

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0282.01 Bob Lackner x4350

HOUSE BILL 12-1067

HOUSE SPONSORSHIP

McCann and Court,

SENATE SPONSORSHIP

Aguilar,

House Committees
State, Veterans, & Military Affairs

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 **CERTAIN ELECTED DIRECTOR POSITIONS, AND, IN CONNECTION**
104 **THEREWITH, ESTABLISHING CONTRIBUTION LIMITS FOR**
105 **CANDIDATES FOR BOARDS OF EDUCATION AND THE BOARD OF**
106 **THE REGIONAL TRANSPORTATION DISTRICT AND SPECIFYING**
107 **REQUIREMENTS AFFECTING THE DISCLOSURE OF SUCH**
108 **CONTRIBUTIONS.**

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

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

applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries.>)

Current law regulating campaign finance does not set limits on contributions to candidates for school district director and members of the board of directors of the regional transportation district (RTD). The bill sets aggregate limits on contributions from persons that are not small donor committees for any primary, general, or other specific election as follows:

- ! RTD director, \$500; and
- ! School district director, \$500.

The bill also sets aggregate limits on contributions from small donor committees for any primary, general, or other specific election as follows:

- ! RTD director, \$5,000; and
- ! School district director, \$5,000.

Additionally, the bill subjects the new contribution limits to existing statutory provisions governing the disclosure of campaign contributions.

Finally, the bill contains requirements applicable to when a candidate for school district director is required to provide disclosure of information concerning campaign contributions and clarifies that candidates for RTD and school district director 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** (15.5)
3 and (15.7) as follows:

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

6 (15.5) "RTD DIRECTOR" MEANS A PERSON SERVING AS A DIRECTOR
7 ON THE BOARD OF DIRECTORS OF THE REGIONAL TRANSPORTATION
8 DISTRICT CREATED IN ARTICLE 9 OF TITLE 32, C.R.S.

9 (15.7) "SCHOOL DISTRICT DIRECTOR" MEANS A PERSON SERVING
10 AS A DIRECTOR ON THE BOARD OF EDUCATION OF ANY SCHOOL DISTRICT
11 WITHIN THE STATE, INCLUDING A SCHOOL DISTRICT COMPOSED OF A CITY

1 AND COUNTY.

2 **SECTION 2.** In Colorado Revised Statutes, 1-45-103.7, **amend**
3 (7) (a) and (7) (b); and **add** (1.5) as follows:

4 **1-45-103.7. Contribution limits - contribution limits on**
5 **director offices - contributions from limited liability companies -**
6 **definitions.** (1.5) (a) THE MAXIMUM AMOUNT OF AGGREGATE
7 CONTRIBUTIONS THAT A PERSON, INCLUDING A POLITICAL COMMITTEE,
8 MAY MAKE TO A CANDIDATE COMMITTEE, AND THAT A CANDIDATE
9 COMMITTEE FOR A CANDIDATE MAY ACCEPT FROM ANY ONE PERSON, FOR
10 A PRIMARY, GENERAL, REGULAR, OR RUNOFF ELECTION OR FOR A REGULAR
11 BIENNIAL OR SPECIAL SCHOOL ELECTION, AS APPLICABLE, IS:

12 (I) FOR A CANDIDATE FOR RTD DIRECTOR, FIVE HUNDRED
13 DOLLARS; AND

14 (II) FOR A CANDIDATE FOR SCHOOL DISTRICT DIRECTOR, FIVE
15 HUNDRED DOLLARS.

16 (b) THE MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT
17 A SMALL DONOR COMMITTEE MAY MAKE TO A CANDIDATE COMMITTEE,
18 AND THAT A CANDIDATE COMMITTEE FOR A CANDIDATE MAY ACCEPT
19 FROM ANY ONE SMALL DONOR COMMITTEE, FOR A PRIMARY, GENERAL,
20 REGULAR, OR RUNOFF ELECTION OR FOR A REGULAR BIENNIAL OR SPECIAL
21 SCHOOL ELECTION, AS APPLICABLE, IS:

22 (I) FOR A CANDIDATE FOR RTD DIRECTOR, FIVE THOUSAND
23 DOLLARS; AND

24 (II) FOR A CANDIDATE FOR SCHOOL DISTRICT DIRECTOR, FIVE
25 THOUSAND DOLLARS.

26 (c) THE REQUIREMENTS OF SECTIONS 1-45-108 AND 1-45-109, AS
27 APPROPRIATE, APPLY TO ANY CONTRIBUTION MADE OR RECEIVED THAT IS

1 SUBJECT TO THE PROVISIONS OF PARAGRAPH (a) OR (b) OF THIS
2 SUBSECTION (1.5).

3 (7) (a) Any person who believes that a violation of ~~subsection (5)~~
4 ~~or (6)~~ SUBSECTION (1.5), (5), OR (6) of this section has occurred may file
5 a written complaint with the secretary of state no later than one hundred
6 eighty days after the date of the alleged violation. The complaint shall be
7 subject to all applicable procedures specified in section 9 (2) of article
8 XXVIII of the state constitution, SECTION 1-45-111.5, OR THE SECRETARY
9 OF STATE'S RULES CONCERNING CAMPAIGN AND POLITICAL FINANCE.

10 (b) Any person who has violated any of the provisions of
11 SUBSECTION (1.5), paragraph (a), (b), or (c) of subsection (5), or
12 subsection (6) of this section shall be subject to a civil penalty of at least
13 double and up to five times the amount contributed or received in
14 violation of the applicable provision.

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

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

21 (2.1) IN THE CASE OF A REGULAR BIENNIAL SCHOOL ELECTION OR
22 A SPECIAL SCHOOL ELECTION, A CANDIDATE FOR SCHOOL DISTRICT
23 DIRECTOR SHALL FILE REPORTS THAT ARE REQUIRED TO BE FILED WITH THE
24 SECRETARY OF STATE AS FOLLOWS:

25 (a) QUARTERLY IN OFF-ELECTION YEARS NO LATER THAN THE
26 FIFTEENTH CALENDAR DAY FOLLOWING THE END OF THE APPLICABLE
27 QUARTER;

1 (b) EIGHT WEEKS BEFORE THE ELECTION AND ON EACH MONDAY
2 EVERY TWO WEEKS THEREAFTER BEFORE THE ELECTION;

3 (c) ON THE FIRST DAY OF EACH MONTH BEGINNING THE SIXTH FULL
4 MONTH BEFORE THE ELECTION; EXCEPT THAT NO MONTHLY REPORT SHALL
5 BE REQUIRED DURING A PERIOD THAT IS COVERED BY PARAGRAPH (b) OR
6 (d) OF THIS SUBSECTION (2.1);

7 (d) IN THE CASE OF A RUNOFF ELECTION, ON THE FIRST MONDAY
8 FOUR WEEKS BEFORE THE RUNOFF ELECTION AND ON EACH MONDAY
9 EVERY TWO WEEKS THEREAFTER BEFORE THE RUNOFF ELECTION; AND

10 (e) THIRTY DAYS AFTER THE ELECTION IN ELECTION YEARS.

11 (2.5) In addition to any report required to be filed with the
12 secretary of state or municipal clerk under this section, all candidate
13 committees, political committees, issue committees, and political parties
14 shall file a report with the secretary of state of any contribution of one
15 thousand dollars or more at any time within thirty days preceding the date
16 of the primary election, ~~or~~ general election, REGULAR BIENNIAL SCHOOL
17 ELECTION, OR SPECIAL SCHOOL ELECTION. This report shall be filed with
18 the secretary of state no later than twenty-four hours after receipt of said
19 contribution.

20 **SECTION 4.** In Colorado Revised Statutes, 1-45-109, **amend** (1)

21 (a) (II) as follows:

22 **1-45-109. Filing - where to file - timeliness.** (1) For the purpose
23 of meeting the filing and reporting requirements of this article:

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

25 (II) Candidates in special district, RTD DIRECTOR, AND SCHOOL
26 DISTRICT DIRECTOR elections; the candidate committees of such
27 candidates; political committees in support of or in opposition to such

1 candidates; issue committees supporting or opposing a special district
2 ballot issue; and small donor committees making contributions to such
3 candidates.

4 **SECTION 5.** In Colorado Revised Statutes, 22-31-103, **amend**
5 (1) as follows:

6 **22-31-103. Board of education to govern conduct of school**
7 **elections - contract with county clerk and recorder.** (1) Except as
8 otherwise provided in this article, the board of education of each school
9 district shall govern the conduct of all school elections in the district,
10 shall designate an election official who shall be responsible for
11 conducting the election, and shall render all interpretations and make all
12 initial decisions as to controversies or other matters arising in the conduct
13 of such elections. All elections authorized in this article shall be
14 conducted pursuant to the provisions of articles 1 to 13 of title 1, C.R.S.
15 LIMITS ON CONTRIBUTIONS TO CANDIDATES FOR THE BOARD OF
16 EDUCATION OF A SCHOOL DISTRICT ARE SPECIFIED IN SECTION 1-45-103.7
17 (1.5), C.R.S. THE DISCLOSURE OF SUCH CONTRIBUTIONS IS GOVERNED IN
18 ACCORDANCE WITH THE PROVISIONS OF SECTIONS 1-45-108 AND 1-45-109,
19 C.R.S.

20 **SECTION 6.** In Colorado Revised Statutes, 22-31-131, **amend**
21 (1) as follows:

22 **22-31-131. Election procedures in districts composed of a city**
23 **and county.** (1) The regular biennial school election in each school
24 district coterminous with a city and county shall be held on the first
25 Tuesday in November of each odd-numbered year, shall be conducted and
26 supervised by the election commission of the city and county, and shall
27 be governed by the provisions of articles 1 to 13 of title 1, C.R.S. LIMITS

1 ON CONTRIBUTIONS TO CANDIDATES FOR THE BOARD OF EDUCATION OF
2 SUCH SCHOOL DISTRICT ARE SPECIFIED IN SECTION 1-45-103.7 (1.5), C.R.S.
3 THE DISCLOSURE OF SUCH CONTRIBUTIONS IS GOVERNED IN ACCORDANCE
4 WITH THE PROVISIONS OF SECTIONS 1-45-108 AND 1-45-109, C.R.S.

5 **SECTION 7.** In Colorado Revised Statutes, 32-9-111, **amend** (5)
6 (f) as follows:

7 **32-9-111. Election of directors - dates - terms.** (5) (f) Every
8 candidate for director shall comply with the provisions of article 45 of
9 title 1, C.R.S. LIMITS ON CONTRIBUTIONS TO CANDIDATES FOR DIRECTOR
10 ARE SPECIFIED IN SECTION 1-45-103.7 (1.5), C.R.S. THE DISCLOSURE OF
11 SUCH CONTRIBUTIONS IS GOVERNED IN ACCORDANCE WITH THE
12 PROVISIONS OF SECTIONS 1-45-108 AND 1-45-109, C.R.S.

13 **SECTION 8. Effective date - applicability.** This act takes effect
14 July 1, 2012, and applies to the portion of any election cycle or for the
15 portion of the calendar year remaining after said date, and for any election
16 cycle or calendar year commencing after said date.

17 **SECTION 9. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.