

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2025
4 AMENDED 2-18-2025

COUNCIL BILL NO. 24-1676
COMMITTEE OF REFERENCE:
Finance & Governance

5 A BILL

6
7 **For an ordinance amending Chapter 15, Article III concerning campaign finances.**

8
9 **WHEREAS**, on August 27, 2018, the Denver City Council referred Ordinance No. 900, series
10 2018 to Denver voters, creating the Fair Elections Fund (the “Fund”) and amending article III, chapter
11 15 of the code;

12 **WHEREAS**, at the coordinated election held on November 6, 2018, Denver voters
13 overwhelmingly approved of Referred Measure 2E creating the Fund and amending article III, chapter
14 15 of the code;

15 **WHEREAS**, pursuant to Section 3.3.6 of the Charter, City Council shall not amend or repeal a
16 referred ordinance adopted by a vote of the people after the first year, and up to ten (10) years,
17 following final passage of the referred ordinance without a two-thirds (2/3) vote and a public hearing;

18 **WHEREAS**, in order to clarify that the requirements of section 3.3.6 of the Charter shall
19 continue to apply as it relates to referred Ordinance No. 900, series 2018 and Referred Measure 2E
20 until 2028, Council hereby adopts an amendment to article III, chapter 15 of the code in lieu of
21 repealing and replacing the article.

22
23 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
24 **DENVER:**

25
26 **Section 1.** That article III, chapter 15 of the Code shall be amended by deleting the language
27 stricken and adding the language underlined, to read as follows:

28
29 ~~**Sec. 15-31. - Purpose and finding.**~~

30 ~~(a) — As a home rule city under article XX of the Colorado Constitution, the people hereby find~~
31 ~~and declare that preserving integrity and openness in the political process is a matter of the highest~~
32 ~~public interest; that the people of Denver can be better served through a more informed electorate; that~~
33 ~~the trust of the people is essential to representative government; and that public disclosure and~~
34 ~~regulation of certain campaign contributions are necessary to promote public confidence in~~

1 government and to protect the integrity of the electoral process.

2 (b) ~~—The people further find and declare that regulation of campaign contributions, public~~
3 ~~disclosure of political spending, and establishment of a voluntary alternative source of campaign~~
4 ~~financing in the form of limited public matching funds are required because the costs of running~~
5 ~~political campaigns have dramatically escalated in recent years, leading to a public perception that~~
6 ~~special interests and wealthy individuals may have undue influence on or access to elected officials.~~

7 (c) ~~—It is the policy of the city to promote and encourage broad-based citizen involvement in~~
8 ~~the financing of election campaigns. The people further find and declare that providing public funds to~~
9 ~~match small donation from city residents will give a greater voice to smaller donors, thereby~~
10 ~~encouraging more citizens to get involved in the financing of election campaigns. It is also the intent of~~
11 ~~this article to foster an open political process which allows incumbents and challengers alike to~~
12 ~~compete in the marketplace of ideas on a fair and equitable basis. The people of Denver will best be~~
13 ~~served by a process which promotes the fullest and most thorough discussion and debate of issues~~
14 ~~and candidates.~~

15 (d) ~~—The Supreme Court held in Citizens United v FEC that "the public has an interest in~~
16 ~~knowing who is speaking about a candidate shortly before an election," and in McCutcheon v FEC that~~
17 ~~disclosure of political spending is "justified based on a governmental interest in provid[ing] the~~
18 ~~electorate with information about the sources of election related spending." The people further find and~~
19 ~~declare that full and timely disclosure of political spending referring to municipal candidates and ballot~~
20 ~~issues preserved integrity and openness in the political process.~~

21 (e) ~~—The people further find and declare that adequate enforcement of the provisions of this~~
22 ~~article is required to protect public confidence in the political process.~~

23 (f) ~~—The people of Denver voted in 1974 to amend the Charter to provide for limitations on~~
24 ~~political contributions and expenditures to be adopted by ordinance. This article implements § 8.2.15 of~~
25 ~~the Charter.~~

26

27 **Sec. 15-31. - Purpose and finding.**

28 (a) As a home rule city under article XX of the Colorado Constitution, the people hereby find
29 and declare that preserving integrity and openness in the political process is a matter of the highest
30 public interest; that the people of Denver can be better served through a more informed electorate; that
31 the trust of the people is essential to representative government; and that public disclosure and
32 regulation of certain campaign contributions are necessary to promote public confidence in
33 government and to protect the integrity of the electoral process.

34 (b) The people further find and declare that establishment of a voluntary alternative source

1 of campaign financing in the form of limited public matching funds is required because the costs of
2 running political campaigns have dramatically escalated in recent years, leading to a public perception
3 that special interests and wealthy individuals may have undue influence on or access to elected
4 officials. It is also the policy of the city to promote and encourage broad-based citizen involvement in
5 the financing of election campaigns. Providing public funds to match small donations from city
6 residents will give a greater voice to smaller donors, thereby encouraging more citizens to get involved
7 in the financing of election campaigns and fosters an open political process which allows incumbents
8 and challengers alike to compete in the marketplace of ideas on a fair and equitable basis.

9 (c) The people further find and declare that adequate enforcement of the provisions of this
10 article is required to protect public confidence in the political process.

11 (d) The people of Denver voted in 1974 to amend the Charter to provide for limitations on
12 political contributions and expenditures to be adopted by ordinance. This article implements section
13 8.2.15 of the Charter.

14
15 **Sec. 15-32. - Definitions.**

16 ~~As used in this article, the following words and phrases shall have the following meanings, unless~~
17 ~~otherwise clearly indicated by the context:~~

18 (a) ~~Candidate shall mean any person who:~~

19 (1) ~~Seeks election or re-election to any elected Charter office listed in Charter section~~
20 ~~9.2.1(A) (the offices of mayor, auditor, clerk and recorder, and member of city council) and any judge~~
21 ~~of the county court who seeks to be retained in office pursuant to Charter subdivision 4.1.5. A person~~
22 ~~is a candidate for election upon the first to occur of the following:~~

23 a. ~~The person has publicly announced an intention to seek election or re-election to~~
24 ~~office and the person or a candidate committee authorized by the person has received contributions~~
25 ~~and contributions in-kind or has made expenditures aggregating five hundred dollars (\$500.00) or~~
26 ~~more during the election cycle; or~~

27 b. ~~The person has filed nominating petitions pursuant to Charter section 8.2.7; or~~

28 c. ~~The person has filed a declaration of intent to run for another term as judge under~~
29 ~~Charter subdivision 4.1.5.~~

30 (2) ~~As an incumbent, an unsuccessful candidate for office, or former office holder, still has a~~
31 ~~cash balance of contributions or a debt or deficit or who receives contributions or contributions in-kind.~~

32 (b) ~~Candidate committee shall mean the committee authorized by a candidate to receive~~
33 ~~contributions or contributions in-kind or make expenditures on behalf of such candidate. A candidate~~
34 ~~shall have only one (1) candidate committee.~~

1 ~~(c) — *Commercial loan* shall mean any loan of money by a commercial lending institution made~~
2 ~~in accordance with applicable law and in the ordinary course of business, but such loans shall be~~
3 ~~made on a basis which assures repayment, evidenced by a written instrument, and subject to a due~~
4 ~~date or amortization schedule, and shall bear the usual and customary interest rate of the lending~~
5 ~~institution.~~

6 ~~(d) — *Contribution* shall mean a gift, loan, pledge or advance of money; guarantee or~~
7 ~~endorsement of loan; or letter of credit or line of credit made by any person for the purpose of~~
8 ~~influencing any election. "Contribution" includes, but is not limited to:~~

9 ~~(1) — A transfer of money between one (1) candidate or committee and another (which shall be~~
10 ~~a contribution to the committee which receives the money);~~

11 ~~(2) — The payment by any person of compensation for the personal services of another person~~
12 ~~which are rendered to a committee;~~

13 ~~(3) — A payment made to a third party at the request of or with the prior knowledge of a~~
14 ~~candidate, committee, or agent of either;~~

15 ~~(4) — A payment made after an election to meet any deficit or debt incurred during the course~~
16 ~~of a campaign;~~

17 ~~(5) — A loan, other than a commercial loan, to a candidate or committee, up until the time when~~
18 ~~the loan is fully paid. An unsecured loan shall be a contribution from the lender. A secured or~~
19 ~~guaranteed loan shall be a contribution from the guarantor or person whose property secures the loan;~~
20 ~~and~~

21 ~~(6) — An unpaid financial obligation which is forgiven.~~

22 ~~"Contribution" does not include services provided without compensation by any individual who~~
23 ~~volunteers on behalf of a candidate or committee. "Contribution" does not include any commercial~~
24 ~~loan.~~

25 ~~(e) — *Contribution in-kind* shall mean a gift or loan of any item of real or personal property, or~~
26 ~~any other thing of value, but not including money, made to or for any candidate or committee for the~~
27 ~~purpose of influencing an election or for the purpose of disseminating newsletters related to the scope~~
28 ~~of duties of an incumbent. "Contribution in-kind" does not include services provided without~~
29 ~~compensation by any individual who volunteers on behalf of a candidate or committee or an~~
30 ~~endorsement of candidacy or issue by any person. In determining the value to be placed on~~
31 ~~contributions in-kind, a reasonable estimate of the fair market value shall be used.~~

32 ~~(f) — *Contributor* shall mean any person who makes a contribution or contribution in-kind.~~

33 ~~(g)(1) — *Controlled by or coordinated with a candidate committee or issue committee* means a~~
34 ~~communication that refers to a candidate or ballot issue or ballot question when:~~

1 a. ~~—The communication is made in cooperation or consultation with, or at the request~~
2 ~~or suggestion of, a candidate, or issue committee or agents of the candidate or committee, including~~
3 ~~any general or particular understanding with, or pursuant to any non-public communication with, the~~
4 ~~candidate, committee, or agents;~~

5 b. ~~—The communication is made by a person or committee that was directly or~~
6 ~~indirectly formed by, or at the request of, the candidate or issue committee or agents of the candidate~~
7 ~~or committee, or by a person or committee that is established, financed, directed or controlled by a~~
8 ~~member of the immediate family of the candidate; or~~

9 c. ~~—The candidate, issue committee, or agents of the candidate or committee solicit~~
10 ~~funds or appear at fundraising events on behalf of the person or committee making the communication~~
11 ~~during the same election cycle as the communication is made.~~

12 (2) ~~—No communication shall be considered controlled by or coordinated with a candidate or~~
13 ~~issue committee if it is a news story, commentary, or editorial distributed through the facilities of any~~
14 ~~broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are~~
15 ~~owned or controlled by any political party, political action committee, or candidate or the~~
16 ~~communication is a candidate or issue debate or promotion materials for such a debate.~~

17 (3) ~~—Any communications referring to a candidate or ballot issue or ballot question that are~~
18 ~~controlled by or coordinated with a candidate or issue committee or their agents pursuant to this~~
19 ~~section are deemed to be contributions to the candidate or issue committee and are subject to all~~
20 ~~contribution limits and prohibitions in section 15-37 and reporting requirements in sections 15-35.~~

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

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

25 (2) ~~—A labor organization;~~

26 (3) ~~—An organization or corporation that is tax-exempt under section 501(c) of the Internal~~
27 ~~Revenue Code of 1986; or~~

28 (4) ~~—A political organization that is tax-exempt under section 527 of the Internal Revenue~~
29 ~~Code of 1986 and that is primarily operated for purposes other than to support or oppose the~~
30 ~~nomination or election of one (1) or more candidates, or the qualification or passage of a ballot issue or~~
31 ~~ballot question.~~

32 (h) ~~Election~~ shall mean any city general election or runoff election; any special election held
33 to elect Charter officers listed in Charter section 9.2.1(A), held under Charter section 1.1.13 or 9.7.9, or
34 at which an issue is submitted to the electorate as required by part 3 of article VIII of the Charter; any

1 election at which a Charter amendment or the question of issuing bonds is submitted to the electorate;
2 or any election held under article X, section 20, paragraph (3) of the Colorado Constitution.

3 (i) — ~~Election cycle~~ shall mean;

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

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

11 (3) — ~~For judges in other terms, the period from January first of the year following the last~~
12 ~~election for retention of the judge through December thirty-first of the year in which the next retention~~
13 ~~election is held.~~

14 (4) — ~~For any vacancy election, the election cycle shall end on December thirty-first of the year~~
15 ~~in which the vacancy election is held and a new election cycle shall begin on January first of the~~
16 ~~following year, and shall end on December thirty-first of the next year in which a general municipal~~
17 ~~election is held; and~~

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

21 (j) — ~~Electioneering communication~~ shall mean any communication broadcasted by television
22 or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal
23 residences, placed on a website, streaming media service, or online forum for a fee, or a pre-recorded
24 audio message delivered by telephone, that:

25 (1) — ~~Unambiguously refers to any candidate, ballot issue or ballot question; and~~

26 (2) — ~~Is broadcast, printed, mailed, delivered, posted or otherwise distributed in the period~~
27 ~~beginning sixty (60) days before a general municipal election until the run-off election, or within thirty~~
28 ~~(30) days of a special or vacancy election; and~~

29 (3) — ~~Is broadcast to, printed in a newspaper distributed to, mailed or delivered by hand to,~~
30 ~~targeted online to, or posted on a billboard to an audience that includes members of the electorate for~~
31 ~~the candidate, ballot issue or ballot question.~~

32 (4) — ~~Electioneering communication does not include:~~

33 a. — ~~Any news articles, editorial endorsements, opinion or commentary writings, or~~
34 ~~letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a~~

1 ~~candidate or political party;~~

2 ~~b.—— Any editorial endorsements or opinions aired by a broadcast facility not owned or~~
3 ~~controlled by a candidate or political party; or~~

4 ~~c.—— Any communication by persons, other than committees, made in the regular~~
5 ~~course and scope of their business or any communication made by a membership organization solely~~
6 ~~to members of such organization and their families.~~

7 ~~(5)—— An electioneering communication is made when the actual spending occurs or when~~
8 ~~there is a contractual agreement requiring such spending and the amount is determined.~~

9 ~~(k)—— *Expenditure* shall mean the purchase, payment, distribution, loan, advance, deposit or~~
10 ~~gift of money or anything of value, made by any person for the purpose of influencing an election.~~
11 ~~Expenditure includes a transfer of money between one (1) committee and another (which shall be an~~
12 ~~expenditure by the committee that transfers the funds). An expenditure occurs when the actual~~
13 ~~payment is made. A written contract, promise or agreement to make an expenditure shall be~~
14 ~~considered and reported as an unpaid obligation if payment is thirty (30) days or more overdue.~~

15 ~~(l)—— *Independent expenditure* shall mean an expenditure made by any person for the purpose~~
16 ~~of expressly advocating the election or defeat of a candidate or supporting or opposing a ballot issue~~
17 ~~or ballot question that is not controlled by, or coordinated with, any candidate or issue committee or~~
18 ~~agent of a candidate or issue committee.~~

19 ~~(1)—— Independent expenditure does not include:~~

20 ~~a.—— Any news articles, editorial endorsements, opinion or commentary writings, or~~
21 ~~letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a~~
22 ~~candidate;~~

23 ~~b.—— Any editorial endorsements or opinions aired by a broadcast facility not owned or~~
24 ~~controlled by a candidate;~~

25 ~~c.—— Any communication by persons made in the regular course and scope of their~~
26 ~~business or any communication made by a membership organization solely to members of such~~
27 ~~organization and their families.~~

28 ~~(2)—— Any expenditure that is controlled by, or coordinated with, a candidate or issue~~
29 ~~committee or agent of a candidate or issue committee, is deemed to be both a contribution by the~~
30 ~~maker of the expenditure and an expenditure by the candidate or issue committee.~~

31 ~~(3)—— An independent expenditure is made when the actual spending occurs or when there is a~~
32 ~~contractual agreement requiring such spending and the amount is determined.~~

33 ~~(m)—— *Issue committee* shall mean any committee, club, association, corporation, or other~~
34 ~~group of persons which receives contributions or contributions in kind aggregating five hundred dollars~~

1 ~~(\$500.00) or more during an election cycle and makes expenditures aggregating five hundred dollars~~
2 ~~(\$500.00) or more during an election cycle for the major purpose of supporting or opposing one (1) or~~
3 ~~more ballot issues or ballot questions. Issue committee does not include political parties, political~~
4 ~~action committees, or candidate committees as otherwise defined in this section.~~

5 ~~(n) — *Person* shall have the same meaning as contained in section 1-2(12) of the Revised~~
6 ~~Municipal Code.~~

7 ~~(o) — *Political action committee* shall mean any committee, club, association, local political~~
8 ~~party, or other group of persons not authorized by a candidate and formed for the major purpose of~~
9 ~~making contributions to candidate, issue, or political action committees, which receives contributions or~~
10 ~~contributions in-kind aggregating five hundred dollars (\$500.00) or more during an election cycle and~~
11 ~~which makes expenditures aggregating five hundred dollars (\$500.00) or more during an election~~
12 ~~cycle. Political action committee includes a committee, club, association or other group which solicits~~
13 ~~contributions or contributions in-kind and places such contributions or contributions in-kind in its~~
14 ~~treasury for distribution to candidate, issue, or political action committees. Political action committee~~
15 ~~does not include a committee, club, association or other group which solicits individual contributions~~
16 ~~and passes those contributions along to candidate, issue, or political action committees without placing~~
17 ~~the contributions in its own treasury prior to distribution to a political action committee.~~

18 ~~(p) — *Small donor committee* means any political committee that has accepted contributions~~
19 ~~only from natural persons who each contributed no more than fifty dollars (\$50.00) in the aggregate~~
20 ~~per year. "Small donor committee" does not include political parties, political action committees, issue~~
21 ~~committees, or candidate committees.~~

22

23 **Sec. 15-32. - Definitions.**

24 As used in this article, the following words and phrases shall have the following meanings, unless
25 otherwise clearly indicated by the context:

26 (1) *Candidate* means any person who:

27 (a) Seeks election or re-election to the offices of mayor, auditor, clerk and recorder, member
28 of city council and any judge of the county court who seeks to be retained in office. A person is a
29 candidate upon the first of the following to occur:

30 1. The person has publicly announced an intention to seek election or re-election to
31 office and the person, or a candidate committee authorized by the person, has received contributions,
32 contributions in-kind, or has made expenditures, aggregating five hundred dollars (\$500.00) or more
33 during the election cycle;

34 2. The person has filed nominating petitions pursuant to section 8.2.7 of the Charter;

1 or

2 3. The person has filed a declaration of intent to run for another term as judge under
3 section 4.1.5 of the Charter.

4 (b) As an incumbent, an unsuccessful candidate for office, or former office holder, still has a
5 cash balance of contributions or a debt or deficit or who receives contributions or contributions in-kind.

6 (2) Candidate committee means the committee authorized by a candidate to receive
7 contributions or contributions in-kind or make expenditures on behalf of such candidate.

8 (3) Cash or coin means coin or paper money of the United States that is designated as legal
9 tender, is circulated, and is customarily used and accepted as a medium of exchange.

10 (4) Commercial loan means any loan of money by a commercial lending institution made in
11 accordance with applicable law and in the ordinary course of business, but such loans shall be made
12 on a basis which assures repayment, evidenced by a written instrument, and subject to a due date or
13 amortization schedule, and shall bear the usual and customary interest rate of the lending institution.

14 (5) Contribution means a gift, loan, pledge or advance of money; guarantee or endorsement
15 of loan; letter of credit or line of credit made by any person for the purpose of influencing any election.

16 Contribution includes, but is not limited to:

17 (a) A transfer of money received from another candidate or committee;

18 (b) The payment of compensation for personal services rendered to a candidate or
19 committee if the payment is made by any person other than the candidate or committee receiving the
20 services;

21 (c) A payment made to a third party at the request of, or with the prior knowledge of, a
22 candidate, committee, or agent of either;

23 (d) A payment made after an election to meet any deficit or debt incurred during the course
24 of a campaign;

25 (e) A loan, other than a commercial loan, to a candidate or committee, up until the time when
26 the loan is fully paid. An unsecured loan shall be a contribution from the lender. A secured or
27 guaranteed loan shall be a contribution from the guarantor or person whose property secures the loan;
28 and

29 (f) An unpaid financial obligation which is forgiven.

30 A contribution does not include services provided without compensation by any individual who
31 volunteers on behalf of a candidate or committee.

32 (6) Contribution in-kind means a gift or loan of any item of real or personal property, or any
33 other thing of value, but not including money, made to or for any candidate or committee for the
34 purpose of influencing an election or for the purpose of disseminating newsletters related to the scope

1 of duties of an incumbent but does not include services provided without compensation by any
2 individual who volunteers on behalf of a candidate or committee or an endorsement of candidacy or
3 issue by any person. In determining the value to be placed on contributions in-kind, a reasonable
4 estimate of the fair market value shall be used.

5 (7) Contributor means any person who makes a contribution or contribution in-kind.

6 (8)(a) Controlled by or coordinated with a candidate committee or issue committee means a
7 communication that refers to a candidate, ballot issue, or ballot question when:

8 1. The communication is made in cooperation or consultation with, or at the request
9 or suggestion of, a candidate, or issue committee or agents of the candidate or committee, including
10 any general or particular understanding with, or pursuant to any non-public communication with, the
11 candidate, committee, or agents;

12 2. The communication is made by a person or committee that was directly or
13 indirectly formed by, or at the request of, the candidate or issue committee or agents of the candidate
14 or committee, or by a person or committee that is established, financed, directed or controlled by a
15 member of the immediate family of the candidate; or

16 3. The candidate, issue committee, or agents of the candidate or committee solicit
17 funds or appear at fundraising events on behalf of the person or committee making the communication
18 during the same election cycle as the communication is made.

19 (b) No communication shall be considered controlled by or coordinated with a candidate or
20 issue committee if it is a news story, commentary, or editorial distributed through the facilities of any
21 broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are
22 owned or controlled by any political party, political action committee, or candidate or the
23 communication is a candidate or issue debate or promotion materials for such a debate.

24 (c) Any communications referring to a candidate or ballot issue or ballot question that are
25 controlled by or coordinated with a candidate or issue committee or their agents pursuant to this
26 section are deemed to be contributions to the candidate or issue committee and are subject to all
27 contribution limits and prohibitions in section 15-35 and reporting requirements in sections 15-37.

28 (9) Covered entity means the following:

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

32 (b) A labor organization;

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

1 (d) A political organization that is tax-exempt under section 527 of the Internal Revenue
2 Code of 1986 and that is primarily operated for purposes other than to support or oppose the
3 nomination or election of one (1) or more candidates, or the qualification or passage of a ballot issue or
4 ballot question.

5 (10) Election means any city general election or run-off election; any special election held to
6 elect Charter officers listed in section 9.2.1(A) of the Charter, held under section 1.1.13 of the Charter,
7 or at which an issue is submitted to the electorate as required by part 3 of article VIII of the Charter;
8 any election at which a Charter amendment or the question of issuing bonds is submitted to the
9 electorate; or any election held under article X, section 20, paragraph (3) of the Colorado Constitution.

10 (11) Election cycle means:

11 (a) For the candidates of mayor, auditor, clerk and recorder, and member(s) of city council,
12 the period from January 1 of the year following a general municipal election held to elect Charter
13 officers listed in section 9.2.1 of the Charter through December 31 of the next year in which such an
14 election is held;

15 (b) For judges in their first term, the date from appointment as a judge through December 31
16 of the year in which the judge is subject to a retention election as required by section 4.1.5 of the
17 Charter;

18 (c) For judges in other terms, the period from January 1 of the year following the last election
19 for retention of the judge through December 31 of the year in which the next retention election is held;

20 (d) For any vacancy election, the election cycle shall end on December 31 of the year in
21 which the vacancy election is held and a new election cycle shall begin on January 1 of the following
22 year, and shall end on December 31 of the next year in which a general municipal election is held; and

23 (e) For any ballot issue or ballot question, except as otherwise provided in section 15-37(d),
24 the calendar period from January 1 through December 31 during which the issue or question is on the
25 ballot.

26 (12) Electioneering communication means any communication broadcasted by television or
27 radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal
28 residences, placed on a website, streaming media service, or online forum for a fee, or a pre-recorded
29 audio message delivered by telephone, that:

30 (a) Unambiguously refers to any candidate, ballot issue or ballot question; and

31 (b) Is broadcast, printed, mailed, delivered, posted or otherwise distributed in the period
32 beginning sixty (60) days before a general municipal election until the run-off election, or within thirty
33 (30) days of a special or vacancy election; and

34 (c) Is broadcast to, printed in a newspaper distributed to, mailed to, delivered by hand to,

1 targeted online to, or posted on a billboard to an audience that includes members of the electorate for
2 the candidate, ballot issue or ballot question.

3 (d) Electioneering communication does not include:

4 1. Any news articles, editorial endorsements, opinion or commentary writings, or
5 letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a
6 candidate or political party;

7 2. Any editorial endorsements or opinions aired by a broadcast facility not owned or
8 controlled by a candidate or political party; or

9 3. Any communication by persons, other than committees, made in the regular
10 course and scope of their business or any communication made by a membership organization solely
11 to members of such organization and their families.

12 (e) An electioneering communication is made when the money for the communication is
13 obligated or when the money is actually spent, whichever occurs first.

14 (13) Expenditure means the purchase, payment, distribution, loan, advance, deposit or gift of
15 money or anything of value, made by any person for the purpose of influencing an election.
16 Expenditure includes a transfer of money from one (1) committee to another. An expenditure occurs
17 when the actual payment is made. A written contract, promise or agreement to make an expenditure
18 shall be considered and reported as an unpaid obligation if payment is thirty (30) days or more
19 overdue. An expenditure that is controlled by, or coordinated with, a candidate or committee or agent
20 of either, is deemed to be an expenditure of the committee.

21 (14) Independent expenditure means an expenditure made by any person for the purpose of
22 expressly advocating the election or defeat of a candidate or supporting or opposing a ballot issue or
23 ballot question that is not controlled by, or coordinated with, any candidate or issue committee or agent
24 of a candidate or issue committee. Independent expenditure does not include:

25 (a) Any news articles, editorial endorsements, opinion or commentary writings, or letters to
26 the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate;

27 (b) Any editorial endorsements or opinions aired by a broadcast facility not owned or
28 controlled by a candidate;

29 (c) Any communication by persons made in the regular course and scope of their business
30 or any communication made by a membership organization solely to members of such organization
31 and their families; or

32 (d) An independent expenditure is made when the money for the expenditure is obligated or
33 when the money is actually spent, whichever occurs first.

34 (15) Issue committee means any committee, club, association, corporation, or other group of

1 persons which receives contributions or contributions in-kind aggregating five hundred dollars
2 (\$500.00) or more during an election cycle and makes expenditures aggregating five hundred dollars
3 (\$500.00) or more during an election cycle for the major purpose of supporting or opposing one (1) or
4 more ballot issues or ballot questions. Issue committee does not include political parties, political
5 action committees, or candidate committees as otherwise defined in this section.

6 (16) Person shall have the same meaning as contained section 1-2.

7 (17) Political action committee means any committee, club, association, local political party, or
8 other group of persons not authorized by a candidate and formed for the major purpose of making
9 contributions to candidate, issue, or political action committees, which receives contributions or
10 contributions in-kind aggregating five hundred dollars (\$500.00) or more during an election cycle and
11 which makes expenditures aggregating five hundred dollars (\$500.00) or more during an election
12 cycle. Political action committee includes a committee, club, association or other group which solicits
13 contributions or contributions in-kind and places such contributions or contributions in-kind in its
14 treasury for distribution to candidate, issue, or political action committees. Political action committee
15 does not include a committee, club, association or other group which solicits individual contributions
16 and passes those contributions along to candidate, issue, or political action committees without placing
17 the contributions in its own treasury prior to distribution to a political action committee.

18 (18) Small donor committee means any political committee that has accepted contributions
19 only from natural persons who each contributed no more than fifty dollars (\$50.00) in the aggregate
20 per year. "Small donor committee" does not include political parties, political action committees, issue
21 committees, or candidate committees.

22

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

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Sec. 15-33. - Candidate affidavit, financial disclosure, and committee designation.

(a) Candidate affidavit. Within ten (10) days after becoming a candidate for the applicable election cycle each candidate shall affirm to the clerk and recorder that the person is familiar with the provisions of this article.

(b) Financial disclosure. All candidates shall file a financial disclosure statement containing the information required by section 2-72 with the clerk and recorder within ten (10) days after becoming a candidate for the applicable election cycle.

(c) Committee designation. A candidate shall designate a candidate committee for the applicable election cycle no later than ten (10) days after becoming a candidate and shall file, or cause the committee to file, a statement of organization as provided in this division.

(1) Except as provided in subsection (2), a candidate may only designate one (1) candidate committee during the election cycle.

(2) A candidate may designate one (1) other candidate committee for a separate city office before closing the original committee solely in order to transfer funds to the new committee if the candidate transfers money from the original committee to the new committee, then closes the original committee no later than ten (10) days after such transfer.

Sec. 15-34. - Organization of committees.

~~(a) Every committee shall have a treasurer. For a candidate committee, the candidate shall be the treasurer if no other person is appointed. No expenditure shall be made for or on behalf of a committee without the authorization of the treasurer or his or her designated agent.~~

~~(b) Every committee shall file a statement of organization with the clerk and recorder no later than ten (10) days after becoming a candidate, issue, or political action committee. The statement of organization of a committee shall include:~~

~~(1) The name and address of the committee and the name of the candidate or description of the issue that the committee supports or opposes, and any other purpose of the committee; and~~

~~(2) The name, address and telephone number of the treasurer of the committee; and~~

~~(3) A list of any financial institution or depository used by the committee.~~

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

1 ~~(d) — Any contributions or contributions in-kind received or expenditures made by the~~
2 ~~committee during the election cycle, but prior to becoming a candidate, issue, political action, or small~~
3 ~~donor committee shall be reported in the first report required under section 15-35.~~

4 ~~(e) — Every person who receives a contribution or contribution in-kind for a committee shall, no~~
5 ~~later than ten (10) days after receiving such contribution or contribution in-kind, forward to the treasurer~~
6 ~~such contribution or contribution in-kind, along with the information required by section 15-35 about the~~
7 ~~person making the contribution or contribution in-kind and the date of receipt.~~

8 ~~(f) — All funds of a committee shall be segregated from, and may not be commingled with, the~~
9 ~~personal funds of any individual. All funds of a committee shall be deposited in a financial institution in~~
10 ~~an account whose title shall include the name of the committee. The account shall be used solely by~~
11 ~~the committee named.~~

12 ~~(g) — The treasurer shall preserve all records required to be kept by this article and copies of~~
13 ~~all reports required to be filed by this article for five (5) years after the report is filed or until final~~
14 ~~disposition of any complaint and consequent litigation, whichever is later. Such records are subject to~~
15 ~~public inspection at any hearing held pursuant to this article.~~

16 ~~(h) — Proponents of an initiative, referendum, or recall petition shall register an issue~~
17 ~~committee no later than ten (10) calendar days from the date on which the clerk and recorder approves~~
18 ~~their petition for circulation. An issue committee shall terminate no later than one (1) year from the date~~
19 ~~of the election at which a ballot issue that the issue committee has a major purpose to support or~~
20 ~~oppose is voted on.~~

21
22 **Sec. 15-34. - Organization of candidate committees, issue committees, political action**
23 **committees and small donor committees.**

24 (a) Statement of organization. Candidate, small donor, and political action committees shall
25 file a statement of organization with the clerk and recorder no later than ten (10) days after becoming a
26 committee. Issue committees shall file a statement of organization with the clerk and recorder no later
27 than ten (10) days after becoming a committee or, for proponents of an initiative, referendum, or recall
28 petition, no later than ten (10) days from the date on which the clerk and recorder approves the
29 affidavit, ballot title, and petition form for the applicable ballot issue or question, whichever is
30 earlier. The statement of organization shall include:

31 (1) The name and address of the committee;

32 (2) The name of the candidate or description of the issue that the committee supports or
33 opposes, and any other purpose of the committee;

34 (3) The name, address, and telephone number of the treasurer of the committee; and

1 (4) A list of any financial institutions or depository institutions used by the committee.

2 (b) *Treasurer designation.* Every committee shall have a treasurer. For a candidate
3 committee, the candidate shall be the treasurer if no other person is appointed. Every person who
4 receives a contribution or contribution in-kind for a committee shall, no later than ten (10) days after
5 receipt, forward such contribution or contribution in-kind to the treasurer, along with the information
6 required by section 15-37. No expenditure shall be made for or on behalf of a committee without the
7 authorization of the treasurer or the treasurer's designated agent.

8 (c) *Treasurer affidavit.* The treasurer of every committee shall certify by affidavit filed with
9 the clerk and recorder that the treasurer is familiar with the provisions of this article no later than ten
10 (10) days after formation. In the event that a treasurer is replaced, the new treasurer shall file the
11 affidavit with the clerk and recorder no later than ten (10) days after being appointed.

12 (d) *Separate bank accounts.* All funds of a committee shall be segregated from, and may not
13 be commingled with, the personal funds of any other person and shall be deposited in a financial
14 institution in an account whose title includes the name of the committee. The account shall be used
15 solely by the committee named.

16 (e) *Record preservation.* Except as otherwise provided in this article, the treasurer shall
17 preserve all records required to be kept by this article and copies of all reports required to be filed by
18 this article for five (5) years after the report is filed or until final disposition of any complaint and
19 consequent litigation, whichever is later. Such records are subject to public inspection at any hearing
20 held pursuant to this article.

21
22 **~~Sec. 15-35. -- Reporting requirements for committees.~~**

23 ~~(a) *General.* The treasurer of each committee, or his or her designee, shall file reports in~~
24 ~~accordance with the provisions of this section and shall attest to each report's accuracy. Each report,~~
25 ~~except for the first report, must account for the period of time between the end of the previous~~
26 ~~reporting period and the end of the current reporting period in accordance with the applicable deadline~~
27 ~~specified below in sections 15-35(b) or (c).~~

28 ~~(b) *Candidate committees, political action committees, and small donor committees.*~~

29 ~~(1) *General and run-off elections.* In the calendar year in which there is a general municipal~~
30 ~~election and run-off election, candidate committees, political action committees, and small donor~~
31 ~~committees shall file the following reports:~~

32 ~~a. Monthly reports for the complete months of January and February, which shall be~~
33 ~~filed no later than the fifth day of the following month;~~

34 ~~b. Pre-election report, as follows:~~

- 1 1.——A report for the period beginning March 1 to March 14, which shall be filed
2 no later than March 17; and
- 3 2.——A report for the period of March 15 to the Wednesday before the general
4 election, which shall be filed no later than the Friday before the general election.
- 5 c.——~~Pre-run-off election reports as follows:~~
- 6 1.——A report for the period beginning the Thursday before the general election
7 through April 30, which shall be filed no later than May 3; and
- 8 2.——A report for the period beginning May 1 through the Wednesday before the
9 runoff election, which shall be filed no later than the Friday before the runoff election.
- 10 d.——A post-run-off election report, which shall be filed no later than the thirtieth day
11 after the run-off election and which shall include the period from the Thursday before the runoff
12 election through the twenty-fifth day after the run-off election; and
- 13 e.——A year-end report, which shall be filed no later than the thirty-first day of January
14 of the following year, and which shall cover the twenty-sixth day after the run-off election through
15 December 31.
- 16 (2)——*Special elections.* For each month before a special election, beginning in the month that
17 a candidate is declared or a candidate committee is formed for the office, the following reports shall be
18 filed:
- 19 a.——Reports for each month before the month of the special election, which shall be
20 filed no later than the fifth day of the following month, except for the pre-election reports required under
21 subsection (2)b. of this section;
- 22 b.——A pre-election reports as follows:
- 23 1.——A report for the period beginning on the first day of the month immediately
24 before the month of the election through the 14th day of that month, which shall be filed no later than
25 the 17th day of that month; and
- 26 2.——A report for the period beginning on the 15th day of the month immediately
27 before the month of the election through the Wednesday before the election, which shall be filed no
28 later than the Friday before the election.
- 29 c.——A post-election report, which shall be filed no later than the 30th day after the
30 special election, through the 25th day after the special election; and
- 31 d.——A year-end report, which shall be filed no later than the 31st day of January of the
32 following year and which shall cover the period from the 26th day after the special election through
33 December 31.
- 34 (3)——~~Non-election years within an election cycle candidate committees, political action~~

1 committees and small donor committees.

2 a.——During the first two (2) calendar years of an election cycle, each committee shall
3 file semiannual reports. The first report shall cover January 1 to June 30 and is due on or before July
4 31. The second report shall cover July 1 to December 31 and is due on or before January 31 of the
5 following year.

6 b.——During the third calendar year of an election cycle, each committee shall file
7 quarterly reports due no later than the 15th calendar day after the end of the applicable quarter.

8 ~~(c)——Issue committees. For each month before an election, beginning in the month that an
9 issue committee is formed, each issue committee shall file:~~

10 ~~(1)——Reports for each month before the month of the election, which shall be filed no later
11 than the fifth day of the following month, except for the pre-election reports required under subsection
12 (c)(2) of this section;~~

13 ~~(2)——Pre-election reports as follows:~~

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

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

20 ~~(3)——A post-election report, for the period beginning with the Thursday before the election
21 through the 25th day after the election, which shall be filed no later than the 30th day after the election;
22 and~~

23 ~~(4)——A year-end report, which shall be filed no later than the 31st day of January of the year
24 following the election and which shall cover the period from the 26th day after the election through
25 December 31; except that, in a calendar year with two (2) elections at which one (1) or more ballot
26 issues or questions may be voted on:~~

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

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

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

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

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

6 ~~(3) — The name and address of each person who makes a contribution or contribution in-kind~~
7 ~~to the committee during the reporting period and whose contributions and contributions in-kind have an~~
8 ~~aggregate amount or value of fifty dollars (\$50.00) or more within the election cycle; the amount and~~
9 ~~date of such contribution and contribution in-kind; and the aggregate contribution and contribution in-~~
10 ~~kind of such person during the election cycle. The committee may file a listing of all contributions and~~
11 ~~contributions in-kind during the reporting period, but such listing must include the name and address of~~
12 ~~each contributor, along with the aggregate contribution and contribution in-kind of such contributor~~
13 ~~during the election cycle;~~

14 ~~(4) — The occupation and employer of any natural person if the sum of that person's~~
15 ~~contribution and contribution in-kind is fifty dollars (\$50.00) or more in an election cycle. In fulfilling the~~
16 ~~obligations of this subparagraph (4), the committee's treasurer must show that he or she used best~~
17 ~~efforts to obtain the information required. "Best efforts" means that the treasurer has made at least one~~
18 ~~(1) documented effort per contribution or contribution in-kind to obtain the contributor's information and~~
19 ~~to inform the contributor that the reporting of the information is required by law;~~

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

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

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

26 ~~(8) — The details of any loan of money, letter of credit, line of credit, or commercial loan made~~
27 ~~to the committee during the reporting period, including: identification of the lender or entity extending~~
28 ~~the letter of credit, line of credit, or commercial loan; identification of any lender, endorser or guarantor~~
29 ~~of such loan, letter of credit, line of credit, or commercial loan; the amount guaranteed; the date; the~~
30 ~~amount or value of the loan, line of credit, letter of credit, or commercial loan; the method of disposition~~
31 ~~of the loan, letter of credit, line of credit, or commercial loan; the balance due on the loan, letter of~~
32 ~~credit, line of credit, or commercial loan; and the terms of interest and the total amount of interest, if~~
33 ~~any;~~

34 ~~(9) — The details of any unpaid obligation of five hundred dollars (\$500.00) or more and thirty~~

1 ~~(30) days or more overdue, which is not otherwise included as a contribution or contribution in-kind,~~
2 ~~incurred by the committee during the reporting period, including: the name and address of the person~~
3 ~~to whom the obligation is due; the due date of the obligation; the purpose of the obligation; and the~~
4 ~~amount past due of the obligations; and~~

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

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

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

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

18 ~~(g) — The reporting requirements of this section shall apply to any committee which has a cash~~
19 ~~balance of contributions or an expenditure deficit. The reporting obligations of this section shall end~~
20 ~~when the committee files a report showing no unexpended balance, no debt, and no expenditure~~
21 ~~deficit.~~

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

27

28 **Sec. 15-35. – Contribution limits and prohibitions.**

29 (a) Aggregate contribution limit. Except as provided in subsection (g), no person other than a
30 small donor committee shall make contributions or contributions in-kind to a candidate, and no
31 candidate or candidate committee shall accept contributions or contributions in-kind that, in the
32 aggregate during an election cycle, exceed the following amounts:

33 (1) For the office of the mayor, \$1190.

34 (2) For the offices of councilmember-at-large, clerk and recorder, auditor, and judge, \$835.

1 (3) For the office of district councilmember, \$475.

2 (b) *Small donor committee limit.* No small donor committee shall make and no candidate or
3 candidate committee shall accept contributions or contributions in-kind that, in the aggregate during
4 the election cycle, exceeds ten (10) times the aggregate contribution limit for the office the candidate
5 seeks.

6 (c) *Inflation adjustment.* The aggregate contribution limit shall be adjusted every four (4)
7 years by an amount based upon the percentage change over a four-year period in the United States
8 Department of Labor (Bureau of Labor Statistics) consumer price index for Denver-Aurora-Lakewood,
9 all items, all consumers, or its successor index, rounded to the lowest five-dollar (\$5.00) increment.
10 The adjustment shall take effect on January 1, 2028, and every four (4) years thereafter. The clerk and
11 recorder shall specify the limits as adjusted in rules promulgated pursuant to this article and shall make
12 such limits available on the public website of the city.

13 (d) *Cash contribution limit.* No person may make a contribution in cash or coin to any
14 committee which exceeds fifty dollars (\$50.00), and no committee shall accept any contribution in cash
15 or coin above fifty dollars (\$50.00).

16 (e) *Prohibited contributions.*

17 (1) No covered entity or other entity, other than an entity who has filed a statement of
18 organization pursuant to this article as a committee, may make a contribution or contribution in-kind to
19 a candidate committee and candidate committees may only accept contributions and contributions in-
20 kind from natural persons and committees who have filed a statement of organization pursuant to this
21 article.

22 (2) No person may make a contribution of cryptocurrency to any committee and no
23 committee may accept contributions in cryptocurrency.

24 (3) Anonymous contributions and anonymous contributions in-kind may not be retained or
25 expended by any committee.

26 (f) *Disposition of excess and prohibited contributions.*

27 (1) The treasurer of a committee who receives any contribution, contribution in-kind, or
28 portion thereof, which exceeds the aggregate contribution limits in this article, or which is prohibited in
29 this article, shall remit such contribution, contribution in-kind, or portion thereof to the contributor no
30 later than seventy-two (72) hours after receipt. If, after reasonable effort, the committee is unable to
31 return the contribution, contribution in-kind, or portion thereof to the contributor, the committee may
32 remit the amount to the manager of finance for deposit into the general fund.

33 (2) Anonymous contributions and contributions in-kind received by a candidate committee
34 shall be remitted to the manager of finance for deposit into the general fund no later than seventy-two

1 (72) hours after receipt, and the distribution of such funds shall be indicated on the next report required
2 to be filed pursuant to this division.

3 (g) *Exceptions.* This section shall not apply to contributions or contributions in-kind from the
4 candidate's personal funds to the candidate's own campaign, any loan to the candidate's own
5 campaign which is personally guaranteed by the candidate or secured by the candidate's property, or
6 a transfer between committees as authorized in section 15-33.

7
8 **~~Sec. 15-35.5. -- Reporting requirements for independent expenditures and electioneering~~**
9 **~~communications.~~**

10 ~~(a) — Once any person spends an aggregate of one thousand dollars (\$1,000.00) or more on~~
11 ~~either electioneering communications or independent expenditures in an election cycle, the person~~
12 ~~shall file an initial report that accounts for the first one thousand dollars (\$1,000.00) of spending. The~~
13 ~~person shall then be required to file a report for each subsequent electioneering communication or~~
14 ~~independent expenditure, regardless of the amount. The report shall be filed within forty-eight (48)~~
15 ~~hours after obligating moneys for the independent expenditure or electioneering communication.~~

16 ~~(b) — No later than ten (10) days after filing the first report in an election cycle under this~~
17 ~~section, the individual responsible for filing reports shall affirm to the clerk and recorder that the person~~
18 ~~is familiar with the provisions of the article. If a covered entity replaces the individual responsible for~~
19 ~~filing on behalf of the entity, the new individual shall make the affirmation required under this~~
20 ~~subsection within ten (10) days after being appointed.~~

21 ~~(c) — The report shall include the following:~~

22 ~~(1) — If the communication is made by a natural person, the full name, mailing address,~~
23 ~~telephone number, email address, occupation, and employer of the natural person;~~

24 ~~(2) — If the communication is made by a covered entity or other organization:~~

25 ~~a. — The full name, mailing address, telephone number, and email address of the~~
26 ~~individual filing the report on behalf of the entity;~~

27 ~~b. — The URL for the website of the entity, if any;~~

28 ~~c. — The full name of each principal owner of the entity, if any;~~

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

31 ~~e. — The street address of the entity's principal place of operations, if different from the~~
32 ~~mailing address listed in subsection a.~~

33 ~~(3) — Whether each communication is an independent expenditure or electioneering~~
34 ~~communication;~~

1 (4) ~~— The date of each communication;~~

2 (5) ~~— The method of communication;~~

3 (6) ~~— The name of the candidates, ballot issues, or ballot questions referred to in the~~
4 ~~communication;~~

5 (7) ~~— Whether the communication supports or opposes the named candidates, ballot issues or~~
6 ~~ballot questions; and~~

7 (8) ~~— The amount spent on each communication:~~

8 a. ~~— If the person used donor funds for the communication, the report shall include the~~
9 ~~name, address, employer, and occupation of any person that donated fifty dollars (\$50.00) or more for~~
10 ~~the purposes of making the communication.~~

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

16
17 **Sec. 15-36. – Use of campaign funds.**

18 (a) General prohibition. No committee may use any contribution or contribution in-kind for
19 private purposes not reasonably related to influencing an election. No candidate committee may use
20 any contribution or contribution in-kind for private purposes not reasonably related to supporting the
21 election of the candidate who designated the committee.

22 (b) Exceptions. Contributions and contributions in-kind to any committee may be returned to
23 contributors or donated to a nonprofit organization in good standing under section 501(c)(3) of the
24 United States Internal Revenue Code of 1986, as amended. Contributions and contributions in-kind to
25 a candidate committee may be:

26 (1) Contributed to a candidate committee established by the same candidate for a different
27 elected office as provided in section 15-33;

28 (2) Contributed to a candidate committee for any other candidate running for elected office of
29 the city;

30 (3) Contributed to any issue committee organized to support or oppose any city or state
31 ballot question or ballot issue, or any ballot issue or ballot question proposed by a special district or
32 governmental entity that includes territory within the city;

33 (4) Retained by the committee for use by the candidate in a subsequent campaign as a
34 candidate for any elected office of the city;

1 (5) Donated to the fair election fund established under division 2; or

2 (6) For any person elected to office, used to:

3 a. encourage voter registration;

4 b. provide political education, which includes obtaining information from or providing
5 information to the electorate; or

6 c. to defray the cost of expenses that are directly related to such person's official
7 duties as an elected official of the city, including, but not limited to, reasonable and necessary
8 expenses related to mailings and similar communications to constituents, expenses for the purchase
9 or lease of office equipment and supplies, room rental for public meetings, necessary travel and
10 lodging expenses for legislative education such as seminars, conferences, and meetings on legislative
11 issues, and telecommunication expenses.

12
13 **~~Sec. 15-36. -- Filing of reports.~~**

14 ~~(a) The treasurer of any committee shall file all reports required by this article with the clerk~~
15 ~~and recorder.~~

16 ~~(b) Reports required to be filed by this article shall be deemed timely filed if received by the~~
17 ~~clerk and recorder no later than 11:59 p.m. on the designated day.~~

18 ~~(c) All reports required by this article shall be open to inspection by the public during regular~~
19 ~~business hours. Effective January 1, 2011, all reports required by this article shall also be posted by~~
20 ~~the clerk and recorder on the city's internet website no later than 5:00 p.m. on the next business day~~
21 ~~following the deadline for submission of the report as set forth in section 15-35.~~

22
23 **~~Sec. 15-37. -- Limitations on contributions and contributions in-kind.~~**

24 ~~(a)(1) For any particular election cycle, no person shall make contributions or contributions in-~~
25 ~~kind to a candidate and his or her candidate committees that, in the aggregate, exceed the following~~
26 ~~amounts:~~

Office	Amount
Mayor	\$1,000.00
Auditor	\$700.00
Councilmember at large	\$700.00
Judge	\$700.00
Clerk and Recorder	\$700.00
District councilmember	\$400.00

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

~~For the purposes of transferring money between candidate committees that are authorized by the same candidate, it is not a violation of D.R.M.C. section 15-32(b) if a candidate creates a new candidate committee for another city office, transfers money from the original committee to the new committee, and then closes the original committee no later than ten (10) days after such transfer is made.~~

~~(2) Except for entities registered as committees pursuant to section 15-34, it shall be unlawful for any unincorporated association, corporation, limited liability company, partnership, limited political partnership, or labor organization to make contributions to a candidate committee and no candidate committee shall accept any contribution from these entities.~~

~~(3) Each election-cycle limit on contributions and contributions in-kind described in subsection (a)(1) of this section shall be adjusted by an amount based upon the percentage change over a four-year period in the United States bureau of labor statistics consumer price index for Denver-Aurora-Lakewood, all items, all consumers, or its successor index, rounded to the nearest lowest five dollars (\$5.00). The first adjustment shall be done before the second quarter of 2024 and then every four (4) years thereafter. The clerk and recorder shall calculate such an adjustment in each limit and specify the limits in rules promulgated in accordance with section 15-46.~~

~~(b) No candidate committee shall accept any contribution or contribution in-kind from any person if that person's contributions or contributions in-kind on behalf of the candidate have an aggregate amount or value in excess of the amounts listed in section 15-37(a). Any contribution or contribution in-kind or portion thereof exceeds the limits in section 15-37(a) shall be returned to the contributor within seventy-two (72) hours of receipt.~~

~~(c) The limitations imposed by subsections (a) and (b) of this section shall not apply to contribution of a candidate's personal funds to the candidate's own campaign, or to any loan which is personally guaranteed by the candidate or is secured by property owned by the candidate.~~

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

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

~~(f) A candidate may not accept contributions from a small donor committee in the aggregate in excess of the ten (10) times the contribution limit for the office that the candidate seeks, the amounts~~

1 of which are listed below.

Office	Amount for Fair candidates not participating in the Fair Elections Fund	Amount for Fair Elections Fund Participating Candidates
Mayor	\$10,000.00	\$5,000.00
Auditor	\$7,000.00	\$3,500.00
Councilmember at large	\$7,000.00	\$3,500.00
Judge	\$7,000.00	\$3,500.00
Clerk and Recorder	\$7,000.00	\$3,500.00
District councilmember	\$4,000.00	\$2,000.00

2

3 **Sec. 15-37. - Reporting requirements for candidate committees, issue committees, political**
4 **action committees, and small donor committees.**

5 (a) Applicability. The reporting requirements of this section shall apply to all committees upon
6 filing of a statement of organization, and the committee shall be responsible for reporting all information
7 during the reporting period in which they are formed. The reporting requirements shall continue to
8 apply to all committees which have a cash balance of contributions or an expenditure deficit and shall
9 end when the committee files a report showing no unexpended balance, no debt, and no expenditure
10 deficit.

11 (b) Contents of reports. The treasurer of each committee shall file reports with the clerk and
12 recorder during the election cycle in accordance with the provisions of this section and shall attest to

1 the accuracy of each report. Any contributions or contributions in-kind received or expenditures made
2 by the candidate or committee during the election cycle, but prior to becoming a candidate or
3 committee shall be reported in the first report required under this section. Each report shall contain:

4 (1) The amount of funds on hand at the beginning of the reporting period;

5 (2) The amount and date of each contribution and contribution in-kind received during the
6 reporting period;

7 (3) The name and address of each contributor;

8 (4) The occupation and employer of any natural person whose contributions and
9 contributions in-kind aggregate fifty dollars (\$50.00) or more during the election cycle;

10 (5) The total amount of all expenditures during the reporting period;

11 (6) The name and address of each person who received an expenditure from the committee
12 or the candidate prior to the person becoming a candidate with an aggregate value of fifty dollars
13 (\$50.00) or more in an election cycle, together with the date, amount, and types of goods or services
14 purchased;

15 (7) The name and address of any bank or other depository for funds used by the committee
16 or the candidate prior to the person becoming a candidate;

17 (8) The details of any loan of money, letter of credit, line of credit, or commercial loan ("loan")
18 made to the committee or the candidate prior to the person becoming a candidate during the reporting
19 period, including identification of the lender or entity; identification of any endorser or guarantor; the
20 amount guaranteed; the date the loan was made; the amount of the loan; the method of disposition;
21 the balance due; the terms of interest and the total amount of interest, if any; and

22 (9) The details of any unpaid obligation of five hundred dollars (\$500.00) or more which is at
23 least thirty (30) days overdue and is not otherwise included as a contribution or contribution in-kind
24 incurred during the reporting period, including the name and address of the person to whom the
25 obligation is due; the due date of the obligation; the purpose of the obligation; and the total amount
26 past due of the obligation.

27 (c) *Frequency of reports for candidate committees, political action committees, and small*
28 *donor committees.* Candidate committees, political action committees, and small donor committees
29 shall file reports with the clerk and recorder throughout the election cycle, with increasing frequency.
30 Reports shall be filed beginning semiannually, then quarterly, then monthly, and shall be followed by
31 pre-election reports approximately once every two weeks, run-off election reports, a post-election
32 report, and a year-end report. The reporting periods and schedule shall be as follows:

33 (1) *Non-election years.*

34 a. During the first two (2) years of an election cycle, each committee shall file

1 semiannual reports. The first report shall cover January 1 to June 30 and is due on or before July 31.
2 The second report shall cover July 1 to December 31 and is due on or before January 31 of the
3 following year.

4 b. During the third year of an election cycle, each committee shall file quarterly
5 reports due no later than the 15th day after the end of the applicable quarter.

6 (2) General election year.

7 a. A monthly report for the period beginning January 1 to January 31, which shall be
8 filed no later than February 5;

9 b. A monthly report for the period beginning February 1 to February 28, which shall
10 be filed no later than March 5;

11 c. A pre-election report for the period beginning March 1 to March 14, which shall be
12 filed no later than March 17; and

13 d. A pre-election report for the period of March 15 to the Wednesday before the
14 general election, which shall be filed no later than the Friday before the general election.

15 (3) Run-off election period.

16 a. A pre-run-off election report for the period beginning the Thursday before the
17 general election through April 30, which shall be filed no later than May 3;

18 b. A pre-run-off election report for the period beginning May 1 through the
19 Wednesday before the run-off election, which shall be filed no later than the Friday before the run-off
20 election;

21 c. A post-election report for the period beginning the Thursday before the run-off
22 election to twenty-five (25) days after the run-off election, which shall be filed no later than thirty (30)
23 days after the run-off election; and

24 d. A year-end report for the period beginning twenty-six (26) days after the run-off
25 election through December 31, which shall be filed no later than January 31 of the following year.

26 (4) Special elections. Beginning in the month that a candidate is declared or a candidate
27 committee is formed for the office, the following reports shall be filed:

28 a. A report for each month before the month preceding the special election, which
29 shall be filed no later than the 5th day of the following month;

30 b. A pre-election report for the period beginning the 1st day of the month immediately
31 preceding the election through the 14th day of that month, which shall be filed no later than the 17th day
32 of that month;

33 c. A pre-election report for the period beginning on the 15th day of the month
34 immediately preceding the election through the Wednesday before the election, which shall be filed no

1 later than the Friday before the election;

2 d. A post-election report for the period beginning on the Thursday before the election
3 through the 25th day after the election, which shall be filed no later than the 30th day after the election;
4 and

5 e. A year-end report for the period beginning on the 26th day after the election
6 through December 31, which shall be filed no later than January 31 of the following year.

7 (d) Frequency of reports for issue committees. Issue committees shall file reports with the
8 clerk and recorder throughout the election cycle, with increasing frequency. Reports shall be filed
9 beginning monthly and shall be followed by pre-election reports approximately once every two weeks,
10 along with a post-election report and a year-end report. The reporting periods and schedule shall be as
11 follows:

12 (1) A report for each month before the month preceding the election, which shall be filed no
13 later than the 5th day of the following month;

14 (2) A pre-election report for the period beginning on the 1st day of the month immediately
15 before the election through the 14th day of that month, which shall be filed no later than the 17th day of
16 that month;

17 (3) A pre-election report for the period beginning on the 15th day of the month immediately
18 before the election through the Wednesday before the election, which shall be filed no later than the
19 Friday before the election;

20 (4) A post-election report for the period beginning on the Thursday before the election
21 through the 25th day after the election, which shall be filed no later than the 30th day after the election;
22 and

23 (5) A year-end report for the period beginning on the 26th day after the election through
24 December 31, which shall be filed no later than January 31st of the following year. Provided, however,
25 in a year with two (2) or more elections at which (1) or more ballot issues or ballot questions may be
26 voted on, the year-end report shall only include the period beginning on the 26th day after the election
27 through the end of that month and shall be filed no later than the 5th day of the following month. Issue
28 committees shall then resume monthly reports required by this section on the 1st day of the following
29 month and file the pre-election, post-election, and year-end reports required by this section for the
30 second election.

31 (e) Major contribution reports. In addition to other reports required by this section, the
32 committee's treasurer shall file a report with the clerk and recorder if the committee receives any
33 contribution or contribution in-kind of one thousand dollars (\$1,000.00) or more during the period
34 beginning on the Thursday before the election through, and including, the Monday before the election.

1 Notwithstanding the reporting requirements in subsection (g), such report shall be filed no later than
2 twenty-four (24) hours after receipt of such contribution or contribution in-kind.

3 (f) *Incomplete reports.* If the clerk and recorder deems any report required by this section to
4 be incomplete, the clerk and recorder may deem such report deficient, accept such report on a
5 conditional basis and notify the committee treasurer as provided in section 15-45.

6 (g) *Deadlines and posting.* Reports required to be filed by this article shall be deemed timely
7 filed if received by the clerk and recorder no later than 11:59 p.m. on the designated day. If a reporting
8 deadline, other than the reporting deadlines for major contributions identified in this section or
9 expenditures identified in section 15-39, falls on a weekend, legal holiday, or a City and County of
10 Denver furlough day, the report shall be filed by the next business day. The clerk and recorder shall
11 post all reports required by this article on the city's internet website no later than 5:00 p.m. on the
12 business day following the deadline for submission of the report.

13
14 **Sec. 15-38. -- Use of campaign funds restricted.**

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

17 ~~(b) — Unexpended campaign contributions to a candidate committee may be:~~

18 ~~(1) — Contributed to a candidate committee established by the same candidate for a different~~
19 ~~elected office of the city if the candidate committee making such a contribution is affirmatively closed~~
20 ~~by the candidate no later than ten (10) days after the date such a contribution is made;~~

21 ~~(2) — Contributed to a candidate committee for any other candidate for elected office in the~~
22 ~~city;~~

23 ~~(3) — Contributed to any issue committee organized to support or oppose any city or state~~
24 ~~ballot question or ballot issue or any ballot issue or ballot question proposed by any other local~~
25 ~~government that includes territory within the city;~~

26 ~~(4) — Donated to a charitable organization recognized by the internal revenue service;~~

27 ~~(5) — Returned to the contributors, or retained by the committee for use by the candidate in a~~
28 ~~subsequent campaign for any non-partisan office; or~~

29 ~~(6) — Donated to the Fair Election Fund established under section 15-51, D.R.M.C.~~

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

1 ~~(d) — In addition to any use described in paragraph (b) of this section, a person elected to a~~
2 ~~public office may use unexpended campaign contributions held by the person's candidate committee~~
3 ~~for any of the following purposes:~~

4 ~~(1) — Voter registration;~~

5 ~~(2) — Political education, which includes obtaining information from or providing information to~~
6 ~~the electorate;~~

7 ~~(3) — Postsecondary educational scholarships;~~

8 ~~(4) — To defray reasonable and necessary expenses related to mailings and similar~~
9 ~~communications to constituents;~~

10 ~~(5) — Any expenses that are directly related to such person's official duties as an elected~~
11 ~~official, including, but not limited to, expenses for the purchase or lease of office equipment and~~
12 ~~supplies, room rental for public meetings, necessary travel and lodging expenses for legislative~~
13 ~~education such as seminars, conferences, and meetings on legislative issues, and telephone and~~
14 ~~pager expenses.~~

15 ~~(e) — Unexpended contributions to a political committee organized to support or oppose a city~~
16 ~~ballot question or ballot issue may be donated to any charitable organization recognized by the Internal~~
17 ~~Revenue Service or returned to the contributor.~~

18
19 **Sec. 15-38. - Closing of committees.**

20 ~~(a) Candidate committees. Candidate committees shall be closed no later than four (4) years~~
21 ~~from the date of the general municipal election, run-off election, or expiration of the incumbent~~
22 ~~officeholder's final term of office, whichever is later. On or prior to the date of closure, the treasurer of a~~
23 ~~candidate committee shall notify the clerk and recorder and file a report showing no unexpended~~
24 ~~balance, no debt, and no expenditure deficit.~~

25 ~~(b) Issue committees. Issue committees shall be closed no later than one (1) year from the~~
26 ~~date of the election at which the ballot issue for which it was formed is voted on. On or prior to the date~~
27 ~~of closure, the treasurer of an issue committee shall notify the clerk and recorder and file a report~~
28 ~~showing no unexpended balance, no debt, and no expenditure deficit. Any issue committee that fails to~~
29 ~~close shall continue filing all required reports for the subsequent election cycle and shall be subject to~~
30 ~~the penalties provided in this division.~~

31 ~~(c) All other committees. At the election of the treasurer, a small donor committee or political~~
32 ~~action committee may close their account by notifying the clerk and recorder and filing of a report~~
33 ~~showing no unexpended balance, no debt, and no expenditure deficit.~~

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

2 The clerk and recorder shall:

3 (1) ~~Prescribe forms and provide instructional materials for reports required to be filed by this~~
4 ~~article.~~

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

7 (3) ~~Except for late reports subject to section 15-40.5, notify the committee or person involved~~
8 ~~if the clerk and recorder makes a determination of an apparent violation. The receiving committee or~~
9 ~~person will have ten (10) days from the date of notice of an apparent violation to correct any violation~~
10 ~~of this article, including failure to file complete reports as required by section 15-35; except when any~~
11 ~~violation concerning deadlines for reports during special elections occurs, then the clerk and recorder~~
12 ~~will allow the committee or person two (2) days in which to correct the deficiency.~~

13 (4) ~~Audit filings or submissions as needed to ensure compliance with the provisions of this~~
14 ~~article.~~

15 (5) ~~Except for late reports subject to section 15-40.5, if any apparent violation of this article is~~
16 ~~not corrected within ten (10) days as provided in paragraph (3) above, the clerk and recorder shall file~~
17 ~~a complaint with a hearing officer who shall resolve the complaint in accordance with sections 15-~~
18 ~~40 (c) through (e).~~

19
20 **Sec. 15-39. - Reporting requirements for independent expenditures and electioneering**
21 **communications.**

22 (a) Reporting. Once any person spends an aggregate of one thousand dollars (\$1,000.00) or
23 more on either electioneering communications or independent expenditures in an election cycle, the
24 person shall file an initial report that accounts for the first one thousand dollars (\$1,000.00) of
25 spending. The person shall then file a report for each subsequent electioneering communication or
26 independent expenditure, regardless of the amount. Notwithstanding the reporting deadline identified
27 in section 15-37, the report shall be filed within forty-eight (48) hours after obligating the money or
28 actually spending the money, whichever occurs first.

29 (b) Affirmation. No later than ten (10) days after filing the first report in an election cycle
30 under this section, the individual responsible for filing reports shall affirm to the clerk and recorder that
31 the person is familiar with the provisions of the article. If another person replaces the individual
32 responsible for filing on behalf of the entity, the new person shall make the affirmation within ten (10)
33 days after being appointed.

34 (c) Contents of report. Both the initial report and subsequent reports shall include the

1 following:

2 (1) If the communication is made by a natural person, the full name, mailing address,
3 telephone number, email address, occupation, and employer of the person;

4 (2) If the communication is made by a covered entity or other organization:

5 a. The full name, mailing address, telephone number, and email address of the
6 individual filing the report on behalf of the organization;

7 b. The URL for the website of the organization;

8 c. The full name of each principal owner of the organization;

9 d. The business or purpose of the organization, including its tax-exempt status; and

10 e. The street address of the organization's principal place of operations, if different
11 from the mailing address.

12 (3) Whether each communication is an independent expenditure or electioneering
13 communication;

14 (4) The date and method of each communication;

15 (5) The name of the candidates, ballot issues, or ballot questions referred to in the
16 communication and whether the communication supports or opposes the candidate, issue, or question;

17 and

18 (6) The amount spent on each communication and the source of the funds including the
19 name, address, employer and occupation of any person that donated fifty dollars (\$50.00) or more for
20 the purposes of making the communication or a brief description of the source if the person used, in
21 whole or in part, receipts that are not donations such as investment income, capital gains, regular
22 membership dues, income earned from providing goods, services or facilities, or sales of assets.

23
24 **Sec. 15-40. -- Complaints; duties of clerk and recorder.**

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

29 ~~(b) Upon receipt of a complaint, the clerk and recorder must conduct an initial review of the~~
30 ~~complaint for completeness. If the complaint is incomplete, the clerk and recorder must dismiss the~~
31 ~~complaint for incompleteness and provide the complainant an opportunity to file a new, complete~~
32 ~~complaint. If the complaint is complete, the clerk and recorder must send notice of the complaint to the~~
33 ~~respondent. The respondent has thirty (30) days from the date of the complaint notice to respond to~~
34 ~~the complaint or cure the alleged violations in the complaint.~~

1 (1)——If, after reviewing the response, the clerk and recorder determines that the respondent
2 has either cured the alleged violations in the complaint or provided sufficient information for the clerk
3 and recorder to determine that no violation occurred, the clerk and recorder may dismiss the
4 complaint.

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

8 (c)——A hearing officer who is appointed to resolve a campaign finance complaint may not be a
9 full-time employee of the clerk and recorder's office. Once appointed, the hearing officer must review
10 all relevant information, including the complaint, response, and any motion 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;
14 and

15 b.——Either grant or deny the motion. Any decision on a motion to dismiss is final and
16 subject to 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 the
19 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 the
22 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 is
25 deemed necessary to decide the issues at the hearing. Any subpoena must be served by delivering a
26 copy of it to the person named or by sending it to them by first-class mail. All costs related to the
27 subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena.
28 Any subpoena is enforceable by the requesting party in the county court. The respondent and
29 complainant may present evidence to the hearing officer in the form of testimony, documents, rebuttal
30 testimony, and opening and closing statements. The hearing officer is entitled to examine any witness
31 and request the submission of additional evidence and arguments.

32 (e)——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 necessary
5 to ensure the complaint, cure, and hearing process is a simplified and scalable process designed to
6 enhance the just, speedy, and efficient determination of complaints.~~

7
8 **Sec. 15-40. - Disclosure required for independent expenditures, electioneering
9 communications, and other campaign communications.**

10 Whenever any person makes an electioneering communication, independent expenditure, or other
11 communication expressly advocating a particular result in an election, or solicits any contribution or
12 contribution in-kind, through any broadcasting station, newspaper, magazine, outdoor advertising
13 facility, direct mailing, or any other type of general public advertisement, such communication shall:

14 (a) Clearly state that the communication is paid for by a committee if paid for and authorized
15 by a committee or its agent;

16 (b) Clearly state both the full name of the person who paid for the communication and the
17 name of the committee that authorized it if paid for by other persons but authorized by a committee or
18 its agent; or

19 (c) Clearly state the full name of the person that paid for the communication and include a
20 statement that the communication is not authorized by any candidate or committee if paid for by a
21 person as an independent expenditure or electioneering communication that is not controlled by or
22 coordinated with a candidate or committee.

23
24 **Sec. 15-40.5. - Fines for late reports; waiver; appeal.**

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

32 (b) — ~~*Waiver.*~~

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

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

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

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

- a. ~~— The requestor's history of delinquency;~~
- b. ~~— Circumstances that made complying with the deadline an impossibility;~~
- c. ~~— Outstanding penalties;~~
- d. ~~— Whether the city's database was unavailable to the committee;~~
- e. ~~— The date when the requestor filed the waiver; and~~
- f. ~~— If the requestor has previously incurred unpaid fines, the clerk and recorder may,~~

~~in the clerk and recorder's sole discretion, waive those fines if the requestor takes affirmative action to comply with code and terminate their reporting requirements.~~

~~(4) — Any person or committee who disputes the final amount of a penalty imposed against that person or committee may seek review of the administrative citation as provided in article XII, chapter 2 of the Code.~~

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

Sec. 15-41. - Penalties.

~~(a) — Except as provided in this section, failure to comply with the provisions of this article shall have no effect on the validity of any election, issue, or bonds issued pursuant to law.~~

~~(b) — Upon determination by a court of competent jurisdiction, any violation of sections 15-35, 15-36, and 15-37 of the Revised Municipal Code shall be considered a violation of section 8.1.5 of the Charter. The candidate shall forfeit his or her right to assume office to which he or she may have been elected. If the person has already assumed office, the office shall be vacated as provided under Charter section 8.2.15. Any vacancy created by the operation of this subsection shall be filled as provided in section 8.2.15 of the Charter.~~

~~(c) — Any person who knowingly violates any provision of this article or who gives or accepts any contribution or contribution in-kind in such a way as to hinder or prevent identification of the true donor, in addition to any other penalties provided by law, shall be subject to the penalty in section 1-13 of the Revised Municipal Code.~~

1 **Sec. 15-41. – Payments and rebates for political advertising.**

2 (a) Payments for political advertising. No candidate, campaign treasurer, or campaign
3 committee may pay any radio or television station, newspaper, periodical, or other supplier of materials
4 or services a higher charge than that normally required for local commercial customers for comparable
5 use of space, materials, or services.

6 (b) Rebates prohibited. No radio or television station, newspaper, periodical, or other
7 supplier of materials or services may rebate, directly or indirectly, any rate charged to a candidate,
8 campaign treasurer or campaign committee.

9 (c) Exception. Nothing in this section shall be construed to prevent an adjustment in rates
10 related to frequency, volume, production costs, and agency fees, if such adjustments are offered
11 consistently to other advertisers.

12
13 **Sec. 15-42. – Responsibility for communications.**

14 ~~Whenever any person or committee makes a communication expressly advocating a particular result~~
15 ~~in an election, or solicits any contribution or contribution in-kind, through any broadcasting station,~~
16 ~~newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public~~
17 ~~political advertising, or when a person or covered entity makes an independent expenditure or~~
18 ~~electioneering communication, such communication:~~

19 ~~(a) If paid for and authorized by a candidate committee, issue committee, political action~~
20 ~~committee or their agents, shall clearly state that the communication is paid for by that candidate~~
21 ~~committee, issue committee, or political action committee;~~

22 ~~(b) If paid for by other persons but authorized by a candidate committee, issue committee,~~
23 ~~political action committee or their agents, shall clearly state that the communication is paid for by such~~
24 ~~other persons and authorized by candidate committee, issue committee, or political action committee;~~
25 ~~or~~

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

30
31 **Sec. 15-42. - Encouraging withdrawal from campaign prohibited.**

32 No person shall offer or give any candidate or candidate committee any money or any other thing of
33 value for the purpose of encouraging the withdrawal of the candidate's candidacy, nor shall any
34 candidate offer to withdraw a candidacy in return for money or any other thing of value.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Sec. 15-43. - Reserved.

Sec. 15-43. - Limitations on use of city funds and city staff time for election matters.

(a) Use of city funds and staff time. Except as provided in subsections (b) and (c), no department, agency, board, commission, officer or employee of the city, may expend city funds or use city staff time with the intent to further a campaign for the nomination, retention, election, or recall of a person to a public office in an election or with the intent to urge electors to vote for or against a:

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

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

(3) Statewide or municipal referred measure after final passage of the bill referring the measure;

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

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

(b) Exceptions. Nothing in this section shall prohibit a department, agency, board, commission, officer or employee from:

(1) Providing the text of an issue, question, or measure, or report the details of any official action taken to refer an issue, question, or measure;

(2) Taking actions necessary to compile and distribute the fiscal impact estimate and ballot information booklet authorized in article I of this chapter, or necessary to comply with any of the provisions of this article;

(3) Passing a resolution or proclamation analyzing and commenting on an issue, question, or measure or report the passage of such resolution or proclamation;

(4) Permitting or allow an individual or group to use a city facility or city staff time for political purposes if the facility or city staff are offered or available to the public on the same terms regardless of the use and content of the activity;

(5) Responding to unsolicited questions or requests for information about a candidate, issue, question, or measure;

(6) Expending fifty dollars (\$50.00) or less of city funds, or city staff time calculated by an hourly rate, in the form of letters, telephone calls, or other activities incidental to expressing their

1 opinion on a candidate, issue, question, or measure; or

2 (7) Dispensing a factual summary of an issue, question, or measure, that includes
3 arguments both for and against the issue, question, or measure, which does not contain a conclusion
4 or urge electors to vote for or against the issue, question, or measure.

5 (c) Elected officials. Nothing in this section shall prohibit an elected official from expressing
6 their personal opinion on a candidate, issue, question, or measure at any time provided that the
7 elected official may not use staff time in excess of fifty dollars (\$50.00) as calculated by an hourly rate,
8 nor may the official directly expend more than fifty dollars (\$50.00) of city funds incidental to such
9 expression.

10 (d) Penalty. A violation of this section shall be a noncriminal violation subject only to the
11 penalty authorized in section 15-45.

12

13 **Sec. 15-44. – Expenditures for political advertising; rates and charges.**

14 ~~(a) — It shall be unlawful for any person who is a candidate, campaign treasurer, or campaign~~
15 ~~committee to pay any radio or television station, newspaper, periodical, or other supplier of materials~~
16 ~~or services a higher charge than that normally required for local commercial customers for comparable~~
17 ~~use of space or materials and services.~~

18 ~~(b) — It shall be unlawful for any radio or television station, newspaper, periodical, or other~~
19 ~~supplier of materials and services to rebate any such rate, directly or indirectly.~~

20 ~~(c) — Nothing in this section shall be construed to prevent an adjustment in rates related to~~
21 ~~frequency, volume, production costs, and agency fees, provided such adjustment is a normal charge~~
22 ~~paid by other persons who are advertisers.~~

23

24 **Sec. 15-44. – Complaints, hearing officer, and final determination.**

25 (a) Complaints.

26 (1) Citizen complaints. A resident of the city who believes a violation of this article has
27 occurred may file a written complaint with the clerk and recorder no later than sixty (60) days after the
28 date on which the complainant either knew or should have known, by the exercise of reasonable
29 diligence, of the alleged violation. Each complaint shall identify the person alleged to have committed a
30 violation, the date of the violation, the facts giving rise to the violation, the provisions of this article
31 alleged to have been violated, and any other information required by the clerk and recorder. The clerk
32 and recorder shall not accept a complaint that fails to meet the requirements of this subsection.
33 Provided, however, if the complaint alleges a violation of this article committed by a candidate running
34 for election or re-election to the office of the clerk and recorder, the clerk and recorder shall appoint an

1 administrative hearing officer pursuant to subsection (c) to carry out the duties assigned to the clerk
2 and recorder in this section.

3 (2) *Complaints filed by the clerk and recorder.* The clerk and recorder is authorized to file a
4 complaint with an administrative hearing officer appointed pursuant to this section, after providing
5 notice of the violation pursuant to section 15-45, if the person alleged to have committed the violation
6 has failed to cure and is not a candidate for the office of the clerk and recorder.

7 (b) *Response and dismissal.* If the complaint meets the requirements of subsection (a), the
8 clerk and recorder shall notify the person alleged to have committed the violation (the “respondent”)
9 and order the respondent to file a response within thirty (30) days of such notification. If the complaint
10 is filed by a resident, the clerk and recorder may dismiss the complaint if:

11 (1) The respondent has cured the alleged violation;

12 (2) The respondent has already been issued an administrative citation related to the
13 violation;

14 (3) Based on the information in the complaint and taking the facts stated therein as true, the
15 complainant has not stated a plausible violation of this article; or

16 (4) Based on the information in the complaint and the response, there is sufficient
17 information to find, by a preponderance of evidence, that no violation has been committed.

18 (c) *Appointment and qualifications of hearing officer.* Upon receipt of a response that does
19 not result in dismissal pursuant to subsection (b), or upon the filing of a complaint by the clerk and
20 recorder, the clerk and recorder shall appoint an administrative hearing officer to render a final
21 decision regarding the complaint. The administrative hearing officer may not be career service
22 personnel of the clerk and recorder’s office or otherwise work in a full-time capacity as an employee of
23 the clerk and recorder but shall be an agent or employee of the city. Additionally, any person
24 designated to serve as an administrative hearing officer shall be subject to the standards of conduct
25 set forth in the Colorado Code of Judicial Conduct and subject to disqualification for bias, prejudice,
26 interest, or for any other reason for which a judge may be disqualified in a court of law.

27 (d) *Final determination.* Upon receipt of the complaint, response, and any other information
28 provided by the clerk and recorder, the hearing officer shall schedule a date and time for a hearing or,
29 if there are no genuine issues of material fact in the complaint, render a final decision based on written
30 briefing by the parties. If the hearing officer determines that a hearing on the complaint is necessary,
31 the hearing shall be set no later than thirty (30) days from the mailing date of notice of the hearing. At
32 the conclusion of the hearing or upon review of the written briefs, the hearing officer shall issue a
33 written final decision determining whether the complainant has shown by a preponderance of evidence
34 that the respondent has committed a violation of this article. Upon finding a violation, the hearing

1 officer may assess a penalty as set forth in subsection 15-45. The final decision together with the
2 penalty may be appealed pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

3 (e) *Authority of hearing officer.* The hearing officer shall have the power to control the
4 hearing including, but not limited to setting a schedule for written for briefings, ruling upon motions and
5 offers of proof, receiving and admitting evidence, limiting the presentation of evidence and cross-
6 examination so as to prevent repetitive and cumulative evidence or examination, and ordering any
7 person to be removed from the hearing. The hearing officer is entitled to examine any witness and
8 request the submission of additional evidence and arguments. At the request of any party to the
9 hearing, the hearing officer may subpoena witnesses, documents, and other evidence where the
10 attendance of the witness or the admission of evidence is deemed necessary to decide the issues at
11 the hearing. Any subpoena must be served by delivering a copy of it to the person named or by
12 sending it to them by first-class mail. All costs related to the subpoena, including witness and mileage
13 fees, shall be borne by the party requesting the subpoena. Any subpoena is enforceable by the
14 requesting party in the county court. The respondent and complainant may present evidence to the
15 hearing officer in the form of testimony, documents, rebuttal testimony, and opening and closing
16 statements.

17
18 **~~Sec. 15-45. – Encouraging withdrawal from campaign prohibited.~~**

19 ~~(a) — It shall be unlawful for any person to pay, cause to be paid, or attempt to pay to any~~
20 ~~candidate or to any candidate committee any money or any other thing of value for the purpose of~~
21 ~~encouraging a candidate to withdraw his or her candidacy.~~

22 ~~(b) — It shall be unlawful for any person who is a candidate to offer to withdraw his or her~~
23 ~~candidacy in return for money or any other thing of value.~~

24
25 **Sec. 15-45. – Duties of clerk and recorder; enforcement and penalties.**

26 (a) *Duties of the clerk and recorder.* The clerk and recorder shall provide forms and
27 instructional materials for reports required to be filed pursuant to this article and shall preserve and
28 maintain such reports throughout the applicable election cycle.

29 (b) *Requests for information.* Any person subject to the requirements of this article shall
30 obtain and furnish to the clerk and recorder any information relating to campaign expenditures or
31 contributions and other proof of compliance with this article.

32 (c) *Enforcement.* Except as otherwise provided in subsection (g), a violation of this article,
33 shall be a noncriminal violation. The clerk and recorder, or an administrative hearing officer in
34 rendering a final decision, is authorized to assess civil penalties as provided in this section.

1 (d) Late and deficient reports.

2 (1) The clerk and recorder may issue an administrative citation pursuant to article XII,
3 chapter 2 only for the failure to file a report or receipt required by this article or cure a deficient report
4 or receipt (“reporting violation”). The procedures for enforcement, penalty, and appeals of such an
5 administrative citation shall be as specified in this section.

6 (2) Prior to issuing an administrative citation for a deficient report, the clerk and recorder
7 shall notify the treasurer of a committee by mail, telephone, or email with respect to any deficiencies
8 found. The notice shall include a description of each deficiency and instructions on how to cure.
9 Deficient reports filed for a general municipal election or run-off election must be cured within ten (10)
10 days of notice, and deficient reports filed for a special election shall be cured within two (2) days of
11 notice.

12 (3) Any person who has been issued an administrative citation for a reporting violation may
13 request that the clerk and recorder waive or reduce the fine. Such request shall be filed within ten (10)
14 days of the due date of the fine. In determining whether to waive or reduce any such fine, the clerk and
15 recorder may consider the requestor’s history of delinquency, outstanding penalties, and any other
16 information provided by the requestor. The clerk and recorder shall issue a written final decision
17 granting or denying the request within five (5) business days.

18 (4) Any person who has been issued an administrative citation for a reporting violation may
19 seek review of the citation by filing a petition with the clerk and recorder no later than thirty (30) days
20 after receipt of the citation. Compliance with the provisions of this subsection shall be a jurisdictional
21 prerequisite to appeal any administrative citation and failure to comply shall bar any such appeal. The
22 filing of a petition shall stay the enforcement of any penalty assessed pursuant to this section until a
23 final determination is made. Upon receipt of a petition, the clerk and recorder shall appoint a hearing
24 officer to render a final determination on the appeal, pursuant to the procedures identified in section
25 15-44. The clerk and recorder shall bear the burden to establish, by a preponderance of evidence, that
26 a violation of this article was committed by the person who received an administrative citation.

27 (e) Complaints filed by the clerk and recorder. For any violation of this article other than a
28 reporting violation, the clerk and recorder may issue a notice of violation by mail to the last known
29 address of the person alleged to have violated this article. Such notice shall contain the identity of the
30 person alleged to have committed a violation, the date of the violation, the facts giving rise to the
31 violation, and the provisions of this article alleged to have been violated. Any person who has received
32 a notice of an alleged violation shall have ten (10) days from the mailing date of the notice to cure the
33 violation. If the person fails to cure the violation, the clerk and recorder shall file a complaint pursuant
34 to section 15-44, unless the person alleged to have violated this article is a candidate for the office of

1 clerk and recorder.

2 (f) *Civil penalty.*

3 (1) The penalty for a reporting violation shall be fifty dollars (\$50.00) per day but shall not
4 exceed five hundred dollars (\$500.00) per violation.

5 (2) The only penalty for a violation of section 15-43 may be an order to reimburse the city for
6 the amount of money spent in violation of that section.

7 (3) The penalty for a violation of this article, other than a reporting violation or a violation of
8 15-43, shall be within the discretion of a hearing officer, but shall not exceed nine hundred ninety-nine
9 dollars (\$999.00) per violation. Unless distinct and separate violations can be otherwise established,
10 each day an offense and violation continues shall constitute a separate offense and violation.

11 (g) *Criminal penalty.* It shall be unlawful to violate a provision of this article with the intent to
12 hinder or prevent the identification of a true donor or with the intent to circumvent the limits on
13 contributions or contributions in-kind identified herein. Any such violation shall be subject to the
14 penalties authorized under this article, in addition to the penalties authorized in section 1-13.

15 (h) *Impact on election and candidacy.* Except as otherwise provided in section 8.2.15 of the
16 Charter, failure to comply with the provisions of this article shall have no effect on the validity of any
17 election, issue, or bonds issued pursuant to law.

18

19 **Sec. 15-46. - Rules and regulations.**

20 ~~The clerk and recorder may adopt rules and regulations necessary for the implementation of this article~~
21 ~~III. Such rules shall be promulgated in accordance with D.R.M.C. chapter 2, article VI.~~

22

23 **Sec. 15-46. - Rules and regulations.**

24 The clerk and recorder may adopt rules and regulations necessary for the implementation of this article
25 which may include additional procedures for requesting a waiver of discretionary penalties authorized
26 in this article. Such rules shall be promulgated in accordance with article VI of chapter 2, including but
27 not limited to the notification and public hearing procedures identified therein.

28

29 ~~**Sec. 15-47. - Municipal elections activity—Limitations on municipal officers and elected**~~
30 ~~**officials.**~~

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

1 ~~(1) — Municipal ballot issue or ballot question, after the clerk and recorder has approved the~~
2 ~~contents of the affidavit, ballot title, and petition sample, as specified in section 8.3.2 of the Charter;~~
3 ~~(1.5) — Statewide ballot issue or ballot question after the title has been fixed;~~
4 ~~(2) — Statewide or municipal referred measure;~~
5 ~~(3) — Municipal measure for the recall of an elected officer, after the clerk and recorder has~~
6 ~~approved the contents of the affidavit, ballot title, and petition sample, as specified in section 8.3.2 of~~
7 ~~the Charter; or~~
8 ~~(4) — Measure for the recall of a state elected officer upon the final determination of~~
9 ~~sufficiency.~~
10 ~~(b) — No incumbent candidate, sitting elected officer, or city employee may use city time,~~
11 ~~resources, or monies in furtherance of a campaign for the nomination, retention, election, or recall of a~~
12 ~~person to a public office in an election, nor may such person expend public moneys from any source,~~
13 ~~or make a contribution, to urge electors to vote for or against a:~~
14 ~~(1) — Municipal ballot issue or ballot question, after the clerk and recorder has approved the~~
15 ~~contents of the affidavit, ballot title, and petition sample, as specified in section 8.3.2 of the Charter;~~
16 ~~(1.5) — Statewide ballot issue or ballot question after the title has been fixed;~~
17 ~~(2) — Statewide or municipal referred measure;~~
18 ~~(3) — Municipal measure for the recall of an elected officer, after the clerk and recorder has~~
19 ~~approved the contents of the affidavit, ballot title, and petition sample, as specified in section 8.3.2 of~~
20 ~~the Charter; or~~
21 ~~(4) — Measure for the recall of a state elected officer upon the final determination of~~
22 ~~sufficiency.~~
23 ~~(c) — Nothing in subsections (a) or (b) prohibits a city agency, department, board, division,~~
24 ~~commission, council, or elected or appointed official or employee from responding to questions about~~
25 ~~an issue, question, or measure described in subsections (a) and (b) if an appointed official, member or~~
26 ~~employee of the public entity, or public entity did not solicit the question. An elected or appointed~~
27 ~~official, member or employee of any such agency, department, board, division, commission, or council~~
28 ~~who has policy-making responsibilities may expend fifty dollars (\$50.00) or less of public moneys in the~~
29 ~~form of letters, telephone calls, or other activities incidental to expressing his or her opinion on any~~
30 ~~such issue described in subsection (a) or (b). Nothing in subsections (a) or (b) prohibits an individual or~~
31 ~~group from using a city facility for political purposes, including an activity to express an opinion or urge~~
32 ~~electors to vote for or against an issue described in subsections (a) or (b), if the facility is offered to the~~
33 ~~public on the same terms regardless of the use and content of the activity.~~
34 ~~(d) — Nothing in subsection (a) or (b) prohibits a city agency, department, board, division,~~

~~commission, or council, or elected or appointed official or employee from expending public moneys to provide the language of the ballot title, to provide the text of the measure, or to dispense a factual summary that includes arguments both for and against the proposal, on an issue of official concern before the electorate in the city. The summary may not contain a conclusion or opinion for or against an issue. As used in this subsection (d), "an issue of official concern" means an issue that will appear on a municipal election ballot.~~

~~(e) — Nothing in subsection (a) or (b) prohibits a city agency, department, board, division, commission, council, or elected or appointed official or employee from taking actions necessary to compile the fiscal impact estimate and ballot information booklet authorized in article I of this chapter.~~

~~(f) — Nothing in subsection (b) prohibits an elected official from expressing a personal opinion on an issue.~~

~~(g) — Nothing in subsection (a) prohibits a city agency, department, board, division, commission, or council from:~~

~~(1) — Passing a resolution or analyzing and commenting on an issue described in subsection (a); or~~

~~(2) — Reporting the passage of or distributing such resolution through established, customary means, other than paid advertising, by which information about other proceedings of the city agency, department, board, division, commission, or council is regularly provided to the public.~~

~~(h) — Nothing in subsection (b) prohibits a member or an employee of a city agency, department, board, division, commission, or council from expending personal funds, making a contribution, or using personal time to urge electors to vote for or against an issue, question, or measure described in subsection (b).~~

~~(i) — If a candidate who is also an incumbent inadvertently or unavoidably expends public moneys for campaign purposes, the candidate must reimburse the city for the amount of money spent for campaign purposes.~~

~~(j) — A resident of the City and County of Denver who believes there has been a violation of this section may file a complaint with the clerk and recorder in accordance with section 15-40. Appropriate relief shall be an order from the hearing officer directing the person who made or caused to be made the contribution or expenditure in violation of this section to reimburse the fund of the city from which the moneys were diverted for the amount of the contribution or expenditure or injunctive relief enjoining the continuance of the violation.~~

Secs. 15-47. – 15-50. - Reserved.

1 **DIVISION 2. - DENVER FAIR ELECTIONS FUNDACT**

2 **~~Sec. 15-48. - Purpose and findings.~~**

3 ~~This division shall be known as the Denver Fair Elections Act. Its purpose is to advance the findings~~
4 ~~and declarations articulated by the people of Denver in section 15-31 of the Denver Municipal Code.~~

5
6 **Sec. 15-5149. - Definitions.**

7 In addition to the definitions set forth in division 1, the following words and phrases shall have the
8 following meanings:

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

11 (1) “Debate” means the moderated reciprocal discussion of issues among participating
12 candidates on the ballot for the same office.

13 (24) ~~“Fund” means the Fair eElections fFund created by section 15-52.~~

14 (32) ~~“Match-eligible contribution” means any contribution subject to the limits in section 15-~~
15 ~~54 to a no more than fifty dollars (\$50.00) of the total amount of contributions received by a~~
16 ~~participating candidate from a single Denver resident who is a natural person during the election cycle.~~
17 ~~The maximum amount of a contribution that is eligible for match is fifty dollars (\$50.00) per contributor.~~

18 (43) ~~“Participating candidate” means a candidate running in a general or special election for~~
19 ~~the office of mayor, city council, clerk and recorder, judge, and auditor who has been certified by the~~
20 ~~clerk and recorder to participate in the fair elections campaign funding program pursuant to this~~
21 ~~division as eligible to receive payments from the fund.~~

22 (54) ~~“Qualifying contributions” means a contributions received during the qualifying period of~~
23 ~~at least five dollars (\$5.00) each from unique contributors who are, but not greater than the limits~~
24 ~~in section 15-54, to a candidate running for the office of mayor, judge, city council, clerk and recorder,~~
25 ~~and auditor from a natural persons and Denver residents who is a natural person.~~

26 (65) ~~“Qualifying period” means for the general municipal election, the period beginning on the~~
27 ~~January 1 immediately following the most recent election for the specific office and ending seventy-five~~
28 ~~(75) days before the election date, and. The qualifying period for any special or vacancy election~~
29 ~~starts the period beginning on the day that notice has been made for the special or vacancy election~~
30 ~~and ending on the date of certification or fifty (50) days before the election date, whichever is earlier.~~

31
32 **~~Sec. 15-50. - Severability.~~**

33 (a) ~~The provisions of this division and each of its sections, paragraphs, subparagraphs,~~
34 ~~sentences, and clauses are severable. If any such provision is held to be invalid or unenforceable by~~

1 any judicial or administrative tribunal, it is the intent of the people of Denver that all other provisions
2 thereof shall remain in full force and effect.

3
4 **Sec. 15-521. - Fair Elections Ffund.**

5 (a) ~~Permitted uses of revenue in the fund. Establishment of the Fair Elections Fund.~~ A
6 special, dedicated Fair Elections Fund is established for the purpose of:

7 (1) ~~Providing Monies in the fund shall be expended solely on public financing for the election~~
8 ~~campaigns of certified participating candidates that have been certified pursuant to this division; and~~

9 (2) ~~Paying for the administrative costs of city staff related to the Fair Elections Act public~~
10 ~~campaign funding program, incurred by the city associated directly with the administration of the fund~~
11 ~~and the duties required under this article.~~

12 (b) ~~Annual Appropriations to the Fair Elections Fund.~~

13 (1) ~~The city council shall annually appropriate two dollars and eighty-eight cents (\$2.88)~~
14 ~~three dollars and forty-three cents (\$3.43) per City of Denver resident per year, as determined by the~~
15 ~~most recent official United States Census Bureau Population Estimate for the City of Denver, from the~~
16 ~~city general fund to the Fair Elections Ffund. The per-resident appropriation shall be adjusted every~~
17 ~~four (4) years by an amount based upon the percentage change over a four-year period in the United~~
18 ~~States Department of Labor (Bureau of Labor Statistics) consumer price index for Denver-Aurora-~~
19 ~~Lakewood, all items, all consumers, or its successor index, rounded to the nearest lowest one cent~~
20 ~~(\$0.01). The first adjustment shall be calculated prior to March 31, 2027 and before the second quarter~~
21 ~~of 2024 and then every four (4) years thereafter. The first adjustment shall take effect in January 2025~~
22 ~~and then every four (4) years thereafter. every four (4) years thereafter, and shall take effect on~~
23 ~~January 1, 2028, and every four (4) years thereafter.~~ The clerk and recorder shall calculate and specify
24 the adjusted amount in rules promulgated in accordance with ~~this article.~~ section 15-59.

25 a. ~~The mayor and council's duty to appropriate funds for the public financing program~~
26 ~~shall cease upon the termination of the public financing program.~~

27 b. ~~Appropriations to the Fund shall be made to satisfy the obligation created by~~
28 ~~subsection (a) of this section pursuant to Charter section 7.2.3 until the maximum amount allowed in~~
29 ~~the Fair Elections Fund is reached pursuant to subsection (b)(3) of this section.~~

30 (2) ~~Other sources of revenue in the Fund shall include:~~

31 a. ~~Unspent funds distributed to any participating candidate who does not remain a~~
32 ~~candidate until the election for which they were distributed, or such funds that remain unspent by a~~
33 ~~participating candidate;~~

34 b. ~~Other funds appropriated by the mayor and city council;~~

1 e. ~~Unexpended campaign contributions from any committee.~~

2 d. ~~Any interest generated by the Fund; and~~

3 e. ~~Any other sources of revenue determined as necessary by the city council.~~

4 (c3) Maximum fund balance. The amount in the Fair Elections Fund shall not exceed eight
5 nine million, five hundred forty-seven thousand, seven hundred and five dollars (\$8,000,000.00
6 \$9,547,705). ~~To comply with this limitation, revenue that would otherwise be deposited in the Fair~~
7 ~~Elections Fund pursuant to subsections (a) and (b) shall instead be deposited in the general fund.~~

8 (4) ~~The city council may, by adoption of an ordinance by not less than a two-thirds (2/3) vote~~
9 ~~of its membership, make an official declaration of fiscal emergency and suspend or reduce the amount~~
10 ~~of the annual appropriation specified in this subsection.~~

11 a. ~~Any such ordinance suspending or reducing the annual appropriation shall be~~
12 ~~effective for no more than one (1) year.~~

13 (c) ~~Periodic adjustments to appropriations.~~ The fund limit specified in subsection (b)(3) of
14 this section and the aggregate amounts in section 15-56 (b) shall be The maximum fund balance shall
15 be adjusted every four (4) years by an amount based upon the percentage change over a four-year
16 period in the United States Department of Labor (Bureau of Labor Statistics) consumer price index
17 for Denver-Aurora-Lakewood, all items, all consumers, or its successor index, rounded to the nearest
18 lowest five dollars (\$5.00) increment. ~~The first adjustment shall be done before the second quarter of~~
19 ~~2024 and then every four (4) years thereafter take effect on January 1, 2028 and every four years~~
20 ~~thereafter.~~ The clerk and recorder shall calculate such adjustments and specify the adjusted amount in
21 rules promulgated in accordance with this article.

22 (d) Fiscal emergency. The city council may suspend or reduce the amount in the annual
23 appropriation in this section by adoption of an ordinance approved by a two-thirds vote declaring a
24 fiscal emergency.

25
26 **Sec. 15-52. - Offices covered.**

27 (a) ~~Candidates for the office of mayor, city council, clerk and recorder, judge, and auditor~~
28 ~~shall be eligible to participate in the public campaign financing program established by this division,~~
29 ~~pursuant to the restrictions, requirements, and provisions specific to these respective offices.~~

30
31 **Sec. 15-53. - Eligibility for fair elections campaign funding. Certification of participating**
32 **candidates.**

33 (a) Eligibility for certification. To be eligible to be certified for certification as a participating
34 candidate, a candidate must comply with the contribution limits identified in this division 2 throughout

1 the election cycle and have received the following number of qualifying contributions from unique
2 contributors before the close of the qualifying period:

3 (1) For the office of mayor, two-hundred and fifty (250), and
4 (2) For all other offices, one hundred (100).

5 (b) Application for certification. Prior to receiving fund payments, a candidate eligible for
6 certification shall file an application seeking certification to receive payments from the fund within the
7 qualifying period in the manner provided by the clerk and recorder. Each application shall contain:

8 ~~(1) Before the end of the qualifying period for the election involved, file with the clerk and~~
9 ~~recorder an application for certification as a participating candidate, containing t~~The identity of the
10 candidate, and the office that the candidate seeks;

11 (2) An affirmation that the candidate and the candidate's committee and the candidate's
12 signature, under penalty of perjury, certifying that:

13 ~~a. The candidate has complied with the restrictions of this chapter~~ requirements of
14 this article during the election cycle to as of the date of the application and will continue to comply with
15 the requirements of this article during the remainder of the election cycle;

16 ~~b. The candidate's campaign committee has filed all campaign finance reports~~
17 ~~required by law during the election cycle to date and that they are complete and accurate; and~~

18 ~~c. The candidate will comply with the requirements of this division during the~~
19 ~~remainder of the election cycle and, specifically, if certified as a participating candidate, will comply~~
20 ~~with the requirements applicable to participating candidates.~~

21 ~~(2) Before the close of the qualifying period, ensure that the following number of qualifying~~
22 ~~contributions from unique contributors have been collected by the candidate or the candidate's~~
23 ~~campaign committee;~~

24 ~~a. For the office of mayor: Two hundred fifty (250).~~

25 ~~b. For the office of city council, auditor, judge, or clerk and recorder: 100.~~

26 (3) Ensure that each qualifying contribution and match-eligible contribution is acknowledged
27 by a receipt to the contributor, with a copy retained by the candidate for a period of two (2) years after
28 the election for which he or she is a candidate. The candidate shall provide a copy of the completed
29 rReceipts for each qualifying contribution with the application for certification as a qualifying candidate
30 along with a signed statement from the candidate affirming that all information on the qualifying
31 contribution receipts is complete and accurate to the best of the candidate's knowledge;

32 (4) A certification that the candidate will maintain two (2) separate bank accounts, one (1)
33 bank account for all public monies received from the fund and a second account for all other campaign
34 loans and contributions; and

1 (5) Any other information required by the clerk and recorder.

2 (c) Contents of qualifying contribution receipts. ~~The clerk and recorder shall not count a~~
3 ~~contribution as a qualifying contribution until the candidate has submitted a copy of a fully completed~~
4 ~~Receipts that includes for each qualifying contribution shall contain:~~

5 a. ~~T~~ the contributor's printed name, home address, and telephone number, if any,
6 and the name of the candidate receiving on whose behalf the contribution is made; and

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

11 (d4) Ministerial denial of certification. After ballot certification, be ~~The clerk and recorder shall~~
12 deny certification if the candidate is not in a race with at least one (1) other candidate for that office
13 after the ballot has been certified or the candidate has not received qualifying contributions on or
14 before the date of application. Any such denial shall be in writing, shall be issued within ten (10)
15 business days of receipt of the application, and shall be a final agency action.

16 (e) Discretionary denial of certification. The clerk and recorder may deny certification if the
17 application contains any fraudulent, misrepresented, or false statement of relevant fact or the
18 candidate has violated or failed to comply with the requirements of this chapter or any other campaign
19 finance law. Any such denial shall be in writing and shall be issued within ten (10) business days of
20 receipt of the application. Any person who has been issued a denial of certification pursuant to this
21 subsection may seek review of the denial by filing a petition with the clerk and recorder no later ten
22 (10) business days after receipt of the denial. Compliance with the provisions of this subsection shall
23 be a jurisdictional prerequisite to appeal any denial pursuant to this subsection and failure to comply
24 shall bar any such appeal. Upon receipt of a petition, the clerk and recorder shall appoint a hearing
25 officer to render a final determination on the appeal, pursuant to the procedures identified in section
26 15-44. The clerk and recorder shall bear the burden to establish, by a preponderance of evidence, that
27 a violation was committed by the applicant or that the application contained a fraudulent,
28 misrepresented, or false statement of relevant fact.

29
30 **Sec. 15-54. - Requirements for participation; debate requirement in the fair elections program.**
31 In addition to the requirements identified in division 1, the following requirements shall apply to
32 participating candidates.

33 (a) Except as provided in subsection (g) of this section, participating candidates and
34 candidates seeking certification may not accept contributions from natural persons above these limits.

Mayor	\$500.00
Councilmember-at-large, Judge, Clerk and Recorder, Auditor	\$350.00
District councilmember	\$200.00

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~Each election cycle limit on contributions and contributions in-kind in this subsection (a) shall be adjusted by an amount based upon the percentage change over a four-year period in the United States bureau of labor statistics consumer price index for Denver-Aurora-Lakewood, all items, all consumers, or its successor index, rounded to the nearest lowest five dollars (\$5.00). The first adjustment shall be done before the second quarter of 2024 and then every four (4) years thereafter. The clerk and recorder shall calculate such an adjustment in each limit and specify the limits in rules promulgated in accordance with section 15-59.~~

~~(b) Participating candidates and candidates seeking certification may accept contributions only from natural persons or a small donor committee, as defined in section 15-32(p), and may not accept contributions from any local, state, or federal issue, candidate, or political action committee. A participating candidate or a candidate seeking certification may not accept contributions from a small donor committee in the aggregate in excess of ten (10) times the contribution limit for participating candidates for the office that the candidate seeks.~~

~~(ae) Receipts for match-eligible contributions. Participating candidates shall obtain and retain the record of receipts for all qualifying contributions and each match-eligible contributions required by section 15-53(a)(3) which shall contain the same information required for each contribution making up a qualifying contribution.~~

~~(b) Receipt retention. Participating candidates shall retain receipts for each contribution making up the qualifying contributions and each match-eligible contribution for a period of two (2) years after the election.~~

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

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

1 ~~deficiency in accordance with section 15-35(e).~~

2 ~~(e)(4c) Debate participation. Participating candidates must agree to participate in at least one (1)~~
3 ~~public debate with other participating candidates who are opponents in the general election and at~~
4 ~~least one (1) public debate with the participating candidate who is the opponent in a run-off election if~~
5 ~~offered. For purposes of this section, a "debate" means the moderated reciprocal discussion of issues~~
6 ~~among candidates on the ballot for the same office.~~

7 ~~(1) ___ If there is only one (1) candidate for a given office on the ballot, or if the only other~~
8 ~~candidate or candidates on the ballot for the given office are not participating candidates in the Fair~~
9 ~~Elections Fund, then no debate for that given office shall be held required pursuant to this section.~~

10 ~~(2) Each debate held pursuant to this section shall be at least one (1) hour's duration and~~
11 ~~shall take place only after the ballot is certified but no later than fifteen (15) days before the election.~~
12 ~~The clerk and recorder's office shall select one (1) or more sponsors for each debate required pursuant~~
13 ~~to this section.~~

14 ~~(3) The clerk and recorder shall organize debates held for participating candidates pursuant~~
15 ~~to this section but shall not moderate the debate or have any direct role in formulating the questions.~~
16 ~~The clerk and recorder may enter into agreements to stage, moderate, publicize, and provide other~~
17 ~~services related to holding the debate.~~

18 ~~(4) Entities providing services for a debate may not have endorsed, supported, opposed,~~
19 ~~contributed to, or made any electioneering communication or independent expenditure related to any~~
20 ~~candidate during the election cycle, nor may such entities be affiliated with a political party. Entities~~
21 ~~providing debate services shall disclose any prior relationship with a candidate to the clerk and~~
22 ~~recorder.~~

23 ~~(5) The clerk and recorder shall ensure that each debate is broadcasted and that~~
24 ~~participating candidates are consulted and notified at least ten (10) business days prior to holding a~~
25 ~~debate, and at least three business (3) days prior to holding a rescheduled debate.~~

26 ~~(6) Debates shall not be structured to promote or advance one candidate over another.~~

27 ~~(7) Each debate shall be held at a facility compliant with the Americans with Disabilities Act~~
28 ~~(ADA), 42 U.S.C. § 12101, and the regulations adopted thereunder.~~

29 ~~(3) ___ Written applications by organizations to sponsor a debate shall be submitted to the clerk~~
30 ~~and recorder's office on a form provided by the clerk not later than a date chosen by the clerk and~~
31 ~~recorder in any year in which a municipal election is held with the parameters that the debate takes~~
32 ~~place after the ballot is certified and before ballots are mailed in accordance with C.R.S. § 1-7.5-~~
33 ~~407(3)(a)(l). The written application shall:~~

34 a. ___ Demonstrate that the organization and any proposed co-sponsor meet the criteria

1 established in this section;

2 b. ~~Specify any elections and offices for which the organization seeks to sponsor~~
3 ~~debates;~~

4 c. ~~Set forth proposed dates, times, durations, and locations of the debates and the~~
5 ~~circumstances under which the dates or times may be changed, together with a provision for when the~~
6 ~~rescheduled debates will be held;~~

7 d. ~~Provide a detailed description of the format and ground rules for the debates;~~

8 e. ~~Verify that the staging, promotion, and coverage of the debates shall be in~~
9 ~~conformance with all applicable laws;~~

10 f. ~~Include an agreement to indemnify the city for any liability arising from the acts or~~
11 ~~omissions of the sponsor; and~~

12 g. ~~Set forth plans for publicity and for broadcast and other media coverage for the~~
13 ~~debates.~~

14 (f) ~~Participating candidates and candidates seeking certification must comply with all~~
15 ~~requirements for candidate affidavits, organization, registration, and reporting for candidate~~
16 ~~committees in sections 15-33 and 15-35.~~

17 (g) ~~Participating candidates may not donate to their own campaigns in an aggregate amount~~
18 ~~greater than the limits in section 15-54(a). However, a candidate may, before the clerk certifies the~~
19 ~~candidate as a participating candidate, personally loan his or her own campaign seed money up to five~~
20 ~~thousand dollars (\$5,000.00). Any money loaned must be repaid by the campaign, from the account~~
21 ~~that does not include public monies, before the clerk may disburse any public matching funds to the~~
22 ~~candidate. Any portion of the loan not repaid is deemed a contribution and must comply with applicable~~
23 ~~contribution limits and reporting requirements.~~

24 (h) ~~A participating candidate must immediately cease obligating new Fair Elections Fund~~
25 ~~expenditures when:~~

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

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

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

33 (4) ~~If the candidate participated in the run-off election, the clerk certifies the run-off election~~
34 ~~results.~~

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

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

8
9 **~~Sec. 15-55. - Certification of participating candidates by clerk and recorder.~~**

10 (a) ~~No later than ten (10) business days after a candidate files with the clerk and recorder an~~
11 ~~application for certification as a participating candidate, the clerk and recorder shall notify the~~
12 ~~candidate whether the application is approved.~~

13 (b) ~~If the clerk and recorder determines that a candidate is not certified, the candidate is not~~
14 ~~required to comply with provisions of this division applicable only to participating candidates as of the~~
15 ~~date of the clerk's notice.~~

16 (c) ~~The clerk and recorder's determination on the application for certification is a final action~~
17 ~~subject to judicial review.~~

18 (d) ~~A participating candidate's initial request for funds from the Fair Elections Fund within the~~
19 ~~application for certification as a participating candidate shall be made using a form prescribed by the~~
20 ~~clerk and recorder and shall be accompanied by qualifying contribution receipts and any other~~
21 ~~information the clerk and recorder deems necessary. The clerk and recorder shall verify that a~~
22 ~~candidate's qualifying contributions meet all the requirements and restrictions of this division before the~~
23 ~~disbursement of funds from the Fair Elections Fund to the candidate.~~

24
25 **~~Sec. 15-565. - Fair Elections Fund payments.~~**

26 (a) Match amount. ~~Except as otherwise provided in subsection (d), p~~Participating candidates
27 shall receive payments ~~of funds from the Fair Elections F~~fund equal to nine-hundred percent (900
28 percent) of times the amount of match-eligible contributions up to fifty dollars (\$50.00) received by the
29 candidate during the election cycle with respect to a single election, subject to the aggregate limit on
30 the total amount of Fair Elections Fund payments to a candidate specified in this section subsection
31 (b). The maximum amount of a single contribution eligible for match shall be fifty dollars (\$50.00) and
32 the maximum match payment from the fund to a participating candidate shall be four-hundred fifty
33 dollars (\$450.00) per contribution. The maximum match is \$50 per donor per candidate in an election
34 cycle.

1 (b) Aggregate limit on fund payments. Except as otherwise provided in subsection (d), ~~t~~The
2 aggregate amount of ~~Fair Elections Fund~~ fund payments that may be made to a participating candidate
3 may accept during an election cycle shall ~~may~~ not exceed:

4 (1) Eight hundred ninety-five thousand and ninety-five dollars (\$895,095.00) for a
5 participating candidate running for the office of mayor;

6 (2) Two hundred ninety-eight thousand,
7 three hundred sixty-five (\$298,365.00) for a participating candidate running for the office of
8 councilmember-at-large, clerk and recorder, judge or auditor; and

9 (3) One hundred forty-nine thousand, one hundred eighty dollars (\$149,180.00) for a
10 participating candidate running for the office of district councilmember.

11 (4) The aggregate amount of fund payments that a participating candidate may accept
12 during an election cycle may be adjusted to comply with an increase in contribution limits pursuant to
13 section 15-57.

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

16 (1) ~~The clerk must authorize payment of the eligible monies~~ Schedule of payments. For
17 participating candidates running in the general municipal election, the clerk and recorder shall
18 authorize the first payment on the August 15 immediately preceding the regularly scheduled general
19 municipal general election; and shall authorize

20 (2) ~~S~~ subsequent payments must be authorized in conjunction with the due date of the
21 campaign finance reports filed by candidates during no later than ten (10) days after the reporting
22 deadline identified in division 1 the year of a regularly scheduled municipal general election; , or as
23 soon thereafter as is practicable.

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

26 (4) ~~For participating candidates in a run-off election, the clerk and recorder shall authorize~~
27 the payment promptly after certification of the general municipal election results. For participating
28 candidates running in a special election held to fill a vacancy in office, the clerk will authorize the clerk
29 and recorder shall authorize the first payment of eligible monies in conjunction with the due dates of
30 campaign finance reports for the special election beginning with the report for the month when the
31 vacancy is declared no later than ten (10) days after the first reporting deadline identified in division 1
32 for special elections. ~~The clerk will authorize~~ For all participating candidates, the clerk and recorder
33 shall authorize the remaining payments of any remaining eligible monies to the candidates on the no
34 later than fourteenth (14) days before prior to the election.

1 (d) ~~The clerk and recorder shall provide each participating candidate with a written~~
2 ~~determination specifying the basis for any non-payment of funds from the Fair Elections Fund. The~~
3 ~~clerk and recorder shall provide participating candidates with a process by which they may~~
4 ~~immediately upon receipt of such determination petition the clerk and recorder for reconsideration of~~
5 ~~any such non-payment and such reconsideration shall occur within five (5) business days of the filing~~
6 ~~of such petition.~~ Run-off elections. Promptly after certification of the general municipal election results,
7 the clerk and recorder shall authorize a one-time payment to participating candidates in a run-off
8 election equal to twenty-five (25) percent of payments that the candidate received from the fund prior
9 to the certification of the general municipal election results.

10

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

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

18

19 **Sec. 15-586. - Insufficient funds in the program.**

20 ~~If the clerk and recorder determines that there are insufficient funds in the Fair Elections Fund to fund~~
21 ~~adequately the fund does not contain sufficient monies to provide all participating candidates the full~~
22 ~~amount of the aggregate limit on fund payments,~~ the clerk and recorder shall notify participating
23 candidates that the clerk and recorder will not likely be capable of distributing to all participating
24 candidates the maximum aggregate amount of Fair Elections Fund payments permissible
25 under section 15-54. Under such circumstances, at such time as the clerk and recorder is unable to
26 fulfill a valid application for funds from the Fair Elections Fund submitted by a participating candidate
27 pursuant to sections 15-53(a) and 15-54 the participating candidate may solicit for such candidate's
28 committee and accept contributions under the limit for candidates not participating in the program, and
29 is no longer subject to the requirements for participating candidates in sections 15-53 and 15-54 and
30 participating candidates may elect to be decertified.

31

32 **Sec. 15-57. - Contribution limits and prohibitions for participating candidates.**

33 (a) Aggregate contribution limit. Except as provided in subsection (f) of this section, no
34 participating candidate or candidate seeking certification shall accept contributions or contributions in

1 kind from a natural person that, in the aggregate during an election cycle, exceed the following
2 amounts:

3 (1) For the office of the mayor, \$595;

4 (2) For the offices of the auditor, judge, clerk and recorder, and councilmember-at large,
5 \$415; and

6 (3) For the office of district councilmember, \$235.

7 (b) *Small donor committee limit.* No participating candidate or candidate seeking certification
8 shall accept contributions or contributions in kind from a small donor committee that, in the aggregate
9 during the election cycle, exceeds ten (10) times the aggregate contribution limit applicable to natural
10 persons for the office the participating candidate seeks.

11 (c) *Inflation adjustment.* The aggregate contribution limit shall be adjusted every four (4)
12 years by an amount based upon the percentage change over a four-year period in the United States
13 Department of Labor (Bureau of Labor Statistics) consumer price index for Denver-Aurora-Lakewood,
14 all items, all consumers, or its successor index, rounded to the lowest five-dollar (\$5.00) increment.
15 The adjustment shall take effect on January 1, 2028, and every four (4) years thereafter. The clerk and
16 recorder shall specify the limits as adjusted in rules promulgated pursuant to this article and shall make
17 such limits available on the public website of the City and County of Denver.

18 (d) *Additional contribution limitations.* In addition to the limit on cash contributions and the
19 prohibited contributions identified in division 1, participating candidates and candidates seeking
20 certification may accept contributions only from natural persons or a small donor committee, and may
21 not accept contributions from any local, state, or federal issue, candidate, or political action committee.

22 (e) *Disposition of excess and prohibited contributions.* The treasurer of a committee who
23 receives any contribution, contribution in-kind, or portion thereof, which exceeds the aggregate
24 contribution limits in this division or which is prohibited in this division, shall remit such contribution,
25 contribution in-kind, or portion thereof as provided in division 1.

26 (f) *Personal donations and loan.* Participating candidates may not donate to their own
27 campaigns in an aggregate amount greater than the limits in this section. However, prior to
28 certification, a candidate may personally loan a candidate's own campaign seed money up to five
29 thousand dollars (\$5,000.00). Any money loaned must be repaid by the campaign, from the account
30 that does not include public monies, before the clerk may disburse any public matching funds to the
31 candidate. Any portion of the loan not repaid is deemed a contribution and must comply with applicable
32 contribution limits and reporting requirements.

33
34 **Sec. 15-58. – Use of fund payments.**

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

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

12 (b) Property purchased with fund monies. Participating candidates shall reimburse the city
13 for fund payments used to purchase personal or real property valued above an amount determined by
14 the clerk and recorder. Within sixty (60) days of notice of decertification, candidates shall either
15 reimburse the city in an amount equal to the money spent on the property or liquidate the property at
16 fair-market value and remit the proceeds as unexpended funds to the manager of finance.

17
18 ~~**Sec. 15-59. – Duties of the clerk and recorder – Violations – Persons ineligible for public funds –**~~
19 ~~**Time limit.**~~

- 20 ~~(a) – The clerk and recorder shall:~~
- 21 ~~(1) – Adopt rules and regulations if necessary for the implementation of this division of article~~
22 ~~III. Such rules shall be promulgated in accordance with D.R.M.C chapter 2, article VI.~~
- 23 ~~(2) – Prescribe forms and provide instructional materials for reports required to be filed by this~~
24 ~~division.~~
- 25 ~~(3) – Preserve and maintain all such submissions pursuant to this division and make them~~
26 ~~available for inspection and copying under the requirements of the state Public Records Act, and~~
27 ~~maintain an online repository of all information filed pursuant to this division which may be accessed by~~
28 ~~the public through the clerk’s website.~~
- 29 ~~(4) – Notify any committee or person involved if the clerk and recorder makes a determination~~
30 ~~of an apparent violation of this division, or if a written complaint about the committee or person is filed~~
31 ~~with the clerk and recorder pursuant to section 15-40 regarding compliance with this division.~~
- 32 ~~(5) – Audit the filings or submissions of various candidate committees as needed to ensure~~
33 ~~that the committees fully comply with the provisions of this division.~~
- 34 ~~(b) – Complaints and duties of the clerk and recorder regarding potential violations of this~~

1 ~~article shall be governed by the provisions in Sections 15-40 and 15-41.~~

2 ~~(c) If a participating candidate violates any portion of this division, the candidate, in the~~
3 ~~hearing officer's discretion, may be ordered to return any public matching funds previously received,~~
4 ~~may be ineligible to receive any further matching funds for that election, and may be subject to a civil~~
5 ~~penalty.~~

6
7 **Sec. 15-59. – Enforcement, penalties, and decertification.**

8 (a) In general. Complaints, investigations, and enforcement of violations under this division
9 shall be conducted as provided in division 1. Penalties under this division shall be in addition to those
10 provided in division 1.

11 (b) Withholding of payments pending decertification. The clerk and recorder may withhold
12 payments from the fund upon a reasonable belief that the participating candidate has failed to comply
13 with any provision of this chapter and shall provide a participating candidate with a written
14 determination specifying the basis for any non-payment of funds within ten (10) days of such
15 withholding. Upon receipt of the written determination, a participating candidate may petition the clerk
16 and recorder for reconsideration of the non-payment, and the clerk and recorder shall make a
17 determination on such petition within five (5) business days of the filing of such petition. If the petition
18 is denied, the clerk and recorder shall issue a decertification or release the funds no later than thirty
19 (30) days after providing the initial written determination pursuant to this subsection.

20 (c) Ministerial decertification. The clerk and recorder shall decertify a participating candidate
21 if the participating candidate is not in a race with at least one (1) other candidate for that office after the
22 ballot has been certified, the participating candidate dies, is disqualified, withdraws from the race, fails
23 to qualify for the ballot, fails to qualify for the run-off, or the election results have been certified. Any
24 such decertification shall be issued in writing and shall be a final agency action.

25 (d) Discretionary decertification. The clerk and recorder may decertify a participating
26 candidate if the candidate's application for certification contained a fraudulent, misrepresented, or false
27 statement of relevant fact or the participating candidate has not complied with the requirements of this
28 chapter or any other campaign finance law. Any such decertification shall be in writing and
29 participating candidate who has been decertified pursuant to this subsection may seek review of the
30 decertification by filing a petition with the clerk and recorder no later than ten (10) business days after
31 receipt of the decertification. Compliance with the provisions of this subsection shall be a jurisdictional
32 prerequisite to appeal any decertification pursuant to this subsection and failure to comply shall bar
33 any such appeal. Upon receipt of a petition, the clerk and recorder shall appoint a hearing officer to
34 render a final determination on the appeal, pursuant to the procedures identified in section 15-44. The

1 clerk and recorder shall bear the burden to establish, by a preponderance of evidence, that a violation
2 was committed by the applicant or that the original application contained a fraudulent, misrepresented,
3 or false statement of relevant fact.

4 (e) *Unexpended fund monies after decertification.* Immediately upon the occurrence of an
5 event that qualifies the participating candidate for ministerial decertification, or immediately upon notice
6 of discretionary decertification, a candidate shall not spend or commit to spending any monies
7 received from the fund except to satisfy obligations entered into prior to decertification. The candidate
8 shall remit any unexpended funds to the manager of finance within sixty (60) days of the notice of
9 decertification, and the manager shall remit such monies to the fund.

10 (f) *Order to reimburse fund payments.* Upon finding a violation of this article, a hearing
11 officer may order any participating candidate or former participating candidate to reimburse the city for
12 fund payments. Such payments shall be remitted to the manager of finance, and the manager shall
13 remit such monies to the fund.

14
15 **Sec. 15-60. - Effective date and applicability.**

16 (a) ~~This bill takes effect only upon the withdrawal of the "Democracy for the People" initiative~~
17 ~~from the ballot for the special municipal election to be held at the same time and in conjunction with the~~
18 ~~November 6, 2018, general election and applies to all municipal elections beginning with the municipal~~
19 ~~election cycle beginning on January 1, 2020.~~

20
21 **Sec. 15-60 – Reserved.**

22
23 COMMITTEE APPROVAL DATE: January 28, 2025

24 MAYOR-COUNCIL DATE: February 4, 2025

25 PASSED BY THE COUNCIL February 18, 2025

26 *Anursh P. Sandora* - PRESIDENT

27 APPROVED: *Michael C. Johnston* - MAYOR 02/19/2025
Michael C. Johnston (Feb 19, 2025 13:54 MST)

28 ATTEST: _____ - CLERK AND RECORDER,
29 EX-OFFICIO CLERK OF THE
30 CITY AND COUNTY OF DENVER
31

32 NOTICE PUBLISHED IN THE DAILY JOURNAL _____; _____

33
34 PREPARED BY: Anshul Bagga, Assistant City Attorney; DATE: February 5, 2025

35

1
2
3
4
5
6
7
8
9
10

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

Kerry Tipper, City Attorney

BY: Anshul Bagga, Assistant City Attorney

DATE: February 19, 2025