



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**HB 18-1047**

# FINAL FISCAL NOTE

**Drafting Number:** LLS 18-0366  
**Prime Sponsors:** Rep. Lontine  
Sen. Gardner

**Date:** July 20, 2018  
**Bill Status:** Signed into Law  
**Fiscal Analyst:** Ryan Long | 303-866-2066  
RyanC.Long@state.co.us

**Bill Topic:** FAIR CAMPAIGN PRACTICES ACT TECHNICAL CHANGES

**Summary of Fiscal Impact:**

<input checked="" type="checkbox"/> State Revenue ( <i>minimal</i> )	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure ( <i>minimal</i> )	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill makes technical changes to the Fair Campaign Practices Act. It minimally increases state revenue and expenditures on an ongoing basis.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** This fiscal note reflects the enacted bill.

## Summary of Legislation

This bill makes various technical changes to the Fair Campaign Practices Act. This bill clarifies the definition of an independent expenditure committee and makes the following changes concerning reporting and campaign finance violations:

Concerning reporting requirements, the bill:

- removes a reporting requirement for donations to another person for the purpose of independent expenditures;
- specifies that electioneering communication reports must include the name of the candidate;
- clarifies instances when certain issue and candidate committees do not need to file a report with the Secretary of State on any contribution over \$1,000;
- clarifies procedures in connection with a person's failure to file a candidate affidavit or disclosure statement; and
- changes the amount of time candidate committees have to correct a deficient report form 15 to 30 days.

Concerning campaign finance violations, the bill:

- allows attorney fees and costs awarded by an administrative law judge in a campaign finance enforcement action to be sent to the district court to convert an award of fees and costs into a district court judgment; and
- allows the secretary of state discretion when deciding to forward collections of past-due debts resulting from campaign finance violations.

**Background**

Under current law, any person who believes a violation of campaign finance law has occurred may file a complaint with the Department of State within 180 days of the suspected violation. After the Department of State verifies that the complaint contains all required information, the complaint is referred to an administrative law judge at the Office of Administrative Courts (OAC) in the Department of Personnel and Administration for a hearing. Complainants must gather and present evidence in support of the complaint at the hearing. If an administrative law judge finds that a violation has occurred, the judge can impose civil penalties of at least double and up to five times the amount contributed, received, or spent in violation of contribution or voluntary spending limits.

**State Revenue**

This bill clarifies that fees and costs awarded by administrative courts for campaign finance enforcement may be converted into a district court judgment. Beginning in FY 2018-19, any increase in civil filings may minimally increase filing fee revenue for district courts.

**State Expenditures**

Beginning in FY 2018-19, this bill increases Judicial Department and Secretary of State workload, as described below.

**Judicial Department.** This bill clarifies that fees and costs awarded by administrative courts for campaign finance enforcement may be converted into a district court judgment. Beginning in FY 2018-19, this will minimally increase workload in the trial court. It is assumed that the number of filings related to this bill will be minimal.

**State Department.** This bill removes a reporting requirement for anyone who donates \$1,000 or more to another person for the purpose of an independent expenditure. To the extent that fewer reports are filed to the Secretary of State's office, this may minimally reduce the workload in the Secretary of State.

**Effective Date**

The bill was signed into law by the Governor on April 23, 2018, and takes effect August 8, 2018, assuming no referendum petition is filed. This act applies to violations committed on or after the effective date.

**State and Local Government Contacts**

Counties	County Clerks	Law
Local Affairs	Municipalities	Personnel
School Districts	Secretary of State	Special Districts