

3.9 Fair Election Campaign Funding Program.

3.9.1 Applicability. This chapter 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.
 - 1. A candidate may file an intent to seek certification at any time after the beginning of the qualifying period specified in section 15-49(a)(5).
 - 2. A candidate intending to seek certification to participate in the Fair Elections Fund must declare such intent to the clerk and recorder through the online reporting database before soliciting or collecting qualifying contributions. Contributions made before filing do not qualify.
 - 3. A candidate seeking certification must complete an on-line or in-person training provided by the clerk and recorder either before or within 20 days after filing their intent.
 - 4. In accordance with section 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.
 - 5. A candidate may withdraw an intent to seek certification at any time before submitting an application for certification.

B. Reporting Before Certification

1. A candidate seeking certification must report qualified contributions on any disclosure report required by D.R.M.C. 15-35.
2. The report must include the qualifying contribution receipt and other information required in the format approved by the clerk and recorder.
3. A candidate that receives a contribution not in compliance with the qualifying contribution limits must return such contribution before applying for certification.

C. Application for certification

1. A candidate may apply for certification at any time during the qualifying period.
2. 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.
3. A candidate applying for certification must provide an email address and agree to receive notice by email.
4. A deficient application must be cured before the close of the qualifying period.

D. If at the time of ballot certification, a candidate that was otherwise certified does not have an opponent, then the candidate is de-certified.

1. The clerk and recorder will send electronic notice to the candidate within 48 hours of ballot certification.
2. A candidate that has received notice of de-certification may not spend or commit to spend any public matching funds, except to satisfy obligations entered before de-certification.
3. A de-certified candidate must return any unexpended money received from the Fair Elections fund back to the Fair Elections fund no later than sixty (60) days after notice from the clerk.

3.9.4 Supporting Material Required for Qualifying and Match-eligible Contributions

- A. 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:
1. A copy of the deposit slip and deposit receipt for each qualifying or matching contribution.
 2. Documentation showing that a contribution was made, such as:
 - a. For contributions made by check, a copy of the check itself;
 - b. 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
 - c. For cash contributions, a signed and dated contributor card that includes the committee's name, the amount of the contribution, and the contributor's name and home address in Denver.

3. A record of the contributor's voter identification number. Or, if a contributor is not a registered voter, then an attestation of the contributor's home address.

3.9.5 Participating Candidates.

- 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 3.9.3(A)(3).
- B. Record Keeping by participating candidates.
 1. All matching funds provided to a participating candidate must be segregated from, and may not be commingled with any other funds.
 2. 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 is required to file a meal expenditure form provided by the clerk and recorder at the same time as any disclosure report required by D.R.M.C. 15-35.
 - c. A participating candidate must provide a specific campaign related purpose for the food and beverage purchase.
 3. A participating candidate must obtain and keep a record of any travel related expenditures from the fund.
 - a. A participating candidate must file a travel expenditure form provided 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 the fund 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) or 15-40.5 may not be paid with monies from the Fund.
- D. Participating candidates must attend in-person at least two debates held in accordance with D.R.M.C.15-54(e) unless otherwise excused by the Clerk and Recorder due to emergency or hardship.
- 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.