

**Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-0392.01 Bob Lackner

HOUSE BILL 08-1041

HOUSE SPONSORSHIP

Carroll M., and Madden

SENATE SPONSORSHIP

Gordon, and Tupa

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ENFORCEMENT OF LEGAL REQUIREMENTS**
102 **PERTAINING TO CAMPAIGN FINANCE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Authorizes any person who believes that a violation of either any provision of the secretary of state rules concerning campaign and political finance (rules) or any provision of the state "Fair Campaign Practices Act" (FCPA) has occurred to file a written complaint with the secretary of state not later than a specified date after the date of the occurrence of the alleged violation. Specifies that the complaint is subject to all applicable procedures specified in the enforcement provisions of article

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.

XXVIII of the state constitution (article XXVIII).

Specifies that any person who commits a violation of either the rules or the FCPA that is not specifically listed in the enforcement provisions of article XXVIII is subject to any of the sanctions specified in the sanctions provisions of article XXVIII.

Makes conforming amendments.

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

2 **SECTION 1.** 1-45-111.5, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **1-45-111.5. Duties of the secretary of state - enforcement -**
5 **sanctions.** (1.5) (a) ANY PERSON WHO BELIEVES THAT A VIOLATION OF
6 EITHER THE SECRETARY OF STATE RULES CONCERNING CAMPAIGN AND
7 POLITICAL FINANCE OR THIS ARTICLE HAS OCCURRED MAY FILE A WRITTEN
8 COMPLAINT WITH THE SECRETARY OF STATE NOT LATER THAN ONE
9 HUNDRED EIGHTY DAYS AFTER THE DATE OF THE OCCURRENCE OF THE
10 ALLEGED VIOLATION. THE COMPLAINT SHALL BE SUBJECT TO ALL
11 APPLICABLE PROCEDURES SPECIFIED IN SECTION 9 (2) OF ARTICLE XXVIII
12 OF THE STATE CONSTITUTION.

13 (b) ANY PERSON WHO COMMITS A VIOLATION OF EITHER THE
14 SECRETARY OF STATE RULES CONCERNING CAMPAIGN AND POLITICAL
15 FINANCE OR THIS ARTICLE THAT IS NOT SPECIFICALLY LISTED IN SECTION
16 9 (2) (a) OF ARTICLE XXVIII OF THE STATE CONSTITUTION SHALL BE
17 SUBJECT TO ANY OF THE SANCTIONS SPECIFIED IN SECTION 10 OF ARTICLE
18 XXVIII OF THE STATE CONSTITUTION OR IN THIS SECTION.

19 **SECTION 2. Repeal.** 1-45-112 (1) (f), Colorado Revised
20 Statutes, is repealed as follows:

21 **1-45-112. Duties of municipal clerk and county clerk and**
22 **recorder.** (1) The municipal clerk and county clerk and recorder shall:

1 (f) ~~Report apparent violations of law to appropriate law~~
2 ~~enforcement authorities.~~

3 **SECTION 3.** 1-45-117 (4), Colorado Revised Statutes, is
4 amended to read:

5 **1-45-117. State and political subdivisions - limitations on**
6 **contributions.** (4) Any violation of this section shall be subject to the
7 ~~sanctions authorized in section 1-45-113~~ PROVISIONS OF SECTIONS 9 (2)
8 AND 10 (1) OF ARTICLE XXVIII OF THE STATE CONSTITUTION or any
9 appropriate order or relief, including injunctive relief or a restraining
10 order to enjoin the continuance of the violation.

11 **SECTION 4. Applicability.** This act shall apply to the portion
12 of any election cycle or for the portion of the calendar year remaining
13 after the effective date of this act and for any election cycle or calendar
14 year commencing after said date, whichever is applicable.

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