



## AGENDA ITEM SUMMARY

Election Code Committee

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### STAFF

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Sara Arfmann, Legal  
Carrie Daggett, Legal

### SUBJECT

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**Potential Code Changes Regarding the Campaign Complaint Process and the Campaign Contribution Limits.**

### EXECUTIVE SUMMARY

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Members of the ECC expressed interest in examining the current campaign contribution limits and provided direction for simplifying the campaign complaint process and to also provide for a way to pay the presumptive fine and close the matter earlier. Staff have provided a draft of the proposed changes.

### GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

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1. Are the Code changes attached sufficient or would any ECC members like to see different changes?
2. Do the ECC members want to proceed with the inflation adjustment language? If so, what amount should the adjustments be rounded to? (\$1, \$5, \$25?)

### BACKGROUND / DISCUSSION

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#### Campaign Compliant Process

As previously discussed at the last session for this ECC, the Committee could propose code changes to streamline the campaign complaint process. Staff presented several areas that cause the process to be lengthier and suggested potential changes to address these concerns at the prior meeting. Staff have made proposed changes to the existing process which help to streamline it in the hopes of making the process easier to navigate as well as to update language, similar to the updates made to the Charter. Procedural steps that are more administrative have been removed to simplify the Code while not altering the intent of the process. Staff also proposed a way to allow a respondent to pay the presumptive fine earlier in the process, as well as to explicitly allow the respondent to provide a response or evidence of a cure earlier.

The following is a summary of the proposed changes:

- Provide notification of the presumptive fine and ability to pay, along with how to provide additional information and/or evidence of a cure when notifying the respondent of the complaint.

- Require a complainant to provide factual evidence of a violation, more than a belief that one occurred.
- Clarify the roles of the departments.
- Create a clear stages for the complaint process: preliminary review, credible evidence review, and then an investigation.
- Provides more clarification of when outside counsel will be retained and establishes that internal or external investigators may be used.

## **Campaign Contribution Limits**

As to the contribution limits, the Committee could propose code changes to change the campaign contribution limits. The history of the City's set campaign contribution limits is:

- Ordinance No. 154, 1981, adopted on second reading on October 20, 1981, added a new section to the City Code establishing a contribution limit of \$100 in support of or in opposition to any initiative, referendum, or candidate on the ballot at any City election.
- In April 1982, Council repealed the new Code section based on a ruling by the U.S. Supreme Court finding ordinances of this type to be unconstitutional [Ordinance No. 042, 1982].
- In June 1982, Council reenacts the Code section, this time limiting contributions to support or oppose a candidate to \$500. No limits are enacted relating to initiative or referendum [Ordinance No. 074, 1982].
- In December 1986, Council lowered the contribution limit to \$50 to "reduce the influence of major contributors upon the selection of any candidate to City Council" [Ordinance No. 190, 1986].
- Contribution limits were amended in October 2000 to establish a \$100 limit for contributions to a Mayoral candidate and \$75 to a District Councilmember candidate [Ordinance No. 121, 2000].

Staff researched the limits set by other municipalities and Colorado offices, please see attached. Several municipalities contain inflation adjustment language that allows the City Clerk to adjust the limit every 2-4 years, most base this adjustment on the United States Bureau of Labor Statistics Consumer Price Index Denver-Boulder-Greeley. These municipalities have the amount rounded to either the nearest dollar, five dollars, or twenty-five dollars.

## **ATTACHMENTS**

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1. Presentation
2. Proposed Code language for campaign complaint process
3. Chart of other municipal contribution limits
4. Proposed Code language for contribution limits