



## DENVER CLERK & RECORDER

CITY CLERK | ELECTIONS | PUBLIC TRUSTEE | RECORDING

HON. PAUL D. LÓPEZ

### NOTICE OF PUBLIC RULEMAKING HEARING

Denver Elections Division

200 W. 14th Avenue, Denver, CO 80204

Third Floor Conference Room

Wednesday, January 21, 2026, at 1:00 P.M.

#### **Hearing Notice:**

As required by section 2-94 of the Denver Revised Municipal Code (D.R.M.C.), the Denver Clerk and Recorder gives notice of a proposed rulemaking. The hearing is scheduled for Wednesday, January 21, 2026, in the Third Floor Conference Room on the third floor of the Denver Clerk and Recorder building at 200 W. 14<sup>th</sup> Ave.

#### **Purpose and Subject:**

The Clerk and Recorder is considering adopting campaign finance rules for the purpose of clarifying the requirements for the establishment and operation of small donor committees and political action committees. These rules are intended to promote transparency while accommodating the practical fundraising methods used by membership-based organizations.

#### **Complete Text Available:**

The complete text of these rules is available online at the Denver Elections Division website ([www.DenverVotes.org](http://www.DenverVotes.org)); and in printed form at the Denver Clerk and Recorder, 200 W. 14<sup>th</sup> Ave., Denver, CO 80204.

This is a preliminary draft of the proposed rules that may be revised before the Wednesday, January 21, 2026, rulemaking hearing. If changes are made, a revised copy of the proposed rules will be available to the public and a copy will be posted on the Denver Elections Division website.

#### **Public Comment and Participation:**

This hearing is open, and the public is encouraged to attend. Public testimony will be taken at the hearing.

Members of the public who wish to provide written comment may do so from now until the hearing takes place. Written comments may be emailed to [Crcompliance@denvergov.org](mailto:Crcompliance@denvergov.org); or mailed or delivered in person to: Denver Clerk and Recorder, 200 W. 14<sup>th</sup> Ave., Suite 100, Denver, CO 80204; or delivered in person at the hearing.



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& RECORDER**

Notice of Rulemaking will be published in *The Denver Post* on December 19, 2025.

## **Election Rule 3**

### **3.8 Fair Elections Fund.**

#### **3.8.5 Additional supporting material required for certain expenditures made with Fair Elections Funds.**

- E.** A candidate may not make an expenditure of Fair Elections Funds after the candidate becomes decertified under ~~Rule 3.9.3 D~~ RULE 3.8.3 D., unless the candidate provides documentation showing that the candidate committed to make the expenditure before decertification.

### **3.9 SMALL DONOR COMMITTEES.**

#### **3.9.1 BANK ACCOUNT REQUIREMENTS.**

- A. SEPARATE ACCOUNT REQUIRED.** A SMALL DONOR COMMITTEE MUST MAINTAIN A SEPARATE BANK ACCOUNT USED EXCLUSIVELY FOR COMMITTEE FUNDS. NO OTHER ORGANIZATIONAL OR PERSONAL FUNDS MAY BE COMMINGLED WITH THIS ACCOUNT.
- B. NAME OF ACCOUNT AND COMMITTEE.** THE REGISTERED COMMITTEE NAME MUST INCLUDE THE WORDS "DENVER" AND EITHER "SDC" OR "SMALL DONOR COMMITTEE." THE TITLE OF THE BANK ACCOUNT MUST INCLUDE THE REGISTERED COMMITTEE NAME.
- C. DEPOSITORY LOCATION.** THE BANK ACCOUNT MUST BE HELD BY A FINANCIAL INSTITUTION LOCATED WITHIN THE UNITED STATES. THE INSTITUTION MUST BE ABLE TO PROVIDE MONTHLY STATEMENTS AND RECORDS UPON REQUEST BY THE CLERK AND RECORDER.
- D. RECORD RETENTION.** THE COMMITTEE MUST MAINTAIN BANK RECORDS AND STATEMENTS FOR AT LEAST FIVE (5) YEARS AFTER COMMITTEE REPORTS ARE FILED.

#### **3.9.2 EARMARKED PAYROLL DEDUCTIONS.**

- A. PAYROLL DEDUCTIONS.** A SMALL DONOR COMMITTEE MAY ACCEPT FUNDS FROM AN INDIVIDUAL CONTRIBUTOR THROUGH A PAYROLL DEDUCTION OR OTHER SIMILAR METHOD ONLY IF:
1. EACH CONTRIBUTION CAN BE ATTRIBUTED TO THE INDIVIDUAL CONTRIBUTOR;
  2. THE CONTRIBUTION IS EARMARKED BY THE CONTRIBUTOR FOR POLITICAL PURPOSES; AND

3. THE COMMITTEE COLLECTS CONTRIBUTOR INFORMATION REQUIRED BY D.R.M.C. §15-37(B).

**B. DOCUMENTATION.** THE ORGANIZATION COLLECTING CONTRIBUTIONS MUST MAINTAIN RECORDS IDENTIFYING EACH CONTRIBUTOR, THE AMOUNT DEDUCTED OR CONTRIBUTED, AND THE DATE OF TRANSFER TO THE SMALL DONOR COMMITTEE.

**C. RETENTION.** THE COMMITTEE MUST PRESERVE DOCUMENTATION REQUIRED UNDER THIS SECTION FOR TWO (2) YEARS AFTER FILING A REPORT IN WHICH AN EARMARKED CONTRIBUTION IS DISCLOSED.

**D. COMMINGLING PROHIBITED.** FUNDS COLLECTED THROUGH A PAYROLL DEDUCTION OR OTHER SIMILAR METHOD MAY NOT BE DEPOSITED INTO OR TRANSFERRED FROM A GENERAL TREASURY OR OTHER ACCOUNT USED FOR OPERATIONAL OR NONPOLITICAL EXPENSES.

### **3.9.3 DONOR INTENT AND ALLOCATING CONTRIBUTIONS.**

**A.** A SMALL DONOR COMMITTEE MAY ACCEPT CONTRIBUTIONS COLLECTED BY A MEMBERSHIP ORGANIZATION ONLY IF THE MEMBERSHIP ORGANIZATION HAS NOTIFIED ITS MEMBERS THAT:

1. A PORTION OF THEIR POLITICAL CONTRIBUTIONS WILL BE ALLOCATED TO THE SMALL DONOR COMMITTEE; AND
2. EACH CONTRIBUTING MEMBER'S NAME, HOME ADDRESS, EMPLOYER, AND OCCUPATION WILL BE PUBLICLY REPORTED IN ACCORDANCE WITH D.R.M.C. §15-37(B).

**B.** NOTHING IN THIS SECTION PROHIBITS AN ORGANIZATION FROM ALLOWING MEMBERS TO OPT OUT OR DIRECT THEIR POLITICAL CONTRIBUTIONS TO OTHER PURPOSES.

### **3.9.4 DISPOSITION OF FUNDS.**

**A. FUND USE.** A SMALL DONOR COMMITTEE MAY USE COMMITTEE FUNDS TO:

1. MAKE CONTRIBUTIONS TO CANDIDATES FOR MUNICIPAL OFFICES IN DENVER;
2. MAKE CONTRIBUTIONS TO ISSUE COMMITTEES REGISTERED IN DENVER;
3. MAKE CONTRIBUTIONS TO INDEPENDENT EXPENDITURE ENTITIES IN DENVER; AND

4. PAY FOR OPERATIONAL EXPENDITURES THE COMMITTEE INCURS.

**B. PROHIBITED USES OF FUNDS.** A SMALL DONOR COMMITTEE MAY NOT CONTRIBUTE FUNDS TO ANY COMMITTEE REGISTERED OUTSIDE OF THE CITY AND COUNTY OF DENVER OR USE COMMITTEE FUNDS FOR PERSONAL OR NONPOLITICAL PURPOSES.

**C. EXCEPTIONS.** A SMALL DONOR COMMITTEE MAY DISPENSE WITH UNSPENT COMMITTEE FUNDS IN THE FOLLOWING WAYS:

1. RETURN UNSPENT COMMITTEE FUNDS TO CONTRIBUTORS;
2. CONTRIBUTE EXCESS FUNDS TO ANY 501(C)(3) NON-PROFIT ORGANIZATION; OR
3. REMIT FUNDS TO THE MEMBERSHIP ORGANIZATION THAT COLLECTED THE FUNDS, PROVIDED THAT ONCE TRANSFERRED, FUNDS MAY NOT BE TRANSFERRED BACK TO THE COMMITTEE.

### **3.10 POLITICAL ACTION COMMITTEES.**

#### **3.10.1 BANK ACCOUNT REQUIREMENTS.**

**A. SEPARATE BANK ACCOUNT REQUIRED.** A POLITICAL ACTION COMMITTEE MUST MAINTAIN A SEPARATE BANK ACCOUNT USED EXCLUSIVELY FOR COMMITTEE FUNDS. COMMITTEE FUNDS MAY NOT BE COMMINGLED WITH OTHER ORGANIZATIONAL OR PERSONAL ACCOUNTS.

**B. NAME OF ACCOUNT AND COMMITTEE.** THE REGISTERED COMMITTEE NAME AND THE TITLE OF THE BANK ACCOUNT MUST EACH INCLUDE THE WORDS "DENVER" AND EITHER "PAC" OR "POLITICAL ACTION COMMITTEE."

**C. DEPOSITORY LOCATION.** THE BANK ACCOUNT MUST BE HELD BY A FINANCIAL INSTITUTION LOCATED WITHIN THE UNITED STATES. THE INSTITUTION MUST BE ABLE TO PROVIDE MONTHLY STATEMENTS AND RECORDS UPON REQUEST BY THE CLERK AND RECORDER.

**D. RECORD RETENTION.** BANK RECORDS AND STATEMENTS MUST BE MAINTAINED FOR AT LEAST (5) YEARS AFTER COMMITTEE REPORTS ARE FILED.

**3.10.2 SOURCE OF POLITICAL ACTION COMMITTEE FUNDS.** A POLITICAL ACTION COMMITTEE MAY ACCEPT CONTRIBUTIONS FROM ANY LAWFUL SOURCE, INCLUDING INDIVIDUALS, BUSINESSES, LABOR ORGANIZATIONS, AND OTHER POLITICAL COMMITTEES REGISTERED WITH DENVER, THE COLORADO SECRETARY OF STATE, OR

THE FEDERAL ELECTIONS COMMISSION. A POLITICAL ACTION COMMITTEE MAY COLLECT FUNDS FROM INDIVIDUALS THROUGH A PAYROLL DEDUCTION IN ACCORDANCE WITH CLERK AND RECORDER RULE 3.9.2 A.

**3.10.3 DISPOSITION OF FUNDS.**

**A. FUND USE.** A POLITICAL ACTION COMMITTEE MAY USE ITS COMMITTEE FUNDS FOR THE FOLLOWING PURPOSES:

1. TO MAKE CONTRIBUTIONS TO CANDIDATES THAT ARE NOT PARTICIPATING IN THE FAIR ELECTION FUND PROGRAM;
2. TO MAKE CONTRIBUTIONS TO ISSUE COMMITTEES REGISTERED IN DENVER;
3. TO CONTRIBUTE TO INDEPENDENT EXPENDITURE ENTITIES IN DENVER; AND
4. TO USE FUNDS TO PAY FOR OPERATIONAL EXPENDITURES THE POLITICAL ACTION COMMITTEE INCURS.

**B. PROHIBITED USE OF FUNDS.** A POLITICAL ACTION COMMITTEE MAY NOT:

1. CONTRIBUTE FUNDS TO ANY CANDIDATE COMMITTEE, POLITICAL ACTION COMMITTEE, OR COMMITTEE REGISTERED OUTSIDE OF THE CITY AND COUNTY OF DENVER;
2. CONTRIBUTE TO CANDIDATE COMMITTEES FOR CANDIDATES PARTICIPATING IN THE FAIR ELECTIONS FUND PROGRAM; AND
3. USE POLITICAL ACTION COMMITTEE FUNDS FOR PERSONAL OR NONPOLITICAL PURPOSES.

**C. EXCEPTIONS.** A POLITICAL ACTION COMMITTEE MAY DISPENSE WITH UNSPENT COMMITTEE FUNDS IN THE FOLLOWING WAYS:

1. RETURN UNSPENT COMMITTEE FUNDS TO CONTRIBUTORS; OR
2. CONTRIBUTE EXCESS FUNDS TO ANY 501(C)(3) NON-PROFIT ORGANIZATION.