

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 10-0415.01 Bob Lackner

SENATE BILL 10-041

SENATE SPONSORSHIP

Bacon,

HOUSE SPONSORSHIP

Nikkel,

Senate Committees
State, Veterans & Military Affairs

House Committees

A BILL FOR AN ACT

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

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.

SENATE
Amended 2nd Reading
February 2, 2010

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.

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 (3), Colorado Revised Statutes, is**
23 **amended to read: _____**

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

25 **(3) Failure of any person to file the affidavit or THE disclosure statement**
26 **required under this BY SUBSECTION (2) OF THIS section shall result in the**
27 **disqualification of such person as a candidate for the office being sought.**

1 Disqualification shall occur only after the appropriate officer DESIGNATED
2 ELECTION OFFICIAL CERTIFYING THE BALLOT PURSUANT TO SECTION
3 1-5-203 (3) (a) has sent a notice to the person by certified mail, return
4 receipt requested, addressed to the person's residence MAILING address.
5 The notice shall state that the person will be disqualified as a candidate
6 if the person fails to file the appropriate document within five business
7 days of receipt of the notice.

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

11 **24-6-202. Disclosure - contents - filing - false or incomplete**
12 **filing - penalty.** (1) ~~Not more than thirty days after their~~ EXCEPT AS
13 OTHERWISE PROVIDED IN SUBSECTION (1.7) OF THIS SECTION, NOT LATER
14 THAN THE JANUARY 10 FOLLOWING HIS OR HER election, reelection,
15 appointment, or retention in office, written disclosure, in such form as the
16 secretary of state shall prescribe, stating the interests named in subsection
17 (2) of this section shall be made to and filed with the secretary of state of
18 Colorado by:

19 (1.7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
20 ANY PERSON WHO HAS TIMELY FILED AN AMENDED STATEMENT WITH THE
21 SECRETARY OF STATE PURSUANT TO SUBSECTION (4) OF THIS SECTION IS
22 NOT REQUIRED TO ADDITIONALLY FILE A DISCLOSURE STATEMENT
23 SATISFYING THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION BY
24 THE JANUARY 10 FOLLOWING HIS OR HER ELECTION, REELECTION,
25 APPOINTMENT, OR RETENTION IN OFFICE.

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

1 **SECTION 7. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.