

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2024

COUNCIL BILL NO. CB 24-0718
COMMITTEE OF REFERENCE:
Finance & Governance

4
5 **A BILL**

6 **For an ordinance amending the City’s general campaign finance regulations and**
7 **the Fair Elections Fund Act.**

8
9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10 **Section 1.** Chapter 15, article III, division 1 of the Code shall be amended by deleting
11 the language stricken and adding the language underlined, to read as follows:

12 **Sec. 15-32. - Definitions.**

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

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

17 (2) A labor organization;

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

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

24 (i) *Election cycle* shall mean;

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

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

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

35 (4) For any vacancy election, the election cycle shall end on December thirty-first of the year

1 in which the vacancy election is held and a new election cycle shall begin on January first of the
2 following year, and shall end on December thirty-first of the next year in which a general municipal
3 election is held; and

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

7 **Sec. 15-33. - Candidate affidavit, reporting, and disclosure.**

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

12 (b) Any contributions or contributions in-kind received or expenditures made prior to the
13 person becoming a candidate as defined in section 15-32(a)(1), shall be reported in the first report
14 required under section 15-35.

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

19 **Sec. 15-34. - Organization of Committees.**

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

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

30 **Sec. 15-35. - Reporting requirements for committees.**

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

33 (1) Reports for each month before the month of the election, which shall be filed no later than
34 the fifth day of the following month, except for the pre-election reports required under subsection

1 (c)(2) of this section;

2 (2) Pre-election reports as follows:

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

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

9 (3) A post-election report, for the period beginning with the Thursday before the election
10 through the 25th day after the election, which shall be filed no later than the ~~thirtieth~~ 30th day after
11 the election, ~~and which shall be complete beginning with the Thursday before the election through~~
12 ~~the twenty-fifth day after the election~~; and

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

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

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

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

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

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

30 (3) The name and address of each person who makes a contribution or contribution in-kind
31 to the committee during the reporting period and whose contributions and contributions in-kind have
32 an aggregate amount or value of fifty dollars (\$50.00) or more within the ~~calendar year~~ election cycle;
33 the amount and date of such contribution and contribution in-kind; and the aggregate contribution
34 and contribution in-kind of such person during the election cycle. The committee may file a listing of

1 all contributions and contributions in-kind during the reporting period, but such listing must include
2 the name and address of each contributor, along with the aggregate contribution and contribution in-
3 kind of such contributor during the election cycle;

4 (4) The occupation and employer of any natural person if the sum of that person's contribution
5 and contribution in-kind is ~~two hundred dollars (\$200.00)~~ fifty dollars (\$50.00) or more in a ~~calendar~~
6 year an election cycle. In fulfilling the obligations of this subparagraph (4), the committee's treasurer
7 must show that he or she used best efforts to obtain the information required. "Best efforts" means
8 that the treasurer has made at least one (1) documented effort per contribution or contribution in-
9 kind to obtain the contributor's information and to inform the contributor that the reporting of the
10 information is required by law;

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

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

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

17 (8) The details of any loan of money, letter of credit, line of credit, or commercial loan made
18 to the committee during the reporting period, including: identification of the lender or entity extending
19 the letter of credit, line of credit, or commercial loan; identification of any lender, endorser or
20 guarantor of such loan, letter of credit, line of credit, or commercial loan; the amount guaranteed; the
21 date; the amount or value of the loan, line of credit, letter of credit, or commercial loan; the method
22 of disposition of the loan, letter of credit, line of credit, or commercial loan; the balance due on the
23 loan, letter of credit, line of credit, or commercial loan; and the terms of interest and the total amount
24 of interest, if any;

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

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

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

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

4 (2) If the committee does not cure a deficiency within ten (10) days of notice of the deficiency,
5 the clerk and recorder shall, beginning on the eleventh (11th) day after the date of the notice, assess
6 a penalty for late reporting in accordance with section 15-40.5.

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

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

15 ~~(1) The report shows no unexpended balance and no expenditure deficit; or~~

16 ~~(2) The committee has not received any contributions or contributions in-kind or made any~~
17 ~~expenditures during the election cycle, provided, however, all reports for the previous election cycle~~
18 ~~are complete.~~

19 ~~(h) When a committee collects contributions in a central location, commonly known as a~~
20 ~~"fishbowl" contribution, the committee shall:~~

21 ~~(1) Provide a sign-up sheet next to the "fishbowl" to obtain the information required by~~
22 ~~subsections 15-35(d)(3) and 15-35(d)(4); and~~

23 ~~(2) Post a sign, with the letters being at least one-fourth of an inch in height or twenty-four~~
24 ~~(24) point type size, that describes the information required.~~

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

30 **Sec. 15-35.5. - Reporting requirements for independent expenditures and electioneering**
31 **communications.**

32 (a) Once any person spends an aggregate of one thousand dollars (\$1,000.00) or more on
33 either electioneering communications or independent expenditures in an election cycle, the person
34 shall file an initial report that accounts for the first one thousand dollars (\$1,000.00) of spending. The

1 person shall then be required to file a report for each subsequent electioneering communication or
2 independent expenditure, regardless of the amount. The report shall be filed within forty-eight (48)
3 hours after obligating moneys for the independent expenditure or electioneering communication.

4 (b) ~~For the purposes of this subsection, the term "election cycle" shall have the same meaning~~
5 ~~as set forth in section 15-32(h).~~ No later than 10 (ten) days after filing the first report in an election
6 cycle under this section, the individual responsible for filing reports shall affirm to the clerk and
7 recorder that the person is familiar with the provisions of the article. If a covered entity replaces the
8 individual responsible for filing on behalf of the entity, the new individual shall make the affirmation
9 required under this subsection within 10 (ten) days after being appointed.

10 (c) The report shall include the following:

11 (1) ~~The name of the person making the communication;~~ If the communication is made by a
12 natural person, the full name, mailing address, telephone number, email address, occupation, and
13 employer of the natural person;

14 (2) ~~The occupation and employer of the person making the communication, if such person is~~
15 ~~a natural person;~~ If the communication is made by a covered entity or other organization:

16 a. The full name, mailing address, telephone number, and email address of the individual
17 filing the report on behalf of the entity;

18 b. The URL for the website of the entity, if any;

19 c. The full name of each principal owner of the entity, if any.

20 d. The business or purpose of the entity, including its tax-exempt status, if applicable; and

21 f. The street address of the entity's principal place of operations, if different from the mailing
22 address listed in subsection a.

23 (3) Whether each communication is an independent expenditure or electioneering
24 communication;

25 (4) The date of each communication;

26 (5) The method of communication;

27 (6) The name of the candidates, ballot issues, or ballot questions referred to in the
28 communication;

29 (7) Whether the communication supports or opposes the named candidates, ballot issues or
30 ballot questions; and

31 (8) The amount spent on each communication.

32 a. If the person used donor funds for the communication, the report shall include the name,
33 ~~and address, employer, and occupation~~ of any person that donated more than twenty-five dollars
34 ~~(\$25.00)~~ fifty dollars (\$50.00) or more for the purposes of making the communication.

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

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

7 (d) No person shall make a contribution to a ~~political~~ committee which ~~equals or exceeds~~ fifty
8 dollars (\$50.00) in currency or coin. Any portion of a contribution in currency or coin of exceeding
9 fifty dollars (\$50.00) or more shall be remitted by the treasurer to the clerk and recorder no later than
10 seventy-two (72) hours after receipt, for deposit by the clerk and recorder into the Fair Elections
11 Fund of the city.

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

16 **Sec. 15-38. - Use of campaign funds restricted.**

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

19 (c) A candidate committee for a former officeholder or a person not elected to office shall
20 expend all of the unexpended campaign contributions retained by such candidate committee, for the
21 purposes specified in subsection (b) of this section, no later than ~~nine (9)~~ four (4) years from the date
22 such officeholder's term expired or from the date of the election at which such person was a
23 candidate for office, whichever is later.

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

25 The clerk and recorder shall:

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

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

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

1 recorder will allow the committee or person two (2) days in which to correct the deficiency. ~~If the~~
2 ~~committee or person fails to correct the violation within the preceding timeframes, the clerk and~~
3 ~~recorder shall appoint a hearing officer to investigate the apparent violation or complaint in~~
4 ~~accordance with the procedure provided in section 15-40.~~

5 (4) ~~Audit reports to ensure that each filing committee or person has fully complied with the~~
6 ~~provisions of this article.~~ filings or submissions as needed to ensure compliance with the provisions
7 of this article.

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

12 **Sec. 15-40. - Complaints; duties of clerk and recorder.**

13 (a) A resident of the City and County of Denver who believes a violation of this article has
14 occurred may file a written complaint with the clerk and recorder no later than ~~thirty (30) days after~~
15 ~~the violation is discoverable~~ sixty (60) days after the date on which the complainant either knew or
16 should have known, by the exercise of reasonable diligence, of the alleged violation.

17 (b) Upon receipt of a complaint, the clerk and recorder must ~~send notice to the respondent.~~
18 ~~The respondent has thirty (30) days from the date of the notice to cure the allegations in the complaint~~
19 ~~or to respond to the complaint. In responding to the complaint, the respondent may request that the~~
20 ~~hearing officer dismiss the complaint for one (1) or more of the reasons listed in this subsection (b).~~
21 ~~If the respondent neither cures the allegations during the 30-day cure period nor requests that the~~
22 ~~complaint be dismissed, the clerk and recorder must appoint a hearing officer who is not an officer,~~
23 ~~employee, or agent of the city. The hearing officer may dismiss, in his or her discretion, a complaint~~
24 ~~that does not specifically identify the section of this article that the respondent allegedly violated or~~
25 ~~a complaint that does not assert facts sufficient to support the alleged violations. The dismissal is~~
26 ~~final and subject to review by the district court. If the hearing officer does not dismiss the complaint,~~
27 ~~the clerk and recorder must fix a date for the hearing, which must be concluded no later than thirty~~
28 ~~(30) days from the date the cure period concluded.~~ conduct an initial review of the complaint for
29 completeness. If the complaint is incomplete, the clerk and recorder must dismiss the complaint for
30 incompleteness and provide the complainant an opportunity to file a new, complete complaint. If the
31 complaint is complete, the clerk and recorder must send notice of the complaint to the respondent.
32 The respondent has thirty (30) days from the date of the complaint notice to respond to the complaint
33 or cure the alleged violations in the complaint.

34 (1) If, after reviewing the response, the clerk and recorder determines that the respondent

1 has either cured the alleged violations in the complaint or provided sufficient information for the clerk
2 and recorder to determine that no violation occurred, the clerk and recorder may dismiss the
3 complaint.

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

7 (c) ~~The A hearing officer has the authority and ability to issue subpoenas as necessary. Any~~
8 ~~subpoena issued is enforceable in the county court.~~ who is appointed to resolve a campaign finance
9 complaint may not be a full-time employee of the clerk and recorder's office. Once appointed, the
10 hearing officer must review all relevant information, including the complaint, response, and any
11 motion to dismiss the complaint.

12 (1) If the hearing officer receives a motion to dismiss, the hearing officer may, in the hearing
13 officer's discretion:

- 14 a. Provide the nonmoving party an opportunity to respond to the motion to dismiss; and
- 15 b. Either grant or deny the motion. Any decision on a motion to dismiss is final and subject to
16 review by the district court.

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

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

23 (d) The hearing officer, at the request of any party to the hearing, may subpoena witnesses,
24 documents, and other evidence where the attendance of the witness or the admission of evidence
25 is deemed necessary to decide the issues at the hearing. Any subpoena must be served by
26 delivering a copy of it to the person named or by sending it to them by first-class mail. All costs
27 related to the subpoena, including witness and mileage fees, shall be borne by the party requesting
28 the subpoena. Any subpoena is enforceable by the requesting party in the county court. The
29 respondent and complainant may present evidence to the hearing officer in the form of testimony,
30 documents, rebuttal testimony, and opening and closing statements. The hearing officer is entitled
31 to examine any witness and request the submission of additional evidence and arguments.

32 (e) ~~The~~ At the conclusion of the hearing or upon review of the written briefs, the hearing officer
33 must determine by a preponderance of the evidence if a violation of this article has been committed.
34 Upon a finding for or against a respondent, the hearing officer must enter a decision and order any

1 necessary relief, if applicable. The decision of the hearing officer is final and subject to review by the
2 district court. The clerk and recorder and the hearing officer are not necessary parties to the review.

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

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

8 (a) *Fines imposed.* The clerk is authorized to assess civil penalties as provided in article
9 XII, chapter 2 of the Code. If a person or committee fails to timely file a report or fails to timely cure
10 a deficient report identified by the clerk and recorder under section 15-35 (e), the clerk and recorder's
11 office will penalize the offending party fifty dollars (\$50.00) per day for either each calendar day that
12 the report is late or each calendar day that the deficient report remains uncured. For all persons or
13 committees, a fine for a single violation will not exceed five hundred dollars (\$500.00) per filing
14 deadline violation.

15 (b) *Waiver.*

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

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

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

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

- 24 a. The requestor's history of delinquency;
- 25 b. Circumstances that made complying with the deadline an impossibility;
- 26 c. Outstanding penalties;
- 27 d. Whether the city's database was unavailable to the committee; ~~and~~
- 28 e. The date when the requestor filed the waiver; and

29 f. If the requestor has previously incurred unpaid fines, the clerk and recorder may, in the
30 clerk and recorder's sole discretion, waive those fines if the requestor takes affirmative action to
31 comply with code and terminate their reporting requirements.

32 (4) ~~(1)~~ (4) Any person or committee who disputes the final amount of a penalty imposed against
33 that person or committee may seek review of the administrative citation as provided in article
34 XII, chapter 2 of the Code. ~~petition the clerk and recorder for a hearing concerning such~~

1 ~~determination no later than thirty (30) days after having been notified of any such decision. The~~
2 ~~hearing will be resolved by administrative hearings procedures pursuant to section 56-106(b)–(f)~~
3 ~~with the clerk and recorder or a hearing officer appointed by the clerk to serve as the designated~~
4 ~~official in the stead of the manager of transportation and infrastructure.~~

5 (2) (5) If a candidate for the office of the clerk and recorder requests a waiver, the clerk and
6 recorder's office will refer the matter to the office's compliance officer.

7 **Sec. 15-42. - Responsibility for communications.**

8 Whenever any person or committee makes ~~an expenditure for the purpose of financing~~
9 ~~communications~~ a communication expressly advocating a particular result in an election, or solicits
10 any contribution or contribution in-kind, through any broadcasting station, newspaper, magazine,
11 outdoor advertising facility, direct mailing, or any other type of general public political advertising, or
12 when a person or covered entity makes an independent expenditure or electioneering
13 communication, such communication:

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

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

21 (c) If paid for by a person or covered entity as an independent expenditure or electioneering
22 communication, shall clearly state both the full name of the person or covered entity making the
23 expenditure and that the advertisement or material is not authorized by the candidate, candidate
24 committee, issue committee, or political action committee.

25 **Sec. 15-47. - Municipal elections activity—Limitations on municipal officers and elected**
26 **officials.**

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

- 31 (1) Municipal ballot issue or ballot question, after the clerk and recorder has approved the
32 contents of the affidavit, ballot title, and petition sample, as specified in section 8.3.2 of the Charter;
33 (1.5) Statewide ballot issue or ballot question after the title has been fixed;
34 (2) Statewide or municipal referred measure; or

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

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

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

9 (1) Municipal ballot issue or ballot question, ~~that has been submitted and has had a title fixed;~~
10 after the clerk and recorder has approved the contents of the affidavit, ballot title, and petition sample,
11 as specified in section 8.3.2 of the Charter;

12 (1.5) Statewide ballot issue or ballot question after the title has been fixed;

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

14 (3) ~~Measure~~ Municipal measure for the recall of an elected officer, ~~upon the final determination~~
15 ~~of sufficiency.~~ after the clerk and recorder has approved the contents of the affidavit, ballot title, and
16 petition sample, as specified in section 8.3.2 of the Charter; or

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

18 (c) Nothing in subsections (a) or (b) prohibits a city agency, department, board, division,
19 commission, council, or elected or appointed official or employee from responding to questions about
20 an issue, question, or measure described in subsections (a) and (b) if an appointed official, member
21 or employee of the public entity, or public entity did not solicit the question. An elected or appointed
22 official, member or employee of any such agency, department, board, division, commission, or
23 council who has policy-making responsibilities may expend fifty dollars (\$50.00) or less of public
24 moneys in the form of letters, telephone calls, or other activities incidental to expressing his or her
25 opinion on any such issue described in subsection (a) or (b). Nothing in subsections (a) or (b)
26 prohibits an individual or group from using a city facility for political purposes, including an activity to
27 express an opinion or urge electors to vote for or against an issue described in subsections (a) or
28 (b), if the facility is offered to the public on the same terms regardless of the use and content of the
29 activity.

30 (d) Nothing in subsection (a) or (b) prohibits a city agency, department, board, division,
31 commission, or council, or elected or appointed official or employee from expending public moneys
32 to provide the language of the ballot title, to provide the text of the measure, or to dispense a factual
33 summary that includes arguments both for and against the proposal, on an issue of official concern
34 before the electorate in the city. The summary may not contain a conclusion or opinion for or against

1 an issue. As used in this subsection (d), "an issue of official concern" means an issue that will appear
2 on a municipal election ballot.

3 (e) Nothing in subsection (a) or (b) prohibits a city agency, department, board, division,
4 commission, or council, or elected or appointed official or employee from taking actions necessary
5 to compile the fiscal impact estimate and ballot information booklet authorized in article I of this
6 chapter. ~~city council from expending public moneys or resources in accordance with section 15-~~
7 ~~41(e)(5)(b), DRMC.~~

8 **Section 2.** Chapter 15, article III, division 2 of the Code shall be amended by deleting the
9 language stricken and adding the language underlined, to read as follows:

10 **Sec. 15-49. - Definitions.**

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

13 (1) "Fund" means the Fair Elections Fund created by section 15-52.

14 (2) "Match-eligible contribution" means any contribution subject to the limits in section 15-
15 54 to a participating candidate from a Denver resident who is a natural person, ~~not to exceed fifty~~
16 ~~dollars (\$50.00) per contributor.~~ The maximum amount of a contribution that is eligible for match is
17 fifty dollars (\$50.00) per contributor.

18 **Sec. 15-53. - Eligibility for fair elections campaign funding.**

19 (a) To be eligible to be certified as a participating candidate, a candidate must:

20 (3) Ensure that each qualifying contribution and match-eligible contribution ~~shall be is~~
21 acknowledged by a receipt to the contributor, with a copy retained by the candidate for a period of
22 two (2) years after the election for which he or she is a candidate. ~~The receipt shall include the~~
23 ~~contributor's printed name, home address, and telephone number, if any, and the name of the~~
24 ~~candidate on whose behalf the contribution is made. In addition, the receipt shall indicate that the~~
25 ~~contributor understands that the purpose of the contribution is to help the candidate qualify for fair~~
26 ~~elections campaign funding, that the contribution up to fifty dollars (\$50.00) will be matched by the~~
27 ~~Fund by nine hundred (900) percent, and that the contribution is made without coercion or~~
28 ~~reimbursement. A copy of completed receipts for all qualifying contributions shall be submitted with~~
29 ~~the application for certification as a participating candidate, and any contribution for which a~~
30 ~~candidate has not obtained a fully completed receipt shall not be counted as a qualified contribution.~~
31 ~~This application shall include a signed statement from the candidate indicating that all information~~
32 ~~on the qualifying contribution receipts is complete and accurate to the best of the candidate's~~
33 ~~knowledge. The candidate shall provide a copy of the completed receipt for each qualifying~~
34 contribution with the application for certification as a qualifying candidate along with a signed

1 statement from the candidate affirming that all information on the qualifying contribution receipts is
2 complete and accurate to the best of the candidate's knowledge. The clerk and recorder shall not
3 count a contribution as a qualifying contribution until the candidate has submitted a copy of a fully
4 completed receipt that includes:

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

7 b. A statement that the contributor understands that the purpose of the contribution is to help
8 the candidate qualify for fair elections campaign funding, that the contribution up to fifty dollars
9 (\$50.00) will be matched by the Fund by nine hundred (900) percent, and that the contribution is
10 made without coercion or reimbursement.

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

12 (c) Participating candidates shall ~~obtain and maintain and issue~~ retain the record of receipts
13 for all qualifying contributions and match-eligible contributions required by section 15-53 (a) (3)
14 ~~retained by the candidate~~ for a period of two (2) years after the election. ~~The receipt shall include~~
15 ~~the contributor's printed name, home address, and telephone number, if any, and the name of the~~
16 ~~candidate on whose behalf the contribution is made. In addition, the receipt shall indicate that the~~
17 ~~contributor understands that the contribution up to fifty dollars (\$50.00) will be matched by the Fund~~
18 ~~by nine hundred (900) percent, and that the contribution is made without coercion or reimbursement.~~

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

- 24 (1) Withhold payment of Fair Elections Funds in accordance with section 15-56 (d); or
- 25 (2) Deem a committee filing deficient and provide notice and an opportunity to cure the
26 deficiency in accordance with section 15-35 (e).

27 (e) (1) Participating candidates must agree to participate in at least one (1) public ~~debates~~
28 debate with opponents in the general election and at least one (1) public debate with the opponent
29 in a run-off election if offered. For purposes of this section, a "debate" means the moderated
30 reciprocal discussion of issues among candidates on the ballot for the same office. If there is only
31 one (1) candidate for a given office on the ballot, or if the only other candidate or candidates on the
32 ballot for the given office are not participating in the Fair Elections Fund, then no debate for that
33 given office shall be held pursuant to this section.

34 (g) Participating candidates may not donate to their own campaigns in an aggregate amount

1 greater than the limits in section 15-54(a). However, a ~~participating~~ candidate may, before the clerk
2 certifies the candidate as a participating candidate, personally loan his or her own campaign seed
3 money up to five thousand dollars (\$5,000.00). Any money loaned must be repaid by the campaign,
4 from the account that does not include public monies, before the clerk may disburse any public
5 matching funds to the candidate. Any portion of the loan not repaid is deemed a contribution and
6 must comply with applicable contribution limits and reporting requirements.

7 (h) ~~Participating candidates must refund any unexpended money received from the Fair~~
8 ~~Elections Fund back to the Fair Elections Fund no later than sixty (60) days after the candidate~~
9 ~~publicly announces or notifies the clerk and recorder of their withdrawal from the race, or by the last~~
10 ~~day in the election cycle, whichever occurs first. A participating candidate must immediately cease~~
11 obligating new Fair Elections Fund expenditures when:

12 (1) The candidate dies, is disqualified, withdraws from the race, or fails to qualify for the ballot;

13 (2) The candidate ceases to be a participating candidate under section 15-53 (4) either
14 because the clerk has certified the ballot and the candidate has no opponent, or, after ballot
15 certification, the candidate's only opponent dies, is disqualified, or withdraws from the race;

16 (3) The clerk certifies the general election results and the candidate has either won his or her
17 election or has failed to qualify for the run-off election; or

18 (4) If the candidate participated in the run-off election, the clerk certifies the run-off election
19 results.

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

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

27 **Sec. 15-56. - Fair Elections Fund payments.**

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

30 (1) The clerk must authorize payment of the eligible monies on the August 15 immediately
31 preceding the regularly scheduled municipal general election;

32 (2) Subsequent payments must be authorized in conjunction with the due date of the
33 campaign finance reports filed by candidates during the year of a regularly scheduled municipal
34 general election;

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

3 (4) For a special election held to fill a vacancy in office, the clerk will authorize payment of
4 eligible monies in conjunction with the due dates of campaign finance reports for the special election
5 beginning with the report for the month when the vacancy is declared. The clerk will authorize
6 payment of any remaining eligible monies to the candidates on the fourteenth day before the election.

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

8 Notwithstanding any other provision of this division, a participating candidate in a run-off
9 election held pursuant to article VIII part 2., section 8.2.21 and part 3., section 8.3.5 of the Denver
10 Charter shall obtain prompt payment for qualified campaign expenditures in an amount equal to
11 twenty-five cents (\$.25) for each one dollar (\$1.00) of public funds paid pursuant to this chapter to
12 the candidate's principal committee for the preceding election. Run-off funds do not count against
13 the aggregate limit in section ~~15-54.~~ 15-56 (b).

14 COMMITTEE APPROVAL DATE: June 4, 2024
15 MAYOR-COUNCIL DATE: June 11, 2024 by Consent

16 PASSED BY THE COUNCIL: _____
17 _____ - PRESIDENT

18 APPROVED: _____ - MAYOR _____

19 ATTEST: _____ - CLERK AND RECORDER,
20 EX-OFFICIO CLERK OF THE
21 CITY AND COUNTY OF DENVER

22 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

23 PREPARED BY: Troy C. Bratton, Assistant City Attorney DATE: June 13, 2024

24 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
25 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
26 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
27 3.2.6 of the Charter.

28
29 Kerry Tipper, Denver City Attorney

30 BY: Anshul Bagga, Assistant City Attorney DATE: Jun 13, 2024
31 _____