

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 24-0960.01 Nicole Myers x4326

HOUSE BILL 24-1283

HOUSE SPONSORSHIP

Willford and Marvin,

SENATE SPONSORSHIP

Mullica,

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE SECRETARY OF STATE**
102 **REVIEW A CAMPAIGN FINANCE COMPLAINT THAT ARISES OUT OF**
103 **A MUNICIPAL CAMPAIGN FINANCE MATTER UNDER CERTAIN**
104 **CIRCUMSTANCES.**

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>.)

If a person wants to file a complaint for a campaign finance violation (complaint) and the complaint arises out of a municipal campaign finance matter, current law requires the complaint to be filed

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

with the clerk of the applicable municipality (clerk) rather than with the secretary of state (secretary). The bill allows a clerk to refer a complaint that arises out of a municipal campaign finance matter to the secretary if the municipality in which the complaint was filed:

- Does not have a campaign finance complaint ordinance and hearing process in place; or
- Does have a campaign finance complaint ordinance and hearing process in place but the clerk determines that the clerk's review of the complaint would create a conflict of interest for the clerk or the clerk's staff.

Before referring a complaint to the secretary, a clerk is required to review the complaint to determine if it was filed in writing, signed by the complainant, and identifies one or more respondents. If the complaint does not satisfy these 3 criteria, the clerk is required to dismiss it, and if it does, the clerk is required to refer it to the secretary. The secretary is required to treat a complaint referred by a clerk in the same manner as any other complaint filed with the secretary.

A clerk is required to provide notice to a person who files a complaint if the clerk dismisses the complaint or refers the complaint to the secretary.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-45-111.7, **repeal**
3 (9)(b); and **add** (10) as follows:

4 **1-45-111.7. Campaign finance complaints - initial review -**
5 **curing violations - investigation and enforcement - hearings -**
6 **advisory opinions - document review - collection of debts resulting**
7 **from campaign finance penalties - definitions. (9) Debt collection.**

8 (b) ~~Any complaint arising out of a municipal campaign finance matter~~
9 ~~must be exclusively filed with the clerk of the applicable municipality.~~

10 (10) **Municipal complaints.** (a) A PERSON WHO BELIEVES THAT
11 A VIOLATION OF ARTICLE XXVIII OF THE STATE CONSTITUTION, THIS
12 ARTICLE 45, OR THE RULES HAS OCCURRED IN CONNECTION WITH A
13 MUNICIPAL CAMPAIGN FINANCE MATTER MUST FILE A COMPLAINT WITH
14 THE CLERK OF THE APPLICABLE MUNICIPALITY. A COMPLAINANT MUST FILE

1 THE COMPLAINT IN WRITING, SIGN THE COMPLAINT, AND IDENTIFY ONE OR
2 MORE RESPONDENTS. THE CLERK OF THE APPLICABLE MUNICIPALITY SHALL
3 HEAR THE COMPLAINT IN ACCORDANCE WITH THE MUNICIPALITY'S
4 CAMPAIGN FINANCE COMPLAINT ORDINANCE AND HEARING PROCESS;
5 EXCEPT THAT A CLERK SHALL REFER A COMPLAINT TO THE SECRETARY
6 UNDER THE CIRCUMSTANCES SPECIFIED IN SUBSECTION (10)(c)(II) OF THIS
7 SECTION.

8 (b) (I) IF A CAMPAIGN FINANCE COMPLAINT IS FILED WITH THE
9 CLERK OF A MUNICIPALITY PURSUANT TO SUBSECTION (10)(a) OF THIS
10 SECTION AND THE MUNICIPALITY DOES NOT HAVE A CAMPAIGN FINANCE
11 COMPLAINT ORDINANCE AND HEARING PROCESS IN PLACE, THE CLERK
12 SHALL CONDUCT AN INITIAL REVIEW OF THE COMPLAINT WITHIN TEN
13 BUSINESS DAYS OF RECEIVING THE COMPLAINT TO DETERMINE WHETHER
14 THE COMPLAINT WAS FILED IN WRITING, SIGNED BY THE COMPLAINANT,
15 AND IDENTIFIES ONE OR MORE RESPONDENTS. AFTER CONDUCTING THE
16 INITIAL REVIEW, THE CLERK SHALL EITHER DISMISS THE COMPLAINT OR
17 REFER THE COMPLAINT TO THE SECRETARY PURSUANT TO SUBSECTION
18 (10)(c) OF THIS SECTION.

19 (II) IF A CAMPAIGN FINANCE COMPLAINT IS FILED WITH THE CLERK
20 OF A MUNICIPALITY PURSUANT TO SUBSECTION (10)(a) OF THIS SECTION
21 AND THE MUNICIPALITY HAS A CAMPAIGN FINANCE COMPLAINT
22 ORDINANCE AND HEARING PROCESS IN PLACE BUT THE CLERK DETERMINES
23 THAT THE CLERK'S REVIEW OF THE COMPLAINT WOULD CREATE A CONFLICT
24 OF INTEREST FOR THE CLERK OR THE CLERK'S STAFF, THE CLERK SHALL
25 CONDUCT AN INITIAL REVIEW OF THE COMPLAINT WITHIN TEN BUSINESS
26 DAYS OF RECEIVING THE COMPLAINT TO DETERMINE WHETHER THE
27 COMPLAINT WAS FILED IN WRITING, SIGNED BY THE COMPLAINANT, AND

1 IDENTIFIES ONE OR MORE RESPONDENTS. AFTER CONDUCTING THE INITIAL
2 REVIEW, THE CLERK SHALL EITHER DISMISS THE COMPLAINT OR REFER THE
3 COMPLAINT TO THE SECRETARY PURSUANT TO SUBSECTION (10)(c) OF THIS
4 SECTION.

5 (c) (I) IF, AFTER INITIALLY REVIEWING A CAMPAIGN FINANCE
6 COMPLAINT PURSUANT TO SUBSECTION (10)(b)(I) OR (10)(b)(II) OF THIS
7 SECTION, THE CLERK DETERMINES THAT A COMPLAINT WAS NOT FILED IN
8 WRITING, NOT SIGNED BY THE COMPLAINANT, OR DOES NOT IDENTIFY ONE
9 OR MORE RESPONDENTS, THE CLERK SHALL DISMISS THE COMPLAINT.

10 (II) IF, AFTER INITIALLY REVIEWING A CAMPAIGN FINANCE
11 COMPLAINT PURSUANT TO SUBSECTION (10)(b)(I) OR (10)(b)(II) OF THIS
12 SECTION, THE CLERK DETERMINES THAT A COMPLAINT WAS FILED IN
13 WRITING, SIGNED BY THE COMPLAINANT, AND IDENTIFIES ONE OR MORE
14 RESPONDENTS, THE CLERK SHALL REFER THE COMPLAINT TO THE
15 SECRETARY, IN A FORM AND MANNER DETERMINED BY THE SECRETARY,
16 WITHIN FOURTEEN BUSINESS DAYS OF RECEIVING THE COMPLAINT. IF THE
17 SECRETARY RECEIVES A COMPLAINT REFERRED BY A CLERK PURSUANT TO
18 THIS SUBSECTION (10)(c)(II), THE SECRETARY SHALL DEEM THE
19 COMPLAINT FILED PURSUANT TO SUBSECTION (2) OF THIS SECTION ON THE
20 DATE OF RECEIPT FROM THE CLERK, AND THE SECRETARY SHALL ENSURE
21 THAT THE COMPLAINT IS ADDRESSED IN ACCORDANCE WITH THE
22 REQUIREMENTS OF THIS SECTION.

23 (d) UPON DISMISSING A COMPLAINT PURSUANT TO SUBSECTION
24 (10)(c)(I) OF THIS SECTION OR REFERRING A COMPLAINT TO THE
25 SECRETARY PURSUANT TO SUBSECTION (1)(c)(II) OF THIS SECTION, THE
26 CLERK SHALL NOTIFY THE PERSON WHO FILED THE COMPLAINT OF THE
27 CLERK'S ACTION BY E-MAIL OR BY REGULAR MAIL IF E-MAIL IS

1 UNAVAILABLE.

2 **SECTION 2. Act subject to petition - effective date -**
3 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
4 the expiration of the ninety-day period after final adjournment of the
5 general assembly; except that, if a referendum petition is filed pursuant
6 to section 1 (3) of article V of the state constitution against this act or an
7 item, section, or part of this act within such period, then the act, item,
8 section, or part will not take effect unless approved by the people at the
9 general election to be held in November 2024 and, in such case, will take
10 effect on the date of the official declaration of the vote thereon by the
11 governor.

12 (2) This act applies to municipal campaign finance complaints
13 filed on or after the applicable effective date of this act.