

Denver Elections Division
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ELECTION AND CAMPAIGN FINANCE RULES

APPROVED AS TO FORM:

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7/12/19
Date of Signature

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ELECTION RULES

RULE 3. Campaign Finance

3.9 Fair Election Campaign Funding Program.

3.9.1 Applicability. This Rule 3.9 applies to candidates running in a general or special election for the office of Mayor, City Council, Clerk and Recorder, Judge, and Auditor who choose to participate in the Fair Election Campaign Funding program.

3.9.2 Definitions. As used in this Part 9 of Rule 3, the following terms have the following meanings.

- A. “Address Verification Service” means the system used by credit card processors to verify that the address provided by a person using the credit card is the billing address for the credit card account.
- B. “Home Address” means the principal or primary home or place of abode of a person. A principal or primary home or place of abode is that home or place in which a person's habitation is fixed and to which that person, whenever absent, has the present intention of returning after a departure or absence, regardless of the duration of the absence.
- C. “Qualifying Contribution Receipt” means a receipt that includes the contributor’s printed name, home address, telephone number, if any, name of the candidate on whose behalf the contribution is made and an attestation that the contributor understands the purpose of the contribution is to help the candidate qualify for Fair Elections campaign funding, that the contribution up to \$50 will be matched by the Fund by 900 percent, and that the contribution is made without coercion or reimbursement.
- D. “Resident” means any individual who is living within the city and county other than temporarily.
- E. “Seeking certification” means a candidate that has informed the clerk and recorder that he or she intends to participate in the Fair Elections Fund.

3.9.3 Certification of Participating Candidates

- A. **Intent to Seek Certification.** A candidate may file an intent to seek certification with the clerk and recorder at any time after the beginning of the qualifying period specified in section D.R.M.C. § 15-49(a)(5). The candidate must file such intent through the clerk’s online reporting database before soliciting or collecting qualifying

contributions. Any contribution made before the candidate files his or her intent is not a qualifying contribution.

1. The clerk and recorder will offer online and in-person training for candidates seeking certification. A candidate seeking certification must complete the training no later than twenty (20) days after filing his or her intent. If the candidate fails to attend a training, the clerk will not consider a reduction or waiver to any fine assessed under D.R.M.C. or this Rule 3.
2. In accordance with section D.R.M.C. § 15-54(i), a candidate seeking certification must establish a separate bank account for public monies and register the account on a form approved by the clerk and recorder.
3. A candidate may withdraw an intent to seek certification at any time before submitting an application for certification.

B. Reporting Before Certification. A candidate seeking certification must report qualified contributions on any disclosure report required by D.R.M.C. § 15-35.

1. The report must include a copy of the qualifying contribution receipt and other information required in the format approved by the clerk and recorder.
2. A candidate that receives a contribution not in compliance with the qualifying contribution limits must return the amount above such contribution limit before applying for certification.

C. Application for Certification. A candidate may apply for certification at any time during the qualifying period and after the candidate believes that he or she collected the requisite number of qualifying contributions from unique contributors as described in D.R.M.C. § 15-53(a)(2).

1. The application must be in a format approved by the clerk and recorder and contain all the required elements of D.R.M.C. § 15-53.
2. A candidate applying for certification must provide an email address and agree to receive notice by email at that email address.
3. If the clerk and recorder determines that a candidate's application is deficient, the candidate must inform the clerk and recorder whether the candidate will cure and re-apply for certification.
 - a. A candidate who intends to re-apply must cure the deficient application before the close of the qualifying period. During this cure period, the

candidate must still comply with the requirements of the Denver Fair Elections Act and this Rule 3.9.

- b. A candidate who does not intend to re-apply is no longer bound by the Denver Fair Elections Act and this Rule 3.9. The candidate may not seek certification again during the election cycle.

D. De-certification. If at the time of ballot certification, a candidate that was otherwise certified does not have an opponent, then the candidate is de-certified. The clerk and recorder will send electronic notice to the candidate within 48 hours of ballot certification.

1. A de-certified candidate may not spend or commit to spend any public matching funds, except to satisfy obligations entered before de-certification.
2. A de-certified candidate must return any unexpended money received from the Fund back to the Fund no later than sixty (60) days after the date of the de-certification notice from the clerk.

3.9.4 Supporting Material Required for Qualifying and Match-eligible

Contributions. A candidate must maintain and make available for inspection supporting material for each qualifying and match-eligible contribution. Supporting material must be maintained for two years from the final day of the election cycle and must include the following:

- A. A copy of the deposit slip and deposit receipt for each qualifying or matching contribution.
- B. Documentation showing that a contribution was made, such as:
 1. For contributions made by check, a copy of the check itself;
 2. For contributions made by credit card or a payment intermediary, a receipt showing the accountholder's name, the accountholder's billing address, the date the transaction was initiated, and the amount of the contribution; or
 3. For cash contributions, a signed and dated receipt that includes the committee's name, the amount of the contribution, and the contributor's name and home address in Denver.
- C. A record of the contributor's voter identification number. Or, if a contributor is not a registered voter, then an attestation from the treasurer that the contributor's home address is a Denver address.

3.9.5 Administration of the Separate Bank Account.

- A.** A participating candidate must maintain a separate bank account to be used for all public monies received from the Fund. Account access must be limited to the candidate, treasurer, and assistant treasurer, if applicable. Any person with access to the bank account must also complete the training required in Rule 3.9.3(A)(3).
- B.** All matching funds provided to a participating candidate must be segregated from, and may not be commingled with, any other funds.
 - 1. A participating candidate must obtain and keep a record for each food and beverage expenditure from the Fund.
 - a. For any food and beverage expenditure over \$50 the record must include an itemized receipt.
 - b. For any food and beverage expenditure over \$50 a participating candidate must report meal expenditure information required by the clerk and recorder at the same time as any disclosure report required by D.R.M.C. § 15-35.
 - a. A participating candidate must provide a specific campaign-related purpose for the food and beverage purchase.
 - 2. A participating candidate must obtain and keep a record of any travel-related expenditures from the Fund.
 - a. A participating candidate must report travel expenditure information required by the clerk and recorder at the same time as any disclosure report required by D.R.M.C. § 15-35.
 - b. A participating candidate must provide a specific campaign related purpose for the travel.
 - c. Mileage reimbursement from public monies may not exceed the standard mileage rate prescribed for employees of the City. A record must be maintained showing the dates of travel, the number of miles traveled, purpose of travel, and total amount claimed for reimbursement.
- C.** Fines assessed under D.R.M.C §§ 15-59(c), 15-40, or 15-40.5 may not be paid with monies from the Fund.
- D.** Participating candidates must participate in-person at least two debates or forums held in accordance with D.R.M.C. § 15-54(e) unless otherwise excused by the Clerk and

Recorder due to emergency or hardship. The candidate must request an excuse in writing before the clerk will consider it.

- E.** Any time a participating candidate withdraws, is disqualified, or dies before an election, the candidate or the candidate's agent may not spend or commit to spend any public matching funds, except to satisfy obligations entered into before the termination of the candidacy. The candidate or the candidate's agent must return all funds distributed to the candidate within sixty (60) days.
- F.** Except for de minimis purchases under \$50 (e.g. yard signs, shirts, flyers) property that has been purchased with the Fund must be liquidated at its fair market value and the proceeds reimbursed to the Fund as unspent funds.
- G.** After the last election where a candidate's name appears on the ballot, a participating candidate may not spend or commit to spend any public matching funds, except to satisfy obligations entered before the termination of the candidacy.