

Campaign Finance and Fair Elections Fund

Post-Election Technical Improvements and
Safeguarding of Taxpayer Funds



Denver
Votes!

OFFICE OF THE CLERK AND RECORDER | HON. PAUL D. LÓPEZ
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Overview

- This bill contains many technical changes and clarifications.
- All changes are made with the aim to increase transparency, accountability, administrative practicability, and/or clarity for filers.



Streamline Enforcement

Problem

- Complaint and Hearing Officer process did not serve complainants or respondents well.
- Frustration from committees when they were noticed of complaints that were later dismissed; frustration from complainants on filing process.
- Insufficient authority for the C&R to launch investigations and determine violations outside of complaint process.

Solution

- Streamline citizen complaint process, including through this bill and follow-on Election Rule updates.
- Provide clear authority for C&R to dismiss incomplete complaints, while also provide a framework so that C&R may petition a hearing officer to find a committee at fault.
- Provide a new mechanism for C&R to levy penalties without an expensive and time-consuming hearing officer process for filers who do not submit required information.



Increased Oversight Independent Expenditure Filers

Problem

- IE reporting does not require committee to name a filing agent (like a committee treasurer).
- Some IE filers have attempted to skirt public disclosure by not forthrightly reporting the source of funds used.

Solution

- Require IE filers to name a filing agent, who must sign an affidavit and provide contact information.
- Add additional guardrails to organizations making IE expenditures, including reporting the principal owner(s) of the entity, business address, and tax-status.
- Require IE filers to report the same donor information as a candidate committee.



Standardize Reporting Thresholds

- Proposed Change: A committee who receives \$50.00 or more from a donor during an election cycle must report their name, address, employer and occupation.
- Currently, the itemized reporting threshold is inconsistent:
 - \$25 for IE filers, but employer and occupation never has to be reported.
 - \$200 for employer and occupation for candidates, even for donors who were being matched 9:1 by the FEF.
 - The threshold applies only for the calendar year, not the entire election cycle.
- This change will increase transparency to the public and clarity for filers.



Fair Elections Fund Changes

- Specify that “seed money” loans may only be made prior to applying for public funds, and that the loan must be paid back before receiving the funds.
- Standardize that any unspent taxpayer funds must be returned no later than 60 days after the election is over for that candidate: including failing to make the ballot, losing an election, winning office, or being in an uncontested race anytime after ballot certification.
- Enhance authority to request proof of compliance - up to levying fines for violators.
- *No change to C&R rulemaking authority based on feedback from City Council and other stakeholders.*



Other Notable Changes

- Clarify that an incumbent filing for re-election follows the same filing process as a new candidate.
- Shorten the window a person may keep their committee open after leaving from 9 years after leaving office to 4 years.
- Clarify issue committee reporting calendars during years in which more than one election occurs.