

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2024

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:

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 or
22 election of one or more candidates, or the qualification or passage of a ballot issue or ballot question.

23 (i) Election cycle shall mean;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (1) Reports for each month before the month of the election, which shall be filed no later than

1 the fifth day of the following month, except for the pre-election reports required under subsection (c)(2)
2 of this section;

3 (2) Pre-election reports as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (e) If the clerk and recorder deems any report required by this section to be incomplete, the
34 clerk and recorder shall accept such report on a conditional basis and shall notify the committee

1 treasurer by mail, telephone, or email with respect to any deficiencies found.

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

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

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

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

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

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

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

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

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

26 ~~(i) (h) If a reporting day falls on a weekend, legal holiday, or a City and County of Denver~~
27 ~~furlough day, the report shall be filed by the next business day. If a reporting day falls on a day when~~
28 ~~the city is fully or partially closed for business, then the report shall be filed in accordance with any and~~
29 ~~all rules or policies designated by the clerk and recorder. This provision does not apply to subsection~~
30 ~~15-35(f) and 15-35.5(a).~~

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

33 (a) Once any person spends an aggregate of one thousand dollars (\$1,000.00) or more on
34 either electioneering communications or independent expenditures in an election cycle, the person

1 shall file an initial report that accounts for the first one thousand dollars (\$1,000.00) of spending. The
2 person shall then be required to file a report for each subsequent electioneering communication or
3 independent expenditure, regardless of the amount. The report shall be filed within forty-eight (48)
4 hours after obligating moneys for the independent expenditure or electioneering communication.

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

11 (c) The report shall include the following:

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

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

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

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

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

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

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

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

26 (4) The date of each communication;

27 (5) The method of communication;

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

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

32 (8) The amount spent on each communication.

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

1 fifty dollars (\$50.00) or more for the purposes of making the communication.

2 b. If the person used non-donor funds for the communication, whether whole or in part, the
3 person shall briefly describe the source of the non-donor funds. For the purposes of this section, "non-
4 donor funds" include investment income, capital gains, regular membership dues, income earned from
5 providing goods, services or facilities, sales of assets, or other receipts that are not 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 fifty
9 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 Fund
11 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 Fund
15 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 candidate
23 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 copying
29 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 if
31 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 any
34 violation concerning deadlines for reports during special elections occurs, then the clerk and recorder

1 will allow the committee or person two (2) days in which to correct the deficiency. If the committee or
2 person fails to correct the violation within the preceding timeframes, the clerk and recorder shall
3 appoint a hearing officer to investigate the apparent violation or complaint in accordance with the
4 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 of~~
7 ~~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 the~~
15 ~~violation is discoverable sixty (60) days after the date on which the complainant either knew or should~~
16 ~~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). If~~
21 ~~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 a~~
25 ~~complaint that does not assert facts sufficient to support the alleged violations. The dismissal is final~~
26 ~~and subject to review by the district court. If the hearing officer does not dismiss the complaint, the~~
27 ~~clerk and recorder must fix a date for the hearing, which must be concluded no later than thirty (30)~~
28 ~~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 has

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

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

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

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

13 a. Provide the nonmoving party an opportunity to respond to the motion to dismiss; and

14 b. Either grant or deny the motion. Any decision on a motion to dismiss is final and subject to
15 review by the district court.

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

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

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

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

1 district court. The clerk and recorder and the hearing officer are not necessary parties to the review.

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

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

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

14 (b) *Waiver.*

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

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

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

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

- 23 a. The requestor's history of delinquency;
- 24 b. Circumstances that made complying with the deadline an impossibility;
- 25 c. Outstanding penalties;
- 26 d. Whether the city's database was unavailable to the committee; ~~and~~
- 27 e. The date when the requestor filed the waiver-; and
- 28 f. If the requester has previously incurred unpaid fines, the clerk and recorder may, in the clerk
29 and recorder's sole discretion, waive those fines if the requester takes affirmative action to comply with
30 code and terminate their reporting requirements.

31 (4) ~~(4)~~ Any person or committee who disputes the final amount of a penalty imposed against
32 that person or committee may seek review of the administrative citation as provided in article
33 XII, chapter 2 of the Code. ~~petition the clerk and recorder for a hearing concerning such determination~~
34 ~~no later than thirty (30) days after having been notified of any such decision. The hearing will be~~

1 ~~resolved by administrative hearings procedures pursuant to section 56-106(b) — (f) with the clerk and~~
2 ~~recorder or a hearing officer appointed by the clerk to serve as the designated official in the stead of~~
3 ~~the manager of transportation and infrastructure.~~

4 (2) (5) If a candidate for the office of the clerk and recorder requests a waiver, the clerk and
5 recorder's office will refer the matter to the office's compliance officer.

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

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

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

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

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

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

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

30 (1) Municipal ballot issue or ballot question, after the clerk and recorder has approved the
31 contents of the affidavit, ballot title, and petition sample, as specified in section 8.3.2 of the Charter;

32 (1.5) Statewide ballot issue or ballot question after the title has been fixed;

33 (2) Statewide or municipal referred measure; or

34 (3) ~~Measure~~ Municipal measure for the recall of an elected officer, after the clerk and recorder

1 has approved the contents of the affidavit, ballot title, and petition sample, as specified in section 8.3.2
2 of the Charter; or

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

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

11 (1.5) Statewide ballot issue or ballot question after the title has been fixed;
12 (2) Statewide or municipal referred measure; ~~or~~

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

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

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

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

1 (e) Nothing in subsection (a) or (b) prohibits a city agency, department, board, division,
2 commission, or council, or elected or appointed official or employee from taking actions necessary to
3 compile the fiscal impact estimate and ballot information booklet authorized in article I of this chapter.
4 ~~city council from expending public moneys or resources in accordance with section 15-11(e)(5)(b),~~
5 ~~DRMC.~~

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

8 **Sec. 15-49. - Definitions.**

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

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

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

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

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

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

1 contribution until the candidate has submitted a copy of a fully completed receipt that includes:

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

4 b. A statement that the contributor understands that the purpose of the contribution is to help
5 the candidate qualify for fair elections campaign funding, that the contribution up to fifty dollars
6 (\$50.00) will be matched by the Fund by nine hundred (900) percent, and that the contribution is made
7 without coercion or reimbursement.

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

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

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

21 (1) Withhold payment of Fair Elections Funds in accordance with section 15-56 (d); or

22 (2) Deem a committee filing deficient and provide notice and an opportunity to cure the
23 deficiency in accordance with section 15-35 (e).

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

31 (g) Participating candidates may not donate to their own campaigns in an aggregate amount
32 greater than the limits in section 15-54(a). However, a ~~participating~~ candidate may, before the clerk
33 certifies the candidate as a participating candidate, personally loan his or her own campaign seed
34 money up to five thousand dollars (\$5,000.00). Any money loaned must be repaid by the campaign,

1 from the account that does not include public monies, before the clerk may disburse any public
2 matching funds to the candidate. Any portion of the loan not repaid is deemed a contribution and must
3 comply with applicable contribution limits and reporting requirements.

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

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

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

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

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

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

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

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

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

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

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

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

32 (4) For a special election held to fill a vacancy in office, the clerk will authorize payment of
33 eligible monies in conjunction with the due dates of campaign finance reports for the special election
34 beginning with the report for the month when the vacancy is declared. The clerk will authorize payment

1 of any remaining eligible monies to the candidates on the fourteenth day before the election.

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

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

9
10
11 COMMITTEE APPROVAL DATE: _____, 2024.

12 MAYOR-COUNCIL DATE: _____, 2024.

13 PASSED BY THE COUNCIL _____ 2024
14 _____ - PRESIDENT

15 APPROVED: _____ - MAYOR _____ 2024

16 ATTEST: _____ - CLERK AND RECORDER,
17 EX-OFFICIO CLERK OF THE
18 CITY AND COUNTY OF DENVER

19 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2024; _____ 2024

20
21 PREPARED BY: _____; DATE: _____

22
23 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
24 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
25 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
26 3.2.6 of the Charter.

27
28 Kerry Tipper, City Attorney

29
30 BY: _____, _____ City Attorney DATE: _____