

Denver Municipal Candidate

2011 Information Packet #1:

Initial Filing and Campaign Finance

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What you need to know first

This packet contains information needed to comply with the requirements of becoming a municipal candidate in Denver and we strongly encourage you to familiarize yourself with **ALL** of these requirements. There are two information packets:

- **Information Packet #1: Initial Filing and Campaign Finance**
This packet contains the initial forms you will need to file in order to become a declared candidate. It will also walk you through your campaign finance reporting obligations.
- **Information Packet #2: Nominating Petitions**
This packet contains the information you need to actually gain ballot status, including the forms associated with filing your candidate petitions.

Download these two packets online at: www.denvergov.org/City_Clerk/ or www.denvervotes.org, or ask for hard copies at either of the two offices named below.

Where to File Your Forms

There are two divisions within the Office of the Clerk and Recorder that oversee different aspects of the candidate process. Both offices are located downtown about a block away from each other:

Campaign finance reports and initial candidate and committee forms are filed here:	Candidate nominating petition requirements are filed here:
City Clerk's Office Wellington E. Webb Municipal Office Bldg. 201 W. Colfax Ave., Suite 101 Denver, CO 80202	Denver Elections Division 200 West 14 th Avenue Denver, CO 80204

Customer service contact for procedural questions:

Clerk and Recorder's Communication Office
electionscomm@denvergov.org
720-865-4872

Disclaimer

Potential candidates are advised that legal provisions are subject to amendment from time to time. Therefore, it is incumbent on the candidate to determine if any new legislation or rules have been enacted. Forms and information contained in this packet may not be either exclusive or all-inclusive of other information related to running for municipal office. It is the sole responsibility of the candidate and his or her candidate committee to determine and comply with any and all applicable state or local laws, statutes, ordinances, rules, regulations and policies in order to run for and be elected to a Denver municipal office. If you require advice or an interpretation concerning legal requirements, we suggest that you contact a private attorney. **The Office of the Clerk and Recorder cannot and will not provide legal advice.**

Requirements for Campaign Finance Filing

This information packet explains the requirements for filing campaign finance forms and reports in the City and County of Denver. The reader should note, however, that the narrative below is not necessarily comprehensive and is not a substitute for understanding the legal obligations in detail.

Users of this packet should note the following new information:

- There is a notary requirement on several forms in this packet.
- Amendments have been enacted to Denver’s campaign finance ordinance (see Attachment G).
- New Clerk and Recorder rules have been enacted regarding campaign finance (see Attachment H).
- Campaign finance reports must now be filed electronically (see Step 5 in this packet).

Step 1 – Be Familiar With the General Requirements

A. Understand the Campaign Finance Laws

1. Carefully read the Denver Revised Municipal Code (D.R.M.C. Art. III, § 15,) regarding campaign finance. It is very detailed and describes the obligations for campaign finance reporting in the City and County of Denver (see Attachment G).
2. Carefully read the Clerk and Recorder Rules concerning campaign finance (see Attachment H).
3. If necessary, seek legal advice. It is ultimately your responsibility to make sure you follow campaign finance laws and regulations.

B. Who Must File

Any candidate, as defined by D.R.M.C. Art. III, § 15-32(2), for an elective office of the City and County of Denver or any political committee, as defined by D.R.M.C. Art. III, § 15-32(11), must comply with Denver’s municipal campaign finance requirements. These include the following:

1. Candidates:

- a. Any person who seeks election or re-election to any elected Charter office listed in Charter § 9.2.1(A) (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 § 4.1.5. A person is a candidate for election upon the first to occur of the following:
 - i. 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) or more during the election cycle; or

- ii. The person has filed nominating petitions pursuant to Charter § 8.2.7; or
 - iii. The person has filed a declaration of intent to run for another term as judge under Charter subdivision 4.1.5.
- b. An incumbent, an unsuccessful candidate for office or former officeholder who still has a cash balance of contributions or a debt or deficit or who receives contributions or contributions in-kind. (See D.R.M.C. Art. III, § 15-32(2) for specific definitions.)
2. **Candidate Committees:** A political committee authorized by a candidate to receive contributions or contributions in-kind or make expenditures on behalf of such candidate. (See D.R.M.C. Art. III, §15-32 (2).)
 3. **Issue Committees:** An issue committee is a political committee, as defined below. An issue committee has a different election cycle than does a candidate committee (see Step 1 D. below).
 4. **Political Committees:** Any committee, club, association or other group that receives contributions or contributions in-kind aggregating five hundred dollars (\$500) or more during an election cycle and that makes expenditures aggregating five hundred dollars (\$500.00) or more during an election cycle. (See Step 1 D. below for an explanation of election cycle.)
 - a. Political committee shall include a separate political education or political action fund or committee that 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.
 - b. Political committee includes a committee, club, association or other group that solicits contributions or contributions in-kind and places such contributions or contributions in-kind in its treasury for distribution to campaigns.
 - c. Political committee does **not** include a committee, club, association or other group that solicits individual contributions and passes those contributions along to campaigns without placing the contributions in its own treasury prior to distribution to a campaign.
(D.R.M.C. Art. III, §15-32 (11))

C. Where To File

1. **Committee formation and campaign finance documents** are filed with the **City Clerk's Office**, located in the Office of the Clerk and Recorder, 201 W. Colfax Ave., Dept. 101, Denver, CO 80202.
2. **Nominating petitions and related forms and documents** are filed with the **Denver Elections Division**, 200 W. 14th Ave., Suite 100, Denver, CO 80204. (For more

information regarding candidate nomination and acceptance, please see *Denver Municipal Candidate 2011 Information Packet #2: Nominating Petitions.*)

3. To help clarify these distinctions, please review the grid in Attachment A.

NOTE: Both the City Clerk Division and the Elections Division are divisions within the Office of the Clerk and Recorder, with different locations and functions.

D. What is an Election Cycle?

Some reports require reporting of “aggregate” contributions and contributions in-kind from donors. This means contribution and contribution in-kind totals must be aggregated **for the full election cycle, not just for the current election or the current year.**

The election cycle (see D.R.M.C. Art. III, § 15-32(8)) is defined as follows:

1. For **candidates** (Mayor, Auditor, Clerk and Recorder, and member of City Council) election cycle means 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 31 of the next year in which such an election is held.
2. For **issue committees** supporting or opposing an issue on the ballot, an election cycle is a calendar year, January 1 through December 31.
3. For **judges in their first term**, election cycle means the date from appointment as a judge through December 31 of the year in which the judge is subject to a retention election as required by subdivision 4.1.5 of the Charter.
4. For **judges in other terms**, election cycle means the period from January 1 of the year following the last election for retention of the judge through December 31 of the year in which the next retention election is held.
5. For any **vacancy election**, the election cycle ends on December 31 of the year in which the vacancy election is held, and a new election cycle begins on January 1 of the following year and ends on December 31 of the next year in which a general municipal election is held.

Current Election Cycles:

1. For the **general municipal election** on May 3, 2011, the four-year election cycle is from January 1, 2008 through December 31, 2011.
2. For candidates who participated in the 2010 **special vacancy election**, the first election cycle was from January 1, 2010 to December 31, 2010, and the next election cycle is from January 1, 2011 through December 31, 2011.

Step 2 – File your Initial Forms

1. Within ten (10) days of becoming a candidate (as defined in D.R.M.C. Art. III, § 15-32(1)), a **candidate** must file a *Candidate Affidavit* with the City Clerk. This affidavit is a declaration that you are a candidate and that you are familiar with the provisions of Article III of Chapter 15, D.R.M.C. § 15-31 through 15-60. A copy of the *Candidate Affidavit* is included in Attachment C, and may be photocopied for use. (See D.R.M.C. Art. III, § 15-33(a).)

NOTE: The *Candidate Affidavit* requires notarization prior to submission to the City Clerk's office.

2. Within ten (10) days after the formation of a **political committee** (defined in D.R.M.C. § 15-32(11)), the treasurer of the committee must file the following forms with the City Clerk:
 - a. *Statement of Political Committee Organization*; and
 - b. *Political Committee Treasurer Affidavit*.

Copies of these two forms are included in Attachment C, and may be photocopied for use. (See D.R.M.C. Art. III, § 15-34.)

NOTE: The *Political Committee Treasurer Affidavit* requires notarization prior to submission to the City Clerk's office.

3. **Every political committee is required to have a treasurer.** For candidate committees, the candidate is considered to be the treasurer if no other treasurer is designated (see D.R.M.C. Art. III, § 15-34); however, candidates who intend to act as their own treasurer are strongly encouraged to file a *Treasurer Affidavit* naming themselves.

Effective January 1, 2011, all initial candidate, committee and treasurer forms are posted on the city website, generally within one business day of receipt (see D.R.M.C. Art. III, §15-36(c)). Be mindful of this when deciding to include contact information that you would prefer to remain private, such as personal cell phone numbers or personal email addresses.

Step 3 – File your Financial Disclosure Statement

Within 15 days after becoming a candidate, candidates (including incumbent officeholders) must file a *Candidate Financial Disclosure Statement* with the City Clerk. (See D.R.M.C. Art. III, §15-33(b).) It is a “fillable” PDF form and is included in Attachment C. It is also available separately for download on the City Clerk website (http://www.denvergov.org/City_Clerk/).

NOTE: Incumbent officeholders who become candidates are required to file a new *Candidate Financial Disclosure Statement*. Any city officer disclosure forms filed within the prior year will not fulfill this requirement. (See D.R.M.C. Art. V, § 2-72(b).)

D.R.M.C. Art. V, § 2-72(d) and (e) lists the information required to be included in this disclosure.

Effective January 1, 2011, the financial disclosure statements of all candidates are posted on the city website within one business day of receipt (see D.R.M.C. Art. III, §15-36(c)).

Step 4 – Understand Contribution Limits and the Use and Tracking of Campaign Funds

A. Limitations on Contributions and Contributions In-Kind

In any election cycle individuals must observe the following caps on their aggregate contributions or contributions-in-kind to any one candidate or his/her candidate committee:

Mayor	\$3,000
Auditor	\$2,000
Clerk and Recorder	\$2,000
Judge	\$2,000
Council Member At-Large	\$2,000
District Council Member	\$1,000

Any contribution or contribution-in-kind that causes the donor to exceed these limits must be returned to the donor within seventy-two (72) hours of receipt. (See D.R.M.C. Art. III, § 15-37(b).)

1. Aggregate contribution limits do not apply to the following:
 - a. The contribution of a candidate's personal funds to his/her own campaign, nor to any loan personally guaranteed by the candidate or secured by property owned by the candidate. (See D.R.M.C. Art. III, § 15-37(c).)
 - b. The contribution of office space or office equipment. (See D.R.M.C. Art. III, § 15-37(d).)
 - c. Transfers between candidate committees when both candidate committees are authorized by the same candidate(s). (See D.R.M.C. Art. III, § 15-37(a).)
 - d. Transfers between a joint candidate committee and the candidate committee of one (1) of its candidates. (See D.R.M.C. Art. III, § 15-37(a).)
 - e. The contributions of companies and organizations.
3. Contributions in currency or coin of fifty dollars (\$50) or more from any one contributor are prohibited. Any portion of such a contribution above forty nine dollars and ninety nine cents (\$49.99) must be remitted by the treasurer to the Clerk and Recorder within seventy-two (72) hours of receipt for deposit into the city's general fund. (See D.R.M.C. Art. III, § 15-37(e).)
4. Anonymous contributions of fifty dollars (\$50) or more are prohibited. Any portion of an anonymous donation above forty nine dollars and ninety nine cents (\$49.99) received by a political committee must be remitted by the treasurer to the Clerk and Recorder within

seventy-two (72) hours after receipt for deposit into the city's general fund. (See D.R.M.C. Art. III, § 15-37(f).)

B. Tracking of Financial Transactions

1. No expenditures may be made by or on behalf of a political committee without the authorization of the treasurer or the treasurer's designated agent. (See D.R.M.C. Art. III, § 15-34(a).)
2. All contributions or contributions-in-kind received or expenditures made by a political committee must be tracked and reported. (See D.R.M.C. Art. III, § 15-34(d).) This includes contributions and expenditures that were made prior to becoming a political committee as defined in D.R.M.C. Art. III, § 15-32(11) and that will be reported in the first report required under D.R.M.C. Art. III, § 15-35.
3. Every person who receives a contribution or contribution-in-kind for a political committee must forward that donation to the treasurer of the political committee within ten (10) days of receipt, along with the legally-required information about the donor and donation date of receipt. (See D.R.M.C. Art. III, § 15-34(e).)
4. The funds of a political committee must be segregated from, and may not be commingled with, the personal funds of any individual. A political committee's funds must be deposited in a financial institution account, and the name of the account must include the name of the committee. The account must be used solely by the political committee. (See D.R.M.C. Art. III, § 15-34(f).)

At any event where contributions are collected in a central location, sometimes referred to as a "fishbowl," the political committee must:

- a. Provide a sign-up sheet next to the "fishbowl" or the central location where contributions are collected, to obtain the required information contained in D.R.M.C. Art. III, § 15-35(d)(3) and (4).
 - b. Post a sign that has been approved ahead of time by the Clerk and Recorder, with lettering at least one-quarter-inch high or twenty-four (24) point type size, that describes the information required from each donor. (See D.R.M.C. Art. III, § 15-35(h)(1) and (2).)
5. The treasurer of a political committee must preserve all records required to be kept under D.R.M.C. Art. III of Chapter 15, and copies of all required campaign finance reports for five years after the report is filed or until final disposition of any complaint and consequent litigation, whichever is later. (See D.R.M.C. Art. III, § 15-34(g).)

Step 5 – File Your Reports by the Required Deadlines

A. How to File

Effective January 1, 2011, campaign finance reports required by D.R.M.C. § 15-35 **must be filed electronically**. The one exception to this new rule is the 2010 Annual or Year-End

report that is due by January 31, 2011. Other than this exception, hard copy reports will not be accepted except under very limited, pre-approved circumstances. (See below, and Clerk and Recorder Rule 2 in Attachment H.)

1. The Clerk and Recorder will provide customized Microsoft Excel spreadsheets to each campaign that has filed its initial forms one month in advance of each reporting deadline. These spreadsheets are not transferable. Committees will be provided with the information needed to download their customized spreadsheet files and to submit completed spreadsheet files.

NOTE: If you have not received your spreadsheet or have questions on how to proceed, direct your questions to: campaignfinance@denvergov.org.

2. The Excel spreadsheet contains several worksheets within it (see tabs across the bottom of the spreadsheet). The first worksheet contains detailed instructions on how to complete the report.
3. Because of the requirement to have the treasurer's signature on all campaign finance reports, this requirement is satisfied by the treasurer's original signature on file with the Clerk and Recorder on the original *Political Committee Treasurer's Affidavit*.
4. In hardship or emergency circumstances, the Clerk and Recorder may accept campaign finance reports in hard copy:
 - a. Such circumstances **must be pre-approved** by the Clerk and Recorder.
 - i. **Hardship exceptions** must be applied for in writing at least 30 days prior to the applicable filing deadline.
 - ii. **Emergency exceptions** must also be pre-approved (call 720-865-4872).
 - b. Hardship and emergency exceptions do not extend filing deadlines.
 - c. Hard copy reports must be typewritten and must contain an original signature. Faxed reports will not be accepted.
 - d. Illegible reports will be considered deficient.
 - e. Hard copies of the campaign reporting forms, for use in hardship or emergency exceptions only, are in Attachment D of this packet. In the electronic form of this information packet, these forms are "fillable" PDFs, which is preferred.

General guidelines when filling out your Excel spreadsheet:

1. All reports must have the *Cover* and *Summary* worksheets filled out, even if you are filing only an amendment to a report. The exception is the *Report of Major Contributors* which is filed separately as a stand-alone form in the last six days prior to an election. In your report, fill out only the worksheets that will have data in them.
2. The *Contributions* and the *In-Kind Contributions* worksheets reflect the requirement to provide employer information for contributors of \$200 or more. If this information cannot be obtained, you must document your efforts to obtain this information. If this

block is left blank for any contribution or contribution in-kind of \$200 or more, **your report will be deemed incomplete.** (See D.R.M.C. Art. III, § 15-35(d)(4).)

NOTE: Campaign finance reports must be filed by the committee treasurer or his or her designated agent. That person must have an original signature already on file with the Clerk and Recorder. (See D.R.M.C. Art. III, § 15-35(a).)

3. Reports are timely filed if they are received by 5 p.m. on the due date. **Please note that reports received after 5 p.m. on the due date are delinquent.**
4. Effective January 1, 2011, all campaign finance reports received by the Clerk and Recorder must be posted on the city's website by within one business day of the deadline to file them. (See D.R.M.C. Art. III, § 15-36(c).)
5. The Clerk and Recorder will audit all reports to ensure that they fully comply with the provisions of D.R.M.C. Art. III, § 15-39(3) through (5). The Clerk will notify any political committee whose report is in apparent violation. For any violation of this article, including failure to file complete reports as required by D.R.M.C. Art. III, § 15-35(d), the Clerk will allow the political committee an opportunity to correct the report within ten (10) days, in accordance with D.R.M.C. Art. III, § 15-39(3) through (5). In the case of a vacancy election, the Clerk will allow the committee two (2) days to correct the report.

B. When to File

Political committees should follow the required deadlines once they have met the \$500 threshold described in Step 1 B. (See D.R.M.C. Art. III, § 15-32(11).). These deadlines are specified in detail in D.R.M.C. Art. III, § 15-35(a) through (h) (see Attachment D). The information below is a summary of these requirements, but the reader should note that this summary is not necessarily comprehensive and is not a substitute for understanding the legal obligations in detail.

1. For a calendar year in which there is a general city and county (municipal) election and run-off election, the following reports must be filed by any candidate for office, any incumbent officeholder who is seeking re-election or retention, and any issue committee seeking to influence an election:
 - a. **Monthly** reports for January, February and March, complete through the last day of the month, due on the 5th day of the following month;
 - b. A **pre-election** report covering April through the Wednesday prior to the general city and county election, due on the Thursday prior to the election;
 - c. A **post-election** report covering the period from the Thursday prior to the election through the Wednesday prior to the run-off election, due on the Thursday prior to the run-off election;
 - d. A **post-run-off** report, to be filed only by run-off candidates, covering the period from the Thursday prior to the run-off election through the 25th day after the run-off, due on the 30th day after the runoff election; and
 - e. A **year-end** report, due on January 31 of the following year covering:

- i. For run-off candidates: The period from the twenty-sixth day after the run-off election through December 31; or
 - ii. For candidates who did not participate in the run-off: The period from the Thursday prior to the run-off election through December 31.
- f. Additionally, a **Report of Major Contributors** is due any time a political committee receives a contribution or contribution-in-kind of five hundred dollars (\$500.00) or more within six (6) days preceding the election. This report is due on the next business day after receipt of the contribution or contribution in-kind. (See D.R.M.C. Art. III, § 15-35(f).)

NOTE: See Attachment D for hard copy versions of these forms, but note that an electronic version is what is actually required.

2. For the months preceding a special election beginning in the month that candidacy is declared:
- a. **Monthly** reports for each month, complete through the last day of the month, due on the fifth day of the following month;
 - b. A **pre-election** report covering the period beginning the first day of the month before the month in which the special election is to be held through the Wednesday prior to the special election, due on the Thursday prior to the election;
 - c. A **post-election** report covering the period from the last report through the twenty-fifth day after the election, due on the thirtieth day after the election;
 - d. A **year-end** report covering the twenty-sixth day after the special election through December 31, due on January 31 of the following year.
 - e. Additionally, a **Report of Major Contributors** is due any time a candidate receives a contribution or contribution-in-kind of five hundred dollars (\$500) or more within six (6) days preceding the election. This report is due on the next business day after receipt of the contribution or contribution in-kind. (Refer to D.R.M.C. Art. III, § 15-35(f).)
- (See Attachment D for hard copy versions of these forms, but note that an electronic version is what is actually required.)
3. For a calendar year in which there is a municipal election (including a runoff election) and an incumbent officeholder is **not** seeking re-election, an **annual** report must be filed for the calendar year no later than January 31 of the following year. (See D.R.M.C. Art. III, § 15-35(b)(3).) If January 31 falls on a day when Denver city offices are closed, the report is due on the next business day.
4. For any other calendar year, an **annual** report must be filed for the calendar year no later than January 31 of the following year. (See D.R.M.C. Art. III, § 15-35(c).) If January 31 falls on a day when Denver city offices are closed, the report is due on the next business day.

C. What to File

Each report must contain information that is detailed in D.R.M.C. Art. III, Section 15-35(d). (See Attachment D). Following is a summary of these requirements, but the reader should note that this summary is not necessarily comprehensive and is not a substitute for understanding the legal obligations in detail. Each report must include:

1. The amount of funds on hand at the start of the period, including any carryover 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. (See D.R.M.C. Art. III, § 15-35(d)(1).)
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. (See D.R.M.C. Art. III, § 15-35(d)(2).)
3. The name and address of all individuals and entities whose contributions or contributions in-kind have an aggregate amount or value of fifty dollars (\$50) or more in the calendar year, along with the amount and date of each contribution and contribution in-kind and the aggregate contribution and contribution in-kind of such person or entity during the reporting period. (See D.R.M.C. Art. III, § 15-35(d)(3).)
4. The occupation and employer of any contributor if the sum of that person's contribution and contribution in-kind is two hundred dollars (\$200) or more in a calendar year. In fulfilling these obligations, 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 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 that 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) 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 the financial institution(s) used by the 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.

9. The details of any unpaid obligation of five hundred dollars (\$500) or more and thirty (30) days or more overdue, that 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.

NOTE: The reporting requirements of D.R.M.C. Art. III, § 15-35 apply to **any political committee that has a cash balance of contributions or contributions in-kind or an expenditure deficit.** These reporting obligations end when:

- a. The report shows no unexpended balance and no expenditure deficit; or
- b. 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.

Step 6 – Allowed Uses of Unexpended Campaign Funds

Unexpended campaign funds may be used in the following ways:

1. Funds may be contributed to another candidate committee established by the same candidate for a different elective Denver office. In this case, the first candidate committee must be officially closed out within ten days of the contribution to the second committee. (See D.R.M.C. Art. III, § 15-38(b)(1).)
2. Funds may be contributed to another candidate committee for a candidate of elective office in Denver. (See D.R.M.C. Art. III, § 15-38(b)(2).)
3. Funds may be contributed to a political committee or issue committee organized for the support or opposition of any Denver ballot issue or question, state ballot issue or question, or ballot issue or question proposed by any other local political subdivision that is at least partially within Denver boundaries. (See D.R.M.C. Art. III, § 15-38(b)(3).)
4. Funds may be donated to any charitable organization recognized by the Internal Revenue Service. (See D.R.M.C. Art. III, § 15-38(b)(4).)
5. Funds may be returned to contributors. (See D.R.M.C. Art. III, § 15-38(b)(5).)
6. Funds may be retained by the candidate committee for use by the candidate in a subsequent campaign for any nonpartisan office. (See D.R.M.C. Art. III, § 15-38(b)(5).)
7. A person successfully elected to a public office may additionally use unexpended campaign funds for any of the following purposes:
 - a. Voter registration;
 - b. Political education that includes obtaining information from or providing education to voters;

- c. Postsecondary educational scholarships;
- d. Expenses for mailings and other communications to constituents;
- e. Any expenses directly related to their official duties as an elected official. Such expenses might include but are not limited to 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 expenses.

(See D.R.M.C. Art. III, § 15-38(d).)

- 8. All unexpended funds of a candidate committee for a former officeholder or an unsuccessful candidate must be expended within nine years of the end of the expired term or from the date of the unsuccessful election, whichever is later. (See D.R.M.C. Art. III, § 15-38(c).)
- 9. Unexpended contributions to a political committee organized to support or oppose a Denver ballot question or ballot issue may be donated to any charitable organization recognized by the Internal Revenue Service, or may be returned to contributors. (See D.R.M.C. Art. III, § 15-38(e).)
- 10. Contributions and contributions-in-kind may not be used for private purposes not reasonably related to influencing an election. (See D.R.M.C. Art. III, § 15-38(a).)

Step 7 – Stay Informed

- Please fill out the *Candidate/Campaign Contact Sheet* (Attachment E) and return it to the Denver Elections Division.
- Your customer service contact is the Clerk and Recorder Communications Office, 720-865-4872, electionscomm@denvergov.org. Please keep your daytime phone number(s) and email address(es) current with the Communications Office.
- The Elections Division will provide the following services to candidates:
 - The Elections Division website, www.denvervotes.org, will contain important election information:
 - sample ballots with candidate names;
 - historical election results;
 - district maps;
 - early voter and mail voter data on a login section of the website, updated daily during the voting period;
 - optional candidate campaign contact information that the candidate provides to the Communications Office for that purpose (e.g., email address, telephone number, campaign website, Facebook page, Twitter page, etc.).
 - Occasional customer service alerts and information will be issued to campaign contacts via email and Twitter.

- The Elections Division Twitter account is www.twitter.com/DenverElections. Sign up with Twitter to receive Elections Division customer service alerts on your cell phone.
- A meeting for candidates will be held to explain election, ballot counting and campaign finance procedures. It's your chance to find out how the election system works and to get your questions answered.



Attachment A

Municipal Candidate Filings and Deadlines

When to File	Where to File	
	Clerk and Recorder Office Wellington E. Webb Bldg. 201 West Colfax Denver, CO 80202	Clerk and Recorder's Elections Division 200 West 14th Ave. Denver, CO 80204
Within 10 days after becoming a candidate	Candidate Affidavit	
Within 10 days after forming your campaign committee	Statement of Committee Formation	
Within 10 days after forming your campaign committee	Treasurer's Affidavit	
Within 15 days after becoming a candidate	Financial Disclosure Statement	
Upon reaching the \$500 contribution/expense threshold	*Monthly Campaign Finance Reports (due by 5th of following month, every month till election)	
Beginning Jan. 31, 2011		Pick up pre-printed petition sections for circulation
Wednesday, March 09, 2011		Deadline for completed petitions & <i>Acceptance of Nomination</i> Form
Wednesday, March 16, 2011		Deadline to withdraw nomination via notarized letter
Late March 2011		Public lot drawing for ballot position takes place
Beginning Wednesday, April 27, 2011	*Report of Major Contributors, due within 24 hours of contribution	
Thursday, April 28, 2011	*Pre-Election Campaign Finance Report	
Tuesday, May 03, 2011		Municipal General Election
Beginning Wednesday, June 1, 2011	*Report of Major Contributors, due within 24 hours of contribution for runoff	
Thursday, June 02, 2011	*Post-Election Campaign Finance Report	
Tuesday, June 07, 2011		Municipal Run-off Election
Thursday, July 07, 2011	*Post-Election Campaign Finance Report due for run-off candidates	
Tuesday, January 31, 2012	*Year-end Campaign Finance Report	

* Reports marked with an asterisk must be filed electronically.

OFFICE OF THE CLERK AND RECORDER
CITY CLERK DIVISION

Webb Municipal Office Building
201 W. Colfax Ave., Dept. 101
Denver, Co 80202



Stephanie Y. O'Malley
Clerk and Recorder
Public Trustee

Attachment B

2011 Campaign Finance Reporting Calendar

Municipal Election – May 3, 2011

Due Dates	Report Required	Period Covered
February 7, 2011	Monthly	Jan. 1, 2011 – Jan. 31, 2011
March 7, 2011	Monthly	Feb. 1, 2011 – Feb. 28, 2011
April 5, 2011	Monthly	March 1, 2011 – March 31, 2011
April 28, 2011	Pre-Election	April 1, 2011 – April 27, 2011
Next business day	Major Contributor Report**	April 27, 2011 – May 2, 2011
June 2, 2011	Post-Election Report	April 28, 2011 – June 1, 2011
June 7, 2011 Run-Off Election (if scheduled)		
Next business day	Major Contributor Report** (runoff candidates only)	June 1 – June 6, 2011
July 7, 2011	Post –Runoff Election Report (run-off candidates only)	June 2, 2011 – July 2, 2011
On or before Jan. 31, 2012	Year-End Report (run-off candidates only)	July 3 – Dec. 31, 2011
On or before Jan. 31, 2012	Year-End Report (non-run-off candidates only)	June 2 – Dec. 31, 2011

Due Dates	Report Required	Period Covered
Jan. 31, 2012	Annual	Jan. 1, 2011 – Dec. 31, 2011

**Any contribution or contribution in-kind of \$500 or more that is received within six days preceding an election must also be reported in a *Report of Major Contributions* and is due the next business day after receipt of the contribution or contribution in-kind. (See D.R.M.C. § 15-35(f).)

Please Note:

- ◆ All reports must be dated. Reports filed in paper form must have an original signature on them.
- ◆ Reports are timely filed if received by the City Clerk **no later than 5 p.m.** on the due date.
- ◆ If a reporting deadline falls on a weekend or holiday, the report is due on the next business day.

Attachment C

Initial Forms

In the electronic version of this packet, these initial forms are “fillable” PDFs. It is preferred that you use these electronic versions for readability and legibility.

OFFICE OF THE CLERK AND RECORDER
CITY CLERK DIVISION

Webb Municipal Office Building
201 W. Colfax Ave., Dept. 101
Denver, Co 80202



Stephanie Y. O'Malley
Clerk and Recorder
Public Trustee

**Municipal Candidate Affidavit
City and County of Denver**

This is to certify that I, _____,
(Print Name)

am a candidate for the office of _____

If for City Council:

Council District # _____
 Council At Large
(Check one)

to be voted on at the Municipal Election to be held on

Tuesday, the _____ day of _____, 20_____.

I further certify that I am familiar with the provisions of Chapter 15, Article III of the Denver Revised Municipal Code, as amended.

(Signature of Candidate) (Date)

(Residential Address, City, State, Zip)

(Mailing Address, if different from above)

STATE OF COLORADO
CITY AND COUNTY OF DENVER

Subscribed and sworn to me on this [SEAL]

_____ day of _____, _____.

My commission expires: _____.

(Signature of Notary Public)

OFFICE OF THE CLERK AND RECORDER
CITY CLERK DIVISION

Webb Municipal Office Building
201 W. Colfax Ave., Dept. 101
Denver, Co 80202



Stephanie Y. O'Malley
Clerk and Recorder
Public Trustee

<input type="checkbox"/>	Initial Filing
<input type="checkbox"/>	Update

Statement of Political Committee Organization
City and County of Denver

Name of political committee: _____

(Full Mailing Address)

(Telephone)

(Email)

Name of candidate or description of issue the political committee supports or opposes, and any other purpose of the committee:

Name of Committee Treasurer: _____

(Mailing Address)

(Telephone)

(Email)

List financial institution(s) or depository(ies) used by the committee:

(Signature)

(Date)

OFFICE OF THE CLERK AND RECORDER
CITY CLERK DIVISION

Webb Municipal Office Building
201 W. Colfax Ave., Dept. 101
Denver, Co 80202



Stephanie Y. O'Malley
Clerk and Recorder
Public Trustee

Initial Filing
 Update

**Political Committee Treasurer Affidavit
City and County of Denver**

This is to certify that I, _____,
(Print Name)

am the Treasurer for _____,
(Name of Committee)

which is seeking to influence an election to be held on

Tuesday, the _____ day of _____, 20 _____.

I further certify that I am familiar with the provisions of Chapter 15, Article III of the Denver Revised Municipal Code, as amended.

(Please print name legibly)

(Date)

(Signature of Treasurer)

(Full Mailing Address)

(Telephone)

(Email)

STATE OF COLORADO
CITY AND COUNTY OF DENVER

Subscribed and sworn to me on this

[SEAL]

_____ day of _____, _____.

My commission expires: _____.

(Signature of Notary Public)

Stephanie Y. O'Malley
Clerk and Recorder
Public Trustee



Candidate Financial Disclosure Statement

**This form is fillable. Please type in your responses, print out, sign and date;
or print out and complete manually - please type.**

Every candidate must file a financial disclosure statement within fifteen days of becoming a candidate. The report must cover the prior calendar year. If you are a Denver city officer in the reporting year, you still must file a new disclosure statement upon becoming a candidate. Submit this report to:

Office of City Clerk
Wellington E. Webb Municipal Office Building
201 W. Colfax Ave., Dept. 101
Denver, CO 80202

Refer to Denver Revised Municipal Code Article III, Sections 15-32 and 15-33, and Article V, Sections 2-71 and 2-72 for the legal basis of this form and reporting requirements.

Answer each item below, stating "None" where appropriate, and attaching additional pages as necessary. Do not leave any spaces blank.

1. Candidate Financial Disclosure Statement for:

Candidate full legal name: _____

Office sought: _____

Campaign address: _____

Campaign email: _____

Campaign phone: _____

Campaign website: _____

Date: _____

Disclosure with respect to family members. You also must disclose the information described in 2 through 10 below for any financial interest of an immediate family member that is held jointly, derived from your income or assets, or may be materially affected by your direct official action as defined in section 2-52(B) of the Denver Code of Ethics; and list the name(s) of the person(s) holding the interest.

2. List the name of each business in which you or your spouse owned any securities or other interest in excess of one percent (1%) or five thousand dollars (\$5,000.00), and the name of the person holding the interest.

3. List the names of any sources of income you received including capital gains, whether or not taxable, that exceeded two thousand dollars (\$2000.00); provided that the amounts of such incomes need not be disclosed.

4. List the names of sources of any gifts you received in excess of twenty-five dollars (\$25.00), except gifts from a member of the immediate family. The listing shall include but not be limited to meals or tickets you accepted under section 2-60(B)(4) of the Code of Ethics.

5. List the names of all persons or employers, other than the City and County of Denver, for whom you performed compensated lobbying.

6. List the names of the creator, beneficiaries, or ownership of any private trust for your benefit and a description of the assets held by the trust when the value exceeds five thousand dollars (\$5,000).

7. Give a listing of all real property or interest therein located in the state that you owned at any time during the reporting year including options to purchase together with the location and name, if any, by which such property is commonly known, whether the real property was owned outright or held in whole or in part under a corporation or partnership; except that home addresses of the reporting person or family members need not be listed.

8. List the transfer of any assets with a value in excess of five thousand dollars (\$5,000.00) to an immediate family member during the reporting year or during the previous two (2) years.

9. List the name of each creditor owed an amount in excess of five thousand dollars (\$5,000.00).

10. List the names of any current employer and any employer during the period from July 1 of the year prior to the reporting year through December 31 of the reporting year.

I attest that the information represented herein is true, correct and complete to the best of my knowledge.

Candidate Signature

Date of Statement

Attachment D

Report Forms

Notice: These report forms are included for your reference only. They may be used for the filing of campaign finance reports **only** by those who have obtained a pre-approved hardship or emergency waiver. All others must file campaign finance reports electronically.

OFFICE OF THE CLERK AND RECORDER
CITY CLERK DIVISION

Webb Municipal Office Building
201 W. Colfax Ave., Dept. 101
Denver, Co 80202



Stephanie Y. O'Malley
Clerk and Recorder
Public Trustee

**Campaign Finance Report
Cover Page**

Name of Political Committee: _____
Date of Report: _____

(Address of Political Committee)

(Telephone Number) (Email Address)

Type of Report: (check one)	
<input type="checkbox"/> Monthly	<input type="checkbox"/> Year End *
<input type="checkbox"/> Pre-Election	<input type="checkbox"/> Annual *
<input type="checkbox"/> Post-Election	* Due by Jan. 31 of following year
<input type="checkbox"/> Addendum to Previously Filed Report	

Period Covered: _____
(From) (Through)

Signature of Treasurer: _____

Or, Name and signature of Treasurer's Designated Agent:

(Please print name legibly) (Telephone)

(Signature) (Email)

Campaign Finance Report Summary Page

Name of Political Committee: _____

Date of Report: _____

CONTRIBUTIONS:

(1) Total amount of contributions from Form A
(see attached list of contributions) \$ _____

(2) Total amount of previous contributions
(see line (3) of previous report) \$ _____

(3) Total amount received during the election cycle,
including this report \$ _____

EXPENDITURES:

(4) Total amount of expenditures from Form B
(see attached list of expenditures) \$ _____

(5) Total amount of previous expenditures
(see line (6) of previous report) \$ _____

(6) Total amount spent during the election cycle,
including this report [(4) + (5)] \$ _____

BALANCES:

(7) Funds on hand at the beginning of this reporting period
(see line (8) of previous report) \$ _____

(8) Funds on hand at the end of this reporting period
[(7) + (1) - (4)] \$ _____

IN-KIND CONTRIBUTIONS:

(9) Total amounts of In-Kind contributions from Form C
(see attached list of In-Kind contributions) \$ _____

(10) Total amount of previous In-Kind contributions
(see line (11) of previous report) \$ _____

(11) Total amount of In-Kind contributions received during
the election cycle, including this report [(9) + (10)] \$ _____

LOANS:

(12) Total amount of loans received from Form D \$ _____

DEBTS:

(13) Unpaid Obligations from Form E \$ _____

Form A Report Of Contributions

Name of Political Committee: _____

Date of Report: _____

Form A page _____ of _____

Contributor's Name & Mailing Address	Name of Employer & Occupation if over \$200	Date of Contribution	Amount Contributed	Aggregate Amount (01-01-2008 through 12-31-2011)
			\$	
			\$	
			\$	
			\$	
			\$	
			\$	
			\$	
			\$	
			\$	
			\$	
			\$	
			\$	
			\$	
			\$	
			\$	
			\$	
Subtotal for this page			\$	
For last page only, Total Contributions of \$50 or less			\$	
For last page only, Total Contributions for this period			\$	

Form B Report Of Expenditures

Name of Political Committee: _____

Date of Report: _____

Form B page ____ of ____

Name and Mailing Address (zip code) to whom expenditure was made	Date of Expenditure	Amount of Expenditure	Types of Goods or Services Purchased
		\$	
		\$	
		\$	
		\$	
		\$	
		\$	
		\$	
		\$	
		\$	
		\$	
		\$	
		\$	
Subtotal for this page		\$	
For last page only, Total Expenditures of \$50 or less		\$	
For last page only, Total Expenditures for this period		\$	

Form C
Report Of In-Kind Contributions

Name of Political Committee: _____

Date of Report: _____

Form C page ____ of ____

Contributor's Name & Mailing Address	Name of Employer & Occupation if over \$200	Item Contributed	Date of Contribution	Amount or Retail Value of item contributed	Aggregate Amount (01-01-2008 through 12-31-2011)
				\$	
				\$	
				\$	
				\$	
				\$	
				\$	
				\$	
				\$	
				\$	
				\$	
				\$	
				\$	
				\$	
				\$	
Subtotal for this page				\$	
Total In-Kind Contributions of \$50 or less				\$	
Total In-Kind Contributions for this period				\$	

Form E Report Of Unpaid Obligations

Name of Political Committee: _____

Date of Report: _____

Form E page _____ of _____

Name & Address of Whom Obligation is Owed	Purpose Of Obligation	Due Date of Obligation	Amount Past Due
			\$
			\$
			\$
			\$
			\$
			\$
			\$
			\$
			\$
Subtotal for this page			\$
Last page only, total Unpaid Obligations			\$

Report of Major Contributors

A Report of Major Contributors is due any time a political committee receives a contribution or contribution-in-kind of five hundred dollars (\$500.00) or more within six days preceding the election. These reports are due on the next business day after receipt of the contribution or contribution in-kind. (Refer to Art. III, § 15-35(f), D.R.M.C.)

Name of Political Committee: _____

Date of this report: _____

Treasurer Name: _____

Signature: _____

Date of Contribution or Contribution In-Kind	Amount or Value of In-Kind	Name and Address of Contributor	Type of Contribution (Cash, In-Kind, Loan, etc.)
	\$		
	\$		
	\$		
	\$		
	\$		
	\$		

Note: These contributions must also be reported in the appropriate Campaign Finance Report: Pre-election; Post-Election; or Post-Run-Off-Election.



Candidate / Campaign Contact Sheet

Once the candidate or issue is certified for ballot, the information in the section below will be posted on the Elections website for every campaign committee.

Candidate Name	Or:	Ballot Issue
		Ballot Issue Contact Name

Campaign Phone Number	Campaign Email Address
Campaign Website	Campaign Facebook Page
Campaign Twitter Page	Other Social Media Channel

The information below will be kept private and used only for official communication with the candidate or committee by the Clerk and Recorder Communications Office and Elections Division.

Candidate or Contact Name	Daytime Phone Number
Title	Email Address

Alternate Contact Name	Daytime Phone Number
Title	Email Address

Customer service contact for candidates and campaigns:

Clerk and Recorder Communications Office

Phone: 720-865-4872

Email: electionscomm@denvergov.org

Attachments F - I

References

Notice: The references to specific federal, state, city ordinances or Clerk and Recorder Rules contained in this document are not guaranteed to constitute an exhaustive list of applicable legal provisions. The references provided in this packet are provided as a courtesy and convenience. Users are expected and strongly advised to do their own legal research.

Attachment F

Selected Denver Charter Provisions

§ 8.2.15 - Campaign contributions and expenditures

All candidates shall report contributions and expenditures to the Clerk and Recorder prior to and subsequent to the day of election. Procedures, including but not limited to the amounts, identification of contributors, and dates of filing, for the reporting of contributions and expenditures shall be established by ordinance; and, in the absence of an ordinance, shall be governed by election laws of the State. Limitations on contributions and expenditures may be established by ordinance. It shall be unlawful to fail to comply with the provisions of this section and a violation of any of the provisions of this section by any candidate shall disqualify such candidate from holding the office for which he or she is a candidate.

(Charter 1960, C1.9; amended February 14, 1913; amended September 10, 1974; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 679-02, § 1, 8-26-02, elec. 11-5-02)



Attachment G

Selected Denver Revised Municipal Code Provisions, 2010

NOTE: Article III contains amendments that were effective November 5, 2010.

ARTICLE III. CAMPAIGN FINANCES

§ 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)

§ 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 section 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)

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

(a) Within ten (10) days after becoming a candidate as defined in section 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)

§ 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.

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

§ 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 section 15-32(11) 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)

§ 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)

§ 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:

TABLE INSET:

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)

§ 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)

§ 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 a 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)

§ 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)

§ 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)

§ 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)

§ 15-43. Reserved

§ 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)

§ 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)

§ 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)

ARTICLE V. FINANCIAL DISCLOSURE

§ 2-70. Legislative intent

It is the intent of the council to ensure access to information that will help to prevent any city officers, employees, or candidates for municipal offices from unfairly using city offices for personal advantage; and thereby to foster public trust, which is essential to representative government. Therefore, the council declares that it is the purpose of this article to require public disclosure of gifts to employees and of the personal finances of officers and candidates in the city and members of the immediate families of such persons.

(Code 1950, § 115.1; Ord. No. 1098-02, § 1, 12-30-02)

§ 2-71. Definitions

Words and phrases used in this article shall have the following meanings:

(1) *Business* means a private firm, corporation, association, partnership, or other private organization or enterprise operated for profit.

(2) *Candidate* means any person who seeks election to any elected Charter office (the offices of mayor, auditor, member of city council, and the election commissioners other than the clerk and recorder). A person is a candidate for election upon the first to occur of the following:

(a) The person or a candidate committee authorized by the person has received contributions and contributions in-kind or has made expenditures aggregating in excess of five hundred dollars (\$500.00) during the election cycle; or

(b) The person has filed nominating petitions pursuant to section 8.2.7 of the Charter.

(3) *Financial interest* means a relationship to any business or trust in which a person is involved as a director, officer, owner in whole or in part, limited or general partner, employee, stockholder, trustee, or beneficiary of a trust.

(4) *Gift* means any thing or service of value given to a person without adequate compensation. By way of illustration and not limitation, the term shall include cash; payment for speeches, debates, or participation in events; honoraria; tickets to sporting, recreational, educational, or cultural events; lodging, parking privileges; travel expenses; and any reduction in price or discount that is not available to all officers and employees of the city on the same terms and conditions.

(5) *Immediate family* means husband, wife, son, daughter, mother, father, grandmother, grandfather, grandchildren, brother, sister, and domestic partner. The term includes any minor children for whom the person or his or her domestic partner provides day-to-day care and financial support. A "domestic partner" is an unmarried adult, unrelated by blood, with whom an unmarried person has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.

(6) *Officer* means any of the following: the mayor, the auditor, the members of city council, the manager of public works, the manager of parks and recreation, the manager of finance, the manager of environmental health, the manager of general services, the manager of safety, the city attorney, the manager of human services, the clerk and recorder, the manager of aviation, the manager of community planning and development, and the mayor's chief of staff.

(Code 1950, § 115.2; Ord. No. 456-95, § 1, 6-26-95; Ord. No. 1110-96, § 1, 12-16-96; Ord. No. 372-99, § 1, 5-10-99; Ord. No. 1098-02, § 1, 12-30-02; Ord. No. 775-07, § 4, 12-26-07)

§ 2-72. Financial disclosure statement required; employee report required

(a) *Form of statement; duty of clerk.* The clerk shall prepare forms for reports required by this article and furnish the forms free of charge for use by officers, candidates, and employees who are required by this article to make reports.

(b) *Annual financial disclosure statement required.* Every officer as defined in section 2-71 shall file a financial disclosure statement with the clerk no later than August 1 of each year. The report shall cover the period from January 1 to December 31 of the prior year. If a person is a candidate and an officer in the same year, the person shall file a financial disclosure statement within fifteen (15) days of becoming a candidate in accordance with section 15-33 (c) in addition to filing the annual statement required by this section.

(c) *Annual employee report required.* Every employee shall file an employee report with his or her appointing authority no later than August 1 of each year. The report shall cover the period from January 1 to December 31 of the prior year and shall list the names of sources of any gifts in excess of twenty-five dollars (\$25.00) either individually or in the aggregate, as a result of employment with the city, from anyone pursuing business with the city, except gifts from a member of the employee's immediate family. The report shall also list tickets to sporting, recreational, educational, or cultural events, lodging, parking privileges, and travel expenses received from any public entity during the preceding calendar year.

(d) *Information required in financial disclosure statement.* The financial disclosure statement required of officers and candidates shall contain the following information for the reporting year:

(1) The name of each business in which the reporting person or that person's spouse owned any securities or other interest in excess of one percent (1%) or five thousand dollars (\$5,000.00), and the name of the person holding the interest;

(2) The names of any sources of income received by the reporting person, including capital gains, whether or not taxable, which exceeded two thousand dollars (\$2000.00); provided, that the amounts of such incomes need not be disclosed;

(3) The names of sources of any gifts received by the reporting person in excess of twenty-five dollars (\$25.00), except gifts from a member of the immediate family. The listing shall include but not be limited to meals or tickets accepted by the reporting person under section 2-60(B)(4) of the Code of Ethics.

- (4) The names of all persons or employers, other than the city, for whom the reporting person performed compensated lobbying;
- (5) The names of the creator, beneficiaries or ownership of any private trust for the benefit of the reporting person and a description of the assets held by the trust when the value exceeds five thousand dollars (\$5,000);
- (6) A listing of all real property or interest therein owned by the reporting person at any time during the reporting year, including options to purchase, located in the state, together with the location and name, if any, by which such property is commonly known, whether the real property was owned outright or held in whole or in part under a corporation or partnership; except that, home addresses of the reporting person or family members need not be listed;
- (7) The transfer by the reporting person of any assets with a value in excess of five thousand dollars (\$5,000.00) to an immediate family member during the reporting year or during the previous two (2) years; and
- (8) The name of each creditor owed an amount in excess of five thousand dollars (\$5,000.00).
- (9) The names of any current employer and any employer for whom the reporting person worked during the period from July 1 of the year prior to the reporting year through December 31 of the reporting year.

(e) *Disclosure with respect to family members.* The reporting person shall also disclose the information described in subsection (d) for any financial interest of an immediate family member which is held jointly, derived from the income or assets of the reporting person, or may be materially affected by a direct official action of the reporting person as defined in section 2-52(B) of the Code of Ethics; and shall list the name of the person holding the interest.

(f) *Public records.* Financial disclosure statements filed pursuant to section 2-72(b) shall be public records and available for inspection during the regular business hours of the clerk. The clerk shall keep a log showing when requests are made to inspect a financial disclosure statement and shall notify the reporting person within three days if a request is made to inspect that person's statement. Those requesting inspection shall not be required to give their names. Employee reports filed pursuant to section 2-72(c) shall be public records and available for inspection by contacting the agency or department head with whom the report is filed.

(Code 1950, § 115.3; Ord. No. 846-94, § 1, 10-24-94; Ord. No. 456-95, § 1, 6-26-95; Ord. No. 1098-02, § 1, 12-30-02; Ord. No. 113-09, § 3, 2-23-09)



Attachment H

Selected Denver Clerk and Recorder Rules Effective January 1, 2011

Rules Concerning The Interpretation, Administration, and Enforcement of Article III of Chapter 15, Concerning Campaign Finances

Rule 1. Reports

- 1.1 Lack of Bank, Financial Institution, or other Depository for funds. Political committees are required to file certain reports that identify any bank, financial institution, or other depository used by the committee. If a political committee does not use a bank, financial institution, or other depository to receive contributions or to make expenditures, then the political committee will disclose on each such report the committee's lack of a bank, financial institution, or other depository.

Rule 2. Electronic Filing

- 2.1 Effective as of January 1, 2011, all campaign finance disclosure reports required by Sec. 15-35, D.R.M.C., will be filed electronically, with the sole exception of the Annual/Year-End Report for 2010, which is due on January 31, 2011, and which optionally may be filed on paper using the Clerk and Recorder's Campaign Finance Report Form. Reports required to be filed electronically with the clerk and recorder that are delivered or presented to the clerk for manual filing in hardcopy form on or after January 1, 2011, will not be accepted. For the purposes of this rule 2, "electronic filing" is defined as the filing of reports required by Sec. 15-35, D.R.M.C., utilizing the software application designated by the clerk and recorder.
- 2.2 All required electronic reports will be filed using the form prescribed by the clerk and recorder. Any and all campaign finance disclosure reports that are created in a software application that has not been designated by the clerk and recorder, must be converted to the prescribed format. Data and appearance of each required report must be substantially similar in function, data order, and appearance to the format designated by the clerk and recorder.
- 2.3 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 Clerk and Recorder's Office, Wellington E. Webb Municipal Office Building, 201 West Colfax Avenue, Dept 101, Denver, Colorado 80202.
- 2.4 The clerk and recorder will not accept electronic reports from a political committee if the committee has not previously filed an original signature of the committee's treasurer in hardcopy format with the clerk and recorder. This requirement can be satisfied by the original signature of the committee's treasurer contained on the *Political 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.
- 2.5 The clerk and recorder may accept campaign finance disclosure reports in hardcopy form or in an alternative electronic format substantially similar to the clerk's designated format under the following circumstances:

- 2.5.1** The clerk and recorder has granted 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 shall 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 shall 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 review and respond in writing to all requests for an exception timely.
- 2.5.2** If a request is filed at least at least thirty (30) days in advance before the filing deadline from the electronic filing requirement exception, based on hardship or other good cause, the exemption period will be one (1) year from the date of the clerk’s notice of exception being granted.
- 2.5.3** If a request is filed at least at least thirty (30) days in advance before the filing deadline from the electronic filing requirement exception, based on emergency circumstances, the exemption period will be extend to the next reporting deadline only.
- 2.5.4** If granted an exception, a political committee will instead file campaign finance disclosure reports typewritten on paper, and each and every such report must contain an original signature of the committee’s treasurer or the treasurer’s designated agent, or of the candidate if no treasurer has been previously designated. Faxed reports will not be accepted.
- 2.6** Each political 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.

Rule 3. Extension Of Reporting Deadlines

- 3.1** 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 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.
- 3.2** If the clerk and recorder’s file transmission system is unavailable to accept reports under Rule 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.



Attachment I

Reference Websites

- ◆ City Clerk Division, Denver Clerk and Recorder
(click on Campaign Finance)
www.denvergov.org/city_clerk
- ◆ Denver Elections Division, Denver Clerk and Recorder
(click on For Campaigns and Elected Officials)
www.denvervotes.org
- ◆ Denver Revised Municipal Code and City Charter
<http://www.municode.com/resources/gateway.asp?pid=10257&sid=6>

