

Reference #

15498142

Public Hearings

I am speaking/writing on (select one): / Hablo/Escribo sobre (seleccione uno):

24-1676: An ordinance amending Chapter 15, Article III concerning campaign finances. / 24-

1676: Una ordenanza para modificar el Capítulo 15, Artículo III en relación con el financiamiento de campañas.

First Name / Nombre

Dolores

Last Name / Apellido

Martinez Hernandez

I am a resident of: / Soy residente del:

District 5 / Distrito 5

I am... / Estoy...

AGAINST the item / en CONTRA del artículo

My testimony: / Mi testimonio:

We voted for a particular finance campaign process. This proposed ordinance will only cause an oligarchy at the City level.

Finish Time

2025-02-16 17:47:07

Reference #

15499828

Public Hearings

I am speaking/writing on (select one): / Hablo/Escribo sobre (seleccione uno):

24-1676: An ordinance amending Chapter 15, Article III concerning campaign finances. / 24-

1676: Una ordenanza para modificar el Capítulo 15, Artículo III en relación con el financiamiento de campañas.

First Name / Nombre

Roberta

Last Name / Apellido

Martinez Hernandez

I am a resident of: / Soy residente del:

District 8 /Distrito 8

I am... / Estoy...

AGAINST the item / en CONTRA del artículo

My testimony: / Mi testimonio:

We voted to have fair election funding laws. These amendment are a way for city council to avoid the accountability that the people put in place. Do not support this amendment!!

Finish Time

2025-02-17 12:57:43

Reference #

15499835

Public Hearings

I am speaking/writing on (select one): / Hablo/Escribo sobre (seleccione uno):

24-1676: An ordinance amending Chapter 15, Article III concerning campaign finances. / 24-

1676: Una ordenanza para modificar el Capítulo 15, Artículo III en relación con el financiamiento de campañas.

First Name / Nombre

Dolores H

Last Name / Apellido

Martinez Hernandez

I am a resident of: / Soy residente del:

District 5 / Distrito 5

I am... / Estoy...

AGAINST the item / en CONTRA del artículo

My testimony: / Mi testimonio:

Everyone running for congressional district should be required to be completely transparent regarding finances. Without transparency for all this leaves the system open to corruption and abuse.

Finish Time

2025-02-17 13:04:56

Reference #

15499842

Public Hearings

I am speaking/writing on (select one): / Hablo/Escribo sobre (seleccione uno):

24-1676: An ordinance amending Chapter 15, Article III concerning campaign finances. / 24-

1676: Una ordenanza para modificar el Capítulo 15, Artículo III en relación con el financiamiento de campañas.

First Name / Nombre

Roberta

Last Name / Apellido

Martinez Hernandez

I am a resident of: / Soy residente del:

District 9 / Distrito 9

I am... / Estoy...

AGAINST the item / en CONTRA del artículo

My testimony: / Mi testimonio:

The voters passed reasonable restrictions on local election funding, now the city council is trying to undo the will of the voters. Vote NO on these amendment!

Finish Time

2025-02-17 13:04:42

Dear Council Members of the City & County of Denver—

Regarding proposed amendments to the Fair Elections Act:

I urge your support FOR:

- The amendment banning anonymous donations

I urge your rejection or revision OF:

- The amendment specifying spending restrictions that apply only to candidates who opt in to the FEF financing. Any restrictions to campaign spending should be applied **equally to all candidates**, without regard to the source of financing.

This is an important matter to Denver voters. Thank you for your careful attention to seeing that we have access to a broad range of candidates and that all of those candidates have an equal of chance of winning the support of voters.

Thank you for your service. I wish you all well.

—t

Tempest Kilgore
District 4 (with property in District 5)

To the Denver City Council Members,

I am writing on behalf of CleanSlateNow Action to share some of our concerns about the revision to the Fair Elections Act offered by Councilmembers Sawyer and Watson. We appreciate the work you have done to improve Bill# 24-1676, but **we still have some concerns with the current draft before you consider it during its second reading.**

For background, **CleanSlateNow Action** is a campaign finance reform advocacy group, and along with **CoPIRG, Common Cause, The League of Women Voters, Represent Us, Colorado Ethics Watch**, and others, we spent years researching, drafting, and promoting the Fair Elections Act – originally known as The Democracy For The People Act – as a citizens’ initiative that we ultimately collaborated with City Council on to refer it to the ballot.

I would reiterate an earlier point we made, that the proposed amendments still seems to be a solution in search of a problem. The results of the survey of Council members by the bill sponsors did not identify any glaring shortcomings in the first cycle under the Fair Elections Act or signal a necessary call to action. The Clerk and Recorder’s survey with more than twice the respondents – including both winning and losing campaigns – yielded similar results.

- 73% of respondents said the Fair Elections Act influenced their decision to run;
- 82% said the Fair Elections Act made it easier to run for office;
- 100% of respondents said they would use the Fair Elections Fund if they ran for office again.

Here is our take on three of the original six features originally laid out by the sponsors:

Ban Anonymous Donations

- We suggested this change while working with the Clerk’s office on a clean-up bill last year, and we are happy to see this proposed change for the Fair Elections Act. Every municipality we have worked with to pass campaign finance reform since Denver passed the Fair Elections Act has banned anonymous donations. Anonymous contributions deprive voters, residents, and the campaign finance office from being able to track how candidates are funding their campaigns, and ***we encourage the banning of anonymous campaign contributions in Denver elections.***

Spending Restrictions and Prohibited Expenditures

- This is the most troublesome proposed change in the bill to amend the Fair Elections Act. We don’t have a problem with the proposed restrictions, and we believe restrictions are already covered for all candidates by the Fair Elections Act’s original language, mirroring previous, standard language which prohibits the use of campaign funds for anything other than “the purpose of influencing an election.”
- **We do have a problem with restricting how those opting-in for Fair Elections can use their campaign funds without applying the same restrictions to all candidates.** If the greater specificity the sponsors seek is a good idea, then it should be applied across the board. If it can’t be applied across the board, it shouldn’t be applied to only some candidates. Either an expenditure is a legitimate campaign expense, or it is not. All

candidates should be held to the same standard when it comes to how they spend their campaign funds.

- We object to setting up two standards of acceptable campaign expenditures, **particularly for a bill that aims to simplify and unify the code.**
- While the Fair Elections Act was intended to elevate potential candidates who might not have the same access to wealth that was previously necessary to run for office, **this amendment -- when applied only to Fair Elections candidates -- treats these candidates as second-class, some lower order of candidate that needs to be restricted.** Campaign expenditures are either legit or they are not. They can't be legit for some folks and not for others, for some campaign funds and not all campaign funds.
- It sounds as though there are at least a couple council members who would like to add a handful of new restrictions of campaign funds, but that since, as they have said, it's too hard to get the "A-list" candidates to comply, they're only restricting the "lower class," "B-list" candidates, because they have leverage over them. If a given function is not legit, we're in favor of restricting it. But ***if you can't restrict it across the board, we urge you to let it go.***
- The sponsors argue that because city employees are restricted from spending city funds on most of the proposed restricted items, candidates running for office and thereby seeking to become city employees should have their campaign funds subject to the same restrictions as city employees face with city funds. But **these candidates are not receiving funds as an employee of the city**, they are being given voter-approved matching campaign funds to use like any candidate for municipal office can. ***We urge City Council to remove this component of the bill unless it can be equitably applied to all candidates for municipal office.***

Neutralizing Debates

- This is a deceptive heading since debates have always required neutrality. Nevertheless, this section addresses the biggest actual problem we faced in the first cycle under the Fair Elections Act. Though debates were required to be ADA accessible during the 2023 cycle, **there was at least one case when the venue for a debate was not accessible.**
- It does not appear that the sponsors have finalized a plan yet, and we have concerns about passing a new ordinance without all the details in place. They have given estimates ranging from \$150,000 to \$330,000 in new costs to contract the management of the debates out to an organization like Channel 8. (There were essentially no costs last cycle since the debate sponsors took on any costs.)
- The bill sponsors have proposed paying the new debate expenses out of the FEF, which was meant to cover anticipated costs in matching contributions and administrative expenses, namely employing campaign finance staff members to oversee the implementation and management of the Fair Elections component of elections. The estimated costs are higher than the amount of money – roughly \$30,000 – that remained in the FEF at the end of the

cycle in 2023, so **using FEF funds to take on a new, unanticipated expense that the bill sponsors are pursuing would jeopardize the matching funds available for candidates.**

- We ask council to provide clarity on imposing additional expenses, and ***we would suggest that funds to replace community sponsors with a contracted agency or agencies should come from sources other than the FEF.***
- Denver voters approved a funding mechanism based on the estimated matching funds and administrative costs associated with the FEF, and **to add a significant new cost without providing a source for additional funding to cover those costs is detrimental to fulfilling the original intent of the voters.**
- Otherwise, discussions around debates seem to be making progress, and we're confident the Clerk's office has taken steps to ensure there are no lapses in accessibility in the future. Ensuring accessibility is probably the most important of the bill's proposed changes, **addressing the only issue that was in fact a problem during the last cycle.** We are approximately 18 months from the first FEF matching funds payout, and roughly two years from the FEF debates, so **there should be no urgency to rush this through before getting it right.**
- We would like to see it done correctly and don't feel that the plan is fine-tuned to the point that it's ready to be passed as part of the ordinance. ***We encourage council to take the time to get this piece right, and we urge you to resolve the unanswered questions about the debate plan before passing an ordinance with unclear consequences, unknown costs, and unidentified funding sources.***

We have always anticipated making changes to the Fair Elections Act as we learn how it can be improved from cycle to cycle. We were proud to work with City Council to make the original initiative stronger before giving it to voters on the ballot in 2018, and we supported the changes brought forth by the Clerk's office in 2024 to improve the ordinance after going through a cycle with it.

We appreciate your efforts to improve these proposed amendments, and we look forward to continuing to work with you on behalf of Denver residents in our shared vision of diligently evaluating the Fair Elections Act as we go through future cycles in an effort to provide the best publicly-funded election system for Denver voters.

In solidarity,

Owen Perkins, President
CleanSlateNow Action
(303) 881-8881

As a Denver resident, I would like to see the concerns regarding proposed changes to the “Fair Elections Act” raised by Owen Perkins of CLEAN SLATE NOW effectively addressed so as not to thwart the intentions of the original legislation passed by the voting public.

Respectfully, Timothy S. Thomas

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Timothy,

We wanted to give you another update about the success you've had so far in fixing the worst pieces of what had been a very bad bill before Denver City Council that countered the intent of voters when they passed the **Fair Elections Act** in unprecedented numbers in 2018, winning in every precinct in the city. Your calls and messages to members of Denver City Council in November and December **succeeded in completely eliminating the most troublesome aspects** of the proposed amendments to the publicly financed elections ordinance:

- The section bill sponsors **Darrell Watson and Amanda Sawyer** put forth to restore big money to our elections and ensure that candidates not opting in for Fair Elections could take significantly more special interest and big-dollar donations **has been completely eliminated from the proposed amendments to the Fair Elections Act.**
- The list of 24 newly proposed restrictions on the campaign funds a candidate receives from the voter-approved Fair Elections Fund (FEF) has been **whittled down to eight restrictions.** While this is much improved, **we still have a problem with placing restrictions on the use of campaign funds that apply to candidates opting in for Fair**

Elections but do not apply to candidates not opting in.

With those changes, the bill was passed out of committee, as expected. City Council generally approves bills in committee so the entire council can weigh in on them. The bill will get a second reading at the City Council meeting that begins at 3:30 p.m. on Tuesday, February 18th, and if you share our concerns about the negative effects of setting up spending restrictions for Fair Elections candidates that do not apply to all candidates, **we encourage you to contact members of council Monday, February 17th or Tuesday morning, February 18th. You can call, leave a message, send an email, and/or sign up to testify at the public hearing as part of Tuesday's City Council meeting.**

There has been no public comment allowed during the process so far, but there will be a public hearing as part of Tuesday's meeting, and **we encourage you to sign up to testify in person, on-line, by phone, or in writing, and, additionally, to call or email members of City Council with your comments on the bill.** The public hearing typically begins at **5:30 p.m.**, following public comment on items not scheduled for a hearing at 5 p.m.. **Your voice has already made an enormous difference in shaping these proposed revisions.**

For information about signing up to speak (sign-up closes at 3 p.m. on Tuesday, February 18th) [please click here](#), or [to go directly to the sign-up page, click here](#) . Here is our take on the six features originally laid out by the sponsors, with the three pieces we suggest commenting on marked with a * and the most important concern marked with **:

- **(*) Ban Anonymous Donations** – We suggested this change while working with the Clerk's office on a clean-up bill last year, and we are happy to see this proposed change for the Fair Elections Act. Every municipality we have worked with to pass campaign finance reform since Denver passed the Fair Elections Act has banned anonymous donations. Anonymous contributions deprive voters, residents, and the campaign finance office from being able to track how candidates are funding their campaigns, and ***we encourage the banning of anonymous campaign contributions in Denver elections.***
- **(**)** **Spending Restrictions and Prohibited Expenditures** – This is the most troublesome proposed change in the bill to amend the Fair Elections Act. We don't have a problem with the proposed restrictions, and we believe most of them are already covered for all candidates by the Fair Elections Act's original language, mirroring previous, standard language which prohibits the use of campaign funds for anything other than "*the purpose of influencing an election.*" **We do have a problem with restricting how those opting-in for Fair Elections can use their campaign funds without applying the same restrictions to all candidates.** If the greater specificity the sponsors seek is a good idea, then it should be applied across the board. **If it can't be applied across the board, it shouldn't be applied to only some candidates.** Either an expenditure is a legitimate campaign expense, or it is not. **All candidates should be held to the same standard when it comes to how they spend their campaign funds.**
 - The new restrictions would prohibit the purchase of alcoholic,

marijuana, tobacco products, and prepaid credit or gift cards of any kind, gifts valued over \$50.00, payments of fees, fines, or penalties to the city, or reimbursing contributors for their contributions, and participating candidates will have to reimburse the city for funds used to purchase personal or real property valued above a threshold amount determined by the clerk's office (covering purchases like laptops, for example).

Here is a side-by-side comparison of the restrictions Sawyer and Watson propose, with the simple language for non-participating candidates on the left and the list of additional restrictions only applied to Fair Elections candidates on the right:

Campaign restrictions for candidates NOT opting in to Fair Elections

No candidate committee may use any contribution or contribution in-kind for private purposes not reasonably related to supporting the election of the candidate who designated the committee.

Proposed campaign restrictions for Fair Elections candidates

No candidate committee may use any contribution or contribution in-kind for private purposes not reasonably related to supporting the election of the candidate who designated the committee.

(a) Prohibited expenditures. In addition to the prohibited uses on contributions and contributions in-kind set forth in division 1, participating candidates may not use monies from fund payments on the following:

- (1) The purchase of "alcoholic beverages" as that term is defined at chapter 6;
- (2) The purchase of "regulated marijuana" as that term is defined in the Colorado Marijuana Code;
- (3) The purchase of "tobacco products" as that term is defined in chapter 24;
- (4) Gifts valued more than fifty dollars (\$50.00) per gift;
- (5) Payments of fees, fines, or penalties to the city;
- (6) The purchase of any prepaid credit or gift card of any kind; or
- (7) Reimbursing contributors for their contributions.

(b) Property purchased with fund monies. 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. Within sixty (60) days of notice of decertification, candidates shall either reimburse the city in an amount equal to the money spent on the property or liquidate the property at fair-market value and remit the proceeds as unexpended funds to the manager of finance.

- We don't object to adding restrictions to the use of campaign funds, but **we do object to setting up two standards of acceptable campaign expenditures**, particularly for a bill that aims to simplify and unify the code.
- While the Fair Elections Act was intended to elevate potential candidates who might not have the same access to wealth that was previously necessary to run for office, **this amendment -- when applied only to Fair Elections candidates -- treats these candidates as second-class, some lower order of candidate that needs to be restricted.** Campaign expenditures are either legit or they are not. They can't be legit for some folks and not for others, for some campaign funds and not all campaign funds.
- It is though we are saying – as the sponsors have said in committee meetings – that we don't want campaign funds spent on these items, but it's too hard to get the "A-list" candidates to comply, so we'll restrict the "lower class" candidates, the "B-list," because we can, because we have leverage over them. If a given function is not legit, restrict it. If you can't restrict it across the board, let it go.
- The sponsors argue that because city employees are restricted from spending city funds on the restricted items above (alcohol, etc.), candidates running for office and thereby seeking to become city employees should have their campaign funds subject to the same restrictions as city employees face with city funds. But **these candidates are not receiving funds as an employee of the city, they are being given voter-approved matching campaign funds to use like any candidate for municipal office can. We urge City Council to remove this component of the bill unless it can be equitably applied to all candidates for municipal office.**
- **(*) Neutralizing Debates** – This is a deceptive heading since debates have always required neutrality. Nevertheless, this section addresses **the biggest actual problem** we faced in the first cycle under the Fair Elections Act. Though debates were required to be ADA accessible during the 2023 cycle, **there was at least one case when the venue for a debate was not accessible.** The sponsors and other council members are trying to strengthen the requirements around debates, but they have not finalized a plan yet. They are considering options including contracting with Channel 8 or another independent contractor, and they have given estimates ranging from \$150,000 to \$330,000 in new costs to do so. (There were essentially no costs last cycle since the debate sponsors took on any costs.)

- The bill sponsors have proposed paying the new debate expenses out of the FEF, which was meant to cover anticipated costs in matching contributions and administrative expenses, namely employing campaign finance staff members to oversee the implementation and management of the Fair Elections component of elections. **The estimated costs are higher than the amount of money that remained in the FEF at the end of the cycle in 2023, so using FEF funds to take on a new, unanticipated expense that the bill sponsors are pursuing would jeopardize the matching funds available for candidates.**
- We would like to see council provide clarity on imposing additional expenses, and **we would suggest that funds to replace community sponsors with a contracted agency or agencies should come from sources other than the FEF.**
- Denver voters approved a funding mechanism based on the estimated matching funds and administrative costs associated with the FEF, and **to add a significant new cost without providing a source for additional funding to cover those costs is detrimental to fulfilling the original intent of the voters.**
- Otherwise, discussions around debates seem to be making progress, and we're confident the Clerk's office has taken steps to ensure there are no lapses in accessibility in the future. **Ensuring accessibility is probably the most important of the proposed changes**, addressing the only issue that was in fact a problem during the last cycle. We are approximately 18 months from the first FEF matching funds payout, and roughly two years from the FEF debates, so there should be no urgency to rush this through before getting it right.
- **We would like to see it done correctly and don't feel that the plan is fine-tuned to the point that it's ready to be passed as part of the ordinance. We encourage council to take the time to get this piece right, and we urge resolving the unanswered questions about the debate plan before passing an ordinance with unclear consequences, unknown costs, and unidentified funding sources.**
- **Unify and Simplify the Election Code** – The sponsors state that the existing language is confusing and cumbersome. We didn't hear of candidates being confused by the language during the first cycle with the Fair Elections Act. The new language has been extremely hard to evaluate because the sponsors did not offer a traditional redline draft that tracks each change in language. Reorganizing the ordinance doesn't, on its own, do any damage, but we have noticed several minor changes in language that have bigger consequences than may have been intended. We are continuing the laborious task of cross-checking their unwieldy drafting method to identify any significant changes in language that are hidden through their process, rather than highlighted through a traditional redline process that clearly

tracks the changes.

- **Administrative Hearing Officers** – This is another component that seemed to be an attempt to fix things the Clerk’s office has already fixed. The Clerk’s office has been integrally involved in the discussions about all the proposed changes in the bill, and they are happy with the language they have negotiated in this area, as are we. It’s not clear that the changes address existing problems or improve the hearing process, but neither do the changes damage the process.
- **Equalizing Maximum Contributions** – This was the most troublesome of the original proposed changes, restoring big money to the coffers of candidates who do not opt in for Fair Elections, and **thanks to your actions, it has been completely eliminated from the bill.**

We’re including contact information for all City Council members, and we encourage you to let them know you’re paying attention. **We especially encourage you to thank them for their responsiveness to your first round of comments.**

It may be worth noting that Councilmember Sawyer was one of only two of the 16 people elected to municipal office in 2023 who did **not** opt-in as Fair Elections candidates. She and Councilmember Watson have indicated that they do not plan to opt-in this year. Unlike previous revisions aimed at improving and cleaning up the bill, they began by seeking substantial changes to elements they characterized as unfair to candidates who don’t opt-in as Fair Elections candidates. **Returning big money to candidates who choose not to opt-in to Fair Elections while restricting the expenditures of those who do opt-in for Fair Elections is counter to the expressed will of the voters.**

Here is the official contact information for City Council members:

City Council Members

- Amanda Sandoval, District 1, Council President
- Amanda.Sandoval@denvergov.org; 720-337-7701
- Kevin Flynn, District 2 - kevin.flynn@denvergov.org; 720-337-2222
- Jamie Torres, District 3 - District3@denvergov.org; (720)337-3333
- Diana Romero Campbell, District 4, diana.romerocampbell@denvergov.org; (720) 337- 4444
- Amanda Sawyer, District 5, **Co-Sponsor**, Amanda.Sawyer@denvergov.org; 720-337-5555
- Paul Kashmann, District 6 - paul.kashmann@denvergov.org; 720-337-6666
- Flor Alvidrez, District 7 - district7@denvergov.org; (720) 337-7777
- Shontel Lewis, District 8 - shontel.lewis@denvergov.org; 720-337-8888
- Darrell Watson, District 9, **Co-Sponsor** - darrell.watson@denvergov.org; (720) 337-7709
- Chris Hinds, District 10 - district10@denvergov.org; 720-337-7710

- Stacie Gilmore, District 11 - stacie.gilmore@denvergov.org; 720-337-7711
- Sarah Parady, At-Large - ParadyAtLarge@denvergov.org; 720-337-7713
- Serena Gonzales-Gutierrez, At-Large - Serena.gonzales-gutierrez@denvergov.org; 720-337-7712

If you hear back from the Council members you contact, please let us know -- your feedback has been very helpful throughout this process.

We'll be updating [our resource page](#) shortly, and if there's more information you'd like to see on our resource page, please tell us so we can make it more useful. We will update the page as additional information becomes available.

[Click here for an updated resource page on Defending the Fair Elections Act](#)

Thanks again for playing such an important part in passing and protecting the Fair Elections Act and defending the will of Denver voters.

In solidarity,

Owen

Owen Perkins, President
CleanSlateNow Action

P.S. If you're not in Denver, please help us update our records so we can be sure to only send you information relevant to you and your community. Please forgive us if you're getting this email after responding with a non-Denver address. Here's what, if anything, we have on record for your location:

City: Denver

State: Colorado

Zip Code:

You can also email Owen@CleanSlateNowAction.org to give us your location by email.



[Please click here to support CleanSlateNow Action's campaign finance reform efforts.](#)

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