



Campaign Finance Complaint Process

.....●
●.....

City Council Study Session
Monday, February 8, 2021

Purpose

Provide background on changes to state statute regarding municipal campaign finance complaints

Update council on staff-driven proposed CCRMC changes relating to campaign finance complaints

Seek feedback on the proposed process

Background

City Clerk conducts elections in coordination with County

Municipal candidates file finance reports with City Clerk

City Clerk works with candidates to cure errors on their reports

Prior to 2019, campaign finance complaints were handled by the Secretary of State

City Clerk would direct complaints to Secretary of State

Background

The Secretary of State updated their rules so that municipal campaign finance complaints were to be handled by city clerks

Senate Bill 19-232 codified that rule into state statutes

City Clerk's Office and City Attorney's Office have worked to draft a campaign finance complaint process

Proposed Process

Only complaints made by Commerce City residents

Filed with City Clerk within 30 days of the violation occurring

Submitted using PDF/online form via email or in-person

Details:

Complainant (or representative) contact information

Named respondent and contact information

Details of the violation w/ documentation

Proposed Process

City Clerk will review complaint to determine:

- Filed in a timely manner
- Violates specific campaign finance law
- Sufficient evidence provided
- Respondent is identified

City Clerk has 14 days to:

- Dismiss complaint
- Allow respondent to cure
- Refer to a hearing officer

Curing Violations

Curing is to correct errors or insufficiencies on a filing

City Clerk will notify respondent of complaint

Respondent has 14 days to file amendment to filing

City Clerk has 5 days to determine if complaint is cured

If error was in good faith, complaint dismissed

If error was not in good faith, City Clerk will refer to hearing

Hearing

City Clerk will notify City Manager and City Attorney

Refer complaint within 10 days to hearing officer

Hearing held within 15 calendar days

Hearing officer issue decision within 7 days

Candidates personally liable for penalties

Decision subject to review under Rule 106

Options

Take no action

Move forward as proposed

Council consider adopting the ordinance at future meeting

Staff recommendation

Third-Party Outsourcing

Removes City Clerk's involvement

Opportunity to cure before hearing determined by third-party

Third-party may refer complaints to hearing officer

Impact

City Clerk's Office has received 1 or fewer complaints per election cycle

Negative budget impact if complaint goes to hearing

- Third-party costs
- Hearing officer costs
- Staff time

Positive budget impact if fees/penalties imposed by City Clerk or hearing officer

- \$50/day late fee for filing reports by City Clerk
 - Civil penalty at least 2x, up to 5x, of subject contribution/expense
-



Questions and Discussion

