

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0415.01 Bob Lackner

SENATE BILL 10-041

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SENATE SPONSORSHIP

Bacon,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
State, Veterans & Military Affairs

House Committees

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A BILL FOR AN ACT

101 CONCERNING TECHNICAL MODIFICATIONS TO STATUTORY PROVISIONS  
102 GOVERNING CAMPAIGN FINANCE.

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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://www.leg.state.co.us/billsummaries>.)*

The bill makes the following technical modifications to statutory provisions governing campaign finance:

- ! **Section 2** of the bill conforms the registration requirements for issue committees involved in recall elections to the registration requirements for other types of issue

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.*

committees.

- ! **Section 3** of the bill extends from 7 business days to 15 business days the amount of time allowed for curing a deficiency in a report required to be filed under the "Fair Campaign Practices Act" (FCPA). Section 3 also clarifies that the secretary of state may require any filing of campaign finance reports to be made by electronic means.
- ! **Section 4** of the bill changes the existing requirement that a new candidate certify by affidavit his or her familiarity with the provisions of the FCPA to a requirement that the candidate file a statement attesting to such knowledge under penalty of perjury. Section 4 also modifies procedures concerning the notice of disqualification sent to a candidate barred from seeking a particular office.
- ! **Section 5** of the bill changes the deadline by which certain public officials must file their personal financial disclosure statements from 30 days after their election, appointment, or retention to the January 10 following their election, appointment, or retention. Section 5 also specifies that any person who has timely filed an amended personal financial disclosure statement with the secretary of state is not required to additionally file an original disclosure statement by the January 10 following his or her election, reelection, appointment, or retention in office.

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

2           **SECTION 1.** 1-45-106 (1) (a) (I) (B), Colorado Revised Statutes,  
 3 is amended to read:

4           **1-45-106. Unexpended campaign contributions.**  
 5 (1) (a) (I) Subject to the requirements of section 3 (3) (e) of article  
 6 XXVIII of the state constitution, unexpended campaign contributions to  
 7 a candidate committee may be:

8           (B) Contributed to a candidate committee established by the same  
 9 candidate for a different public office, subject to the limitations set forth  
 10 in ~~section 1-45-105.3 (4) (b) and (c)~~ SECTION 3 OF ARTICLE XXVIII OF  
 11 THE STATE CONSTITUTION, if the candidate committee making such a

1 contribution is affirmatively closed by the candidate no later than ten days  
2 after the date such a contribution is made;

3 **SECTION 2.** 1-45-108 (1) (a) (III), (3) (f), (3.3), (4), and (6),  
4 Colorado Revised Statutes, are amended to read:

5 **1-45-108. Disclosure.** (1) (a) (III) Any person who expends one  
6 thousand dollars or more per calendar year on electioneering  
7 communications shall report to the secretary of state, in accordance with  
8 the disclosure required by this section, the amount expended on the  
9 communications and the name and address of any person that contributes  
10 more than two hundred fifty dollars per year to the person expending one  
11 thousand dollars or more on the communications. If the person making  
12 ~~such~~ A contribution of MORE THAN two hundred fifty dollars ~~or more~~ is a  
13 natural person, the disclosure required by this section shall also include  
14 the person's occupation and employer.

15 (3) Except as otherwise provided in subsection (3.5) of this  
16 section, all candidate committees, political committees, small donor  
17 committees, and political parties shall register with the appropriate officer  
18 before accepting or making any contributions. Registration shall include  
19 a statement listing:

20 (f) ~~Any intent of the candidate committee, political committee,~~  
21 ~~small donor committee, or political party to electronically file reports~~  
22 ~~required by this article that may be filed electronically on a web site~~  
23 ~~operated and maintained by the secretary of state pursuant to section~~  
24 ~~1-45-109.~~

25 (3.3) Subject to the provisions of subsection (7) of this section,  
26 each issue committee shall register with the appropriate officer within ten  
27 calendar days of accepting or making contributions or expenditures in

1 excess of two hundred dollars to support or oppose any ballot issue or  
2 ballot question. If required to register under the requirements of this  
3 subsection (3.3), the registration of the issue committee shall include a  
4 statement containing the items listed in ~~paragraphs (a) to (f)~~ PARAGRAPHS  
5 (a) TO (e) of subsection (3) of this section in connection with other  
6 committees and a political party.

7 (4) ~~For purposes of subsection (3) of this section, a political~~  
8 ~~committee in existence on January 1, 1997, shall register with the~~  
9 ~~secretary of state on or before April 1, 1997, pursuant to the requirements~~  
10 ~~of this act.~~

11 (6) Any issue committee whose purpose is the recall of any  
12 elected official shall ~~file a committee registration~~ REGISTER with the  
13 appropriate officer within ten ~~business~~ CALENDAR days of ~~receiving its~~  
14 ~~first contribution~~ ACCEPTING OR MAKING CONTRIBUTIONS OR  
15 EXPENDITURES IN EXCESS OF TWO HUNDRED DOLLARS TO SUPPORT OR  
16 OPPOSE THE RECALL. Reports of contributions and expenditures shall be  
17 filed with the appropriate officer within fifteen days of the filing of the  
18 committee registration and every thirty days thereafter until the date of the  
19 recall election has been established and then fourteen days and seven days  
20 before the recall election and thirty days following the recall election.

21 **SECTION 3.** 1-45-109 (4) (b) and (6), Colorado Revised  
22 Statutes, are amended to read:

23 **1-45-109. Filing - where to file - timeliness - repeal.**

24 (4) (b) Any report that is deemed to be incomplete by the appropriate  
25 officer shall be accepted on a conditional basis and the committee or party  
26 treasurer shall be notified by mail as to any deficiencies found. If an  
27 electronic mail address is on file with the secretary of state, the secretary

1 of state may also provide such notification by electronic mail. The  
2 committee or party treasurer shall have ~~seven~~ FIFTEEN business days from  
3 the date of ~~mailing~~ such notice IS SENT, WHETHER ELECTRONICALLY OR BY  
4 UNITED STATES MAIL, to file an addendum that cures the deficiencies.

5 (6) (a) The secretary of state shall establish, operate, and maintain  
6 a system that enables electronic filing using the internet of the reports  
7 required by this article to be filed with the secretary of state's office. IN  
8 ACCORDANCE WITH THE PROVISIONS OF SECTION 24-21-111 (1), C.R.S.,  
9 THE SECRETARY MAY REQUIRE ANY FILING UNDER THIS SECTION TO BE  
10 MADE BY ELECTRONIC MEANS AS DETERMINED BY THE SECRETARY. The  
11 rules for use of the electronic filing system shall be promulgated by the  
12 secretary ~~of state~~ in accordance with article 4 of title 24, C.R.S.

13 (b) ~~In addition to any other method of filing,~~ Any person required  
14 to file with the secretary of state's office ~~may~~ SHALL use the electronic  
15 filing system described in paragraph (a) of this subsection (6) in order to  
16 meet the filing requirements of this article, IF SO REQUIRED BY THE  
17 SECRETARY IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION  
18 (6), EXCEPT INSOFAR AS AN ALTERNATE METHOD OF FILING MAY BE  
19 PERMITTED BY THE SECRETARY. Where a person uses such electronic  
20 filing system to meet the filing requirements of this article, the secretary  
21 of state shall acknowledge by electronic means the receipt of such filing.

22 **SECTION 4.** 1-45-110 (1), (2), and (3), Colorado Revised  
23 Statutes, are amended to read:

24 **1-45-110. Candidate statement - disclosure statement.**

25 (1) When any individual becomes a candidate, such individual shall  
26 ~~certify, by affidavit filed~~ FILE A STATEMENT with the appropriate officer,  
27 UNDER PENALTY OF PERJURY, within ten days, ATTESTING that the

1 candidate is familiar with the provisions of this article; except that an  
2 individual who is a candidate in a special legislative election ~~that~~ WHO  
3 filed a candidate ~~affidavit~~ STATEMENT for the preceding general election  
4 shall not be required to comply with the provisions of this section, and  
5 except that a candidate in a special district election shall file the candidate  
6 ~~affidavit~~ STATEMENT or, alternatively, a copy of the candidate's  
7 self-nomination and acceptance form or letter submitted in accordance  
8 with section 32-1-804.3, C.R.S., if such form or letter contains a  
9 statement that the candidate is familiar with the provisions of this article,  
10 no later than the date established for certification of the special district's  
11 ballot pursuant to section 1-5-203 (3) (a). A candidate in a municipal  
12 election may comply with this section by filing a candidate affidavit  
13 pursuant to section 31-10-302 (6), C.R.S., if such affidavit contains a  
14 statement that the candidate is familiar with the provisions of this article.

15 (2) (a) Except as provided in paragraph (b) of this ~~subsection~~  
16 SUBSECTION (2), each candidate for the general assembly, governor,  
17 lieutenant governor, attorney general, state treasurer, secretary of state,  
18 state board of education, regent of the University of Colorado, and district  
19 attorney shall file a statement disclosing the information required by  
20 ~~section 24-6-202 (2)~~ SECTION 24-6-202 (2), C.R.S., with the appropriate  
21 officer, on a form approved by the secretary of state, within ten days of  
22 filing the ~~affidavit~~ STATEMENT required by subsection (1) of this section.

23 (b) No candidate listed in paragraph (a) of this ~~subsection~~  
24 SUBSECTION (2) shall be required to file another disclosure statement if  
25 the candidate had already filed such a statement less than ninety days  
26 prior to filing the ~~affidavit~~ STATEMENT required by subsection (1) of this  
27 section.

1           (3) Failure of any person to file the ~~affidavit~~ STATEMENT  
2 PURSUANT TO SUBSECTION (1) OF THIS SECTION or THE disclosure  
3 statement required ~~under this~~ BY SUBSECTION (2) OF THIS section shall  
4 result in the disqualification of such person as a candidate for the office  
5 being sought. Disqualification shall occur only after the ~~appropriate~~  
6 ~~officer~~ DESIGNATED ELECTION OFFICIAL CERTIFYING THE BALLOT  
7 PURSUANT TO SECTION 1-5-203 (3) (a) has sent a notice to the person by  
8 certified mail, return receipt requested, addressed to the person's  
9 ~~residence~~ MAILING address. The notice shall state that the person will be  
10 disqualified as a candidate if the person fails to file the appropriate  
11 document within five business days of receipt of the notice.

12           **SECTION 5.** The introductory portion to 24-6-202 (1), Colorado  
13 Revised Statutes, is amended, and the said 24-6-202 is further amended  
14 BY THE ADDITION OF A NEW SUBSECTION, to read:

15           **24-6-202. Disclosure - contents - filing - false or incomplete**  
16 **filing - penalty.** (1) ~~Not more than thirty days after their~~ EXCEPT AS  
17 OTHERWISE PROVIDED IN SUBSECTION (1.7) OF THIS SECTION, NOT LATER  
18 THAN THE JANUARY 10 FOLLOWING HIS OR HER election, reelection,  
19 appointment, or retention in office, written disclosure, in such form as the  
20 secretary of state shall prescribe, stating the interests named in subsection  
21 (2) of this section shall be made to and filed with the secretary of state of  
22 Colorado by:

23           (1.7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
24 ANY PERSON WHO HAS TIMELY FILED AN AMENDED STATEMENT WITH THE  
25 SECRETARY OF STATE PURSUANT TO SUBSECTION (4) OF THIS SECTION IS  
26 NOT REQUIRED TO ADDITIONALLY FILE A DISCLOSURE STATEMENT  
27 SATISFYING THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION BY

1 THE JANUARY 10 FOLLOWING HIS OR HER ELECTION, REELECTION,  
2 APPOINTMENT, OR RETENTION IN OFFICE.

3 **SECTION 6. Specified effective date.** This act shall take effect  
4 July 1, 2010.

5 **SECTION 7. 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, and safety.