot,~~ which shall be filed no later than the thirtieth day after the run-
3 off election and only by those candidates listed on the run-off ballot, and which shall
4 ~~cover the period from the Thursday before the run-off election and which shall be~~
5 complete through the twenty-fifth day after the run-off election; and

6 e. A year-end report, which shall be filed no later than the thirty-first day of January of
7 the following year ~~and which shall cover the period from:~~

8 1. For those candidates not listed on the run-off election ballot, this report shall
9 cover the period from the Thursday prior to before the run-off election ~~for those~~
10 ~~candidates not listed on the ballot for the run-off election (follow-up to the post-~~
11 ~~election report) through December 31; or the twenty-sixth day after the run-off~~
12 ~~election for those candidates listed on the ballot for the run-off election (follow-~~
13 ~~up to the post-run-off-election report) through December 31.~~

14 2. For those candidates listed on the run-off ballot, this report shall cover the period
15 the twenty-sixth day after the run-off election through December 31.
16
17

18 (2) Special elections. For each month prior to before a special election, beginning in
19 the month that ~~candidacy~~ a candidate is declared or an issue committee becomes
20 a political committee as defined by subsection 15-32(12) of this article, a candidate
21 committee is formed for the office, the following reports shall be filed ~~by any~~
22 ~~candidate for the office or offices to be determined at the special election or any~~
23 ~~treasurer of an issue committee seeking to influence an election:~~

24 a. ~~Monthly reports~~ Reports for each month prior to ~~the month before the special~~
25 ~~election~~ before the month of the special election, which shall be complete through
26 ~~the last day of the month,~~ and which shall be filed no later than the fifth day of the
27 following month;

28 b. A pre-election report, which shall cover the period beginning the first day of the
29 month ~~before the month in which~~ of the special election is to be held, and which
30 ~~shall be complete~~ through the Wednesday prior to before the special election and
31 which shall be filed ~~no later than~~ on the Thursday prior to before the special election;

32 c. A post-election report, which shall be filed no later than the thirtieth day after the
33 special election, ~~and which shall be complete~~ beginning with the Thursday before
34 ~~the special election~~ through the twenty-fifth day after the special election; and

35 d. A year-end report, which shall be filed no later than the thirty-first day of January of
36 the following year and which shall cover the period from the twenty-sixth day after
37 the special election through December 31.

38 (3) Incumbents. Any incumbent officeholder who does not seek re-election in any year in
39 which there is a general or special city election shall file a report covering the period
40 beginning January 1 and ending December 31 of the year in question, which shall be
41 filed no later than January 31 of the following calendar year.

1 ~~(c) In any other calendar year, a report shall be filed covering the period beginning January 1~~
2 ~~and ending December 31, which shall be filed no later than January 31 of the following~~
3 ~~calendar year.~~

4 (4) Non-election years within an election cycle – candidate and political committees.

5 a. Beginning January 1, 2020 and for each election cycle thereafter, each committee
6 shall, for the first two calendar years in the election cycle, file a report on or before
7 January 31 and July 31 of each year. The report shall cover the period since the
8 last report.

9 b. Beginning January 1, 2018 and for each election cycle thereafter, each committee
10 shall, in the calendar year immediately before a general municipal election, file
11 quarterly reports due no later than the fifteenth calendar day after the end of the
12 applicable quarter.

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

15 (1) Reports for each month before the month of the election, which shall be filed no later
16 than the fifth day of the following month;

17 (2) A pre-election report, which shall cover the period beginning the first day of the month
18 of the election through the Wednesday before the election and which shall be filed on
19 the Thursday before the election;

20 (3) A post-election report, which shall be filed no later than the thirtieth day after the
21 election, and which shall be complete beginning with the Thursday before the election
22 through the twenty-fifth day after the election; and

23 (4) A year-end report, which shall be filed no later than the thirty-first day of January of the
24 following year and which shall cover the period from the twenty-sixth day after the
25 election through December 31.

26 (5) This section 15-35(c) shall take effect January 1, 2018.

27 (d) Each report required by this section shall contain the following information:

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

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

35 (3) The ~~identification~~ by name and address of each person who makes a contribution or
36 contribution in-kind to the reporting committee during the reporting period and whose
37 contributions and contributions in-kind have an aggregate amount or value of fifty dollars
38 (\$50.00) or more within the calendar year; ~~together with~~ the amount and date of such
39
40

1 contribution and contribution in-kind; and the aggregate contribution and contribution in-
2 kind of such person during the election cycle. The reporting committee may elect to file
3 a listing of all contributions and contributions in-kind during the reporting period, but such
4 listing must include the name and address of each contributor, along with the aggregate
5 contribution and contribution in-kind of such contributor during the election cycle;
6

7 (4) The occupation and employer of any natural person if the sum of that person's
8 contribution and contribution in-kind is two hundred dollars (\$200.00) or more in a
9 calendar year. In fulfilling the obligations of this subparagraph (4), the committee's
10 ~~treasurer of a political committee~~ must show that he or she used best efforts ~~have been~~
11 ~~used~~ to obtain the information required. ~~The treasurer will not be deemed to have~~
12 ~~exercised best efforts to obtain the required information unless he or she~~ "Best efforts"
13 means that the treasurer has made at least one (1) documented effort per contribution
14 or contribution in-kind, either by written request or by oral request documented in writing
15 to obtain the contributor's information from the contributor. The effort shall consist of a
16 clear request for the information which informs and to inform the contributor that the
17 reporting of the information is required by law;
18

19 (5) For the reporting period and the election cycle, the total amount of all expenditures;
20

21 (6) The name and address of each person to whom an expenditure in an aggregate amount
22 or value of fifty dollars (\$50.00) or more within the calendar year is made by the reporting
23 committee on behalf of a candidate or the committee, together with the date, amount,
24 and types of goods or services purchased;
25

26 (7) The name and address of any bank or other depository for funds used by the political
27 committee;
28

29 (8) The details of any loan of money, letter of credit, line of credit, or commercial loan made
30 to the reporting political committee during the reporting period, including: identification
31 of the lender or entity extending the letter of credit, line of credit, or commercial loan;
32 identification of any lender, endorser or guarantor of such loan, letter of credit, line of
33 credit, or commercial loan; the amount guaranteed; the date; the amount or value of the
34 loan, line of credit, letter of credit, or commercial loan; the method of disposition of the
35 loan, letter of credit, line of credit, or commercial loan; the balance due on the loan, letter
36 of credit, line of credit, or commercial loan; and the terms of interest and the total amount
37 of interest, if any; ~~and~~
38

39 (9) The details of any unpaid obligation of five hundred dollars (\$500.00) or more and thirty
40 (30) days or more overdue, which is not otherwise included as a contribution or
41 contribution in-kind, incurred by the reporting political committee during the reporting
42 period, including: identification the name and address of the person to whom the
43 obligation is due, ~~including the name and mailing address to whom the obligation is due;~~
44 the due date of the obligation; the purpose of the obligation; and the amount past due of
45 the obligation.; and
46

47 (10) If the committee is registered with the Colorado Secretary of State's campaign finance
48 system, the committee must provide its state-assigned number.
49

- 1 (e) ~~If the clerk and recorder deems~~ any report required by this section ~~is deemed~~ to be incomplete
2 ~~by the clerk and recorder~~, the clerk and recorder shall accept such report on a conditional
3 basis and shall notify the committee treasurer by mail, ~~and by telephone,~~ or email with respect
4 to any deficiencies found.
5
- 6 (f) Notwithstanding any other report required under this section, the committee's treasurer ~~of any~~
7 ~~political committee~~ shall file a report if the committee receives ~~of~~ any contribution or
8 contribution in-kind of five hundred dollars (\$500.00) or more ~~received by the political~~
9 ~~committee at any time within the~~ six (6) days immediately preceding the election. Such report
10 shall be ~~delivered to the clerk and recorder~~ filed no later than ~~the next business day~~ forty-
11 eight (48) hours after receipt ~~of the contribution or contribution in-kind~~.
12
- 13 (g) The reporting requirements of this section shall apply to any ~~political~~ committee which has a
14 cash balance of contributions ~~or contributions in-kind~~ or an expenditure deficit. The reporting
15 obligations of this section shall end when:
16
- 17 (1) The report shows no unexpended balance and no expenditure deficit; or
18
- 19 (2) The ~~political~~ committee has not received any contributions or contributions in-kind or
20 made any expenditures during the election cycle, provided, however, all reports for the
21 previous election cycle are complete.
22
- 23 (h) ~~At any event at which~~ When a ~~political~~ committee collects contributions in a central location,
24 commonly known as a "fishbowl" contribution, the ~~political~~ committee shall:
25
- 26 (1) Provide a sign-up sheet next to the "fishbowl" ~~(the central location in which contributions~~
27 ~~are collected)~~ to obtain the information required by subsections 15-35(d)(3) and 15-
28 35(d)(4); and
29
- 30 (2) Post a sign, with the letters ~~in the sign not to be less than being~~ at least one-fourth of an
31 inch in height or twenty-four (24) point type size, ~~that has been approved by the clerk~~
32 ~~and recorder~~ and that describes the information required.
33
- 34 (i) If a reporting day falls on a weekend, legal holiday, or a City and County of Denver furlough
35 day, the report shall be filed by the next business day. If a reporting day falls on a day when
36 the city is fully or partially closed for business, then the report shall be filed in accordance with
37 any and all rules or policies designated by the clerk and recorder. This provision does not
38 apply to subsection 15-35 (f) and 15-35.5(a).
39

40 **Section 5.** Section 15-35.5 of the Denver Revised Municipal Code shall be newly created to
41 read as follows:

42 **"Sec. 15-35.5 – Reporting requirements for independent expenditures and electioneering**
43 **communications.**

- 44 (a) Once any person spends an aggregate of one thousand dollars (\$1,000.00) or more on either
45 electioneering communications or independent expenditures in an election cycle, the person
46 shall file an initial report that accounts for the first one thousand dollars (\$1,000.00) of
47 spending. The person shall then be required to file a report for each subsequent
48 electioneering communication or independent expenditure, regardless of the amount. The

1 report shall be filed within forty-eight (48) hours after obligating moneys for the independent
2 expenditure or electioneering communication.

3
4 (b) For the purposes of this subsection, the term *election cycle* shall have the same meaning as
5 set forth in section 15-32(h).

6
7 (c) The report shall include the following:

8
9 (1) The name of the person making the communication;

10
11 (2) The occupation and employer of the person making the communication, if such person
12 is a natural person;

13
14 (3) Whether each communication is an independent expenditure or electioneering
15 communication;

16
17 (4) The date of each communication;

18
19 (5) The method of communication;

20
21 (6) The name of the candidates, ballot issues, or ballot questions referred to in the
22 communication;

23
24 (7) Whether the communication supports or opposes the named candidates, ballot issues,
25 or ballot questions; and

26
27 (8) The amount spent on each communication.

28 a. If the person used donor funds for the communication, the report shall include the
29 name and address of any person that donated more than twenty-five dollars
30 (\$25.00) for the purposes of making the communication.

31 b. If the person used non-donor funds for the communication, whether whole or in part,
32 the person shall briefly describe the source of the non-donor funds. For the
33 purposes of this section, “non-donor funds” include investment income, capital
34 gains, regular membership dues, income earned from providing goods, services or
35 facilities, sales of assets, or other receipts that are not donations.

36 (d) Any report filed under this section shall include a statement certifying that the reported
37 communications were not controlled by or coordinated with any candidate or issue committee.

38 (e) A committee registered under section 15-34 does not need to file an additional report under
39 this subsection separate from regularly filed disclosure reports listing all contributions,
40 disbursements, and expenditures under section 15-35.

41
42 (f) Any communications under this section that are controlled by or coordinated with a candidate
43 or issue committee or their agents are deemed to be contributions to the candidate or issue
44 committee. Such communications are subject to all contribution limits, prohibitions, and
45 reporting requirements.”
46

1 **Section 6.** Sections 15-36(a) and (b) of the Denver Revised Municipal Code are hereby
2 amended by deleting the language stricken and adding the language underlined below, to read as
3 follows:

4 **“Sec. 15-36. – Filing of reports.**

- 5 (a) The treasurer of a ~~political~~ any committee shall file all reports required by this article with
6 the clerk and recorder.
7
8 (b) Reports required to be filed by this article shall be deemed timely filed if received by the
9 clerk and recorder no later than ~~5:00 p.m.~~ 11:59 p.m. on the designated day.”

10
11 **Section 7.** Section 15-39 of the Denver Revised Municipal Code is hereby amended by
12 deleting the language stricken and adding the language underlined below, to read as follows:

13 **“Sec. 15-39. – Duties of the clerk and recorder.**

14 The clerk and recorder shall:

- 15 (1) Prescribe forms and provide instructional materials for reports required to be filed by
16 this article.
17
18 (2) Preserve and maintain all such reports and make them available for inspection and
19 copying under the requirements of the state Public Records Act.
20
21 (3) Except for late reports subject to section 15-40.5, Notify the political committee or
22 person involved if the clerk and recorder makes a determination of an apparent
23 violation, or if a written complaint about the a committee or person is filed with the clerk
24 and recorder pursuant to section 15-40. The political receiving committee or person
25 will have ten (10) days from the date of notice of an apparent violation or a complaint
26 to correct any violation of this article, including failure to file complete reports as
27 required by section 15-35(d); except when any violation of paragraph (b)(2) of section
28 15-35 (concerning deadlines for reports during special elections) occurs, then the clerk
29 and recorder will allow the political committee or person two (2) days in which to correct
30 the deficiency. If the political committee or person fails to correct the violation within
31 the preceding timeframes, the clerk and recorder shall appoint a hearing officer to
32 investigate the apparent violation or complaint in accordance with the procedure
33 provided in section 15-40.
34
35 (4) Audit the reports of various political committees reports to ensure that the reports each
36 filing committee or person has fully complied fully comply with the provisions of this
37 article.
38
39 (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 proceed as provided in section 15-40.”

40 **Section 8.** Section 15-40.5 of the Denver Revised Municipal Code shall be newly created to
41 read as follows:

1 **“Sec. 15-40.5. – Fines for late reports; waiver; appeal.**

2 (a) Fines Imposed. If a person or committee fails to timely file a report, the clerk and
3 recorder’s office will penalize the offending party fifty dollars (\$50.00) per day for each
4 calendar day that the report is late. For all persons or committees, a fine for a single
5 violation will not exceed five hundred dollars (\$500.00) per filing deadline violation.

6 (b) Waiver.

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

9 a. The reason for the delinquency, including all relevant factors related to it;

10 b. Remedial actions the filer has taken to avoid future delinquencies; and

11 c. Any other information the requestor deems relevant to the request.

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

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

15 a. The requestor’s history of delinquency;

16 b. Circumstances that made complying with the deadline an impossibility;

17 c. Outstanding penalties;

18 d. Whether the City’s database was unavailable to the committee; and

19 e. The date when the requestor filed the waiver.

20 (c) Administrative Review and appeal of fines.

21 (1) Any person or committee who disputes the final amount of a penalty imposed
22 against that person or committee may petition the clerk and recorder for a hearing
23 concerning such determination no later than thirty (30) days after having been
24 notified of any such decision. The hearing will be resolved by administrative
25 hearings procedures pursuant to section 56-106(b)-(f) with the clerk and recorder
26 or a hearing officer appointed by the clerk to serve as the designated official in the
27 stead of the manager of public works.

28 (2) If a candidate for the office of the clerk and recorder requests a waiver, the clerk
29 and recorder’s office will refer the matter to the office’s compliance officer.

30 (d) Unpaid debts. Any unpaid debt owing to the city resulting from a penalty imposed under this
31 section shall be collected by the city in accordance with the requirements of section 53-4.”

32 **Section 9.** Section 15-41 of the Denver Revised Municipal Code is hereby amended by
33 deleting the language stricken and adding the language underlined below, to read as follows:

1 **“Sec. 15-41. - Penalties.**

- 2 (a) Except as provided in this section, failure to comply with the provisions of this article shall
3 have no effect on the validity of any election, issue, or bonds issued pursuant to law.
- 4 (b) Upon determination by a court of competent jurisdiction, any violation of sections 15-35, 15-
5 36, and 15-37 of the Revised Municipal Code shall be considered a violation of ~~subdivision~~
6 ~~C1.9-3~~ section 8.1.5 of the Charter. The candidate shall forfeit his or her right to assume office
7 to which he or she may have been elected. If the person has already assumed office, the
8 office shall be vacated as provided under Charter section 8.2.15. Any vacancy created by the
9 operation of this subsection shall be filled as provided in section 8.2.15 of the Charter.
- 10 (c) Any person who knowingly violates any provision of this article or who gives or accepts any
11 contribution or contribution in-kind in such a way as to hinder or prevent identification of the
12 true donor, in addition to any other penalties provided by law, shall be subject to the penalty
13 in section 1-13 of the Revised Municipal Code.
- 14 (d) The statute of limitations applicable to violations of this article except for fines imposed under
15 section 15-40.5 shall be three (3) years.”

16 **Section 10.** Section 15-42 of the Denver Revised Municipal Code is hereby amended by
17 deleting the language stricken and adding the language underlined below, to read as follows:

18 **“Sec. 15-42. – Responsibility for communications.**

19 Whenever any person makes an expenditure for the purpose of financing communications
20 expressly advocating a particular result in an election, or solicits any contribution or contribution
21 in-kind through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct
22 mailing, or any other type of general public political advertising, such communication:

- 23 (a) If paid for and authorized by a candidate, candidate committee, issue committee,
24 political committee or ~~its~~ their agents, shall clearly state that the communication
25 ~~has been~~ is paid for by ~~such~~ that candidate, candidate committee, issue committee,
26 or political committee; ~~or~~
- 27 (b) If paid for by other persons but authorized by a candidate, a candidate committee,
28 issue committee, political committee or ~~its~~ their agents, shall clearly state that the
29 communication is paid for by such other persons and authorized by ~~such~~ the
30 candidate, candidate committee, issue committee, or political committee; or
- 31 (c) If paid for by a person as an independent expenditure or electioneering
32 communication, shall clearly state both the full name of the person making the
33 expenditure and that the advertisement or material is not authorized by the
34 candidate, candidate committee, issue committee, or political committee.”

35

1 **Section 11.** If any section, paragraph, clause, or other portion of this ordinance is held to be
2 invalid or unenforceable for any reason, the validity of the remaining portions of this ordinance shall
3 not be affected.

4 COMMITTEE APPROVAL DATE: August 15, 2017

5 MAYOR-COUNCIL DATE: August 22, 2017

6 PASSED BY THE COUNCIL: _____ September 11, 2017

7 _____ *Al Bink* - PRESIDENT

8 APPROVED: _____ - MAYOR _____

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

12 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

13 PREPARED BY: Victoria Ortega, Assistant City Attorney DATE: August 24, 2017

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

18 Kristin M. Bronson, Denver City Attorney

20 BY: _____, Assistant City Attorney DATE: Aug 24, 2017
21