

ARTICLE III. CAMPAIGN FINANCES 

[Sec. 15-31. Legislative intent.](#)

[Sec. 15-32. Definitions.](#)

[Sec. 15-33. Candidate affidavit, reporting, and disclosure.](#)

[Sec. 15-34. Organization of political committees.](#)

[Sec. 15-35. Reporting requirements.](#)

[Sec. 15-36. Filing of reports.](#)

[Sec. 15-37. Limitations on contributions and contributions in-kind.](#)

[Sec. 15-38. Use of campaign funds restricted.](#)

[Sec. 15-39. Duties of the clerk and recorder.](#)

[Sec. 15-40. Complaints; duties of clerk and recorder.](#)

[Sec. 15-41. Penalties.](#)

[Sec. 15-42. Responsibility for communications.](#)

[Sec. 15-43. Reserved.](#)

[Sec. 15-44. Expenditures for political advertising; rates and charges.](#)

[Sec. 15-45. Encouraging withdrawal from campaign prohibited.](#)

[Sec. 15-46. Rules and regulations.](#)

[Secs. 15-47—15-60. Reserved.](#)

Sec. 15-31. Legislative intent. 

(a)

As a home rule city under Article XX of the Colorado Constitution, the council hereby finds and declares that preserving integrity and openness in the political process is a matter of the highest public interest; that the people of Denver can be better served through a more informed electorate; that the trust of the people is essential to representative government; and that public disclosure and regulation of certain campaign contributions are necessary to promote public confidence in government and to protect the integrity of the electoral process.

(b)

The council further finds and declares that regulation of campaign contributions is required because the costs of running political campaigns have dramatically escalated in recent years, leading to a public perception that special interests and wealthy individuals may have undue influence on or access to elected officials.

(c)

It is the policy of the city to promote and encourage broad-based citizen involvement in the financing of election campaigns. It is the intent of this article to foster an open political process which allows incumbents and challengers alike to compete in the marketplace of ideas on a fair and equitable basis. The people of Denver will best be served by a process which promotes the fullest and most thorough discussion and debate of issues and candidates.

(d)

The council further finds and declares that adequate enforcement of the provisions of this article is required to protect public confidence in the political process.

(e)

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

(Ord. No. 125-91, § 1, 2-19-91; Ord. No. 649-94, § 1, 8-22-94; Ord. No. 113-09, § 1, 2-23-09)

Sec. 15-32. Definitions.

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

(1)

Candidate shall mean any person who:

a.

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

- The person has publicly announced an intention to seek election or re-election to office and the person or a candidate committee authorized by the person has received contributions and contributions in-kind or has made expenditures aggregating five hundred dollars (\$500.00) or more during the election cycle; or
- The person has filed nominating petitions pursuant to Charter section 8.2.7; or
- The person has filed a declaration of intent to run for another term as judge under Charter subdivision 4.1.5.

b.

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

(2)

Candidate committee shall mean a political committee authorized by a candidate to receive contributions or contributions in-kind or make expenditures on behalf of such candidate.

(3)

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

(4)

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

a.

A transfer of money between one (1) political committee and another (which shall be a contribution to the committee which receives the money);

b.

A gift of money to or for any incumbent in an elected Charter office, the purpose of which is to compensate the person for public service or to help defray expenses incident thereto, but which are not covered by official compensation;

c.

The payment by any person of compensation for the personal services of another person which are rendered to a political committee;

d.

A payment made to a third party at the request of or with the prior knowledge of a candidate or political committee or agent of either;

e.

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

f.

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

g.

An unpaid financial obligation which is forgiven.

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

(5)

Contribution in-kind shall mean a gift or loan of any item of real or personal property, other than money, made to or for any candidate or political committee for the purpose of influencing an

election or for the purpose of disseminating newsletters related to the scope of duties of an incumbent. "Contribution in-kind" does not include services provided without compensation by any individual who volunteers on behalf of a candidate or political committee or an endorsement of candidacy or issue by any person. In determining the value to be placed on contributions in-kind, a reasonable estimate of the fair market value shall be used.

(6)

Contributor shall mean any person who makes a contribution or contribution in-kind.

(7)

Election shall mean any city general election or runoff election; any special election held to elect Charter officers listed in Charter section 9.2.1(A), held under Charter [section 1.1.13](#) or 9.7.9, or at which an issue is submitted to the electorate as required by part 3 of article VIII of the Charter; any election at which a Charter amendment or the question of issuing bonds is submitted to the electorate; or any election held under Article X, Section 20, paragraph (3) of the Colorado Constitution.

(8)

For the candidates of mayor, auditor, clerk and recorder, and member of city council, *election cycle* shall mean the period from January 1 of the year following a general municipal election held to elect Charter officers listed in Charter section 9.2.1 through December thirty-first of the next year in which such an election is held. For judges in their first term, election cycle shall mean the date from appointment as a judge through December thirty-first of the year in which the judge is subject to a retention election as required by subdivision 4.1.5 of the Charter. For judges in other terms, election cycle shall mean the period from January first of the year following the last election for retention of the judge through December thirty-first of the year in which the next retention election is held. For any vacancy election, the election cycle shall end on December thirty-first of the year in which the vacancy election is held and a new election cycle shall begin on January first of the following year, and shall end on December thirty-first of the next year in which a general municipal election is held. For any ballot issue or ballot question, election cycle shall mean the calendar period from January first through December thirty-first.

(9)

Expenditure shall mean the purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, made by any person for the purpose of influencing an election. *Expenditure* includes a transfer of money between one (1) political committee and another (which shall be an *expenditure* by the committee which transfers the funds).

An *expenditure* occurs when the actual payment is made. A written contract, promise or agreement to make an *expenditure* shall be considered and reported as an unpaid obligation if payment is thirty (30) days or more overdue.

(9.5)

Issue committee shall mean a political committee as defined by subsection 15-32(11), D.R.M.C.

(10)

Person shall have the same meaning as contained in section 1-2(12) of the Revised Municipal Code.

(11)

Political committee shall mean any committee, club, association or other group of persons which receives contributions or contributions in-kind aggregating five hundred dollars (\$500.00) or more during an election cycle and which makes expenditures aggregating five hundred dollars (\$500.00) or more during an election cycle. Political committee shall include a separate political education or political action fund or committee which is associated with an organization or association formed principally for some other purpose and shall include an organization or association formed principally for some other purpose insofar as it receives contributions or contributions in-kind or makes expenditures for the purpose of influencing an election. Political committee includes a committee, club, association or other group which solicits contributions or contributions in-kind and places such contributions or contributions in-kind in its treasury for distribution to campaigns. Political committee does not include a committee, club, association or other group which solicits individual contributions and passes those contributions along to campaigns without placing the contributions in its own treasury prior to distribution to a political committee.

(Ord. No. 125-91, § 1, 2-19-91; Ord. No. 649-94, § 1, 8-22-94; Ord. No. 85-07, § 1, 2-26-07; Ord. No. 113-09, § 2, 2-23-09; Ord. No. 590-10, § 1, 11-1-10)

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

(a)

Within ten (10) days after becoming a candidate as defined in subsection 15-32(1) a., each candidate shall certify by affidavit filed with the clerk and recorder that the person is familiar with the provisions of this article.

(b)

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

(c)

All candidates, including incumbent officeholders who become candidates for re-election, shall file a financial disclosure statement within fifteen (15) days after becoming a candidate. The statement shall be filed with the clerk in accordance with and containing the information required by section 2-72(d) and (e) of the Revised Municipal Code.

(Ord. No. 649-94, § 1, 8-22-94; Ord. No. 1098-02, § 3, 12-30-02; Ord. No. 113-09, § 3, 2-23-09; Ord. No. 590-10, § 2, 11-1-10)

Sec. 15-34. Organization of political committees.

(a)

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

(b)

Every political committee shall file a statement of organization with the clerk and recorder no later than ten (10) days after becoming a political committee as defined by section 15-32(11) of this article. The statement of organization of a political committee shall include:

(1)

The name and address of the political committee and the name of the candidate or description of the issue that the political committee supports or opposes, and any other purpose of the committee; and

(2)

The name, address and telephone number of the treasurer of the political committee; and

(3)

A list of any financial institution or depository used by the committee.

(c)

The treasurer of every political 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 political committee as defined in section 15-32(11); 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.

(d)

Any contributions or contributions in-kind received or expenditures made by the political committee during the election cycle, but prior to becoming a political committee as defined by section 15-32(11) shall be reported in the first report required under section 15-35.

(e)

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

(f)

All funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual. All funds of a political committee shall be deposited in a financial institution in an account whose title shall include the name of the political committee. The account shall be used solely by the political committee.

(g)

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

Sec. 15-35. Reporting requirements. 

(a)

The treasurer of each political committee shall file reports of receipts and disbursements in accordance with the provisions of this section. The treasurer or his or her designated agent shall sign each such report.

(b)

For years in which there is an election which the political committee seeks to influence by making contributions, contributions-in-kind, or expenditures, the treasurer shall file the following reports:

(1)

For the calendar year in which there is a general city and county election and run-off election the following reports shall be filed by any candidate for office, any treasurer of an issue committee, or by any incumbent officeholder who is seeking re-election:

a.

Monthly reports for the months of January, February, and March, which shall be complete through the last day of the month and which shall be filed no later than the fifth day of the following month;

b.

A pre-election report, which shall cover the period beginning April 1 and shall be complete through the Wednesday prior to the general city and county election and which shall be filed no later than the Thursday prior to the general city and county election;

c.

A post-election report, which shall be filed no later than the Thursday prior to the scheduled date for a run-off election and which shall be complete through the Wednesday prior to the schedule date for a run-off election;

d.

A post-run-off-election report, which shall be filed only by those candidates listed on the run-off ballot, which shall be filed no later than the thirtieth day after the run-off election, and which shall cover the period from the Thursday prior to the run-off election and which shall be complete through the twenty-fifth day after the run-off election; and

e.

A year-end report, which shall be filed no later than the thirty-first day of January of the following year and which shall cover the period from: the Thursday prior to run-off election for those candidates not listed on the ballot for the run-off election (follow-up to the post-election report) through December 31; or the twenty-sixth day after the run-off election for those candidates listed on the ballot for the run-off election (follow-up to the post-run-off-election report) through December 31.

(2)

For each month prior to a special election, beginning in the month that candidacy is declared or an issue committee becomes a political committee as defined by subsection 15-32(12) of this article, the following reports shall be filed by any candidate for the office or offices to be determined at the special election or any treasurer of an issue committee seeking to influence an election:

a.

Monthly reports for each month prior to the month before the special election which shall be complete through the last day of the month and which shall be filed no later than the fifth day of the following month;

b.

A pre-election report, which shall cover the period beginning the first day of the month before the month in which the special election is to be held and which shall be complete through the Wednesday prior to the special election and which shall be filed no later than the Thursday prior to the special election;

c.

A post-election report, which shall be filed no later than the thirtieth day after the special election, and which shall be complete beginning with the Thursday prior to the special election through the twenty-fifth day after the special election; and

d.

A year-end report, which shall be filed no later than the thirty-first day of January of the following year and which shall cover the period from the twenty-sixth day after the special election through December 31.

(3)

Any incumbent office holder who does not seek re-election in any year in which there is a general or special city election shall file a report covering the period beginning January 1 and ending December 31 of the year in question, which shall be filed no later than January 31 of the following calendar year.

(c)

In any other calendar year a report shall be filed covering the period beginning January 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year.

(d)

Each report required by this section shall contain the following information:

(1)

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

(2)

For the reporting period and the election cycle, the total amount of all contributions and contributions in-kind to or for the political committee;

(3)

The identification by name and address of each person who makes a contribution or contribution in-kind to the reporting committee during the reporting period and whose contributions and contributions in-kind have an aggregate amount or value of fifty dollars (\$50.00) or more within the calendar year, together with the amount and date of such contribution and contribution in-kind and the aggregate contribution and contribution in-kind of such person during the election cycle. The reporting committee may elect to file a listing of all contributions and contributions in-kind during the reporting period, but such listing must include the name and address of each contributor, along with the aggregate contribution and contribution in-kind of such contributor during the election cycle;

(4)

The occupation and employer of any natural person if the sum of that person's contribution and contribution in-kind is two hundred dollars (\$200.00) or more in a calendar year. In fulfilling the obligations of this subparagraph (4), the treasurer of a political committee must show that best efforts have been used to obtain the information required. The treasurer will not be deemed to have exercised best efforts to obtain the required information unless he or she has made at least one (1) effort per contribution or contribution in-kind, either by written request or by oral request documented in writing to obtain the information from the contributor. The effort shall consist of a clear request for the information which informs the contributor that the reporting of the information is required by law;

(5)

For the reporting period and the election cycle, the total amount of all expenditures;

(6)

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

(7)

The name and address of any bank or other depository for funds used by the political committee;

(8)

The details of any loan of money, letter of credit, line of credit, or commercial loan made to the reporting political committee during the reporting period, including: identification of the lender or entity extending the letter of credit, line of credit, or commercial loan; identification of any lender, endorser or guarantor of such loan, letter of credit, line of credit, or commercial loan; the amount guaranteed; the date; the amount or value of the loan, line of credit, letter of credit, or commercial loan; the method of disposition of the loan, letter of credit, line of credit, or

commercial loan; the balance due on the loan, letter of credit, line of credit, or commercial loan; and the terms of interest and the total amount of interest, if any; and

(9)

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

(e)

If any report required by this section is deemed to be incomplete by the clerk and recorder, the clerk and recorder shall accept such report on a conditional basis and shall notify the committee treasurer by mail and by telephone with respect to any deficiencies found.

(f)

Notwithstanding any other report required under this section, the treasurer of any political committee shall file a report of any contribution or contribution in-kind of five hundred dollars (\$500.00) or more received by the political committee at any time within six (6) days preceding the election. Such report shall be delivered to the clerk and recorder no later than the next business day after receipt of the contribution or contribution in-kind.

(g)

The reporting requirements of this section shall apply to any political committee which has a cash balance of contributions or contributions in-kind or an expenditure deficit. The reporting obligations of this section shall end when:

(1)

The report shows no unexpended balance and no expenditure deficit; or

(2)

The political committee has not received any contributions or contributions in-kind or made any expenditures during the election cycle, provided, however, all reports for the previous election cycle are complete.

(h)

At any event at which a political committee collects contributions in a central location, commonly known as fishbowl contribution, the political committee shall:

(1)

Provide a sign-up sheet next to the "fishbowl" (the central location in which contributions are collected) to obtain the information required by subsections 15-35(d)(3) and 15-35(d)(4); and

(2)

Post a sign, with the letters in the sign not to be less than one-fourth of an inch in height or twenty-four (24) point type size, that has been approved by the clerk and recorder and that describes the information required.

(i)

If a reporting day falls on a weekend, legal holiday, or a City and County of Denver furlough day, the report shall be filed by the next business day. If a reporting day falls on a day when the city is fully or partially closed for business, then the report shall be filed in accordance with any and all rules or policies designated by the clerk and recorder.

(Ord. No. 125-91, § 1, 2-19-91; Ord. No. 328-91, § 1, 5-13-91; Ord. No. 612-91, § 1, 8-19-91; Ord. No. 649-94, § 1, 8-22-94; Ord. No. 1028-94, § 1, 12-12-94; Ord. No. 113-09, § 5, 2-23-09; Ord. No. 590-10, § 3, 11-1-10)

Sec. 15-36. Filing of reports.

(a)

The treasurer of a political committee shall file all reports required by this article with the clerk and recorder.

(b)

Reports required to be filed by this article shall be deemed timely filed if received by the clerk and recorder no later than 5:00 p.m. on the designated day.

(c)

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

(Ord. No. 125-91, § 1, 2-19-91; Ord. No. 649-94, § 1, 8-22-94; Ord. No. 113-09, § 6, 2-23-09; Ord. No. 590-10, § 4, 11-1-10)

Sec. 15-37. Limitations on contributions and contributions in-kind.

(a)

For any particular election cycle, including a recall election, no person shall make contributions or contributions in-kind to a candidate and his or her candidate committees which, in the aggregate, exceed the following amounts:

Office	Amount
Mayor	\$3,000.00
Auditor	2,000.00
Councilmember-at-large	2,000.00
Judge	2,000.00

Clerk and Recorder	2,000.00
District councilmember	1,000.00

For purposes of this subsection, the aggregate limits shall not apply to transfers between candidate committees when both candidate committees are authorized by the same candidate(s). Further, the aggregate limits shall not apply to transfers between a joint candidate committee and the candidate committee of one (1) of its candidates.

(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 which 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)

The limitations imposed by subsections (a) and (b) of this section shall not apply to contribution of office equipment or space.

(e)

No person shall make a contribution to a political committee which equals or exceeds fifty dollars (\$50.00) in currency or coin. Any portion of a contribution in currency or coin of 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 general fund of the city.

(f)

Any portion of an anonymous contribution of fifty dollars (\$50.00) or more received by a political 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 general fund of the city.

(Ord. No. 125-91, § 1, 2-19-91; Ord. No. 649-94, § 1, 8-22-94; Ord. No. 85-07, § 2, 2-26-07; Ord. No. 113-09, § 7, 2-23-09; Ord. No. 590-10, § 5, 11-1-10)

Sec. 15-38. Use of campaign funds restricted.

(a)

No candidate or treasurer of a political committee may use any contribution or contribution in-kind for private purposes not reasonably related to influencing an election.

(b)

Unexpended campaign contributions to a candidate committee may be:

(1)

Contributed to a candidate committee established by the same candidate for a different elected office of the city if the candidate committee making such a contribution is affirmatively closed by the candidate no later than ten days after the date such a contribution is made;

(2)

Contributed to a candidate committee for any other candidate for elected office in the city;

(3)

Contributed to any political committee or issue committee organized to support or oppose any city or state ballot question or ballot issue or any ballot issue or ballot question proposed by any other local government that includes territory within the city;

(4)

Donated to a charitable organization recognized by the internal revenue service; or

(5)

Returned to the contributors, or retained by the committee for use by the candidate in a subsequent campaign for any non-partisan office.

(c)

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

(d)

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

(1)

Voter registration;

(2)

Political education, which includes obtaining information from or providing information to the electorate;

(3)

Postsecondary educational scholarships;

(4)

To defray reasonable and necessary expenses related to mailings and similar communications to constituents;

(5)

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

(e)

Unexpended contributions to a political committee organized to support or oppose a city ballot question or ballot issue may be donated to any charitable organization recognized by the Internal Revenue Service or returned to the contributor.

(Ord. No. 125-91, § 1, 2-19-91; Ord. No. 649-94, § 1, 8-22-94; Ord. No. 113-09, § 8, 2-23-09)

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

The clerk and recorder shall:

(1)

Prescribe forms and provide instructional materials for reports required to be filed by this article.

(2)

Preserve and maintain all such reports and make them available for inspection and copying under the requirements of the state Public Records Act.

(3)

Notify the political committee involved if the clerk and recorder makes a determination of an apparent violation, or if a written complaint about the committee is filed with the clerk and recorder pursuant to section 15-40. The political committee will have ten (10) days from the date of notice of an apparent violation or a complaint to correct any violation of this article, including failure to file complete reports as required by section 15-35(d); except when any violation of paragraph (b)(2) of section 15-35 (concerning deadlines for reports during special elections) occurs, then the clerk and recorder will allow the political committee two (2) days in which to correct the deficiency. If the political committee fails to correct the violation within the preceding timeframes, the clerk and recorder shall appoint a hearing officer to investigate the apparent violation or complaint in accordance with the procedure provided in section 15-40.

(4)

Audit the reports of various political committees to ensure that the reports fully comply with the provisions of this article.

(5)

If any apparent violation of this article is not corrected within ten (10) days as provided in paragraph (3) above, the clerk and recorder shall proceed as provided in section 15-40.

(Ord. No. 125-91, § 1, 2-19-91; Ord. No. 649-94, § 1, 8-22-94; Ord. No. 264-07, § 9, 6-11-07; Ord. No. 113-09, § 9, 2-23-09; Ord. No. 590-10, § 6, 11-1-10)

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

(a)

Any person who believes a violation of this article has occurred may file a written complaint with the clerk and recorder, who shall in turn appoint a hearing officer to investigate the complaint.

(b)

If the hearing officer determines there is probable cause that a violation has occurred, the hearing officer shall so notify the city attorney, who shall determine whether to institute legal proceedings.

(c)

In conducting an investigation pursuant to this section, the hearing officer shall have the authority and ability to issue subpoenas as it deems necessary to complete its investigation. Any subpoena issued hereunder shall be enforceable in the county court.

(d)

If requested to do so by the candidate involved, the hearing officer shall keep an investigation pursuant to this section confidential; provided, however, that if probable cause is found, the investigation shall be made public notwithstanding any request by the candidate.

(Ord. No. 125-91, § 1, 2-19-91; Ord. No. 649-94, § 1, 8-22-94; Ord. No. 264-07, § 10, 6-11-07)

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 subdivision C1.9-3 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.

(d)

The statute of limitations applicable to violations of this article shall be three (3) years.

(Ord. No. 125-91, § 1, 2-19-91; Ord. No. 649-94, § 1, 8-22-94; Ord. No. 590-10, § 7, 11-1-10)

Sec. 15-42. Responsibility for communications.

Whenever any person makes an expenditure for the purpose of financing communications expressly advocating a particular result in an election, or solicits any contribution or contribution in-kind through any

broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication:

(a)

If paid for and authorized by a candidate, candidate committee, political committee or its agents, shall clearly state that the communication has been paid for by such candidate, candidate committee or political committee; or

(b)

If paid for by other persons but authorized by a candidate, a candidate committee, political committee or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such candidate, candidate committee or political committee.

(Ord. No. 125-91, § 1, 2-19-91; Ord. No. 649-94, § 1, 8-22-94; Ord. No. 134-98, § 1, 3-2-98)

Sec. 15-43. Reserved. 

Editor's note—

Ord. No. 726-06, § 2, adopted Nov. 6, 2006, repealed section 15-43 in its entirety. Former section 15-43 pertained to limitations on contributions or contributions in-kind by city agencies and was derived from the Code of 1950, § 113.16; Ord. No. 649-94, § 1, adopted Aug. 22, 1994.

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

(a)

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

(b)

It shall be unlawful for any radio or television station, newspaper, periodical, or other supplier of materials and services to rebate any such rate, directly or indirectly.

(c)

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

(Code 1950, § 113.18; Ord. No. 649-94, § 1, 8-22-94)

Sec. 15-45. Encouraging withdrawal from campaign prohibited. 

(a)

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

(b)

It shall be unlawful for any person who is a candidate to offer to withdraw his or her candidacy in return for money or any other thing of value.

(Code 1950, § 113.19; Ord. No. 649-94, § 1, 8-22-94)

Sec. 15-46. Rules and regulations. 

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

(Ord. No. 590-10, § 8, 11-1-10)

Secs. 15-47—15-60. Reserved. 

FOOTNOTE(S):

--- (3) ---

Editor's note— Ord. No. 125-91, § 1, adopted Feb. 19, 1991, amended this article by repealing former §§ 15-31—15-44, 15-46, 15-49 and 15-50, which pertained generally to campaign finances and enacted similar new provisions as §§ 15-31—15-42. Formerly, §§ 15-31—15-44 derived from §§ 113.1—113.15 of the city's 1950 Code as amended by Ord. No. 363-88, § 1, adopted June 13, 1988; and Ord. No. 658-88, §§ 1, 2, adopted Oct. 24, 1988. [\(Back\)](#)

State Law reference— Campaign reform act, C.R.S. 1973, 1-45-101 et seq. [\(Back\)](#)