

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 16-0625.01 Bob Lackner x4350

SENATE BILL 16-106

SENATE SPONSORSHIP

Holbert,

HOUSE SPONSORSHIP

Salazar,

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO FACILITATE THE EFFICIENT**
102 **ADMINISTRATION OF COLORADO LAWS GOVERNING CAMPAIGN**
103 **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/bills summaries>.)

The bill does the following to facilitate the administration of Colorado laws governing campaign finance:

- ! **Section 1** modifies the definition of "limited liability company" in the "Fair Campaign Practices Act".
- ! **Section 2** authorizes the secretary of state to appoint and

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
3rd Reading Unamended
March 18, 2016

SENATE
Amended 2nd Reading
March 17, 2016

designate persons to serve as administrative law judges (ALJ) in connection with any complaint alleging a violation of the campaign finance laws that is referred to such ALJ, and specifies procedures by which ALJ appointments are to be made. The bill further specifies minimum requirements and powers and duties for a person appointed to be an ALJ. Not later than January 1, 2017, the secretary is required to establish and maintain a program to train these ALJs to undertake their powers and duties.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-45-111.5, **amend**
3 **(2); and add (5) as follows:**

4 **1-45-111.5. Duties of the secretary of state - enforcement -**
5 **sanctions - definition.** (2) A party in any action brought to enforce the
6 provisions of article XXVIII of the state constitution or of this article
7 ~~shall be~~ IS entitled to the recovery of the party's reasonable attorney fees
8 and costs from any attorney or party who has brought or defended the
9 action, either in whole or in part, upon a determination by the office of
10 administrative courts that the action, or any part thereof, lacked
11 substantial justification or that the action, or any part thereof, was
12 interposed for delay or harassment or if it finds that an attorney or party
13 unnecessarily expanded the proceeding by other improper conduct,
14 including, but not limited to, abuses of discovery procedures available
15 under the Colorado rules of civil procedure. A PARTY AWARDED
16 ATTORNEY FEES UNDER THIS SUBSECTION (2) MAY SEEK ENFORCEMENT OF
17 THE AWARD IN A PRIVATE CAUSE OF ACTION BROUGHT UNDER SECTION 9
18 (2) OF ARTICLE XXVIII OF THE STATE CONSTITUTION WITHOUT RESORT TO
19 THE SECRETARY OF STATE. Notwithstanding any other provision of this
20 subsection (2), no attorney fees may be awarded under this subsection (2)

1 unless the court or administrative law judge, as applicable, has first
2 considered the provisions of section 13-17-102 (5) and (6), C.R.S. For
3 purposes of this subsection (2), "lacked substantial justification" means
4 substantially frivolous, substantially groundless, or substantially
5 vexatious.

6 (5) NOT LATER THAN DECEMBER, 1, 2016, THE SECRETARY OF
7 STATE SHALL CREATE AND POST ON THE SECRETARY'S OFFICIAL WEB SITE
8 A CAMPAIGN FINANCE TRAINING COURSE THAT OFFERS SUFFICIENT
9 CONTENT TO SATISFY THE TRAINING REQUIREMENTS FOR ADMINISTRATIVE
10 LAW JUDGES THAT IS REQUIRED BY SECTION 24-30-1003 (6), C.R.S.

11 **SECTION 2.** In Colorado Revised Statutes, 24-30-1003, **add** (6)
12 as follows:

13 **24-30-1003. Administrative law judges - appointment -**
14 **qualifications - standards of conduct.** (6) ON AND AFTER JANUARY 1,
15 2017, BEFORE HEARING A COMPLAINT THAT HAS BEEN FILED WITH THE
16 OFFICE OF ADMINISTRATIVE COURTS IN ACCORDANCE WITH SECTION 9 (2)
17 OF ARTICLE XXVIII OF THE STATE CONSTITUTION, AN ADMINISTRATIVE
18 LAW JUDGE SHALL COMPLETE FOUR CREDIT HOURS OF CONTINUING LEGAL
19 EDUCATION COURSES THAT HAVE BEEN CERTIFIED BY THE COLORADO
20 SUPREME COURT. THE FOUR CREDIT HOURS OF LEGAL EDUCATION MUST BE
21 SUBSTANTIALLY RELATED TO ELECTION OR CAMPAIGN FINANCE LAW. AN
22 ADMINISTRATIVE LAW JUDGE WHO HEARS CAMPAIGN FINANCE
23 COMPLAINTS MUST OBTAIN THE FOUR CREDIT HOURS ON AN ANNUAL BASIS.
24 AN ADMINISTRATIVE LAW JUDGE MAY SATISFY THE REQUIREMENTS OF
25 THIS SUBSECTION (6) BY COMPLETING THE CAMPAIGN FINANCE TRAINING
26 COURSE THAT IS OFFERED ON THE SECRETARY OF STATE'S WEBSITE
27 PURSUANT TO SECTION 1-45-111.5 (5), C.R.S.

1 **SECTION 3. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2016 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.