

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0463.01 Bob Lackner x4350

HOUSE BILL 12-1279

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HOUSE SPONSORSHIP

Lee, Court, Kefalas

SENATE SPONSORSHIP

(None),

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House Committees  
State, Veterans, & Military Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE PUBLIC FINANCING OF ELECTIONS TO THE GENERAL  
102 ASSEMBLY.

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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 creates a system of public financing of political campaigns for candidates running for a seat in the general assembly. The system is to be administered and enforced by the Colorado citizen-funded campaigns commission (commission). Moneys for campaigns are to be paid from the newly created Colorado citizen-funded campaigns fund

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.

(fund) to qualifying candidates who satisfy certain requirements. The bill has the following additional components:

**Eligibility for obtaining moneys from the fund.** A candidate for the general assembly qualifies as a participating candidate for any given primary or general election campaign if the candidate, among other things, collects at least the following number of contributions in the amount of \$5:

- ! 300 qualifying contributions for a candidate running for the Colorado state senate.
- ! 150 qualifying contributions for a candidate running for the Colorado state house of representatives.

Each qualifying contribution must be from a registered elector residing in the candidate's senate or house district, as applicable.

During the exploratory period, which is the period beginning on the day following a general election and ending on the last day of the qualifying period, and the qualifying period, which is a period that begins and ends a certain number of days before the primary election, a candidate who elects to participate in the public financing system is prohibited from accepting contributions to his or her candidate committee or making expenditures from any source other than seed money contributions and qualifying contributions. A seed money contribution is a contribution of no more than \$100 made by a person to a candidate during the exploratory period.

**Contributions and expenditures.** During a primary and general election campaign, a participating candidate who has voluntarily agreed to be bound by the requirements of the bill and is eligible for moneys from the fund may neither accept private contributions from any source other than the fund nor solicit, accept, or receive contributions for any other candidate for elective office in the state or for any political party or political committee. No person may make a contribution in the name of another person. A participating candidate is required to pay for all the candidate's respective campaign expenditures by means specified by the commission by rule.

A participating candidate is required to furnish to the commission at regular filing times, or in response to a reasonable request made by the commission or its staff, complete records maintained by the candidate in connection with the requirements of the bill.

**Permitted expenditure of moneys from the fund.** A participating candidate is required to expend any moneys received from the fund only for purposes directly involved in supporting his or her candidacy for office. The bill provides examples of authorized expenditures. A candidate is permitted to seek an advisory opinion from the commission on whether a particular contemplated expenditure is permitted.

**Use of personal funds and contributions from family members.** Personal money contributed as seed money by a candidate seeking to

become a participating candidate or personal money contributed by a member of the candidate's immediate family may not exceed \$100 per contributor. Personal money of a candidate seeking to become a participating candidate may not be used to meet requirements of the bill pertaining to a qualifying candidate with the exception of one \$5 contribution from the participating candidate and one \$5 contribution from the candidate's spouse.

**Seed money.** The only private contributions a candidate seeking to become eligible for moneys from the fund may accept are seed money contributions that are made by persons during the qualifying period. A seed money contribution may not exceed \$100 per donor, and the aggregate amount of seed money contributions accepted by the candidate seeking to become eligible for Colorado citizen-funded campaigns money may not exceed:

- ! \$5,000 for a candidate running for the state senate.
- ! \$2,500 for a candidate running for the state house of representatives.

A candidate may only expend moneys from seed money contributions during the exploratory and qualifying periods.

Within 30 days after the close of the qualifying period, candidates seeking to become eligible for moneys from the fund are required to:

- ! Fully disclose all seed money contributions and expenditures to the commission;
- ! Turn over to the commission for deposit into the fund any seed money contributions raised during the exploratory period that exceed the aggregate seed money contributions limit and any seed money contributions that are unexpended as of the end of the exploratory period.

**Participation in public debates.** A participating candidate in a contested election is required to participate in at least one hour-long public debate during a contested primary election and at least 2 one-hour public debates during a contested general election. The bill encourages licensed broadcasters to publicly broadcast public debates.

**Certification.** Not more than 5 days after a candidate applies for moneys from the fund, the commission is required to certify that the candidate is or is not eligible for such moneys. Eligibility for receipt of such moneys may be revoked if the participating candidate knowingly violates the requirements of the bill. The commission's determination of certification and revocation is final but may be appealed to a state district court.

**Allocation of money from the fund.** The commission is required to award a participating candidate moneys from the fund based on the numeric average of the total spent by the winning candidate during the previous 2 election cycles for a competitive election for the legislative district's office for the primary or general election period, as applicable.

The commission is required to adjust the amount allocated to a participating candidate for a particular legislative district at least every 4 years based on changed circumstances that would significantly affect the cost of political campaigns in a particular legislative district.

**Colorado citizen-funded campaigns fund.** The bill identifies certain sources of revenue for the fund and specifies certain restrictions pertaining to the use of moneys in the fund. One funding source is a newly created income tax checkoff to benefit the fund. The bill also requires an annual transfer to the fund from the unclaimed property trust fund. Finally, the bill imposes a 10% surcharge on certain criminal and civil fines, penalties, and forfeitures and requires the surcharge to be deposited in the fund.

Upon a determination that a candidate has met all the requirements for becoming a participating candidate as provided in the bill, the commission is required to deposit in the participating candidate's campaign account the amount allocated to such candidate for his or her campaign.

**Colorado citizen-funded campaigns commission.** The commission consists of 7 commissioners. The bill specifies requirements for the appointment of the commissioners. The commission is to be led by a chairperson, selected each fiscal year from among its membership.

The bill specifies the commission's powers and duties, including its main responsibility for implementing and administering the requirements of the system of public financing established under the bill. Among other things, the commission is empowered to subpoena information, conduct audits, investigate complaints, and promulgate rules.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 2 to article  
3 45 of title 1 as follows:

4 **PART 2**

5 **CITIZEN-FUNDED CAMPAIGNS**

6 **FOR THE GENERAL ASSEMBLY**

7 **1-45-201. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
8 HEREBY FINDS, DETERMINES, AND DECLARES THAT THE CURRENT SYSTEM  
9 OF PRIVATELY FINANCED CAMPAIGNS FOR ELECTION TO THE GENERAL  
10 ASSEMBLY UNDERMINES DEMOCRACY IN OUR STATE IN THE FOLLOWING

1 PRINCIPAL WAYS:

2 (a) CANDIDATES TO WHOM MORE MONEY IS CONTRIBUTED DEFEAT  
3 THEIR OPPONENTS NEARLY NINETY PERCENT OF THE TIME;

4 (b) ORDINARY CITIZENS, WHO WOULD OTHERWISE BE QUALIFIED  
5 FOR PUBLIC OFFICE BUT WHO HAVE NO ACCESS TO LARGE AMOUNTS OF  
6 MONEY, FIND IT DIFFICULT TO RUN FOR OFFICE AND ARE DISCOURAGED  
7 FROM DOING SO; AND

8 (c) BOTH INCUMBENTS AND FIRST-TIME CANDIDATES SPEND LARGE  
9 AMOUNTS OF TIME TRYING TO RAISE FUNDS IN ORDER TO RUN A  
10 SUCCESSFUL CAMPAIGN.

11 (2) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND  
12 DECLARES THAT PROVIDING A VOLUNTARY, CITIZEN-FUNDED ELECTION  
13 SYSTEM FOR CAMPAIGNS FOR THE GENERAL ASSEMBLY WILL ENHANCE  
14 DEMOCRACY AND IMPROVE GOVERNANCE IN THE STATE. SPECIFICALLY,  
15 SUCH A SYSTEM WILL, AMONG OTHER BENEFITS:

16 (a) MAKE IT POSSIBLE FOR QUALIFIED, ORDINARY CITIZENS TO  
17 UNDERTAKE COMPETITIVE CAMPAIGNS BECAUSE THEY WILL HAVE ACCESS  
18 TO THE AMOUNT OF MONEY SIMILAR TO THAT EXPENDED BY THE WINNING  
19 CANDIDATE IN THEIR LEGISLATIVE DISTRICT IN THE PRIOR TWO ELECTION  
20 CYCLES;

21 (b) REDUCE THE TIME CANDIDATES CURRENTLY SPEND TRYING TO  
22 RAISE MONEY; AND

23 (c) INCREASE THE AMOUNT OF TIME THAT CANDIDATES SPEND  
24 RESEARCHING ISSUES AND TALKING TO THEIR CONSTITUENTS ABOUT  
25 CONSTITUENT CONCERNS.

26 **1-45-202. Definitions.** (1) THE TERMS USED IN THIS PART 2 HAVE  
27 THE SAME MEANING, UNLESS THE CONTEXT OTHERWISE REQUIRES, AS

1 THOSE SET FORTH IN SECTION 2 OF ARTICLE XXVIII OF THE STATE  
2 CONSTITUTION, AS SUPPLEMENTED BY THE DEFINITIONS SET FORTH IN  
3 SECTION 1-45-103.

4 (2) IN ADDITION TO THE TERMS ADDRESSED IN SUBSECTION (1) OF  
5 THIS SECTION, THE FOLLOWING ADDITIONAL TERMS USED IN THIS PART 2  
6 HAVE THE MEANINGS SPECIFIED AS FOLLOWS, UNLESS THE CONTEXT  
7 OTHERWISE REQUIRES:

8 (a) "ACCOUNT" MEANS THE BANK REPOSITORY OF THE MONEYS  
9 ALLOCATED TO A CANDIDATE WHO QUALIFIES TO RECEIVE SUCH MONEYS  
10 FROM THE COLORADO CITIZEN-FUNDED CAMPAIGNS COMMISSION.

11 (b) "COLORADO CITIZEN-FUNDED CAMPAIGNS COMMISSION"  
12 MEANS THE GOVERNMENTAL AGENCY CREATED BY SECTION 1-45-221  
13 THAT IS AUTHORIZED TO ADMINISTER AND ENFORCE THIS PART 2. THE  
14 COLORADO CITIZEN-FUNDED CAMPAIGNS COMMISSION MAY BE  
15 SUBSEQUENTLY REFERRED TO IN THIS PART 2 AS THE "COMMISSION".

16 (c) "COLORADO CITIZEN-FUNDED CAMPAIGNS FUND" MEANS THE  
17 POOL OF MONEYS OBTAINED FOR AND ALLOCATED IN ACCORDANCE WITH  
18 THE PURPOSES AND REQUIREMENTS OF THIS PART 2. THE COLORADO  
19 CITIZEN-FUNDED CAMPAIGNS FUND MAY BE SUBSEQUENTLY REFERRED TO  
20 IN THIS PART 2 AS THE "FUND".

21 (d) "EXPLORATORY PERIOD" MEANS THE PERIOD BEGINNING THE  
22 DAY FOLLOWING THE PREVIOUS GENERAL ELECTION FOR A SEAT IN THE  
23 GENERAL ASSEMBLY AND ENDING ON THE LAST DAY OF THE QUALIFYING  
24 PERIOD. THIS IS THE PERIOD DURING WHICH CANDIDATES WHO WISH TO  
25 BECOME ELIGIBLE FOR COLORADO CITIZEN-FUNDED CAMPAIGNS FUNDING  
26 FOR THE NEXT ELECTION ARE PERMITTED TO RAISE AND SPEND A LIMITED  
27 AMOUNT OF PRIVATE SEED MONEY, IN CONTRIBUTIONS OF UP TO ONE

1 HUNDRED DOLLARS FROM ONE INDIVIDUAL, FOR THE PURPOSE OF  
2 EXPLORING AND FULFILLING THE ELIGIBILITY REQUIREMENTS FOR  
3 OBTAINING MONEYS FROM THE FUND. THE EXPLORATORY PERIOD BEGINS  
4 BEFORE AND EXTENDS TO THE END OF THE QUALIFYING PERIOD.

5 (e) "NONPARTICIPATING CANDIDATE" MEANS A CANDIDATE FOR  
6 THE GENERAL ASSEMBLY WHOSE NAME APPEARS ON A BALLOT FOR  
7 ELECTIVE OFFICE IN THE STATE BUT HAS CHOSEN NOT TO APPLY FOR  
8 MONEYS FROM THE FUND OR WHO HAS APPLIED FOR MONEYS FROM THE  
9 FUND BUT HAS NOT SATISFIED THE REQUIREMENTS FOR OBTAINING SUCH  
10 MONEYS.

11 (f) "PARTICIPATING CANDIDATE" MEANS A CANDIDATE FOR THE  
12 GENERAL ASSEMBLY WHO QUALIFIES FOR AND IS ELIGIBLE TO RECEIVE  
13 MONEYS FROM THE FUND.

14 (g) "PARTY PARTICIPATING CANDIDATE" MEANS A CANDIDATE FOR  
15 THE GENERAL ASSEMBLY, NOMINATED BY A POLITICAL PARTY, WHO IS ON  
16 THE BALLOT AND WHO QUALIFIES FOR AND IS ELIGIBLE TO RECEIVE  
17 MONEYS FROM THE FUND IN CONNECTION WITH A PRIMARY OR GENERAL  
18 ELECTION.

19 (h) "QUALIFYING CONTRIBUTION" MEANS A CONTRIBUTION OF FIVE  
20 DOLLARS THAT A REGISTERED ELECTOR MAKES DURING THE DESIGNATED  
21 QUALIFYING PERIOD TO A CANDIDATE FOR THE GENERAL ASSEMBLY WHO  
22 IS SEEKING TO BECOME ELIGIBLE TO RECEIVE MONEYS FROM THE FUND.

23 (i) "QUALIFYING PERIOD" MEANS THE PERIOD DURING WHICH A  
24 CANDIDATE IS PERMITTED TO COLLECT QUALIFYING CONTRIBUTIONS IN  
25 ORDER TO QUALIFY FOR MONEYS FROM THE FUND. A QUALIFYING PERIOD  
26 BEGINS NINETY DAYS BEFORE THE DATE OF THE PRIMARY ELECTION FOR A  
27 GIVEN OFFICE AND ENDS THIRTY DAYS BEFORE THE DATE OF THE PRIMARY

1 ELECTION.

2 (j) "SEED MONEY CONTRIBUTION" MEANS A CONTRIBUTION OF NO  
3 MORE THAN ONE HUNDRED DOLLARS MADE BY A PERSON TO A CANDIDATE  
4 FOR THE GENERAL ASSEMBLY DURING THE EXPLORATORY PERIOD.

5 (k) "UNAFFILIATED PARTICIPATING CANDIDATE" MEANS A  
6 CANDIDATE FOR THE GENERAL ASSEMBLY WHO HAS BEEN GRANTED  
7 BALLOT STATUS, WHO IS NOT A PARTY PARTICIPATING CANDIDATE AS  
8 DEFINED IN PARAGRAPH (g) OF THIS SUBSECTION (2), AND WHO QUALIFIES  
9 FOR AND IS ELIGIBLE TO RECEIVE COLORADO CITIZEN-FUNDED CAMPAIGNS  
10 FUND MONEY DURING THE GENERAL ELECTION CAMPAIGN PERIOD.

11 **1-45-203. Eligibility for obtaining moneys from the fund.**

12 (1) A CANDIDATE FOR THE GENERAL ASSEMBLY QUALIFIES AS A  
13 PARTICIPATING CANDIDATE FOR ANY GIVEN PRIMARY OR GENERAL  
14 ELECTION CAMPAIGN IF THE CANDIDATE FILES A DECLARATION WITH THE  
15 COMMISSION ON OR BEFORE THE END OF THE QUALIFYING PERIOD FOR THE  
16 OFFICE THAT THE CANDIDATE HAS COMPLIED WITH AND WILL FULFILL ALL  
17 OF THE REQUIREMENTS OF THIS PART 2, INCLUDING:

18 (a) DURING THE EXPLORATORY PERIOD AND QUALIFYING PERIOD,  
19 THE CANDIDATE NEITHER ACCEPTS NOR EXPENDS CONTRIBUTIONS TO HIS  
20 OR HER CANDIDATE COMMITTEE FROM ANY SOURCE OTHER THAN SEED  
21 MONEY CONTRIBUTIONS AND QUALIFYING CONTRIBUTIONS; AND

22 (b) ANY CONTRIBUTIONS THE CANDIDATE ACCEPTED BUT DID NOT  
23 EXPEND BEFORE BEING CERTIFIED AS A PARTICIPATING CANDIDATE ARE  
24 RETURNED TO THE CONTRIBUTOR, HELD IN A SEGREGATED BANK ACCOUNT  
25 AND USED ONLY FOR RETIRING A DEBT FROM A PREVIOUS CAMPAIGN, OR  
26 SUBMITTED TO THE COMMISSION FOR DEPOSIT IN THE FUND.

27 (2) IN ADDITION TO THE SPECIFICATIONS OF SUBSECTION (1) OF



1 THIS SECTION, THE CANDIDATE QUALIFIES AS A PARTICIPATING CANDIDATE  
2 IF HE OR SHE MEETS EACH OF THE FOLLOWING REQUIREMENTS PERTAINING  
3 TO QUALIFYING CONTRIBUTIONS BEFORE THE END OF THE QUALIFYING  
4 PERIOD:

5 (a) THE CANDIDATE COLLECTS AT LEAST THE FOLLOWING NUMBER  
6 OF QUALIFYING CONTRIBUTIONS:

7 (I) THREE HUNDRED QUALIFYING CONTRIBUTIONS FOR A  
8 CANDIDATE RUNNING FOR THE COLORADO STATE SENATE. EACH  
9 QUALIFYING CONTRIBUTION MUST BE FROM A REGISTERED ELECTOR  
10 RESIDING IN THE CANDIDATE'S SENATE DISTRICT.

11 (II) ONE HUNDRED FIFTY QUALIFYING CONTRIBUTIONS FOR A  
12 CANDIDATE RUNNING FOR THE COLORADO STATE HOUSE OF  
13 REPRESENTATIVES. EACH QUALIFYING CONTRIBUTION MUST BE FROM A  
14 REGISTERED ELECTOR RESIDING IN THE CANDIDATE'S HOUSE DISTRICT.

15 (b) EACH QUALIFYING CONTRIBUTION SHALL BE ACKNOWLEDGED  
16 BY A RECEIPT TO THE CONTRIBUTOR WITH A COPY SUBMITTED TO THE  
17 COMMISSION BY THE CANDIDATE. THE RECEIPT SHALL STATE THAT THE  
18 CONTRIBUTOR UNDERSTANDS THAT THE PURPOSE OF THE CONTRIBUTION  
19 IS TO PROVIDE REVENUE FOR THE COLORADO CITIZENS-FUNDED  
20 CAMPAIGNS FUND AND THAT THE CONTRIBUTION IS MADE WITHOUT  
21 COERCION OR REIMBURSEMENT. THE RECEIPT SHALL INCLUDE THE  
22 FOLLOWING INFORMATION: THE CONTRIBUTOR'S PRINTED FULL NAME,  
23 HOME ADDRESS INCLUDING ZIP CODE, TELEPHONE NUMBER, NAME OF THE  
24 CANDIDATE, CONTRIBUTOR'S SIGNATURE, AND THE DATE OF THE  
25 CONTRIBUTION.

26 (c) ANY CONTRIBUTION SUBMITTED AS A QUALIFYING  
27 CONTRIBUTION THAT FAILS TO INCLUDE A SIGNED AND FULLY COMPLETED

1 RECEIPT SHALL NOT BE COUNTED AS A QUALIFYING CONTRIBUTION.

2 (d) ALL QUALIFYING CONTRIBUTIONS, WHETHER IN THE FORM OF  
3 CASH, CHECKS, OR MONEY ORDERS MADE OUT TO THE CANDIDATE'S NAME,  
4 SHALL BE DEPOSITED BY THE CANDIDATE IN THE BANK ACCOUNT  
5 REQUIRED TO BE OPENED AND MAINTAINED BY THE CANDIDATE'S  
6 CANDIDATE COMMITTEE.

7 (e) ALL QUALIFYING CONTRIBUTION RECEIPTS SHALL BE SENT TO  
8 THE COMMISSION, ACCOMPANIED BY A CHECK FROM THE CAMPAIGN  
9 ACCOUNT OF THE CANDIDATE'S CAMPAIGN COMMITTEE FOR THE TOTAL  
10 AMOUNT OF THE QUALIFYING CONTRIBUTION MONEYS RECEIVED, WHICH  
11 MONEYS SHALL BE DEPOSITED IN THE FUND. THIS SUBMISSION SHALL BE  
12 ACCOMPANIED BY A SIGNED STATEMENT FROM THE CANDIDATE STATING  
13 THAT THE INFORMATION ON THE QUALIFYING CONTRIBUTION RECEIPTS IS  
14 COMPLETE AND ACCURATE TO THE BEST OF THE CANDIDATE'S KNOWLEDGE  
15 AND THAT THE AMOUNT OF THE ENCLOSED CHECK IS EQUAL TO THE SUM  
16 OF ALL THE FIVE DOLLAR QUALIFYING CONTRIBUTIONS THE CANDIDATE  
17 HAS RECEIVED.

18 (3) A CANDIDATE SUBJECT TO A CONTESTED PRIMARY ELECTION  
19 QUALIFIES AS A PARTY PARTICIPATING CANDIDATE FOR THE GENERAL  
20 ELECTION PERIOD IF THE CANDIDATE WON HIS OR HER PARTY'S  
21 NOMINATION IN THE PRIMARY ELECTION.

22 **1-45-204. Transition rules for current election cycle.** A  
23 CANDIDATE MAY BE CERTIFIED AS A PARTICIPATING CANDIDATE,  
24 NOTWITHSTANDING THE FACT THAT THE CANDIDATE MAY HAVE ACCEPTED  
25 CONTRIBUTIONS OR MADE CONTRIBUTIONS FROM A SOURCE OTHER THAN  
26 THE FUND, ON THE CONDITION THAT ANY PRIVATE FUNDS ACCEPTED BY A  
27 CANDIDATE BUT NOT EXPENDED BEFORE THE CANDIDATE HAS BEEN

1 CERTIFIED AS A PARTICIPATING CANDIDATE ARE RETURNED TO THE  
2 CONTRIBUTOR, HELD IN A SPECIAL CAMPAIGN ACCOUNT AND USED ONLY  
3 FOR RETIRING A DEBT FROM A PREVIOUS CAMPAIGN, OR SUBMITTED TO THE  
4 COMMISSION FOR DEPOSIT IN THE FUND.

5 **1-45-205. Continuing obligation to comply.** (1) A  
6 PARTICIPATING CANDIDATE WHO ACCEPTS MONEYS FROM THE FUND  
7 DURING A PRIMARY ELECTION CAMPAIGN IN ACCORDANCE WITH THE  
8 REQUIREMENTS OF THIS PART 2 SHALL COMPLY WITH ALL OF THE  
9 REQUIREMENTS OF THIS PART 2 THROUGH THE DATE OF THE GENERAL  
10 ELECTION CAMPAIGN, WHETHER OR NOT THE PARTICIPATING CANDIDATE  
11 CONTINUES TO ACCEPT SUCH MONEYS. A PARTICIPATING CANDIDATE WHO  
12 APPLIES FOR AND QUALIFIES FOR MONEYS FROM THE FUND FOR A PRIMARY  
13 OR GENERAL ELECTION MAY NOT, UPON APPLICATION, DECIDE NOT TO  
14 ACCEPT MONEYS FROM THE FUND IN ACCORDANCE WITH THE  
15 REQUIREMENTS OF THIS PART 2 IN THAT SAME ELECTION CYCLE AND  
16 SUBSEQUENTLY RAISE ADDITIONAL MONEYS FROM SOURCES OTHER THAN  
17 THE FUND. A PARTICIPATING CANDIDATE WHO RECEIVES MONEYS FROM  
18 THE FUND IN THE PRIMARY ELECTION IS OBLIGATED TO COMPLY WITH THE  
19 REQUIREMENTS OF THIS PART 2 FOR THE GENERAL ELECTION.

20 (2) IF A PARTICIPATING CANDIDATE DIES OR BECOMES  
21 INCAPACITATED DURING THE ELECTION CYCLE, THE PARTICIPATING  
22 CANDIDATE'S PARTY MAY DESIGNATE A PERSON TO REPLACE THIS  
23 CANDIDATE AND BE ELIGIBLE FOR FUNDING UNDER THIS PART 2 IF THE  
24 REPLACEMENT CANDIDATE AGREES IN WRITING TO ACCEPT AND FOLLOW  
25 THE RULES AND PROCEDURES ESTABLISHED BY THIS PART 2.

26 (3) IF A PARTICIPATING CANDIDATE LOSES HIS OR HER PRIMARY OR  
27 GENERAL ELECTION, HE OR SHE SHALL PROMPTLY RETURN TO THE

1 COMMISSION ANY MONEYS RECEIVED.

2 **1-45-206. Contributions and expenditures.** (1) DURING A  
3 PRIMARY AND GENERAL ELECTION CAMPAIGN, A PARTICIPATING  
4 CANDIDATE WHO HAS VOLUNTARILY AGREED TO BE BOUND BY THE  
5 REQUIREMENTS OF THIS PART 2 AND IS ELIGIBLE FOR MONEYS FROM THE  
6 FUND SHALL NEITHER ACCEPT PRIVATE CONTRIBUTIONS FROM ANY SOURCE  
7 OTHER THAN THE FUND NOR SOLICIT, ACCEPT, OR RECEIVE CONTRIBUTIONS  
8 FOR ANY OTHER CANDIDATE FOR ELECTIVE OFFICE IN THE STATE OR FOR  
9 ANY POLITICAL PARTY OR POLITICAL COMMITTEE.

10 (2) NO PERSON SHALL MAKE A CONTRIBUTION IN THE NAME OF  
11 ANOTHER PERSON. A PARTICIPATING CANDIDATE WHO RECEIVES A  
12 QUALIFYING CONTRIBUTION OR A SEED MONEY CONTRIBUTION THAT IS NOT  
13 FROM THE PERSON LISTED ON THE RECEIPT REQUIRED BY SECTION 1-45-203  
14 SHALL BE LIABLE TO REIMBURSE THE COMMISSION FOR THE ENTIRE  
15 AMOUNT OF SUCH CONTRIBUTION IN ADDITION TO PAYMENT OF ANY  
16 PENALTY THAT MAY BE ASSESSED BY THE COMMISSION.

17 (3) IN CONNECTION WITH ANY PRIMARY OR GENERAL ELECTION, A  
18 PARTICIPATING CANDIDATE SHALL PAY FOR ALL OF THE CANDIDATE'S  
19 RESPECTIVE CAMPAIGN EXPENDITURES BY MEANS SPECIFIED BY THE  
20 COMMISSION.

21 (4) A PARTICIPATING CANDIDATE SHALL FURNISH TO THE  
22 COMMISSION AT REGULAR FILING TIMES, OR IN RESPONSE TO REASONABLE  
23 REQUEST MADE BY THE COMMISSION OR ITS STAFF, COMPLETE RECORDS  
24 MAINTAINED BY THE CANDIDATE IN CONNECTION WITH THE  
25 REQUIREMENTS OF THIS PART 2, INCLUDING ALL RECORDS OF SEED MONEY  
26 CONTRIBUTIONS AND QUALIFYING CONTRIBUTIONS RECEIVED BY THE  
27 CANDIDATE. A PARTICIPATING CANDIDATE SHALL COOPERATE WITH ANY

1     AUDIT OR RELATED EXAMINATION OF RECORDS SOUGHT BY THE  
2     COMMISSION.

3             **1-45-207. Campaign accounts for participating candidates.**

4     (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, DURING AN  
5     ELECTION CYCLE, A PARTICIPATING CANDIDATE SHALL CONDUCT ALL  
6     CAMPAIGN FINANCE ACTIVITIES THROUGH THE SEPARATE SEGREGATED  
7     ACCOUNT THE CANDIDATE IS REQUIRED TO MAINTAIN PURSUANT TO  
8     SECTION 3 (9) OF ARTICLE XXVIII OF THE STATE CONSTITUTION.

9             (2) A PARTICIPATING CANDIDATE MAY MAINTAIN A CAMPAIGN  
10     ACCOUNT OTHER THAN THE CAMPAIGN ACCOUNT DESCRIBED IN  
11     SUBSECTION (1) OF THIS SECTION IF THE OTHER CAMPAIGN ACCOUNT IS FOR  
12     THE PURPOSE OF RETIRING A CAMPAIGN DEBT THAT WAS INCURRED DURING  
13     A PREVIOUS ELECTION CAMPAIGN IN WHICH THE CANDIDATE WAS NOT A  
14     PARTICIPATING CANDIDATE.

15            (3) A CONTRIBUTION MADE FOR THE PURPOSES OF RETIRING A  
16     PREVIOUS CAMPAIGN DEBT THAT IS DEPOSITED IN THE ACCOUNT  
17     DESCRIBED IN SUBSECTION (2) OF THIS SECTION SHALL NOT BE  
18     CONSIDERED A CONTRIBUTION TO THE PARTICIPATING CANDIDATE'S  
19     CURRENT CAMPAIGN.

20            **1-45-208. Permitted expenditure of moneys from the fund.**

21     (1) A PARTICIPATING CANDIDATE SHALL EXPEND ANY MONEYS RECEIVED  
22     FROM THE FUND ONLY FOR PURPOSES DIRECTLY INVOLVED IN SUPPORTING  
23     HIS OR HER CANDIDACY FOR OFFICE. PERMITTED EXPENDITURES UNDER  
24     THIS SUBSECTION (1) INCLUDE, WITHOUT LIMITATION, THOSE DESCRIBED  
25     IN SECTION 2 (8) (a) OF ARTICLE XXVIII OF THE STATE CONSTITUTION.  
26     PERMISSIBLE EXPENDITURES INCLUDE PAYMENT OF OR REIMBURSEMENT  
27     FOR COSTS ASSOCIATED WITH STAFF ASSISTANCE, WRITTEN MATERIALS,

1 TRAVEL, OFFICE SUPPLIES, COMMUNICATIONS, OPERATION AND  
2 MAINTENANCE OF A CAMPAIGN OFFICE, VOLUNTEER SUPPORT,  
3 ACCOUNTING OR CLERICAL SERVICES, PUBLIC RELATIONS, AND ATTORNEY  
4 FEES OR COSTS ASSOCIATED WITH CONTESTING THE OUTCOME OF A  
5 PRIMARY OR GENERAL ELECTION.

6 (2) A PARTICIPATING CANDIDATE SHALL NOT USE MONEYS FROM  
7 THE FUND FOR THE PURPOSES DESCRIBED IN SECTION 2 (8) (b) OF ARTICLE  
8 XXVIII OF THE STATE CONSTITUTION. IN ADDITION TO THE PURPOSES  
9 DESCRIBED IN SECTION 2 (8) (b) OF ARTICLE XXVIII OF THE STATE  
10 CONSTITUTION, A CANDIDATE SHALL NOT USE MONEYS FROM THE FUND  
11 FOR EXPENDITURES RELATED TO THE COSTS OF LEGAL DEFENSE EXCEPT AS  
12 AUTHORIZED UNDER SUBSECTION (1) OF THIS SECTION , CAPITAL ASSETS,  
13 LOANS OR CONTRIBUTIONS, OR GIFTS IN EXCESS OF TWENTY-FIVE DOLLARS.

14 (3) UPON WRITTEN REQUEST FROM A PARTICIPATING CANDIDATE,  
15 THE COMMISSION SHALL DETERMINE WHETHER A PLANNED CAMPAIGN  
16 EXPENDITURE IS PERMISSIBLE UNDER THIS PART 2. TO MAKE A REQUEST,  
17 A PARTICIPATING CANDIDATE SHALL SUBMIT A DESCRIPTION OF THE  
18 ANTICIPATED EXPENDITURE TO THE COMMISSION. THE COMMISSION SHALL  
19 PROMPTLY INFORM THE PARTICIPATING CANDIDATE WHETHER AN  
20 ENFORCEMENT ACTION WILL BE NECESSARY IF THE PLANNED EXPENDITURE  
21 IS UNDERTAKEN.

22 **1-45-209. Use of personal funds - contributions from family**  
23 **members.** (1) PERSONAL MONEY CONTRIBUTED AS SEED MONEY BY A  
24 CANDIDATE SEEKING TO BECOME A PARTICIPATING CANDIDATE OR  
25 PERSONAL MONEY CONTRIBUTED BY A MEMBER OF THE CANDIDATE'S  
26 IMMEDIATE FAMILY SHALL NOT EXCEED ONE HUNDRED DOLLARS PER  
27 CONTRIBUTOR.

1           (2) PERSONAL MONEY OF A CANDIDATE SEEKING TO BECOME A  
2 PARTICIPATING CANDIDATE SHALL NOT BE USED TO MEET REQUIREMENTS  
3 PERTAINING TO A QUALIFYING CANDIDATE WITH THE EXCEPTIONS OF ONE  
4 FIVE DOLLAR CONTRIBUTION FROM THE PARTICIPATING CANDIDATE AND  
5 ONE FIVE DOLLAR CONTRIBUTION FROM THE CANDIDATE'S SPOUSE.

6           **1-45-210. Seed money.** (1) THE ONLY PRIVATE CONTRIBUTIONS  
7 A CANDIDATE SEEKING TO BECOME ELIGIBLE FOR MONEYS FROM THE FUND  
8 MAY ACCEPT ARE SEED MONEY CONTRIBUTIONS THAT ARE MADE BY  
9 PERSONS PRIOR TO THE END OF THE QUALIFYING PERIOD.

10           (2) A SEED MONEY CONTRIBUTION SHALL NOT EXCEED ONE  
11 HUNDRED DOLLARS PER DONOR, AND THE AGGREGATE AMOUNT OF SEED  
12 MONEY CONTRIBUTIONS ACCEPTED BY THE CANDIDATE SEEKING TO  
13 BECOME ELIGIBLE FOR COLORADO CITIZEN-FUNDED CAMPAIGNS MONEY  
14 SHALL NOT EXCEED:

15           (a) FIVE THOUSAND DOLLARS FOR A CANDIDATE RUNNING FOR THE  
16 STATE SENATE.

17           (b) TWO THOUSAND FIVE HUNDRED DOLLARS FOR A CANDIDATE  
18 RUNNING FOR THE STATE HOUSE OF REPRESENTATIVES.

19           (3) A CANDIDATE SHALL PROVIDE A CONTRIBUTOR OF SEED MONEY  
20 A RECEIPT FOR THE CONTRIBUTION. ALL SUCH RECEIPTS FOR SEED MONEY  
21 CONTRIBUTIONS UNDER TWENTY-FIVE DOLLARS SHALL INCLUDE THE  
22 CONTRIBUTOR'S SIGNATURE, PRINTED NAME, AND ADDRESS. RECEIPTS FOR  
23 SEED MONEY CONTRIBUTIONS OF TWENTY-FIVE DOLLARS OR MORE SHALL  
24 INCLUDE THE CONTRIBUTOR'S SIGNATURE, PRINTED NAME, STREET  
25 ADDRESS, ZIP CODE, TELEPHONE NUMBER, OCCUPATION, AND NAME OF  
26 EMPLOYER. A CANDIDATE SHALL NOT ACCEPT A SEED MONEY  
27 CONTRIBUTION IF THE REQUIRED IDENTIFYING INFORMATION SPECIFIED IN

1 THIS SUBSECTION (3) IS NOT PROVIDED BY THE CONTRIBUTOR.

2 (4) A CANDIDATE SHALL ONLY EXPEND MONEYS FROM SEED  
3 MONEY CONTRIBUTIONS DURING THE EXPLORATORY AND QUALIFYING  
4 PERIODS.

5 (5) WITHIN THIRTY DAYS AFTER THE CLOSE OF THE QUALIFYING  
6 PERIOD, CANDIDATES SEEKING TO BECOME ELIGIBLE FOR MONEYS FROM  
7 THE FUND SHALL:

8 (a) FULLY DISCLOSE ALL SEED MONEY CONTRIBUTIONS AND  
9 EXPENDITURES TO THE COMMISSION;

10 (b) TURN OVER TO THE COMMISSION FOR DEPOSIT IN THE FUND ANY  
11 SEED MONEY CONTRIBUTIONS RAISED DURING THE EXPLORATORY PERIOD  
12 THAT EXCEED THE AGGREGATE SEED MONEY CONTRIBUTIONS LIMIT AND  
13 ANY SEED MONEY CONTRIBUTIONS THAT ARE UNEXPENDED AS OF THE END  
14 OF THE EXPLORATORY PERIOD.

15 **1-45-211. Participation in public debates.** (1) A PARTICIPATING  
16 CANDIDATE IN A CONTESTED ELECTION SHALL PARTICIPATE IN AT LEAST  
17 ONE HOUR-LONG PUBLIC DEBATE DURING A CONTESTED PRIMARY  
18 ELECTION AND AT LEAST TWO ONE-HOUR PUBLIC DEBATES DURING A  
19 CONTESTED GENERAL ELECTION.

20 (2) LICENSED BROADCASTERS SHALL BE ENCOURAGED TO  
21 PUBLICLY BROADCAST PUBLIC DEBATES.

22 (3) A NONPARTICIPATING CANDIDATE FOR THE SAME OFFICE  
23 WHOSE NAME WILL APPEAR ON THE BALLOT SHALL BE INVITED TO JOIN THE  
24 PUBLIC DEBATES.

25 (4) SCHEDULED PUBLIC DEBATES WILL BE HELD WHETHER OR NOT  
26 A NONPARTICIPATING CANDIDATE AGREES TO PARTICIPATE IN, OR  
27 ACTUALLY PARTICIPATES IN, A SCHEDULED PUBLIC DEBATE.



1           **1-45-212. Certification.** (1) NOT MORE THAN FIVE DAYS AFTER  
2 A CANDIDATE APPLIES FOR MONEYS FROM THE FUND, THE COMMISSION  
3 SHALL CERTIFY THAT THE CANDIDATE IS OR IS NOT ELIGIBLE FOR SUCH  
4 MONEYS. ELIGIBILITY FOR RECEIPT OF SUCH MONEYS MAY BE REVOKED IF  
5 THE PARTICIPATING CANDIDATE KNOWINGLY VIOLATES THE  
6 REQUIREMENTS OF THIS PART 2.

7           (2) THE COMMISSION IS ENCOURAGED TO DEVELOP PROCEDURES  
8 TO CORRECT ANY DEFICIENCIES THAT MAY HAVE RESULTED IN A DENIAL  
9 OF CERTIFICATION.

10          (3) A REQUEST FOR CERTIFICATION SHALL BE SIGNED BY THE  
11 CANDIDATE SEEKING TO BECOME A PARTICIPATING CANDIDATE AND THE  
12 CAMPAIGN TREASURER OF THE CANDIDATE'S CAMPAIGN UNDER PENALTY  
13 OF PERJURY.

14          (4) THE COMMISSION'S DETERMINATION OF CERTIFICATION AND  
15 REVOCATION IS FINAL BUT MAY BE APPEALED TO A STATE DISTRICT COURT  
16 OF GENERAL JURISDICTION THAT SITS IN A JUDICIAL DISTRICT LOCATED  
17 WHOLLY OR PARTLY WITHIN THE LEGISLATIVE DISTRICT SOUGHT TO BE  
18 REPRESENTED BY THE CANDIDATE APPEALING THE COMMISSION'S  
19 DETERMINATION.

20           **1-45-213. Allocation of money from the fund.** (1) THE  
21 COMMISSION SHALL AWARD A PARTICIPATING CANDIDATE MONEYS FROM  
22 THE FUND BASED ON THE NUMERIC AVERAGE OF THE TOTAL AMOUNT  
23 SPENT BY THE WINNING CANDIDATE FOR A COMPETITIVE ELECTION DURING  
24 THE PREVIOUS TWO ELECTION CYCLES FOR THE LEGISLATIVE DISTRICT'S  
25 OFFICE FOR THE PRIMARY OR GENERAL ELECTION PERIOD, AS APPLICABLE.  
26 FOR PURPOSES OF THIS SECTION, A "COMPETITIVE ELECTION" MEANS AN  
27 ELECTION IN WHICH THE ELECTION WAS CONTESTED AND THE MARGIN

1 BETWEEN THE WINNING AND LOSING CANDIDATES WAS TEN PERCENT OR  
2 LESS.

3 (2) IF HISTORICAL DATA IS NOT AVAILABLE OR IS OTHERWISE  
4 INSUFFICIENT TO MAKE THE DETERMINATION REQUIRED BY SUBSECTION (1)  
5 OF THIS SECTION, THE COMMISSION MAY DETERMINE THE ALLOCATION FOR  
6 A GIVEN PARTICIPATING CANDIDATE. IN SUCH CASES, THE JUDGMENT OF  
7 FIVE MEMBERS OF THE COMMISSION SHALL BE USED TO DETERMINE THE  
8 AMOUNT ALLOCATED TO A PARTICIPATING CANDIDATE.

9 (3) THE COMMISSION SHALL ADJUST THE AMOUNT ALLOCATED TO  
10 A PARTICIPATING CANDIDATE FOR A PARTICULAR LEGISLATIVE DISTRICT AT  
11 LEAST EVERY FOUR YEARS BASED ON SUCH VARIABLES AS CHANGES IN  
12 POPULATION, DISTRICT BOUNDARIES, OR OTHER FACTORS THAT WOULD  
13 SIGNIFICANTLY AFFECT THE COST OF POLITICAL CAMPAIGNS IN THE  
14 PARTICULAR DISTRICT.

15 **1-45-214. Schedule of payments for primary elections.** A  
16 PARTY PARTICIPATING CANDIDATE ENGAGED IN A PRIMARY ELECTION  
17 SHALL RECEIVE MONEY FROM THE COMMISSION FROM THE FUND FOR THE  
18 PRIMARY ELECTION CAMPAIGN PERIOD ON THE DATE THE COMMISSION  
19 CERTIFIES THE CANDIDATE AS A PARTICIPATING CANDIDATE. THIS  
20 CERTIFICATION SHALL TAKE PLACE NO LATER THAN FIVE DAYS AFTER THE  
21 CANDIDATE HAS SUBMITTED THE REQUIRED NUMBER OF QUALIFYING  
22 CONTRIBUTION RECEIPTS, PAYMENT EQUAL TO THE TOTAL AMOUNT OF  
23 QUALIFYING CONTRIBUTIONS HAS BEEN COLLECTED, AND THE CANDIDATE  
24 HAS EXECUTED A DECLARATION STATING COMPLIANCE WITH ALL OTHER  
25 REQUIREMENTS FOR ELIGIBILITY AS A PARTICIPATING CANDIDATE. NO  
26 PARTY PARTICIPATING CANDIDATE SHALL RECEIVE MONEYS FROM THE  
27 FUND EARLIER THAN THE BEGINNING OF THE PRIMARY ELECTION PERIOD.

1           **1-45-215. Schedule of payments for general elections.** (1) A  
2 PARTY PARTICIPATING CANDIDATE WHO WINS A PRIMARY ELECTION AND  
3 A PARTY PARTICIPATING CANDIDATE WHO DID NOT HAVE A CONTESTED  
4 PRIMARY FOR HIS OR HER PARTY'S NOMINATION SHALL RECEIVE MONEYS  
5 FROM THE COMMISSION FROM THE FUND FOR THE GENERAL ELECTION  
6 CAMPAIGN PERIOD WITHIN FORTY-EIGHT HOURS AFTER THE DATE OF THE  
7 PRIMARY ELECTION, UNLESS THE CANDIDATE IS CERTIFIED AS INELIGIBLE  
8 PURSUANT TO SECTION 1-45-212. IF, AFTER THE SECRETARY OF STATE HAS  
9 COMPLETED THE CANVAS OR RECOUNT, THE RESULTS SHOW THAT THE  
10 PARTY PARTICIPATING CANDIDATE DID NOT WIN THE PRIMARY ELECTION,  
11 THE CANDIDATE SHALL RETURN ANY UNSPENT MONEY TO THE FUND  
12 WITHIN FORTY-EIGHT HOURS AFTER THE SECRETARY OF STATE'S  
13 DETERMINATION.

14           (2) A PARTICIPATING CANDIDATE WHO HAS BEEN GRANTED BALLOT  
15 STATUS BY THE SECRETARY OF STATE SHALL RECEIVE MONEY FROM THE  
16 COMMISSION FOR THE GENERAL ELECTION PERIOD ON THE DATE ON WHICH  
17 THE COMMISSION CERTIFIES THE CANDIDATE AS A PARTICIPATING  
18 CANDIDATE. NO UNAFFILIATED PARTICIPATING CANDIDATE SHALL RECEIVE  
19 MONEY FROM THE FUND EARLIER THAN THE BEGINNING OF THE GENERAL  
20 ELECTION CAMPAIGN PERIOD.

21           **1-45-216. Colorado citizen-funded campaigns fund - created.**  
22 A SPECIAL, DEDICATED, COLORADO CITIZEN-FUNDED CAMPAIGNS FUND IS  
23 HEREBY CREATED IN THE STATE TREASURY FOR THE PURPOSE OF  
24 PROVIDING PUBLIC FINANCING FOR THE ELECTION CAMPAIGNS OF  
25 PARTICIPATING CANDIDATES DURING PRIMARY AND GENERAL ELECTION  
26 CAMPAIGN PERIODS, AND FOR PAYING FOR THE ADMINISTRATIVE AND  
27 ENFORCEMENT COSTS OF THE COMMISSION PURSUANT TO THIS PART 2. THE

1 FUND SHALL BE ADMINISTERED BY THE STATE TREASURER.

2 **1-45-217. Sources of revenue for the fund.** (1) THE FOLLOWING  
3 SOURCES OF REVENUE SHALL BE DEPOSITED INTO THE FUND:

4 (a) ALL QUALIFYING CONTRIBUTIONS OF A CANDIDATE SEEKING TO  
5 BECOME CERTIFIED AS A PARTICIPATING CANDIDATE PURSUANT TO  
6 SECTION 1-45-203;

7 (b) ALL EXCESS SEED MONEY CONTRIBUTIONS OF A CANDIDATE  
8 SEEKING TO BECOME CERTIFIED AS A PARTICIPATING CANDIDATE  
9 PURSUANT TO SECTION 1-45-203;

10 (c) UNSPENT MONEYS DISTRIBUTED TO A PARTICIPATING  
11 CANDIDATE WHO DOES NOT REMAIN A CANDIDATE UNTIL THE PRIMARY OR  
12 GENERAL ELECTION FOR WHICH THEY WERE DISTRIBUTED, OR SUCH  
13 MONEYS THAT REMAIN UNSPENT BY A PARTICIPATING CANDIDATE  
14 FOLLOWING THE DATE OF THE PRIMARY OR GENERAL ELECTION FOR WHICH  
15 THEY ARE DISTRIBUTED;

16 (d) FINES LEVIED BY THE COMMISSION AGAINST CANDIDATES FOR  
17 VIOLATIONS OF THE PROVISIONS OF THIS PART 2;

18 (e) ANY INTEREST EARNED BY THE FUND;

19 (f) ANY LEGISLATIVE APPROPRIATIONS MADE TO THE FUND; AND

20 (g) GIFTS, GRANTS, OR DONATIONS MADE TO THE FUND FROM ANY  
21 PUBLIC OR PRIVATE SOURCE. NOTWITHSTANDING ANY OTHER PROVISION  
22 OF LAW, THE PROVISIONS OF THIS PART 2 ARE EXEMPT FROM THE  
23 REQUIREMENTS OF PART 13 OF ARTICLE 75 OF TITLE 24, C.R.S.

24 (2) ANY DONATIONS MADE PURSUANT TO THIS SECTION ARE NOT  
25 TAX DEDUCTIBLE FOR STATE TAX PURPOSES AND SHALL NOT BE  
26 DESIGNATED FOR THE BENEFIT OF A PARTICULAR CANDIDATE OR POLITICAL  
27 PARTY.

1           **1-45-218. Restrictions on the use of moneys deposited in the**  
2 **fund.** (1) ALL MONEYS IN THE FUND SHALL BE CONTINUOUSLY  
3 APPROPRIATED FOR THE USES PERMITTED IN THIS PART 2.

4           (2) NO MONEYS IN THE FUND MAY BE TRANSFERRED OR EXPENDED  
5 BY THE EXECUTIVE BRANCH, THE JUDICIAL BRANCH, THE GENERAL  
6 ASSEMBLY, OR ANY INDIVIDUAL FOR ANY PURPOSE EXCEPT AS EXPLICITLY  
7 AUTHORIZED BY THIS PART 2.

8           **1-45-219. Review of fund status.** (1) AT LEAST ONCE PER YEAR  
9 THE COMMISSION SHALL PROJECT THE AMOUNT OF REVENUE THAT THE  
10 FUND WILL COLLECT OVER THE NEXT FOUR YEARS, THE TIME AT WHICH  
11 SUCH REVENUE SHALL BECOME AVAILABLE, AND THE OVERALL AMOUNT  
12 OF MONEYS REQUIRED TO IMPLEMENT THIS PART 2.

13           (2) (a) IF THE COMMISSION DETERMINES THAT THE FUND CONTAINS  
14 INSUFFICIENT MONEYS TO SATISFY THE ALLOCATIONS FOR ALL  
15 PARTICIPATING CANDIDATES' ACCOUNTS IN A CURRENT ELECTION  
16 CAMPAIGN PERIOD REQUIRED BY SECTION 1-45-213 (1), THE COMMISSION  
17 SHALL REDUCE THE ALLOCATIONS TO ALL PARTICIPATING CANDIDATES PRO  
18 RATA.

19           (b) IN THE EVENT A REDUCTION IS UNDERTAKEN PURSUANT TO  
20 PARAGRAPH (a) OF THIS SUBSECTION (2), A PARTICIPATING CANDIDATE  
21 MAY SOLICIT AND ACCEPT PRIVATE CONTRIBUTIONS IN AN AMOUNT  
22 NECESSARY TO BRING THE TOTAL MONEY RECEIVED BY THE PARTICIPATING  
23 CANDIDATE FROM THE FUND AND FROM SUCH PRIVATE CONTRIBUTIONS  
24 EQUAL TO THE ALLOCATION AMOUNT THAT WOULD HAVE BEEN MADE  
25 AVAILABLE PRIOR TO THE REDUCTION.

26           **1-45-220. Administration of and disbursements from the fund.**  
27 (1) UPON A DETERMINATION THAT A CANDIDATE HAS MET ALL THE

1 REQUIREMENTS FOR BECOMING A PARTICIPATING CANDIDATE AS PROVIDED  
2 IN THIS PART 2, THE COMMISSION SHALL DEPOSIT IN THE PARTICIPATING  
3 CANDIDATE'S CAMPAIGN ACCOUNT THE AMOUNT ALLOCATED TO SUCH  
4 CANDIDATE FOR HIS OR HER CAMPAIGN AS PROVIDED IN SECTION 1-45-213.

5 (2) A PARTICIPATING CANDIDATE'S CAMPAIGN OBLIGATIONS SHALL  
6 BE PAID WITHIN FORTY-FIVE DAYS AFTER ELECTION DAY OR AFTER THE  
7 CANDIDATE CEASES TO BE A PARTICIPATING CANDIDATE, WHICHEVER IS  
8 SOONER.

9 **1-45-221. Colorado citizen-funded campaigns commission.**

10 (1) THERE IS HEREBY CREATED THE COLORADO CITIZEN-FUNDED  
11 CAMPAIGNS COMMISSION. THE COMMISSION SHALL EXERCISE ITS POWERS  
12 AND PERFORM ITS DUTIES AND FUNCTIONS SPECIFIED BY THIS PART 2  
13 UNDER THE DEPARTMENT OF STATE AS IF IT WERE TRANSFERRED TO THE  
14 DEPARTMENT BY A **TYPE 1** TRANSFER, AS SUCH TRANSFER IS DEFINED IN  
15 THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE  
16 24, C.R.S.

17 (2) THE COMMISSION CONSISTS OF SEVEN COMMISSIONERS WHO  
18 ARE REGISTERED ELECTORS WITH NO MORE THAN TWO FROM THE SAME  
19 POLITICAL PARTY AND TWO OF WHOM SHALL NOT HAVE BEEN AFFILIATED  
20 WITH ANY POLITICAL PARTY IN THE THREE YEARS PRIOR TO APPOINTMENT  
21 TO THE COMMISSION NOR DURING TERMS OF THEIR APPOINTMENT. ANY  
22 COMMISSIONER WHO IS REGISTERED WITH A POLITICAL PARTY SHALL HAVE  
23 BEEN AFFILIATED WITH ONLY THAT ONE POLITICAL PARTY WITHIN THE  
24 LAST THREE YEARS. NO ONE SHALL BE APPOINTED TO THE COMMISSION  
25 WHO HAS EITHER SERVED AS AN OFFICER FOR A STATE LEVEL POLITICAL  
26 ORGANIZATION OR BEEN A PROFESSIONAL LOBBYIST REQUIRED TO FILE  
27 WITH THE SECRETARY OF STATE WITHIN TWO YEARS PRIOR TO THE

1 APPOINTMENT.

2 (3) (a) THREE COMMISSIONERS SHALL BE APPOINTED BY THE  
3 GOVERNOR. THE PRESIDENT OF THE SENATE, THE SENATE MINORITY  
4 LEADER, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE  
5 HOUSE MINORITY LEADER SHALL EACH HAVE ONE ADDITIONAL  
6 APPOINTMENT TO THE COMMISSION.

7 (b) APPOINTMENTS SHALL BE MADE IN AN ALTERNATING FASHION,  
8 STARTING WITH THE GOVERNOR.

9 (4) THE FIRST TWO COMMISSIONERS SHALL BE APPOINTED FOR A  
10 FIVE-YEAR TERM, THE NEXT THREE SHALL BE APPOINTED FOR A FOUR-YEAR  
11 TERM, AND THE FINAL TWO APPOINTEES SHALL BE APPOINTED FOR A  
12 THREE-YEAR TERM. THEREAFTER, ALL APPOINTEES SHALL BE APPOINTED  
13 FOR A FIVE-YEAR TERM, EXCEPT REPLACEMENT COMMISSIONERS AS  
14 DESCRIBED IN SUBSECTION (6) OF THIS SECTION. NO PERSON SHALL BE  
15 APPOINTED TO THE COMMISSION MORE THAN ONCE.

16 (5) WHILE SERVING AS A COMMISSIONER OR FOR A TWO-YEAR  
17 PERIOD FOLLOWING SERVICE ON THE COMMISSION, A COMMISSIONER SHALL  
18 NOT RUN FOR THE GENERAL ASSEMBLY, SERVE AS AN OFFICER OF ANY  
19 POLITICAL PARTY OR POLITICAL COMMITTEE, OR EMPLOY OR BE EMPLOYED  
20 AS A PROFESSIONAL LOBBYIST.

21 (6) MEMBERS OF THE COMMISSION MAY BE REMOVED BY A  
22 TWO-THIRDS VOTE OF THE MEMBERS OF THE COMMISSION FOR  
23 SUBSTANTIAL NEGLECT OF DUTY, GROSS MISCONDUCT IN OFFICE,  
24 INABILITY TO DISCHARGE THE POWERS AND DUTIES OF OFFICE, OR SIMILAR  
25 MISCONDUCT THAT OBSTRUCTS THE PURPOSES OF THIS PART 2, AFTER  
26 WRITTEN NOTICE AND OPPORTUNITY FOR A RESPONSE ON THE PART OF THE  
27 COMMISSIONER WHOSE REMOVAL IS SOUGHT. ANY VACANCY ON THE

1 COMMISSION, INCLUDING THOSE CREATED BY REMOVAL UNDER THE  
2 PROVISIONS OF THIS SUBSECTION (6), SHALL BE FILLED ACCORDING TO THE  
3 REQUIREMENTS AND PROCEDURES OF SUBSECTION (3) OF THIS SECTION TO  
4 COMPLETE THE UNEXPIRED TERM OF THE VACANCY.

5 (7) EACH FISCAL YEAR, THE CHAIRPERSON OF THE COMMISSION  
6 SHALL BE ELECTED BY THE MEMBERS OF THE COMMISSION FROM AMONG  
7 ITS MEMBERSHIP. THE CHAIRPERSON SHALL HAVE THE POWER TO DIRECT  
8 THE COMMISSION STAFF AND SET AGENDAS AND PRIORITIES. THE  
9 CHAIRPERSON MAY BE REMOVED AT ANY TIME BY A VOTE OF THE  
10 COMMISSION.

11 (8) A COMMISSIONER IS NOT ELIGIBLE TO RECEIVE COMPENSATION  
12 FOR HIS OR HER SERVICE ON THE COMMISSION BUT MAY RECEIVE  
13 REASONABLE REIMBURSEMENT FOR HIS OR HER REASONABLE EXPENSES  
14 FOR EACH DAY THAT THE COMMISSIONER IS IN ATTENDANCE AT  
15 COMMISSION MEETINGS PURSUANT TO STATE FISCAL RULES.

16 **1-45-222. Commission powers and duties.** (1) AMONG ITS  
17 OTHER POWERS AND DUTIES, THE COMMISSION SHALL BE RESPONSIBLE FOR  
18 IMPLEMENTING AND ADMINISTERING THE REQUIREMENTS OF THIS PART 2.

19 (2) THE COMMISSION MAY SUBPOENA INFORMATION RELATING TO  
20 THIS PART 2. NO SUBPOENA SHALL BE ISSUED BY THE COMMISSION UNLESS  
21 IT IS APPROVED BY A MAJORITY OF THE MEMBERS OF THE COMMISSION.

22 (3) THE COMMISSION MAY HIRE, SUPERVISE, AND TERMINATE FOR  
23 CAUSE THE DIRECTOR OF THE COMMISSION STAFF. THE DIRECTOR OF THE  
24 COMMISSION STAFF MAY, UNDER THE OVERSIGHT OF THE COMMISSION,  
25 HIRE, SUPERVISE, AND TERMINATE THE COMMISSION'S STAFF. ALL  
26 PERSONNEL DECISIONS SHALL BE MADE WITH THE STRICTEST ADHERENCE  
27 TO THE PRINCIPLE OF NONPARTISANSHIP.



1 (4) AFTER OR DURING EVERY PRIMARY OR GENERAL ELECTION, THE  
2 COMMISSION MAY CONDUCT AUDITS AND INVESTIGATIONS TO ENSURE  
3 COMPLIANCE WITH THIS PART 2. THE SUBJECTS OF AUDITS AND  
4 INVESTIGATIONS SHALL BE SELECTED ON THE BASIS OF IMPARTIAL  
5 CRITERIA ESTABLISHED BY A VOTE OF AT LEAST THREE MEMBERS OF THE  
6 COMMISSION.

7 (5) THE COMMISSION MAY INVESTIGATE ANONYMOUS  
8 COMPLAINTS. COMPLAINANTS MAY RECEIVE WHISTLE BLOWER  
9 PROTECTION.

10 (6) THE COMMISSION MAY ENFORCE THE PROVISIONS OF THIS PART  
11 2 BY INJUNCTIVE ACTION.

12 (7) THE COMMISSION MAY REVOKE THE CERTIFICATION OR  
13 ELIGIBILITY OF A PARTICIPATING CANDIDATE.

14 (8) THE COMMISSION MAY SET AND LEVY FINES FOR VIOLATIONS  
15 OF THIS PART 2. FINES PAID SHALL BE DEPOSITED IN THE FUND.

16 (9) THE COMMISSION SHALL MEET AS OFTEN AS NECESSARY TO  
17 RESOLVE OUTSTANDING ISSUES UNDER THIS PART 2. EITHER THE  
18 CHAIRPERSON OR THREE OR MORE COMMISSIONERS MAY CONVENE A  
19 MEETING OF THE COMMISSION.

20 **1-45-223. Commission rules.** THE COMMISSION MAY  
21 PROMULGATE SUCH RULES AS ARE NECESSARY TO IMPLEMENT AND  
22 ADMINISTER THE PROVISIONS OF THIS PART 2. ANY RULES PROMULGATED  
23 SHALL PROMOTE AND ENSURE FAIR AND ADEQUATE FUNDING OF  
24 COMPETITIVE ELECTION CAMPAIGNS IN A STRICTLY NONPARTISAN  
25 FASHION. ALL RULES SHALL BE PROMULGATED IN ACCORDANCE WITH THE  
26 PROVISIONS OF ARTICLE 4 OF TITLE 24, C.R.S.

27 **1-45-224. Limit on spending from Colorado citizen-funded**

1 **campaigns fund.** THE COMMISSION SHALL NOT EXPEND, IN CONNECTION  
2 WITH THE COSTS INCURRED UNDER THIS PART 2 DURING A PARTICULAR  
3 ELECTION CAMPAIGN PERIOD, MORE THAN THE REVENUE THAT HAS  
4 ACCRUED TO THE COMMISSION DURING THE PRIOR FOUR FISCAL YEARS.

5 **1-45-225. Commission reports.** THE COMMISSION SHALL REPORT  
6 TO THE GENERAL ASSEMBLY AND TO THE CITIZENS OF COLORADO AFTER  
7 EACH ELECTION CAMPAIGN PERIOD. THE REPORT SHALL INCLUDE A  
8 DETAILED SUMMARY OF ALL SEED MONEY CONTRIBUTIONS, QUALIFYING  
9 CONTRIBUTIONS, MONEYS RECEIVED, AND EXPENDITURES MADE BY ALL  
10 PARTICIPATING CANDIDATES. THE REPORT SHALL ALSO INCLUDE A  
11 SUMMARY AND EVALUATION OF THE COMMISSION'S ACTIVITIES AND  
12 RECOMMENDATIONS RELATING TO THE IMPLEMENTATION,  
13 ADMINISTRATION, AND ENFORCEMENT OF THIS PART 2. THE REPORT MAY  
14 INCLUDE ANY SUCH ADJUSTMENTS TO THE ALLOCATIONS FOR CAMPAIGN  
15 FUNDING FOR THE VARIOUS OFFICES DESCRIBED IN SECTION 1-45-203.

16 **1-45-226. Civil action - attorney fees.** (1) ANY PERSON WHO  
17 BELIEVES A PARTICIPATING CANDIDATE HAS VIOLATED THIS PART 2 MAY  
18 PURSUE A CIVIL ACTION IN A COLORADO COURT OF GENERAL JURISDICTION  
19 PROVIDED THAT A COMPLAINT HAS BEEN PREVIOUSLY FILED WITH THE  
20 COMMISSION REGARDING THE SAME ALLEGED VIOLATION AND THE  
21 COMMISSION HAS FAILED TO MAKE A DETERMINATION WITHIN FIFTEEN  
22 DAYS OF THE FILING OF THE ORIGINAL COMPLAINT.

23 (2) ANY COMPLAINING PARTY THAT PREVAILS IN A CIVIL ACTION  
24 CHARGING ANY VIOLATION OF THIS PART 2 SHALL BE ENTITLED TO RECEIVE  
25 REASONABLE ATTORNEY FEES AND COSTS FROM THE FUND.

26 (3) IF A COURT IN WHICH A CIVIL ACTION HAS BEEN FILED UNDER  
27 THIS SECTION FINDS THAT THE COMPLAINT IN THAT ACTION WAS MADE

1 FRIVOLOUSLY OR WITHOUT CAUSE, THE COURT MAY REQUIRE THE  
2 COMPLAINANT TO PAY THE LEGAL COSTS OF THE COMMISSION AND THE  
3 DEFENDANT PARTIES.

4 (4) COMMISSION ACTS MAY BE REVIEWED BY ANY DISTRICT COURT  
5 WITH JURISDICTION OVER SUCH CLAIMS . ANY SUCH PETITIONS FOR REVIEW  
6 SHALL BE FILED WITHIN SIXTY DAYS AFTER THE COMMISSION EITHER ACTS  
7 OR FAILS TO TAKE ACTION ON THE COMPLAINT.

8 **1-45-227. Civil penalties and repayment.** (1) THE CIVIL  
9 PENALTY FOR A VIOLATION OF ANY CONTRIBUTION OR EXPENDITURE LIMIT  
10 SET FORTH IN THIS PART 2 BY OR ON BEHALF OF A PARTICIPATING  
11 CANDIDATE SHALL BE AT LEAST DOUBLE AND NOT MORE THAN FIVE TIMES  
12 THE AMOUNT BY WHICH THE EXPENDITURES OR CONTRIBUTIONS EXCEED  
13 THE APPLICABLE LIMIT.

14 (2) IN ADDITION TO ANY OTHER PENALTIES IMPOSED BY LAW, THE  
15 CIVIL PENALTY FOR A VIOLATION BY OR ON BEHALF OF ANY PARTICIPATING  
16 CANDIDATE OF ANY REPORTING REQUIREMENT IMPOSED BY THIS PART 2  
17 SHALL BE ONE HUNDRED DOLLARS PER DAY FOR PARTICIPATING  
18 CANDIDATES. THE PENALTY IMPOSED BY THIS SUBSECTION (2) SHALL BE  
19 DOUBLED IF THE AMOUNT NOT REPORTED FOR A PARTICULAR ELECTION  
20 CAMPAIGN PERIOD EXCEEDS TEN PERCENT OF THE ADJUSTED PRIMARY OR  
21 GENERAL ELECTION SPENDING LIMIT. NO PENALTY IMPOSED PURSUANT TO  
22 THIS SECTION SHALL EXCEED TWICE THE AMOUNT OF EXPENDITURE OR  
23 CONTRIBUTION NOT REPORTED.

24 (3) EACH PARTICIPATING CANDIDATE SHALL BE RESPONSIBLE FOR  
25 ANY PENALTY IMPOSED PURSUANT TO THIS SECTION.

26 (4) ANY PARTICIPATING CANDIDATE ADJUDGED TO HAVE  
27 KNOWINGLY COMMITTED A VIOLATION OF THIS PART 2 SHALL REPAY THE

1 FUND FROM THE PARTICIPATING CANDIDATE'S PERSONAL ASSETS AN  
2 AMOUNT EQUIVALENT TO THE AMOUNT OF MONEYS THE PARTICIPATING  
3 CANDIDATE HAS EXPENDED FROM SUCH CANDIDATE'S CAMPAIGN ACCOUNT  
4 AND SHALL ADDITIONALLY TURN OVER ALL MONEYS IN THE PARTICIPATING  
5 CANDIDATE'S CAMPAIGN ACCOUNT AS OF THE DATE OF THE VIOLATION TO  
6 THE FUND.

7 (5) ALL CIVIL PENALTIES COLLECTED PURSUANT TO THIS PART 2  
8 SHALL BE DEPOSITED IN THE FUND.

9 **1-45-228. Severability.** IF ANY PROVISION OF THIS PART 2 OR THE  
10 APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD  
11 INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR  
12 APPLICATIONS OF THIS PART 2 THAT CAN BE GIVEN EFFECT WITHOUT THE  
13 INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF  
14 THIS PART 2 ARE DECLARED TO BE SEVERABLE.

15 **SECTION 2. Act subject to petition - effective date -**  
16 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
17 the expiration of the ninety-day period after final adjournment of the  
18 general assembly (August 8, 2012, if adjournment sine die is on May 9,  
19 2012); except that, if a referendum petition is filed pursuant to section 1  
20 (3) of article V of the state constitution against this act or an item, section,  
21 or part of this act within such period, then the act, item, section, or part  
22 will not take effect unless approved by the people at the general election  
23 to be held in November 2012 and, in such case, will take effect on the date  
24 of the official declaration of the vote thereon by the governor.

25 (2) The provisions of this act apply to elections held on or after  
26 July 1, 2013.