

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

**REVISED**

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

LLS NO. 14-0944.01 Bob Lackner x4350

**HOUSE BILL 14-1335**

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**HOUSE SPONSORSHIP**

**Moreno,**

**SENATE SPONSORSHIP**

**Jones,**

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**House Committees**

State, Veterans, & Military Affairs

**Senate Committees**

State, Veterans, & Military Affairs

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**A BILL FOR AN ACT**

101 **CONCERNING CAMPAIGN CONTRIBUTION LIMITS THAT ARE APPLICABLE**  
102 **TO CANDIDATE COMMITTEES FOR CANDIDATES WHO ARE NOT**  
103 **AFFILIATED WITH A MAJOR POLITICAL PARTY.**

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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 permits a candidate committee established in the name of a candidate who is a write-in candidate, an unaffiliated candidate, or the candidate of a minor political party who is not running in a primary election to accept from any one person the aggregate contribution limit

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  
2nd Reading Unamended  
April 24, 2014

HOUSE  
3rd Reading Unamended  
April 17, 2014

HOUSE  
Amended 2nd Reading  
April 16, 2014

applicable to the office he or she is seeking as specified in the campaign finance provisions of the state constitution at any point during the election cycle in which the candidate in whose name the candidate committee is accepting contributions is on the general election ballot.

The bill also permits a candidate committee established in the name of a candidate who is a write-in candidate, an unaffiliated candidate, or the candidate of a minor political party who is not running in a primary election to expend contributions received and accepted for the general election at any point during the election cycle in which the candidate in whose name the candidate committee is accepting contributions is on the general election ballot.

The bill conforms contribution requirements applicable to major political party candidates to minor political party candidates running in a primary election.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds, determines, and declares that:

4 (a) Under section 3 (1) (b) of article XXVIII of the state  
5 constitution, any person is limited from making an aggregate contribution  
6 for a primary or general election in excess of four hundred dollars to a  
7 candidate for the general assembly.

8 (b) In 2004, the general assembly enacted section 1-45-103.7 (3)  
9 and (4), Colorado Revised Statutes, which effectively removed any  
10 potential time limitations on when a candidate committee could accept  
11 contributions when a primary election is involved. For moneys ostensibly  
12 given for a primary election, the candidate committee could accept the  
13 contribution and spend it during the general election and for moneys  
14 ostensibly given for the general election, the committee could accept the  
15 contribution and spend it even before the primary. Write-in candidates,  
16 unaffiliated candidates, and candidates affiliated with minor political  
17 parties who obtain a nomination for the general election without

1 competing in primary elections are not permitted this kind of flexibility  
2 in accepting and expending campaign contributions.

3 (c) The Colorado statute was challenged in federal court on the  
4 grounds that the state law violates the rights to equal protection, political  
5 expression, and association for individuals contributing to write-in  
6 candidates, unaffiliated candidates, and nominees for the minor political  
7 parties. Ultimately, the case reached the United States court of appeals for  
8 the tenth circuit. In *Riddle v. Hickenlooper*, No. 13-1108 (10th Cir.  
9 January 23, 2014), the tenth circuit held that the state statute violates the  
10 contributors' right to equal protection. Because of these disparate  
11 contribution limits, the statute created a basic favoritism between  
12 candidates vying for the same office. Specifically, the candidates of the  
13 major political parties may collect four hundred dollars from a single  
14 contributor after earning a place on the general election ballot and spend  
15 all of the money in the general election. By comparison, a write-in,  
16 unaffiliated, or minor party candidate without a primary is permitted to  
17 collect only two hundred dollars during the same general election  
18 campaign. The court held that these discriminatory limits were not closely  
19 drawn to the state's interest in battling corruption or the appearance of  
20 corruption.

21 (d) By treating contributors differently based upon the political  
22 affiliation of the candidate being supported, the statute impinged upon the  
23 right to political expression for those who support write-in, unaffiliated,  
24 or minor political party candidates who are not running in primary  
25 elections and who are unable to obtain campaign contributions prior to  
26 their nomination for the general election ballot. The court ruled that the  
27 state's statutory classification violates the right to equal protection for

1 individuals wishing to contribute to write-in, unaffiliated, and minor  
2 political party candidates when each candidate runs unopposed for the  
3 general election nomination.

4 (2) By enacting this act, the general assembly intends to correct  
5 any constitutional infirmities in the state's statutory requirements  
6 governing contribution limits in political campaigns as identified by the  
7 tenth circuit court of appeals in the *Riddle* decision by permitting write-in,  
8 unaffiliated, and minor political party candidates running unopposed for  
9 the general election nomination to accept the aggregate contribution limit  
10 from any person for the election cycle in which the candidate in whose  
11 name the candidate committee is accepting contributions is on the general  
12 election ballot. In this way, all contributors, regardless of the type of  
13 candidate they are supporting, will face the same equal playing field.

14 **SECTION 2.** In Colorado Revised Statutes, 1-45-103.7, **amend**  
15 (3) introductory portion and (4); and **add** (4.5) and (10) as follows:

16 **1-45-103.7. Contribution limits - treatment of independent**  
17 **expenditure committees - contributions from limited liability**  
18 **companies - voter instructions on spending limits - definitions.** (3) A  
19 candidate committee ESTABLISHED IN THE NAME OF A CANDIDATE  
20 AFFILIATED WITH EITHER A MAJOR POLITICAL PARTY OR A MINOR  
21 POLITICAL PARTY WHO IS RUNNING IN A PRIMARY ELECTION may accept:

22 (4) A candidate committee ESTABLISHED IN THE NAME OF A  
23 CANDIDATE AFFILIATED WITH EITHER A MAJOR POLITICAL PARTY OR A  
24 MINOR POLITICAL PARTY RUNNING IN A PRIMARY ELECTION may expend  
25 contributions received and accepted for a general election prior to the date  
26 of the primary election in which the candidate in whose name the  
27 candidate committee is accepting contributions is on the primary election

1 ballot. A candidate committee established in the name of a candidate  
2 AFFILIATED WITH A MAJOR POLITICAL PARTY OR A MINOR POLITICAL PARTY  
3 RUNNING IN A PRIMARY ELECTION who wins the primary election may  
4 expend contributions received and accepted for a primary election in the  
5 general election.

6 (4.5) (a) A CANDIDATE COMMITTEE ESTABLISHED IN THE NAME OF  
7 A CANDIDATE WHO IS A WRITE-IN CANDIDATE, AN UNAFFILIATED  
8 CANDIDATE, OR THE CANDIDATE OF A MINOR POLITICAL PARTY WHO IS NOT  
9 RUNNING IN A PRIMARY ELECTION MAY ACCEPT FROM ANY ONE PERSON  
10 THE AGGREGATE CONTRIBUTION LIMIT SPECIFIED IN SECTION 3 (1) OF  
11 ARTICLE XXVIII OF THE STATE CONSTITUTION APPLICABLE TO THE OFFICE  
12 HE OR SHE IS SEEKING AT ANY POINT DURING THE ELECTION CYCLE IN  
13 WHICH THE CANDIDATE IN WHOSE NAME THE CANDIDATE COMMITTEE IS  
14 ACCEPTING CONTRIBUTIONS IS ON THE GENERAL ELECTION BALLOT.

15 (b) A CANDIDATE COMMITTEE ESTABLISHED IN THE NAME OF A  
16 CANDIDATE WHO IS A WRITE-IN CANDIDATE, AN UNAFFILIATED  
17 CANDIDATE, OR THE CANDIDATE OF A MINOR POLITICAL PARTY WHO IS NOT  
18 RUNNING IN A PRIMARY ELECTION MAY EXPEND CONTRIBUTIONS RECEIVED  
19 AND ACCEPTED IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION  
20 (4.5) AT ANY POINT DURING THE ELECTION CYCLE IN WHICH THE  
21 CANDIDATE IN WHOSE NAME THE CANDIDATE COMMITTEE IS ACCEPTING  
22 CONTRIBUTIONS IS ON THE GENERAL ELECTION BALLOT.

23 (10) FOR PURPOSES OF THIS SECTION, THE TERMS "UNAFFILIATED",  
24 "MAJOR POLITICAL PARTY", AND "MINOR POLITICAL PARTY" HAVE THE  
25 SAME MEANINGS AS SPECIFIED IN THE "UNIFORM ELECTION CODE OF  
26 1992", ARTICLES 1 TO 13 OF THIS TITLE.

27 **SECTION 3. Applicability.** This act applies to the portion of any

1 election cycle or for the portion of the calendar year remaining after the  
2 effective date of this act and for any election cycle or calendar year  
3 commencing after such effective date, whichever is applicable.

4 **SECTION 4. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, and safety.