



EMERGENCY ELECTION RULE

**APPROVED AS TO FORM:
ADOPTED:**

Kristen M. Bronson
Attorney for the City and County of Denver

By: Victoria Ortega
Assistant City Attorney

10/10/2017
Date of Signature

APPROVED AND

Debra Johnson
Denver Clerk and Recorder

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Denver Clerk and Recorder

10-10-2017
Date of Signature/Adoption

Subject and Intent of Emergency Rule:

The Clerk and Recorder has determined that certain amendments to existing campaign finance rules must be adopted and effective immediately to ensure the uniform and proper administration and enforcement of the city's campaign finance laws during the 2017 election cycle. Temporary adoption is necessary both to comply with law and to preserve the public welfare generally. Adoption of these rules on a temporary basis is necessary to implement legislation recently passed by the City Council (Ord. No. 17-0866), to provide technical amendments to existing rules, and to provide clear guidance to interested parties, including, but not limited to: candidates, political parties, political organizations, committees, and other filers given the proximity of the November 2017 Coordinated Election.

ELECTION RULE

RULE 3. Campaign Finance.

3.1 Reports.

3.1.1 Lack of Bank, Financial Institution, or Other Depository for funds.

Committees are required to file certain reports that identify any bank, financial institution, or other depository used by the committee. If a committee does not use a bank, financial institution, or other depository to receive contributions or to make expenditures, then the committee will disclose on each such report the committee's lack of a bank, financial institution, or other depository.

3.1.2 Issue Committees. Effective as of September 14, 2017, for each month before a special election, beginning in the month that an issue committee is formed, each issue committee shall file: (1) Reports for each month before the month of the election, which shall be filed no later than the fifth day of the following month; (2) A pre-election report, which shall cover the period beginning the first day of the month of the election through the Wednesday before the election and which shall be filed on the Thursday before the election; (3) A post-election report, which shall be filed no later than the thirtieth day after the election, and which shall be complete beginning with the Thursday before the election through the twenty-fifth day after the election; and (4) 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 election through December 31. This Rule 3.1.2 expires at 11:59, p.m., December 31, 2017.

3.2 Electronic Filing

3.2.1 Electronic Filing of Reports. Effective as of January 1, 2011, all campaign finance disclosure reports required by D.R.M.C. §§ 15-35 and 15-35.5, will be filed electronically. Reports required to be filed electronically with the clerk and recorder that are delivered or presented to the clerk for manual filing in hard-copy form on or after January 1, 2011, will not be accepted. For the purposes of this Rule 3, "electronic filing" is defined as the filing of reports required by D.R.M.C. §§ 15-

35 and 15-35.5, utilizing the software application designated by the clerk and recorder.

3.2.2 Use of Prescribed File Format. All required electronic reports will be filed using the form prescribed by the clerk and recorder.

3.2.3 Method of Report Submission. Electronic reports will be submitted to the clerk and recorder via the methods outlined in the instruction sheet within the electronic reporting spreadsheet file. Electronic reports are received and processed by the Denver Elections Division, 200 W. 14th Ave., Suite 100, Denver, Colorado 80204.

3.2.4 Original Signature Requirement. The clerk and recorder will not accept electronic reports from a committee if the committee has not previously filed an original signature of the committee treasurer in hard-copy format with the clerk and recorder. This requirement can be satisfied by the original signature of the committee treasurer contained on the Committee Treasurer Affidavit. For candidate committees, the original signature filing requirement will be satisfied by the signature of the candidate on the Municipal Candidate Affidavit if no committee treasurer has been designated.

3.2.5 Exceptions to Electronic Filing Requirement. The clerk and recorder may accept campaign finance disclosure reports in hard-copy form or in an alternative electronic format substantially similar to the clerk and recorder's designated format under the following circumstances:

- A. Hardship Circumstance.** The clerk and recorder may grant an exception to the electronic filing requirement upon receipt and approval of a written request based on hardship or for other good cause shown. All requests for an exception must include a brief statement of the hardship or good cause for which the exception is sought. The clerk and recorder must receive requests for an exception to electronic filing at least thirty (30) days prior to the applicable filing deadline unless the exception is based on emergency circumstances arising within thirty (30) days of the filing deadline. In this event, the nature of the emergency must be described in the request. Neither the filing of a request for an exception to the electronic filing requirement based on emergency circumstances, nor any subsequent approval of such request, will extend applicable reporting deadlines. The clerk and recorder will timely review and respond in writing to all requests for an exception.
- B. Hardship Exception Period.** If a request is filed at least thirty (30) days in advance of the filing deadline for an electronic filing requirement exception based on hardship or other good cause, the exception period will be one (1) year from the date of the clerk's notice of exception being granted.

- C. **Emergency Circumstance.** If a request is filed for an exception based on emergency circumstances the exception period will be extended to the next reporting deadline only.
- D. **Hard Copy Format.** If granted an exception, a committee or filer will instead file campaign finance disclosure reports typewritten on paper. Each committee report must contain the original signature of the committee treasurer or the treasurer's designated agent, or of the candidate if no treasurer has been previously designated. Each independent expenditure or electioneering communication report must contain the filer's original signature. Faxed reports will not be accepted.

3.2.6 Committee or Filer Responsibility. Each committee filing campaign finance disclosure reports will remain solely responsible for compliance with Article III of Chapter 15, D.R.M.C., and these Rules in all respects regardless of any actions or inactions of the clerk and recorder or the clerk's employees, officers, and agents in interpreting, administering, and implementing applicable laws and rules.

3.3 Extension of Reporting Deadlines

3.3.1 Extension Due to City Office Closure. If a reporting day falls on a day when the city is fully or partially closed for business, then the report must be filed in accordance with any notice of extension issued by the clerk and recorder. A copy of such notice of extension will be retained on file by the clerk and recorder and will be posted on the clerk and recorder website.

3.3.2 Extension Due to City Technology Failure. If the clerk and recorder's file transmission system is unavailable to accept reports under Rule 3.2.3 above for a total of more than one (1) hour on the due date for filing a report, then the clerk may extend the due date by written notice of extension of reporting deadline. A copy of such notice of extension will be retained on file by the clerk and recorder and will be posted on the clerk and recorder website.