

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0265.01 Bob Lackner x4350

HOUSE BILL 22-1060

HOUSE SPONSORSHIP

Sirota, Kipp

SENATE SPONSORSHIP

Gonzales,

House Committees

State, Civic, Military, & Veterans Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF CONTRIBUTION LIMITS UNDER**
102 **THE "FAIR CAMPAIGN PRACTICES ACT" FOR CANDIDATES FOR**
103 **SCHOOL DISTRICT DIRECTOR, AND, IN CONNECTION THEREWITH,**
104 **MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law regulating campaign finance does not set limits on contributions to candidates for school district director.

Section 2 of the bill:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
February 18, 2022

- Sets aggregate limits on contributions to candidates for school district director from persons other than small donor committees for any regular biennial or special school election in the amount of \$2,500; and
- Sets aggregate limits on contributions to candidates for school district director from small donor committees for any regular biennial or special school election in the amount of \$25,000.

The bill requires that these aggregate contribution limits be periodically adjusted for inflation consistent with other contribution limits.

Section 3 subjects the new contribution limits to existing statutory provisions governing the disclosure of campaign contributions.

Section 4 contains requirements governing when a candidate for school district director is required to disclose information concerning campaign contributions and clarifies that such candidates are required to file their disclosure with the secretary of state.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 1-45-103, **add** (15.7)
 3 and (16.4) as follows:

4 **1-45-103. Definitions - repeal.** As used in this article 45, unless
 5 the context otherwise requires:

6 (15.7) "SCHOOL DISTRICT DIRECTOR" MEANS A PERSON SERVING
 7 AS A DIRECTOR ON THE BOARD OF EDUCATION OF ANY SCHOOL DISTRICT
 8 WITHIN THE STATE, INCLUDING A SCHOOL DISTRICT COMPOSED OF A CITY
 9 AND COUNTY.

10 (16.4) "SPECIAL SCHOOL ELECTION" MEANS ANY SCHOOLELECTION
 11 PROVIDED FOR BY LAW AND HELD AT A TIME OTHER THAN THE REGULAR
 12 BIENNIAL SCHOOL ELECTION.

13 **SECTION 2.** In Colorado Revised Statutes, 1-45-103.7, **amend**
 14 (7); and **add** (1.7) as follows:

15 **1-45-103.7. Contribution limits - county offices - school**
 16 **district director - treatment of independent expenditure committees**

1 **- contributions from limited liability companies - voter instructions**
2 **on spending limits - definitions.** (1.7) (a) THE MAXIMUM AMOUNT OF

3 AGGREGATE CONTRIBUTIONS THAT A PERSON, EXCLUDING A SMALL DONOR
4 COMMITTEE, MAY MAKE TO A CANDIDATE COMMITTEE OF A CANDIDATE
5 FOR SCHOOL DISTRICT DIRECTOR, AND THAT A CANDIDATE COMMITTEE FOR
6 SUCH CANDIDATE MAY ACCEPT FROM ANY ONE PERSON EXCLUDING A
7 SMALL DONOR COMMITTEE FOR A REGULAR BIENNIAL SCHOOL ELECTION
8 OR SPECIAL SCHOOL ELECTION, AS APPLICABLE, IS TWO THOUSAND FIVE
9 HUNDRED DOLLARS.

10 (b) THE MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT
11 A SMALL DONOR COMMITTEE MAY MAKE TO A CANDIDATE COMMITTEE OF
12 A CANDIDATE FOR SCHOOL DISTRICT DIRECTOR, AND THAT A CANDIDATE
13 COMMITTEE FOR SUCH CANDIDATE MAY ACCEPT FROM ANY ONE SMALL
14 DONOR FOR A REGULAR BIENNIAL OR SPECIAL SCHOOL ELECTION, AS
15 APPLICABLE, IS TWENTY-FIVE THOUSAND DOLLARS.

16 (c) ANY MONETARY AMOUNT SPECIFIED IN SUBSECTION (1.7)(a) OR
17 (1.7)(b) OF THIS SECTION MUST BE ADJUSTED IN ACCORDANCE WITH THE
18 ADJUSTMENTS MADE TO OTHER CONTRIBUTION LIMITS AS SPECIFIED IN
19 SECTION 3 (13) OF ARTICLE XXVIII OF THE STATE CONSTITUTION.

20 (d) THE REQUIREMENTS OF SECTIONS 1-45-108 AND 1-45-109, AS
21 APPROPRIATE, APPLY TO ANY CONTRIBUTION MADE OR RECEIVED FOR ANY
22 FOUR-YEAR ELECTION CYCLE THAT IS SUBJECT TO SUBSECTION (1.7)(a) OR
23 (1.7)(b) OF THIS SECTION.

24 (7) (a) Any person who believes that a violation of subsection
25 (1.5), **(1.7)**, (5), or (6) of this section has occurred may file a written
26 complaint with the secretary of state in accordance with ~~section~~
27 ~~1-45-111.7~~ SECTION 1-45-111.7 (2).

1 (b) Any person who has violated subsection (1.5), ~~(1.7)~~, (5)(a),
2 (5)(b), (5)(c), or (6) of this section is subject to a civil penalty of at least
3 double and up to five times the amount contributed or received in
4 violation of the applicable provision.

5 (c) Any person who has violated any of the provisions of
6 ~~subparagraph (I) of paragraph (d) of subsection (5)~~ SUBSECTION (5)(d)(I)
7 of this section ~~shall be~~ IS subject to a civil penalty of fifty dollars per day
8 for each day that the written affirmation regarding the membership of a
9 limited liability company has not been filed with or retained by the
10 candidate committee, political committee, or political party to which a
11 contribution has been made.

12 **SECTION 3.** In Colorado Revised Statutes, 1-45-108, **amend**
13 (2)(a)(I) introductory portion and (2.5)(a); and **add** (2.1) and (2.2) as
14 follows:

15 **1-45-108. Disclosure - definitions - repeal.** (2) (a) (I) Except as
16 provided in ~~subparagraph (V) of this paragraph (a) and subsections (2.5),~~
17 ~~(2.7), and (6)~~ SUBSECTIONS (2)(a)(V), (2.1), (2.5), (2.7), AND (6) of this
18 section, such reports that are required to be filed with the secretary of
19 state must be filed:

20 (2.1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2.2) OF
21 THIS SECTION, IN THE CASE OF A REGULAR BIENNIAL SCHOOL ELECTION OR
22 A SPECIAL SCHOOL ELECTION, A CANDIDATE COMMITTEE FOR SCHOOL
23 DISTRICT DIRECTOR SHALL FILE REPORTS THAT ARE REQUIRED TO BE FILED
24 WITH THE SECRETARY OF STATE ACCORDING TO THE FILING SCHEDULE
25 SPECIFIED IN SUBSECTIONS (2)(a)(I)(A), (2)(a)(I)(C), (2)(a)(I)(D), AND
26 (2)(a)(I)(E) OF THIS SECTION.

27 (2.2) IN CONNECTION WITH A RECALL ELECTION OF A SCHOOL

1 DISTRICT DIRECTOR, REPORTS OF CONTRIBUTIONS AND EXPENDITURES
2 MUST BE FILED IN ACCORDANCE WITH THE DEADLINES THAT ARE SPECIFIED
3 IN SUBSECTION (6) OF THIS SECTION.

4 (2.5) (a) Except as provided in subsection (2.5)(b) of this section,
5 and in addition to any report required to be filed with the secretary of
6 state or municipal clerk under this section, all candidate committees, issue
7 committees, and political parties must file a report with the secretary of
8 state of any contribution of one thousand dollars or more at any time
9 within thirty days preceding the date of the primary election, general
10 election, ~~or~~ regular biennial school election, OR SPECIAL SCHOOL
11 ELECTION, AS APPLICABLE. This report ~~shall~~ MUST be filed with the
12 secretary of state no later than twenty-four hours after THE receipt of said
13 contribution.

14 **SECTION 4.** In Colorado Revised Statutes, 1-45-109, **amend**
15 (1)(a)(II) as follows:

16 **1-45-109. Filing - where to file - timeliness.** (1) For the purpose
17 of meeting the filing and reporting requirements of this article 45:

18 (a) The following shall file with the secretary of state:

19 (II) Candidates in special district AND SCHOOL DISTRICT DIRECTOR
20 elections; the candidate committees of such candidates; political
21 committees in support of or in opposition to such candidates; issue
22 committees supporting or opposing a special district ballot issue; and
23 small donor committees making contributions to such candidates.

24 **SECTION 5.** In Colorado Revised Statutes, 22-30-104, **amend**
25 (1) as follows:

26 **22-30-104. Conduct of elections.** (1) All elections authorized in
27 this ~~article shall~~ ARTICLE 30 MUST be conducted pursuant to articles 1 to

1 13 of title 1, ~~C.R.S.~~ For each election, the governing body authorized to
2 call the election shall name a designated election official who shall be
3 responsible for calling and conducting the authorized election. LIMITS ON
4 CONTRIBUTIONS TO CANDIDATES FOR THE BOARD OF EDUCATION OF A
5 SCHOOL DISTRICT ARE SPECIFIED IN SECTION 1-45-103.7 (1.7). THE
6 DISCLOSURE OF SUCH CONTRIBUTIONS IS GOVERNED IN ACCORDANCE WITH
7 SECTIONS 1-45-108 AND 1-45-109.

8 **SECTION 6.** In Colorado Revised Statutes, 22-30-122, **amend**
9 (4) as follows:

10 **22-30-122. Election of school directors in new school districts.**

11 (4) Any person desiring to be a candidate for the office of director of a
12 new school district formed under the provisions of this ~~article~~ ARTICLE 30
13 shall be an eligible elector of the school district and, if directors in such
14 new school district are elected under a director district plan of
15 representation, a resident of the director district which the candidate seeks
16 to represent. Each such candidate ~~shall~~ MUST be nominated in the manner
17 otherwise provided by law for school directors. LIMITS ON
18 CONTRIBUTIONS TO CANDIDATES FOR THE BOARD OF EDUCATION OF A
19 SCHOOL DISTRICT ARE SPECIFIED IN SECTION 1-45-103.7 (1.7). THE
20 DISCLOSURE OF SUCH CONTRIBUTIONS IS GOVERNED IN ACCORDANCE WITH
21 SECTIONS 1-45-108 AND 1-45-109.

22 **SECTION 7.** In Colorado Revised Statutes, 22-31-103, **amend**
23 (1) as follows:

24 **22-31-103. Board of education to govern conduct of school**
25 **elections - contract with county clerk and recorder.** (1) Except as
26 otherwise provided in this ~~article~~ ARTICLE 31, the board of education of
27 each school district shall govern the conduct of all school elections in the

1 district, shall designate an election official who shall be responsible for
2 conducting the election, and shall render all interpretations and make all
3 initial decisions as to controversies or other matters arising in the conduct
4 of such elections. All elections authorized in this ~~article~~ ARTICLE 31 shall
5 be conducted pursuant to ~~the provisions of~~ articles 1 to 13 of title 1.
6 ~~C.R.S.~~ LIMITS ON CONTRIBUTIONS TO CANDIDATES FOR THE BOARD OF
7 EDUCATION OF A SCHOOL DISTRICT ARE SPECIFIED IN SECTION 1-45-103.7
8 (1.7). THE DISCLOSURE OF SUCH CONTRIBUTIONS IS GOVERNED IN
9 ACCORDANCE WITH SECTIONS 1-45-108 AND 1-45-109.

10 **SECTION 8.** In Colorado Revised Statutes, 22-31-131, **amend**
11 (1) as follows:

12 **22-31-131. Election procedures in districts composed of a city**
13 **and county.** (1) The regular biennial school election in each school
14 district coterminous with a city and county shall be held on the first
15 Tuesday in November of each odd-numbered year, shall be conducted and
16 supervised by the election commission of the city and county, and shall
17 be governed by ~~the provisions of~~ articles 1 to 13 of title 1. ~~C.R.S.~~ LIMITS
18 ON CONTRIBUTIONS TO CANDIDATES FOR THE BOARD OF EDUCATION OF
19 SUCH SCHOOL DISTRICT ARE SPECIFIED IN SECTION 1-45-103.7 (1.7). THE
20 DISCLOSURE OF SUCH CONTRIBUTIONS IS GOVERNED IN ACCORDANCE WITH
21 SECTIONS 1-45-108 AND 1-45-109.

22 **SECTION 9. Appropriation.** For the 2022-23 state fiscal year,
23 \$7,500 is appropriated to the department of state for use by the
24 information technology division. This appropriation is from the
25 department of state cash fund created in section 24-21-104 (3)(b), C.R.S.
26 To implement this act, the department may use this appropriation for
27 hardware/software maintenance.

1 **SECTION 10. Effective date - applicability.** This act takes
2 effect July 1, 2022, and applies to the portion of any election cycle or for
3 the portion of the calendar year remaining after said date, and for any
4 election cycle or calendar year commencing after said date.

5 **SECTION 11. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, or safety.