

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0288.01 Bob Lackner x4350

HOUSE BILL 17-1155

HOUSE SPONSORSHIP

Thurlow,

SENATE SPONSORSHIP

Gardner,

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY TO CURE CAMPAIGN FINANCE REPORTING**
102 **DEFICIENCIES WITHOUT PENALTY.**

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://leg.colorado.gov/>.)

Upon receipt of a complaint alleging that a campaign finance disclosure report contains errors or omissions, the bill requires the secretary of state to give notice to the committee or party treasurer by e-mail of the deficiencies alleged in the complaint. Upon receipt of the notice from the secretary of state, the committee or party treasurer may request from the appropriate officer a postponement of a hearing on the

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.

complaint and, if such request is timely submitted, has 15 business days from the date of the notice to file an addendum to the relevant report that cures any such deficiencies.

Where the committee or party treasurer files an addendum that cures all deficiencies alleged in the complaint before the expiration of the 15-day period specified in the bill, the bill prohibits the appropriate officer from assessing a penalty against the committee or treasurer that otherwise would have been assessed for the for the deficiencies for the period from the first date of the alleged violation through the expiration of the cure period. Upon filing an addendum to the relevant report by the committee or party treasurer that cures all such deficiencies, the appropriate officer is required to set a hearing to determine whether all issues raised by the complaint have been resolved. If the committee or party treasurer fails to cure any such discrepancy, any penalty imposed for such deficiency continues to accrue until further resolution of the matter.

The bill's requirements only apply in the case of a good faith effort by a committee or party treasurer, as applicable, to make timely disclosure or where the disclosure report is in substantial compliance with governing legal requirements.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-45-109, **amend**
3 (4)(b); and **add** (4)(c) and (12) as follows:

4 **1-45-109. Filing - where to file - timeliness - definition.**

5 (4) (b) Any report that is deemed to be incomplete by the appropriate
6 officer shall be accepted on a conditional basis and the committee or party
7 treasurer shall be notified by mail as to any deficiencies found. If an
8 ~~electronic mail~~ E-MAIL address is on file with the secretary of state, the
9 secretary of state may also provide such notification by ~~electronic mail~~
10 E-MAIL. The committee or party treasurer ~~shall have~~ HAS fifteen business
11 days from the date such notice is sent, whether electronically or by United
12 States mail, to file an addendum that cures the deficiencies.

13 (c) UPON RECEIPT OF A COMPLAINT BROUGHT UNDER SECTION 9
14 (2)(a) OF ARTICLE XXVIII OF THE STATE CONSTITUTION ALLEGING THAT

1 THE DISCLOSURE REQUIRED TO BE MADE BY A COMMITTEE OR PARTY
2 TREASURER, AS APPLICABLE, UNDER ARTICLE XXVIII OF THE STATE
3 CONSTITUTION OR THIS ARTICLE 45 CONTAINS ERRORS OR OMISSIONS, THE
4 SECRETARY OF STATE SHALL GIVE NOTICE TO THE COMMITTEE OR PARTY
5 TREASURER BY E-MAIL OF THE DEFICIENCIES ALLEGED IN THE COMPLAINT.
6 UPON RECEIPT OF THE NOTICE FROM THE SECRETARY OF STATE, THE
7 COMMITTEE OR PARTY TREASURER MAY REQUEST FROM THE APPROPRIATE
8 OFFICER A POSTPONEMENT OF THE HEARING BROUGHT UNDER SECTION 9
9 (2)(a) OF ARTICLE XXVIII OF THE STATE CONSTITUTION AND, IF SUCH
10 REQUEST IS TIMELY SUBMITTED, HAS FIFTEEN BUSINESS DAYS FROM THE
11 DATE OF THE NOTICE TO FILE AN ADDENDUM TO THE RELEVANT REPORT
12 THAT CURES ANY SUCH DEFICIENCIES IN THE DISCLOSURE SPECIFIED IN THE
13 NOTICE. WHERE THE COMMITTEE OR PARTY TREASURER FILES AN
14 ADDENDUM THAT CURES ALL DEFICIENCIES ALLEGED IN THE COMPLAINT
15 BEFORE THE EXPIRATION OF THE FIFTEEN-DAY PERIOD SPECIFIED IN THIS
16 SUBSECTION (4)(c), THE APPROPRIATE OFFICER SHALL NOT ASSESS A
17 PENALTY AGAINST THE COMMITTEE OR TREASURER THAT OTHERWISE
18 WOULD HAVE BEEN ASSESSED FOR THE DEFICIENCIES FOR THE PERIOD
19 FROM THE FIRST DATE OF THE ALLEGED VIOLATION THROUGH THE
20 EXPIRATION OF THE CURE PERIOD. UPON FILING AN ADDENDUM TO THE
21 RELEVANT REPORT BY THE COMMITTEE OR PARTY TREASURER THAT CURES
22 ALL SUCH DEFICIENCIES, THE APPROPRIATE OFFICER SHALL SET A HEARING
23 WITHIN THIRTY DAYS OF THE NOTICE TO DETERMINE WHETHER ALL ISSUES
24 RAISED BY THE COMPLAINT HAVE BEEN RESOLVED. IF THE COMMITTEE OR
25 PARTY TREASURER FAILS TO CURE ANY SUCH DISCREPANCY, ANY PENALTY
26 IMPOSED FOR SUCH DEFICIENCY CONTINUES TO ACCRUE UNTIL FURTHER
27 RESOLUTION OF THE MATTER. NOTWITHSTANDING ANY OTHER PROVISION

1 OF LAW, THIS SUBSECTION (4)(c) ONLY APPLIES IN THE CASE OF A GOOD
2 FAITH EFFORT BY A COMMITTEE OR PARTY TREASURER, AS APPLICABLE, TO
3 MAKE A TIMELY DISCLOSURE IN ACCORDANCE WITH ARTICLE XXVIII OF
4 THE STATE CONSTITUTION OR THIS ARTICLE 45 OR WHERE THE DISCLOSURE
5 MADE BY THE COMMITTEE OR PARTY TREASURER IS IN SUBSTANTIAL
6 COMPLIANCE WITH SUCH LEGAL REQUIREMENTS.

7 (12) FOR PURPOSES OF THIS SECTION, "APPROPRIATE OFFICER"
8 MEANS A HEARING OFFICER OR AN ADMINISTRATIVE LAW JUDGE.

9 **SECTION 2. Applicability.** This act applies to the disclosure of
10 campaign finance information made on or after the effective date of this
11 act.

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