



Policy Updates to the Elections Ordinance and Fair Election Fund

Agenda

- Background
- Proposed Changes
- Stakeholder Process
- Timeline & Next Steps
- Questions & Discussion

Background

- Denver's Fair Elections Fund (FEF) has successfully bolstered transparency and accessibility in local elections since its debut in 2023. However, several candidates and officials reported confusion with the FEF process.
 - These changes are designed to ensure the FEF remains *an effective, equitable tool* that supports *all* candidates and deepens voter confidence in our election processes.
- After evaluating the first implementation and gathering stakeholder feedback, Councilmembers Sawyer and Watson are ready to propose essential updates to Denver's elections ordinance and campaign finance law to promote clarity, transparency, and fairness.

Proposed Changes

After gathering additional feedback from residents, Council members, and City Agencies, CMs Sawyer and Watson suggest the following changes:

- Unify and simplify the election code
- Ban anonymous donations
- Clarify requirements for accessible and neutral debates
- Update requirements for neutral hearing officers during campaign finance violation investigations
- List prohibited expenditures for FEF money

Unify and Simplify the Election Code

The Problem:

- Denver's current campaign finance regulations, Chapter 15, Article III, are scattered, confusing, and cumbersome.
- The disorganization and complexity of Article III make it difficult for candidates to understand, navigate, and ensure proper campaign compliance.

The Solution: *One clear and unified campaign code*

- At the Clerk & Recorder's request, this is not a repeal and replace but significant organizational changes have been made to improve clarity, readability, and accessibility.

Ban Anonymous Donations

The Problem:

- Cash contributions obstruct the disclosure requirement necessary for transparent and fair elections.

The Solution: *Ban all anonymous donations*

- To increase transparency and trust, the ordinance proposes a complete ban on anonymous contributions, including “fishbowl” contributions
- \$50 cash contribution limit remains, as long as reporting requirements are followed
- Many other Colorado municipalities have already banned anonymous contributions

Neutral Debates

The Problem: In 2023, there were a number of issues with debates that led to questions about fairness and neutrality, as well as accessibility.

The Solution: *Strengthen and clarify the rules for mandatory FEF debates to ensure a fair and level playing field for all candidates*

- Only required if more than one FEF candidate in a race.
- One debate required for the general election and one for the run-off election.
- Clerk and Recorder must organize, but cannot moderate or formulate questions.
- Clerk and Recorder can enter into agreements to sponsor, stage, moderate, publicize, and provide other services related to holding and broadcasting the debate.
- Debate sponsors, moderators and hosts cannot have supported or opposed a candidate during the election cycle or be affiliated with a political party.
- Debates cannot be structured to promote one candidate over another.
- Requires coordination with and notification to candidates of date/time/location at least 10 days in advance.
- Must be held at facility that is ADA compliant.

Complaints & Administrative Hearing Officers

The Problem: The process for investigations into potential campaign violations is confusing and Hearing Officers have no neutrality requirements

The Solution: *Strengthen investigatory capacity and clarify the role of neutral hearing officers*

- Clarify the Clerk & Recorder's Office's ability to initiate an investigation and refer issues to hearing officers
- Mandate the standards of conduct required of neutral administrative hearing officers who review FEF and other campaign finance complaints to ensure due process
- Prohibit hearing officers from being full-time employees of the Clerk & Recorder

FEF Prohibited Expenditures

- The purchase of “alcoholic beverages” as that term is defined in Chapter 6;
- The purchase of "regulated marijuana" as that term is defined in the Colorado Marijuana Code;
- The purchase of "tobacco products" as that term is defined in Chapter 24;
- Gifts valued more than fifty dollars (\$50.00)
- Payments of fees, fines, or penalties to the city;
- The purchase of any prepaid credit or gift cards of any kind;
- Reimbursing contributors for their contributions;
- Participating candidates shall reimburse the city for fund payments used to purchase personal or real property valued above an amount determined by the clerk and recorder.

Red = Currently Prohibited by federal/state/ordinance/rules/regs
Green = Banned by other Municipalities

Stakeholder Process

In addition to community conversations with residents, Councilmembers Sawyer and Watson have conducted briefings and gathered feedback from the following stakeholders over the past eleven months:

- Councilmember survey
- Budget & Policy Committee briefing
- Multiple Individual Council member briefings
- Executive session with Council members
- Mayor's Office
- Auditor's Office
- Clerk & Recorder's Office
- Owen Perkins and David Sabados (Drafters of the original 2018 citizen's ordinance)
- Agency for Human Rights & Community Partnerships
- Tech Services & TV8
- City Attorney's Office
- Denver Arts & Venues

Timeline and Next Steps

- May 2024, Councilmember Survey
- June 24, 2024 – Budget & Policy Committee Presentation
- August - October 2024 – Drafting & Stakeholder Briefings
- November 19, 2024 – Finance & Governance Committee w/ Exec Session
- December 17, 2024 – Finance & Governance Committee
- January 9-17, 2025 – Stakeholder Briefings
- January 28, 2025 – Finance & Governance Committee
- February 4, 2025 – Community Town Hall at Glenarm Recreation Center (6-7 pm)
- February 4, 2025 – Mayor Council
- February 10, 2025 – First Reading
- February 18, 2025 – Second Reading with Required Public Hearing

Questions & Discussion