Denver Elections Division
200 W. 14th Ave.
Denver, CO 80204

OFFICE OF THE CLERK AND RECORDER
HON. PAUL D. LÓPEZ
CITY CLERK | ELECTIONS | PUBLIC TRUSTEE | RECORDING

Hon. Paul D. López
Denver Clerk & Recorder
Public Trustee

Notice of Adoption of Election Rules

Under the authority granted in section 2-96 of the Denver Municipal Code (D.R.M.C.), the Denver Clerk and Recorder has adopted new election rules, after allowing for public testimony and the submission of public written comments. A public rulemaking hearing was held on Monday, April 28, 2025.

The new rules concern the adoption of campaign finance rules. The amendments made to Election Rule 3 are necessary to comply with recent code changes made with the passage of Council Bill 24-1676. In addition, amendments to Election Rule 3 are necessary in order to remove outdated rule provisions, re-order rules for clarity, codify the Clerk's current complaint process and aligning it with recent code changes, and to add additional Fair Election Fund requirements to ensure proper reporting and administrability.

The Denver Clerk and Recorder adopts these election rules under the authority of § 8.1.2(e) of the Denver Charter and section 2-96 of the D.R.M.C.

The complete text of the rules is available online at the Denver Elections Division website (www.DenverVotes.org); in printed form at the Denver Elections Division, 200 W. 14th Ave., Denver, CO 80204; and on file at the Office of the Clerk and Recorder, 201 W. Colfax Ave., Dept.101, Denver, CO 80202.

Hon. Paul D. Lopez Clerk
and Recorder

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ELECTION RULES

APPROVED AS TO FORM

Katie McLoughlin
Acting Attorney for the City and County of Denver

Denver City Attorney

05/06/2025

Date of Signature

APPROVED AND ADOPTED

Hon. Paul D. Lopez
Denver Clerk and Recorder

Denver Clerk and Recorder

05/06/2025

Date of Signature/Adoption

Election Rules

3.1 Committees and COMMITTEE REPORTING. ~~Contributions~~

~~**3.1.1 Transfers between Candidate Committees.** 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. § 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.~~

~~**3.1.2** **3.1.1 No Joint Candidate Committees.** Because of D.R.M.C. § 15-32(b), a candidate may not have a joint candidate committee in addition to their candidate committee. If two or more candidates have a joint candidate committee, neither of the candidates may have a standalone candidate committee.~~ JOINT CANDIDATE COMMITTEES BETWEEN TWO (2) OR MORE CANDIDATES ARE PROHIBITED.

~~**3.1.3 Unexpended Contributions.** As presented in D.R.M.C. § 15-38(e) "a political committee organized to support or oppose a city ballot question or ballot issue" means an issue committee as defined by D.R.M.C. § 15-32(l).~~

~~**3.1.4 Political and Issue Committees.** "Political Committee" as presented in D.R.M.C. § § 15-37(e) and (f) includes issue and candidate committees. "Political Committee" as presented in D.R.M.C. § 15-38(a) includes an issue committee~~.

~~**3.1.5**~~ **3.1.2 Bank Account.** A candidate or committee may HAVE only ~~have~~ a single campaign bank account unless the D.R.M.C. specifically permits OR REQUIRES a second bank account. ~~A committee does not violate this rule if it has a wallet for the sole purpose of receiving a cryptocurrency contribution and liquidating it into cash for deposit in the campaign's bank account in accordance with Rule 3.1.6.~~

~~**3.1.6 Contributions of Cryptocurrencies to Committees.** A contributor may contribute a cryptocurrency to any committee in accordance with the following rules:~~

~~**A.** Immediately upon receipt, the committee must liquidate the cryptocurrency contribution into United States currency and deposit the funds into its official campaign bank account designated in D.R.M.C. § 15-34(b). A committee may not make an expenditure, contribution, or otherwise acquire goods or services using cryptocurrency.~~

~~**B.** The cryptocurrency's value is based on the market value of the contribution the exact time that the committee receives it.~~

~~**C.** A cryptocurrency contribution to a candidate committee may not exceed the contribution limit in D.R.M.C. § 15-37(a). If the market value of the~~

cryptocurrency contribution exceeds the limits located in D.R.M.C. § 15-37(a) by the time it is liquidated and deposited in the candidate committee's bank account, the committee must return the excess amount to the contributor within seventy-two (72) hours of deposit.

D. The receiving committee must report the cryptocurrency contribution as a contribution instead of a contribution in-kind.

E. The treasurer must examine each contribution for evidence of illegality. If the treasurer determines at any time that the cryptocurrency contribution came from an illegal source, the treasurer must cancel the transaction. If the transaction cannot be canceled and the funds are deposited into the committee's bank account, the treasurer must refund the contribution within seventy-two (72) hours of the discovery of illegality. Any refund under this Rule must be made in United States currency.

F. When reporting the cryptocurrency contribution to the clerk and recorder, the treasurer must affirm that he or she has personal knowledge that the contributor is a citizen of the United States and not a foreign national.

G. Regardless of the cryptocurrency's value, the treasurer must ask the contributor for his or her name, address, occupation, and employer. The committee may only accept the cryptocurrency contribution after it receives this information from the contributor. The treasurer must retain this record for as long as the committee possesses the contribution or the campaign closes, whichever is longer.

3.1.7 Currency or Coin. For the purposes of D.R.M.C. § 15-37(e) and this Rule 3, "currency or coin" means the coin or paper money of the United States that is designated as legal tender, is circulated, and is customarily used and accepted as a medium of exchange.

3.1.8 Office Space. The limitations imposed by § 15-37(a) and (b) D.R.M.C. shall not apply to contribution of office equipment or space.

3.1.9 Candidate contribution limits adjusted for inflation. For the election cycle beginning on January 1, 2024, and ending on December 31, 2027, candidate contribution limits are as follows:

A. No person may make contributions or contributions in-kind to a candidate or their candidate committee not participating in the Fair Elections Fund that, in the aggregate, exceed the following amounts:

Office	**Amount**
Mayor	$1,190.00

~~Auditor~~	~~$835.00~~
~~Councilmember at large~~	~~$835.00~~
~~Judge~~	~~$835.00~~
~~Clerk and Recorder~~	~~$835.00~~
~~District councilmember~~	~~$475.00~~

B. ~~No person may make contributions or contributions in-kind to a candidate or their candidate committee participating in the Fair Elections Fund that, in the aggregate, exceed the following amounts:~~

~~Office~~	~~Amount~~
~~Mayor~~	~~$595.00~~
~~Auditor~~	~~$415.00~~
~~Councilmember at large~~	~~$415.00~~
~~Judge~~	~~$415.00~~
~~Clerk and Recorder~~	~~$415.00~~
~~District councilmember~~	~~$235.00~~

~~3.1.10 Contributions to candidates from small donor committees.~~ ~~No Small Donor Committee may make contributions or contributions in-kind to a candidate that, in the aggregate, exceed ten (10) times the inflation-adjusted individual contribution limits set forth in rules 3.1.9 A. and B.~~

~~3.2 Reports.~~

~~3.2.1~~ 3.1.3 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~~ MUST disclose on each ~~such~~ report the committee's lack of a bank, financial institution, or other depository.

~~3.2.2 Withdrawal of Candidacy.~~ ~~If a candidate delivers a signed notarized letter to the clerk and recorder's office stating that he or she is no longer a candidate for office, the candidate must file annual reports for each year of the election cycle instead of the more frequent reporting under D.R.M.C. § 15-35(b). Each report shall cover the period beginning January 1 and ending December 31 of the year in question and shall be filed no later than January 31 of the following calendar year.~~

~~If the candidate closes his or her account, the candidate is no longer required to file campaign finance reports.~~

~~**3.2.3 Incumbent Not Seeking Election or Re-election.** If a current officeholder delivers a signed notarized letter to the clerk and recorder's office stating that he or she will not seek re-election or election to another municipal office, the officeholder need only file annual reports for each year of the election cycle in accordance with D.R.M.C. § 15-35(b)(3). Such an officeholder may subsequently close his or her account and will not be considered a candidate for reporting purposes as defined under D.R.M.C. § 15-32(a)(2) if he or she: 1) does not receive contributions or contributions in-kind; 2) has a zero-cash balance; and 3) has no debt or deficit.~~

~~**3.2.4 Pre-election Reports for Issue Committees.** For the purposes of D.R.M.C. § 15-35(c), an issue committee need not file a pre-election report if the report would account for zero days.~~

~~**3.2.5 Issue Committees Beyond the Election Cycle.** An issue committee should terminate its committee at the end of the election cycle. If an issue committee does not close its campaign finance account by the end of its election cycle as defined by D.R.M.C. § 15-32(h)(5), the committee must file a report for each month after the election cycle until it has a zero-cash balance, no outstanding debts, and terminates its account. Such reports are due on the fifth day of the following month. (For example: the January report is due on February 5th). An issue committee that re-dedicates itself to advocate for or against another ballot issue or ballot question need not terminate its committee and account~~

3.1.4 BEST-EFFORT ATTEMPT TO OBTAIN CONTRIBUTOR INFORMATION. A COMMITTEE MUST USE BEST EFFORTS TO OBTAIN THE INFORMATION REQUIRED BY D.R.M.C. § 15-37 (B) FOR A CONTRIBUTOR OR PAYEE. TO DEMONSTRATE "BEST EFFORTS" THE COMMITTEE MUST:

A. DOCUMENT THAT ITS FUNDRAISING SOLICITATION, INCLUDING BUT NOT LIMITED TO A DONATION ENVELOPE OR ONLINE DONATION PORTAL, SOLICITS THE REQUIRED INFORMATION FROM CONTRIBUTORS;

B. MAKE AT LEAST ONE DOCUMENTED EFFORT PER CONTRIBUTION, CONTRIBUTION IN-KIND, OR PAYEE TO REQUEST THE INFORMATION AND INFORM THE CONTRIBUTOR OR PAYEE THAT THE INFORMATION IS REQUIRED BY LAW;

C. REPORT A BEST-EFFORT ATTEMPT ELECTRONICALLY AS REQUIRED BY THE CLERK AND RECORDER; AND

D. PROVIDE ANY OTHER INFORMATION THE CLERK AND RECORDER REQUESTS RELATED TO A BEST-EFFORT ATTEMPT.

~~3.3~~ **3.2 Electronic Filing REQUIRED.** UNLESS OTHERWISE SPECIFIED BY THE CLERK AND RECORDER, ALL REPORTS OR OTHER DOCUMENTATION REQUIRED BY THE D.R.M.C. MUST BE FILED ELECTRONICALLY IN THE MANNER PRESCRIBED BY THE CLERK AND RECORDER.

~~**3.3.1 Definition.** For the purposes of this Rule 3, "electronic filing" is defined as the filing of required reports, affidavits, complaints, and waiver requests utilizing the online reporting database designated by the clerk and recorder.~~

~~**3.3.2 Electronic Filing.** All disclosure reports required by D.R.M.C. § § 15-35 and 15-35.5, affidavits, complaints, and waiver requests must 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 will not be accepted.~~

~~**3.3.3 Use of Prescribed File Format.** All electronic filings must be filed using the form prescribed by the clerk and recorder.~~

~~**3.3.4 Method of Submission.** Electronic filings must be submitted to the clerk and recorder via the online reporting database designated by the clerk and recorder. Electronic filings are received and processed by the Denver Elections Division.~~

~~**3.3.5 Exceptions to Electronic Filing Requirement.** The clerk and recorder may accept electronic filings 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 before 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 before 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 disclosure reports, affidavits, complaints, and waiver requests typewritten on paper. Each filing 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 or filing must contain the filer's original signature. Faxed filings will not be accepted.~~

~~**3.3.6**~~ **3.2.1 Committee or Filer Responsibility.** Each person or committee filing disclosure reports, affidavits, complaints, and waiver requests ~~will remain~~ IS 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.

~~3.4~~ 3.3 Extension of Reporting Deadlines

~~**3.4.1**~~ **3.3.1 Extension Due to City Office Closure.** For purposes of D.R.M.C. § 15-37(C) AND (D) ~~15-35(i)~~, if a reporting day falls on a day when the city is fully or partially closed for business, ~~then~~ the report IS DUE ~~must be filed by~~ the next business day.

~~**3.4.2**~~ **3.3.2 Extension Due to City Technology Failure.** If the clerk and recorder's online reporting database is unavailable to accept filings for a total of more than one (1) hour on the filing's due date, ~~then~~ the clerk may extend the due date AND MUST~~. If a due date is extended, the clerk and recorder will~~ provide notice of the extension through the online reporting database and the clerk and recorder's website.

~~3.5~~ 3.4 Unexpended Campaign Funds

~~**3.5.1 Definitions.** For the purposes of this Rule, the following words and phrases shall have the following meanings:~~

~~**A.** "Charitable organization" as presented in D.R.M.C. § 15-38 means any organization that has been exempted from federal income tax as a~~

~~nonprofit organization in good standing under section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended.~~

~~**B.** "Immediate family" is defined in the same manner as presented in the City's Code of Ethics, D.R.M.C. § 2-52(c).~~

~~**3.5.2**~~ **3.4.1 Required Disclosure.** If a ~~candidate~~ committee donates unexpended campaign contributions to a ~~charitable organization~~ 501(C)(3) NON-PROFIT ORGANIZATION in accordance with D.R.M.C. § ~~15-38(b)(4)~~ 15-36(B), the committee must disclose, IN A MANNER PRESCRIBED BY THE CLERK AND RECORDER, ~~via the clerk and recorder's online reporting database,~~ any relationship that the candidate~~,~~ OR treasurer~~, or any other committee member~~ has with ANY OF the charitable organization's ~~creator, the creator's immediate family, shareholders, or other designated individuals.~~ FOUNDERS, OFFICERS, OR EMPLOYEES, OR THEIR IMMEDIATE FAMILY MEMBERS. "IMMEDIATE FAMILY" HAS THE SAME MEANING AS THAT TERM IS DEFINED IN D.R.M.C. § 2-52(C).

~~**3.5.3**~~ **3.4.2 Restricted Uses.** ~~The use of unexpended campaign funds is restricted to the permissible uses set forth in D.R.M.C. § 15-38. In particular, and not by way of limitation, a candidate committee may use unexpended campaign contributions only for the purposes specified in D.R.M.C. § 15-38(b) and, if the candidate is elected to a city office, for the purposes specified in D.R.M.C. § 15-38 (d). The restrictions specified in D.R.M.C. § 15-38(b) mean, and not by way of limitation, that a candidate committee may not contribute unexpended campaign contributions to a candidate or candidate's committee for election to state or federal office.~~ A CANDIDATE COMMITTEE MAY NOT CONTRIBUTE UNEXPENDED CAMPAIGN CONTRIBUTIONS TO A STATE OR FEDERAL CANDIDATE OR COMMITTEE.

~~**3.6**~~ **3.5 Advisory Opinions.** Any person may request an advisory opinion from the clerk and recorder's office regarding the applicability of Article III of Chapter 15 of the D.R.M.C. or the clerk's campaign finance rules concerning a specific transaction with which the requestor is involved.

~~**3.6.1**~~ **3.5.1** The clerk and recorder will determine, at his or her discretion and within a reasonable amount of time, whether to issue the advisory opinion. In making the determination, the clerk will consider:

A. Whether the advisory opinion will terminate a controversy or remove uncertainties as to the application of ~~the requestor of any law~~ ANY LAW TO THE REQUESTOR;

B. Whether the request involves a subject, question, or issue that concerns a complaint currently pending before the clerk and recorder, a hearing officer, or court; and

C. Whether the request seeks a ruling on a moot or hypothetical question.

~~**3.6.2** The clerk and recorder will issue the advisory opinion in a reasonable amount of time after determining whether to issue it.~~

~~**3.6.3**~~ **3.5.2** The requesting party may rely on the clerk and recorder's advisory opinion as an affirmative defense to any complaint filed under D.R.M.C. § 15-44.

~~**3.6.4**~~ **3.5.3** The clerk and recorder will make available on THE CLERK'S ~~his or her~~ official website:

A. Each request for an advisory opinion~~:~~;

B. Each determination of whether to issue the advisory opinion; and

C. Each advisory opinion the clerk issues.

~~3.7~~ 3.6 Fines and Waivers

~~**3.7.1**~~ **3.6.1 Review and Appeal.** A FINED PARTY MAY REQUEST A WAIVER OF A PENALTY ASSESSED BY THE CLERK AND RECORDER UNDER D.R.M.C. § 15-45. A FINED PARTY MAY NOT REQUEST A WAIVER OF A PENALTY ASSESSED BY A HEARING OFFICER. THE CLERK WILL NOT CONSIDER A WAIVER REQUEST UNTIL ALL CURABLE DEFICIENCIES ARE CURED. THE WAIVER REQUEST MUST INCLUDE THE FOLLOWING:

A. THE REASON FOR THE DELINQUENCY OR DEFICIENCY, INCLUDING ANY MITIGATING CIRCUMSTANCES;

B. ACTIONS TAKEN BY THE REQUESTOR TO AVOID FUTURE DELINQUENT OR DEFICIENT FILINGS; AND

C. ANY OTHER RELEVANT INFORMATION.

3.6.2 THE CLERK AND RECORDER WILL RESPOND TO A WAIVER REQUEST WITHIN FIVE (5) BUSINESS DAYS. FAILURE OF THE CLERK TO RESPOND WITHIN FIVE (5) BUSINESS DAYS DOES NOT CONSTITUTE AN APPROVAL OF THE REQUEST.

3.6.3 WHEN CONSIDERING A WAIVER REQUEST, THE CLERK AND RECORDER WILL CONSIDER THE REQUESTOR'S HISTORY OF DELINQUENCIES, OUTSTANDING PENALTIES, AND THE INFORMATION PROVIDED IN THE WAIVER REQUEST. THE CLERK AND RECORDER MAY ALSO REQUEST ADDITIONAL INFORMATION WHEN CONSIDERING THE REQUEST.

3.6.4 A REQUESTOR MAY SEEK WAIVERS OF MULTIPLE FINES IN A SINGLE REQUEST AND MAY SEEK A FULL WAIVER OF A FINE OR A PARTIAL REDUCTION OF A FINE AMOUNT.

~~**A.** If the filer wishes to waive multiple fines at the same time, the filer may submit a single request. The clerk and recorder will use the single request as the basis for each decision.~~

~~**B.** In considering a request, the clerk and recorder, or the clerk's designee, may request additional information, including without limitation, financial or other records or reports maintained by the filer.~~

~~**C.** Failure by the clerk and recorder to respond to a waiver request within five (5) business days does not constitute an approval of the request.~~

~~**D.** Before the clerk and recorder will consider a request, the report must be filed.~~

~~**3.7.2**~~ **3.6.5 Payment.** Any person or committee who is fined under D.R.M.C. § 15-44 and 15-45 ~~15-40.5~~ must pay the full balance within thirty (30) days from the date of the decision OR CITATION. Fines must be made payable to the Manager of Finance ~~and delivered to the Denver Department of Finance or its successor department. If on the thirtieth (30th) day the fine has not been paid, the penalty imposed may be collected in accordance with D.R.M.C. §§ 15-40.5(d) and 53-4.~~ IF BY THE THIRTIETH (30TH) DAY THE FINE HAS NOT BEEN PAID, THE CLERK AND RECORDER MAY REFER THE PENALTY TO A THIRD-PARTY COLLECTOR IN ACCORDANCE WITH D.R.M.C. § 53-5.

~~3.8~~ 3.7 Complaints ~~filed under D.R.M.C. § 15-40.~~

~~**3.8.1**~~ **3.7.1 Filing Complaints.** Complainants must complete and file a complaint electronically using the fillable form on the Clerk and Recorder's website. Electronic signatures are permitted for any complaint documentation that requires a signature by complainant, respondent, the clerk and recorder, or the hearing officer.

A. The complaint must identify both a complainant who is a resident of Denver and at least one respondent and include contact information for both.

B. The complainant must sign and date the complaint under the following declaration: "I declare under penalty of perjury under the law of Colorado that the information I provided in this complaint is, to the best of my knowledge, true and correct."

C. The complaint must specifically identify the section or sections of Denver's campaign finance laws that the respondent allegedly violated and include the date or dates of each alleged violation.

D. The complaint must assert facts in support of each alleged violation.

E. A licensed attorney in the state of Colorado may submit a complaint on behalf of a complainant.

1. The attorney must submit with the complaint a written entry of appearance that includes the attorney's full name, attorney registration number, business address, telephone number, and email address.

2. A complainant who is represented by an attorney must sign the complaint in accordance with SUBSECTION B ~~part C.~~ of this rule.

~~3.8.2~~ 3.7.2 Documents related to complaints.

A. After a complaint is filed, the clerk and recorder, any party to the complaint, and the hearing officer, as applicable, must provide all complaint-related documents to each party, to the clerk and recorder, and to the hearing officer if one is appointed.

B. The clerk and recorder MUST ~~will~~ make all complaint-related documents publicly available within a reasonable time after the document is provided to all parties to the complaint.

C. FOR EACH COMPLAINT, THE CLERK AND RECORDER MUST KEEP AND MAINTAIN ALL DOCUMENTATION, INCLUDING BUT NOT LIMITED TO, PLEADINGS, MOTIONS, BRIEFS, EVIDENCE, RULINGS, AND TRANSCRIPTS AS PART OF THE COMPLAINT'S OFFICIAL RECORD. THIS RECORD MUST BE PRESERVED FOR APPEAL.

~~3.8.3~~ 3.7.3 Initial review of the complaint ~~by the clerk and the recorder~~. WITHIN FIVE (5) BUSINESS DAYS OF RECEIPT, THE CLERK AND RECORDER MUST REVIEW THE COMPLAINT FOR COMPLETENESS AND ENSURE THAT IT MEETS THE REQUIREMENTS OF D.R.M.C. § 15-44(A) AND RULE 3.7.1.

A. ~~Within five (5) business days of receipt, the clerk and recorder must review the complaint for completeness and ensure that:~~

~~**1.** The complainant has provided contact information in the required fields within the online complaint form.~~

~~**2.** The complainant is a resident of Denver.~~

~~**3.** The complainant names at least one respondent and provides contact information for each respondent.~~

~~**4.** The complainant has signed and dated the complaint.~~

~~**5**. The complaint specifically identifies the section or sections of Denver's campaign finance laws that the respondent allegedly violated and includes the date or dates of each alleged violation.~~

~~**6.** The complaint asserts specific facts in support of each alleged violation.~~

~~**B.** If the clerk and recorder determines that the complaint does not include one or more of the items listed in part A. of this rule, the clerk and recorder must dismiss the complaint as incomplete. and give the complainant an additional three (3) business days to provide the missing information.~~

3.7.4 PRE-NOTICE DISMISSAL. AFTER CONDUCTING THE INITIAL REVIEW OF THE COMPLAINT UNDER RULE 3.7.3, THE CLERK AND RECORDER MAY DISMISS THE COMPLAINT IF:

A. THE COMPLAINT DOES NOT MEET THE REQUIREMENTS OF D.R.M.C. § 15-44(A) OR RULE 3.7.1;

B. THE RESPONDENT HAS ALREADY BEEN ISSUED AN ADMINISTRATIVE CITATION RELATED TO THE VIOLATION; OR

C. BASED ON THE INFORMATION IN THE COMPLAINT AND TAKING THE FACTS STATED THEREIN AS TRUE, THE COMPLAINANT HAS NOT STATE A PLAUSIBLE VIOLATION.

~~3.8.4~~ 3.7.5 Notice of complaint.

A. If the ~~complaint is complete under Rule 3.8.3,~~ CLERK AND RECORDER DOES NOT DISMISS THE COMPLAINT UNDER RULE 3.7.4, the clerk and recorder must send notice of the complaint by email or mail if an email address is not available, with a copy of the complaint included, to the respondent and provide a copy of the notice to the complainant.

B. If, during the initial review of the complaint, the clerk and recorder determines that the complaint alleges a failure to file or otherwise disclose required information, or alleges another curable violation, the clerk and recorder must notify the respondent of the curable deficiencies alleged in the complaint.

C. The notice must offer the respondent an opportunity to respond, request dismissal of the complaint, or cure the alleged violations.

~~3.8.5~~ 3.7.6 Initial Response.

A. The respondent has thirty (30) days from the date of the complaint notice to respond to the complaint. The respondent must submit the response by email to the clerk and recorder and provide a copy to the complainant.

B. In the response, the respondent must admit or deny each allegation, and may provide additional relevant information, request that the complaint be dismissed, or detail the steps respondent has taken or will take to cure the alleged violations.

C. The respondent must sign and date the response under the following declaration: "I declare under penalty of perjury under the law of Colorado, that the information I provided in this complaint is, to the best of my knowledge, true and correct."

~~3.8.6~~ 3.7.7 Disposition by the clerk and recorder.

A. If the respondent fails to respond within thirty (30) days from the date of the complaint notice, the clerk and recorder must appoint a hearing officer to hear the complaint under Rule 3.8.7.

B. If the respondent submits a timely response, the clerk and recorder must take one of the following actions:

1. IF, BASED ON THE INFORMATION IN THE COMPLAINT AND THE RESPONSE, THERE IS SUFFICIENT INFORMATION TO FIND, BY A PREPONDERANCE OF EVIDENCE, THAT NO VIOLATION HAS BEEN COMMITTED, THE CLERK AND RECORDER MUST DISMISS THE COMPLAINT.

~~1.~~2. If the clerk finds that the respondent has cured one or more of the ~~alleged~~ violations ALLEGED in the complaint, the clerk must dismiss each ~~allegation~~ ALLEGED VIOLATION that has been cured.

~~2.~~ 3. If the respondent fails to provide sufficient information to allow the clerk and recorder to dismiss the complaint, the clerk and recorder must either request additional specific information from the respondent or appoint a hearing officer to hear the complaint under D.R.M.C. § 15-44(C) AND R~~r~~ule ~~3.8.7.~~ 3.7.8.

~~3.8.7~~ 3.7.8 Appointment of a hearing officer.

A. No later than two (2) days after deciding to appoint a hearing officer to hear a complaint filed under these rules, the clerk and recorder must send a notice of appointment of a hearing officer to the complainant, respondent, and hearing officer. The notice must include:

1. A description of the procedural history leading up to the appointment of the hearing officer.

2. The name and contact information of the hearing officer.

3. Direction to the hearing officer specifying the hearing officer's duties and authority to handle the complaint.

4. Any specific procedures the hearing officer must follow.

5. Any specific instructions to the parties necessary to facilitate the hearing officer's disposition of the complaint.

B. The hearing officer may, in the hearing officer's discretion, conduct any hearing or other meetings of the parties virtually.

C. If a hearing is held, the complainant has the burden of proving by a preponderance of the evidence the allegations in the complaint and the elements of each alleged violations. The complainant may meet its burden of proof by calling witnesses to testify and by presenting relevant evidence at the hearing.

3.7.9 THE HEARING. THE FOLLOWING RULES APPLY TO ALL HEARINGS HELD UNDER ARTICLE III, CHAPTER 15, D.R.M.C., AND RULE 3.7.

A. FAILURE TO APPEAR. ANY PARTY WHO FAILS TO APPEAR AT A SCHEDULED HEARING WAIVES THE RIGHT TO A HEARING AND ADJUDICATION OF ISSUES RELATED TO THE HEARING, PROVIDED THAT THE NOTICE OF HEARING, COMPLYING WITH SECTION 3.7.8, WAS EMAILED TO THE PARTIES AT LEAST EIGHT DAYS BEFORE THE HEARING. FAILURE TO APPEAR AT A PROPERLY NOTICED HEARING MAY RESULT IN DISMISSAL OF THE COMPLAINT OR ENTRY OF DEFAULT.

B. PREHEARING STATEMENT. THE HEARING OFFICER MAY REQUIRE THE PARTIES TO FILE A PREHEARING STATEMENT. THE PURPOSES OF THE PREHEARING STATEMENT INCLUDE MAKING MORE EFFICIENT USE OF HEARING TIME AND ALLOWING A FAIR HEARING OF THE ISSUES.

1. DEADLINE FOR FILING. THE PREHEARING STATEMENT MUST BE FILED AT LEAST FIVE DAYS BEFORE THE HEARING, OR AS OTHERWISE ORDERED BY THE HEARING OFFICER.

2. CONTENT OF PREHEARING STATEMENT. PREHEARING STATEMENTS OF ALL PARTIES MUST ADDRESS THE FOLLOWING, IN ADDITION TO ANY ISSUES THAT THE HEARING OFFICER IDENTIFIES AND ORDERS:

A. NAMES OF ALL WITNESSES AND A BRIEF STATEMENT OF THEIR TESTIMONY;

B. LIST OF ALL EXHIBITS THE PARTY MAY OFFER. COMPLAINANT'S EXHIBITS MUST BE NUMBERED, AND RESPONDENT'S EXHIBITS MUST BE LETTERED. IN CASE OF MULTIPLE COMPLAINANTS OR MULTIPLE RESPONDENTS, THE HEARING OFFICER MAY DIRECT FILING OF JOINT EXHIBITS;

c. A complete set of all labeled exhibits in digital format;

d. Prehearing legal issues that the parties choose to raise; and

e. Whether additional hearing time may be needed beyond the hearing time already scheduled.

3. Failure to file a compliant prehearing statement. If a party fails to timely file its compliant prehearing statement, or a party fails to list witnesses or to provide copies of exhibits to the prejudice of the other party or the hearing officer's consideration of the issues, the hearing officer may disallow testimony by unlisted witnesses and may refuse to admit unlisted exhibits into evidence, except for purposes of rebuttal.

C. Order of Proceedings. The order of the proceedings will be:

1. Opening statement by Complainant, unless waived.

2. Opening statement by Respondent, unless waived or reserved until the opening of the Respondent's case.

3. Presentation of testimony and other evidence by Complainant, allowing cross-examination by Respondent (Complainant's exhibits must be numbered for identification).

4. Presentation of testimony and other evidence by the Respondent with cross-examination by Complainant (Respondent's exhibits must be lettered for identification).

5. Rebuttal testimony and evidence, if any.

6. Surrebuttal testimony and evidence, in the hearing officer's discretion.

7. Argument:

a. Closing argument by Complainant summarizing the evidence, legal authorities and argument in support of its position. If the Complainant chooses not to present a closing argument, none must be allowed by Respondent.

B. CLOSING ARGUMENT BY THE DEPARTMENT SUMMARIZING THE EVIDENCE, LEGAL AUTHORITIES AND ARGUMENT IN SUPPORT OF ITS POSITION.

8. INSTEAD OF OR IN ADDITION TO ARGUMENT, THE HEARING OFFICER MAY REQUEST SUBMISSION OF WRITTEN BRIEFS.

D. RULES OF PROCEDURE AND RULES OF EVIDENCE. THE HEARINGS MUST BE CONDUCTED GENERALLY IN ACCORDANCE WITH THESE RULES REGARDLESS OF WHETHER IT CONFORMS TO COMMON LAW OR RULES OF PROCEDURE OR RULES OF EVIDENCE. THE HEARING OFFICER MAY RECEIVE AND CONSIDER EVIDENCE NOT ADMISSIBLE UNDER THE COLORADO RULES OF EVIDENCE IF IT POSSESSES PROBATIVE VALUE COMMONLY ACCEPTED BY REASONABLE AND PRUDENT PERSONS IN THE CONDUCT OF THEIR AFFAIRS.

~~3.8.8~~ **3.7.10 Clerk and Recorder as complainant.** WHEN THE CLERK AND RECORDER IS REQUIRED TO FILE A COMPLAINT WITH A HEARING OFFICER UNDER D.R.M.C. § ~~15-39 (5)~~ 15-44(C) AND § 15-45(D), THE CLERK AND RECORDER, OR THE CLERK'S DESIGNEE, SERVES AS THE COMPLAINANT FOR THE PURPOSES OF D.R.M.C. § ~~15-40~~ 15-44 AND THESE RULES.

~~**A.** When the clerk and recorder is required to file a complaint with a hearing officer under D.R.M.C. § 15-39 (5) 15-44(C) AND § 15-45(D), the clerk and recorder, or the clerk's designee, serves as the complainant for the purposes of D.R.M.C. § 15-40 15-44 and these rules.~~

~~3.8.9~~ **3.7.11 Clerk and Recorder as respondent.** If a Denver resident files a complaint against the SITTING clerk and recorder, ~~in the clerk and recorder's capacity as an elected official or candidate for office,~~ the clerk and recorder's office must appoint a hearing officer to handle the complaint in accordance with R~~r~~ule 3.7 ~~3.8.~~

3.7.12 NOTICE OF CLERK AND RECORDER INITIATED COMPLAINT.

A. THE CLERK AND RECORDER MAY REQUEST ADDITIONAL SPECIFIC INFORMATION FROM THE RESPONDENT REGARDING THE COMPLAINT DURING THE CURE PERIOD UNDER D.R.M.C. § 15-45(E) AND AFTER THE RESPONDENT SUBMITS AN ATTEMPT TO CURE A VIOLATION.

B. THE CLERK AND RECORDER WILL ISSUE A NOTICE OF VIOLATION BY EMAIL AND MAIL.

~~3.9~~ 3.8 Fair Elections ~~Campaign Funding Program.~~ FUND.

~~3.9.1~~ **3.8.1 Applicability.** This RULE ~~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~~ **3.8.2 Definitions.** As used in ~~this Part 9 of Rule 3,~~ ARTICLE III OF CHAPTER 15, D.R.M.C., AND RULE 3.8, 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.**~~ **A.** "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.**~~ **B.** "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 the that the contribution is made without coercion or reimbursement.

~~**D.**~~ **C.** "Resident" means any individual ~~who is living within the city and county other than temporarily.~~ WHOSE HOME ADDRESS, AS THAT TERM IS DEFINED IN THIS RULE, IS WITHIN THE CITY AND COUNTY OF DENVER.

~~**E.**~~ **D.** "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~~ **3.8.3 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)~~ 15-51(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) BUSINESS 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.~~ **2.** 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~~ 15-37.

1. The report must include a copy of the qualifying contribution receipt and other REQUIRED information ~~required~~ in the format approved by the clerk and recorder.

2. A candidate that receives a contribution ~~not in compliance with~~ THAT EXCEEDS the qualifying contribution limits must return the amount above ~~such contribution~~ THE 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~~ NOTIFIES A CANDIDATE that ~~a~~ THE 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 3.8 ~~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 3.8 ~~3.9~~. The candidate may not seek certification again during the election cycle.

D. **NOTICE OF 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~~. A PREVIOUSLY CERTIFIED CANDIDATE BECOMES DECERTIFIED IMMEDIATELY UPON THE OCCURRENCE OF ANY OF THE EVENTS LISTED IN D.R.M.C. § 15-54(H). THE CLERK AND RECORDER MUST SEND ELECTRONIC NOTICE OF MINISTERIAL DE-CERTIFICATION TO THE DECERTIFIED CANDIDATE WITHIN THREE (3) BUSINESS DAYS OF ANY DECERTIFYING EVENT OUTLINED IN D.R.M.C. 15-59(C).

~~**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~~ 3.8.4 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~~ CONTRIBUTIONS MADE IN CASH OR BY CHECK:

1. For contributions made by check, a copy of the check itself AND A RECEIPT THAT COMPLIES WITH D.R.M.C. § 15-53(B)(3).

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~~ FOR A CONTRIBUTION MADE IN CASH, CURRENCY, MONEY ORDER, OR CASHIER'S CHECK, A SIGNED RECEIPT FORM PROVIDED BY THE CLERK AND RECORDER THAT COMPLIES WITH D.R.M.C. § 15-53(B)(3).

~~**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.~~ A COMMITTEE THAT ACCEPTS QUALIFYING OR MATCH-ELIGIBLE CONTRIBUTIONS ONLINE THROUGH A PAYMENT PROCESSOR MUST EITHER:

1. OBTAIN A RECEIPT FROM THE CONTRIBUTOR FOR EACH CONTRIBUTION THAT COMPLIES WITH D.R.M.C. § 15-53(B)(3); OR

2. WITH PRIOR APPROVAL FROM THE CLERK AND RECORDER, USE THE INFORMATION COLLECTED BY THE ONLINE PROCESSOR DURING A CONTRIBUTION TRANSACTION TO GENERATE A RECEIPT THAT COMPLIES WITH D.R.M.C. § 15-53(B)(3).

A. THE CLERK AND RECORDER MUST ESTABLISH A PROCESS FOR COMMITTEES TO APPLY AND RECEIVE PRE-APPROVAL TO GENERATE RECEIPTS FROM THEIR ONLINE PROCESSORS.

B. THE CLERK AND RECORDER WILL APPROVE AN APPLICATION IF IT CONTAINS ALL REQUESTED INFORMATION AND SHOWS HOW THE COMMITTEE WILL COMPLY WITH D.R.M.C. § 15-53(A)(3).

3.8.5 ADDITIONAL SUPPORTING MATERIAL REQUIRED FOR CERTAIN EXPENDITURES MADE WITH FAIR ELECTIONS FUNDS.

A. FOR ANY EXPENDITURE OF $250.00 OR MORE MADE WITH FAIR ELECTIONS FUNDS, OR WHEN A SINGLE VENDOR RECEIVES AN AGGREGATE OF $250.00 OR MORE IN FAIR ELECTIONS FUNDS, A COMMITTEE MUST PROVIDE A RECEIPT, CONTRACT, INVOICE, OR OTHER DOCUMENTATION AS REQUESTED BY THE CLERK AND RECORDER. THE DOCUMENTATION MUST INCLUDE:

1. THE PAYEE'S NAME;

2. CONTACT INFORMATION FOR THE PAYEE INCLUDING AT LEAST TWO (2) OF THE FOLLOWING: ADDRESS, PHONE NUMBER, OR EMAIL ADDRESS;

3. A DESCRIPTION OF THE GOODS OR SERVICES PROVIDED TO THE COMMITTEE; AND

4. IF THE VENDOR RECEIVES AN AGGREGATE OF $250.00 OVER MULTIPLE PAYMENTS A COMMITTEE MAY PROVIDE A RECEIPT LISTING MULTIPLE PAYMENT RECORDS IN A SINGLE DOCUMENT.

B. FOR ANY EXPENDITURE MADE BY CHECK, BANK TRANSFER, OR ELECTRONIC WIRE OF $1,000.00 OR MORE, THE COMMITTEE MUST PROVIDE A COPY OF THE CHECK, WIRE RECEIPT, CONFIRMATION BY THE RECIPIENT OF THE FUNDS, OR AN OFFICIAL LETTER ISSUED BY THE FINANCIAL INSTITUTION ON THEIR LETTERHEAD CONFIRMING THE TRANSACTION.

C. A PARTICIPATING CANDIDATE MUST OBTAIN AND KEEP A RECORD FOR EACH FOOD AND BEVERAGE EXPENDITURE FROM THE FUND.

1. FOR ANY FOOD AND BEVERAGE EXPENDITURE OVER $50 THE RECORD MUST INCLUDE AN ITEMIZED RECEIPT.

2. A PARTICIPATING CANDIDATE MUST PROVIDE A SPECIFIC CAMPAIGN-RELATED PURPOSE FOR THE FOOD AND BEVERAGE PURCHASE.

D. A CANDIDATE MUST OBTAIN AND KEEP A RECORD OF ANY TRAVEL-RELATED EXPENDITURES FROM THE FAIR ELECTIONS FUND.

1. A 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. § 15-37.

2. A PARTICIPATING CANDIDATE MUST PROVIDE A SPECIFIC CAMPAIGN-RELATED PURPOSE FOR THE TRAVEL.

3. MILEAGE REIMBURSEMENT FROM THE FAIR ELECTIONS FUNDS MAY NOT EXCEED THE STANDARD MILEAGE RATE PRESCRIBED FOR EMPLOYEES OF THE CITY. THE CANDIDATE MUST MAINTAIN A RECORD SHOWING THE DATES OF TRAVEL, THE NUMBER OF MILES TRAVELED, PURPOSE OF TRAVEL, AND TOTAL AMOUNT CLAIMED FOR REIMBURSEMENT.

E. A CANDIDATE MAY NOT MAKE AN EXPENDITURE OF FAIR ELECTIONS FUNDS AFTER THE CANDIDATE BECOMES DECERTIFIED UNDER RULE 3.9.3 D., UNLESS THE CANDIDATE PROVIDES DOCUMENTATION SHOWING THAT THE CANDIDATE COMMITTED TO MAKE THE EXPENDITURE BEFORE DECERTIFICATION.

1. SUFFICIENT DOCUMENTATION MAY INCLUDE:

a. A SIGNED AND DATED AGREEMENT SETTING FORTH THE FUTURE OBLIGATION OF FUNDS;

b. AN OUTSTANDING INVOICE;

c. A RECURRING PAYMENT AGREEMENT OR SUBSCRIPTION CONTRACT DETAILING THE DATE OF THE AGREEMENT AND THE RENEWAL PERIOD; OR

d. FOR BANK ACTIVITY CHARGES, BANK STATEMENTS DETAILING THE CHARGES OR AN OFFICIAL COMMUNICATION FROM THE FINANCIAL INSTITUTION DETAILING THEIR FEE SCHEDULE.

2. THE CANDIDATE MUST MAKE ALL PREVIOUSLY OBLIGATED EXPENDITURES OF FAIR ELECTIONS FUNDS NO LATER THAN SIXTY (60)

DAYS FOLLOWING THE CANDIDATE'S DECERTIFICATION.

F. THE CLERK AND RECORDER MAY REQUEST ANY ADDITIONAL INFORMATION NECESSARY TO SHOW PROOF OF COMPLIANCE WITH THESE RULES.

3.8.6 REIMBURSEMENT TO THE FAIR ELECTIONS FUND.

A. AN EXPENDITURE IS CONSIDERED IMPROPER AND MUST BE REIMBURSED TO THE FAIR ELECTIONS FUND IF:

1. A PARTICIPATING CANDIDATE FAILS TO PROVIDE THE REQUIRED DOCUMENTATION FOR AN EXPENDITURE UNDER RULE 3.9.5.; OR

2. THE EXPENDITURE IS FOUND TO HAVE BEEN OBLIGATED AFTER THE CANDIDATE BECAME DECERTIFIED UNDER RULE 3.9.3 D.

B. A CANDIDATE MAY NOT USE FAIR ELECTIONS FUND MONEY TO MAKE A REIMBURSEMENT REQUIRED UNDER THIS RULE.

~~3.9.5~~ 3.8.7 Administration of ~~the~~ A ~~Separate Bank Account~~ 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.

C. A CANDIDATE MAY NOT DEPOSIT OR TRANSFER FUNDS FROM ANY OTHER SOURCE, OTHER THAN MONIES RECEIVED FROM THE FUND, INCLUDING TRANSFERS OR DEPOSITS FROM THE CANDIDATE'S CAMPAIGN COMMITTEE ACCOUNT.

D. A CANDIDATE MAY NOT TRANSFER FUNDS FROM THE FUND DESIGNATED BANK ACCOUNT INTO ANY OTHER BANK ACCOUNT OR OTHER FINANCIAL REPOSITORY, OTHER THAN BANK TRANSFERS MADE TO A PAYEE AS AN EXPENDITURE.

E. A VIOLATION OF THIS SECTION IS SUBJECT TO THE PENALTIES IN CHAPTER 15, D.R.M.C., WHICH MAY INCLUDE UP TO THE DECERTIFICATION AS A PARTICIPATING CANDIDATE.

F. A COMMITTEE MUST PROVIDE BANK STATEMENTS FOR THE BANK ACCOUNT IN WHICH FAIR ELECTIONS FUNDS ARE DEPOSITED FOR EACH MONTH THE ACCOUNT HAS A STATEMENT BALANCE.

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.

c. 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. 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.~~

~~**3.9.6 Adjustments for inflation to the Fair Elections Fund.**~~

~~**A.** Beginning in January 2025, the city must annually appropriate three dollars and forty-three cents ($3.43) per City of Denver resident per year, as determined by the most recent official United States Census Bureau Population Estimate for the City of Denver, from the city general fund to the Fair Elections Fund.~~

~~**B.** The amount of the Fair Elections Fund may not exceed nine million, five hundred forty-seven thousand, seven hundred five dollars ($9,547,705.00).~~

~~**C.** The aggregate amount of Fair Elections Fund payments that may be made to a participating candidate during an election cycle may not exceed:~~

~~**1.** Eight hundred ninety-five thousand and ninety-five dollars ($895,095.00) for a candidate running for the office of mayor;~~

~~**2.** Two hundred ninety-eight thousand, three hundred sixty-five dollars ($298,365.00) for a candidate running for the office of councilmember-at-large, clerk and recorder, judge or auditor; and~~

~~**3.** One hundred forty-nine thousand, one hundred eighty dollars ($149,180.00) for a candidate running for a district councilmember.~~

~~**D.** Funds paid to participating candidates during a runoff election under § 15-57, D.R.M.C., do not count against the aggregate limits in Rule 3.9.6. C.~~

3.8.8 PROPERTY PURCHASED WITH FAIR ELECTIONS FUND MONIES. AS REQUIRED BY D.R.M.C. 15-58(B), EXCEPT FOR PURCHASES UNDER TWO HUNDRED (200) DOLLARS, PROPERTY THAT HAS BEEN PURCHASED WITH FAIR ELECTION FUNDS MAY NOT BE RETAINED AFTER A CANDIDATE IS DE-CERTIFIED. CAMPAIGN-BRANDED MATERIAL WITH NO RESALE VALUE, SUCH AS BANNERS AND SIGNS, MAY BE RETAINED. WITHIN SIXTY (60) DAYS OF NOTICE OF DE-CERTIFICATION, A PARTICIPATING CANDIDATE MUST EITHER REIMBURSE THE CITY IN AN AMOUNT EQUAL TO THE MONEY SPENT ON THE PROPERTY OR LIQUIDATE THE PROPERTY AT FAIR MARKET VALUE AND REMIT THE PROCEEDS AS UNEXPENDED FUNDS TO THE MANAGER OF FINANCE.