

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0464.01 Bob Lackner

HOUSE BILL 10-1272

HOUSE SPONSORSHIP

McCann,

SENATE SPONSORSHIP

Steadman,

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, \$2,500; and
- ! School district director, \$2,500.

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.

The bill also specifies that existing statutory provisions governing the disclosure of campaign contributions apply to the new contribution limits contained in the bill.

The bill also 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.** 1-45-103, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
4 read:

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

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

10 (15.7) "SCHOOL DISTRICT DIRECTOR" MEANS A PERSON SERVING
11 AS A DIRECTOR ON THE BOARD OF EDUCATION OF ANY SCHOOL DISTRICT

1 WITHIN THE STATE, INCLUDING A SCHOOL DISTRICT COMPOSED OF A CITY
2 AND COUNTY.

3 **SECTION 2.** 1-45-103.7 (7) (a) and (7) (b), Colorado Revised
4 Statutes, are amended, and the said 1-45-103.7 is further amended BY
5 THE ADDITION OF A NEW SUBSECTION, to read:

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

14 (I) FOR A CANDIDATE FOR RTD DIRECTOR, TWO THOUSAND FIVE
15 HUNDRED DOLLARS; AND

16 (II) FOR A CANDIDATE FOR SCHOOL DISTRICT DIRECTOR, TWO
17 THOUSAND FIVE HUNDRED DOLLARS.

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

24 (I) FOR A CANDIDATE FOR RTD DIRECTOR, FIVE THOUSAND
25 DOLLARS; AND

26 (II) FOR A CANDIDATE FOR SCHOOL DISTRICT DIRECTOR, FIVE
27 THOUSAND DOLLARS.

1 (c) THE REQUIREMENTS OF SECTIONS 1-45-108 AND 1-45-109, AS
2 APPLICABLE, SHALL APPLY TO ANY CONTRIBUTION MADE OR RECEIVED
3 THAT IS SUBJECT TO THE PROVISIONS OF PARAGRAPH (a) OR (b) OF THIS
4 SUBSECTION (1.5).

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

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

17 **SECTION 3.** The introductory portion to 1-45-108 (2) (a) (I) and
18 1-45-108 (2.5), Colorado Revised Statutes, are amended, and the said
19 1-45-108 is further amended BY THE ADDITION OF A NEW
20 SUBSECTION, to read:

21 **1-45-108. Disclosure.** (2) (a) (I) Except as provided in
22 ~~subsections~~ SUBSECTIONS (2.1), (2.5), (2.7), and (6) of this section, such
23 reports that are required to be filed with the secretary of state shall be
24 filed:

25 (2.1) IN THE CASE OF A REGULAR BIENNIAL SCHOOL ELECTION OR
26 A SPECIAL SCHOOL ELECTION, A CANDIDATE FOR SCHOOL DISTRICT
27 DIRECTOR SHALL FILE REPORTS THAT ARE REQUIRED TO BE FILED WITH THE

1 SECRETARY OF STATE AS FOLLOWS:

2 (a) QUARTERLY IN OFF-ELECTION YEARS NO LATER THAN THE
3 FIFTEENTH CALENDAR DAY FOLLOWING THE END OF THE APPLICABLE
4 QUARTER;

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

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

11 (d) IN THE CASE OF A RUN-OFF ELECTION, ON THE FIRST MONDAY
12 FOUR WEEKS BEFORE THE RUN-OFF ELECTION AND ON EACH MONDAY
13 EVERY TWO WEEKS THEREAFTER BEFORE THE RUN-OFF ELECTION; AND

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

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

24 **SECTION 4.** 1-45-109 (1) (a) (II), Colorado Revised Statutes, is
25 amended to read:

26 **1-45-109. Filing - where to file - timeliness - repeal.** (1) For the
27 purpose of meeting the filing and reporting requirements of this article:

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

2 (II) Candidates in special district, RTD DIRECTOR, AND SCHOOL
3 DISTRICT DIRECTOR elections; the candidate committees of such
4 candidates; political committees in support of or in opposition to such
5 candidates; issue committees supporting or opposing a special district
6 ballot issue; and small donor committees making contributions to such
7 candidates.

8 **SECTION 5.** 22-31-103 (1), Colorado Revised Statutes, is
9 amended to read:

10 **22-31-103. Board of education to govern conduct of school**
11 **elections - contract with county clerk and recorder.** (1) Except as
12 otherwise provided in this article, the board of education of each school
13 district shall govern the conduct of all school elections in the district,
14 shall designate an election official who shall be responsible for
15 conducting the election, and shall render all interpretations and make all
16 initial decisions as to controversies or other matters arising in the conduct
17 of such elections. All elections authorized in this article shall be
18 conducted pursuant to the provisions of articles 1 to 13 of title 1, C.R.S.
19 LIMITS ON CONTRIBUTIONS TO CANDIDATES FOR THE BOARD OF
20 EDUCATION OF A SCHOOL DISTRICT ARE SPECIFIED IN SECTION 1-45-103.7
21 (1.5), C.R.S. THE DISCLOSURE OF SUCH CONTRIBUTIONS IS GOVERNED IN
22 ACCORDANCE WITH THE PROVISIONS OF SECTIONS 1-45-108 AND 1-45-109,
23 C.R.S.

24 **SECTION 6.** 22-31-131 (1), Colorado Revised Statutes, is
25 amended to read:

26 **22-31-131. Election procedures in districts composed of a city**
27 **and county.** (1) The regular biennial school election in each school

1 district coterminous with a city and county shall be held on the first
2 Tuesday in November of each odd-numbered year, shall be conducted and
3 supervised by the election commission of the city and county, and shall
4 be governed by the provisions of articles 1 to 13 of title 1, C.R.S.

5 LIMITS ON CONTRIBUTIONS TO CANDIDATES FOR THE BOARD OF
6 EDUCATION OF SUCH SCHOOL DISTRICT ARE SPECIFIED IN SECTION
7 1-45-103.7 (1.5), C.R.S. THE DISCLOSURE OF SUCH CONTRIBUTIONS IS
8 GOVERNED IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 1-45-108
9 AND 1-45-109, C.R.S.

10 **SECTION 7.** 32-9-111 (5) (f), Colorado Revised Statutes, is
11 amended to read:

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

18 **SECTION 8. Specified effective date - applicability.** This act
19 shall take effect July 1, 2010, and shall apply to the portion of any
20 election cycle or for the portion of the calendar year remaining after said
21 date, and for any election cycle or calendar year commencing after said
22 date.

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