

CHAPTER 97

ELECTIONS

HOUSE BILL 19-1007

BY REPRESENTATIVE(S) Sirota, Bird, Buentello, Duran, Froelich, Galindo, Garnett, Gonzales-Gutierrez, Gray, Hansen, Herod, Hooton, Kennedy, Kipp, Lontine, McCluskie, Melton, Mullica, Roberts, Singer, Snyder, Sullivan, Tipper, Titone, Valdez A., Weissman, Becker;
 also SENATOR(S) Zenzinger, Court, Fenberg, Fields, Foote, Gonzales, Lee, Moreno, Todd, Winter, Garcia.

AN ACT

CONCERNING THE ESTABLISHMENT OF CONTRIBUTION LIMITS UNDER THE "FAIR CAMPAIGN PRACTICES ACT" FOR CANDIDATES FOR COUNTY OFFICES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 1-45-103.7, **amend** (4.5)(a), (7)(a), and (7)(b); and **add** (1.5) as follows:

1-45-103.7. Contribution limits - county offices - treatment of independent expenditure committees - contributions from limited liability companies - voter instructions on spending limits - definitions. (1.5) (a) (I) THE MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT ANY ONE PERSON OTHER THAN A SMALL DONOR COMMITTEE OR A POLITICAL PARTY MAY MAKE TO A CANDIDATE COMMITTEE OF A CANDIDATE FOR A COUNTY OFFICE, AND THAT A CANDIDATE COMMITTEE FOR SUCH CANDIDATE MAY ACCEPT FROM ANY SUCH PERSON, IS ONE THOUSAND TWO HUNDRED FIFTY DOLLARS FOR THE PRIMARY ELECTION AND ONE THOUSAND TWO HUNDRED FIFTY DOLLARS FOR THE GENERAL ELECTION.

(II) THE MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT ANY ONE SMALL DONOR COMMITTEE MAY MAKE TO A CANDIDATE COMMITTEE OF A CANDIDATE FOR A COUNTY OFFICE, AND THAT A CANDIDATE COMMITTEE FOR SUCH CANDIDATE MAY ACCEPT FROM ANY ONE SMALL DONOR COMMITTEE, IS TWELVE THOUSAND FIVE HUNDRED DOLLARS FOR THE PRIMARY ELECTION AND TWELVE THOUSAND FIVE HUNDRED DOLLARS FOR THE GENERAL ELECTION.

(III) THE MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT A POLITICAL

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

PARTY MAY MAKE TO A CANDIDATE COMMITTEE OF A CANDIDATE FOR A COUNTY OFFICE, AND THAT A CANDIDATE COMMITTEE FOR SUCH CANDIDATE MAY ACCEPT FROM ANY POLITICAL PARTY, IS TWENTY-TWO THOUSAND ONE HUNDRED TWENTY-FIVE DOLLARS FOR THE APPLICABLE ELECTION CYCLE.

(b) CANDIDATES MAY ACCEPT CONTRIBUTIONS SUBJECT TO THE AGGREGATE LIMITS SPECIFIED IN SUBSECTION (1.5)(a)(I) OR (1.5)(a)(II) OF THIS SECTION IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION.

(c) ANY MONETARY AMOUNT SPECIFIED IN SUBSECTION (1.5)(a) OF THIS SECTION MUST BE ADJUSTED IN ACCORDANCE WITH THE ADJUSTMENTS MADE TO OTHER CONTRIBUTION LIMITS AS SPECIFIED IN SECTION 3 (13) OF ARTICLE XXVIII OF THE STATE CONSTITUTION.

(d) THE REQUIREMENTS OF SECTIONS 1-45-108 AND 1-45-109, AS APPLICABLE, APPLY TO ANY CONTRIBUTION MADE OR RECEIVED THAT IS SUBJECT TO SUBSECTION (1.5)(a) OF THIS SECTION.

(e) FOR PURPOSES OF THIS SUBSECTION (1.5), "COUNTY OFFICE" MEANS A COUNTY COMMISSIONER, COUNTY CLERK AND RECORDER, SHERIFF, CORONER, TREASURER, ASSESSOR, OR SURVEYOR.

(4.5) (a) 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 may accept from any one person the aggregate contribution limit specified in EITHER section 3 (1) of article XXVIII of the state constitution OR SUBSECTION (1.5)(a) OF THIS SECTION applicable to the office he or she is seeking 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.

(7) (a) Any person who believes that a violation of ~~subsection (5) or (6)~~ SUBSECTION (1.5), (5), OR (6) of this section has occurred may file a written complaint with the secretary of state no later than one hundred eighty days after the date of the alleged violation. The complaint ~~shall be~~ is subject to all applicable procedures specified in section 9 (2) of article XXVIII of the state constitution, SECTION 1-45-111.5, OR THE SECRETARY OF STATE'S RULES CONCERNING CAMPAIGN AND POLITICAL FINANCE.

(b) Any person who has violated ~~any of the provisions of paragraph (a), (b), or (c) of subsection (5)~~ SUBSECTION (1.5), (5)(a), (5)(b), (5)(c), or ~~subsection (6)~~ of this section ~~shall be~~ is subject to a civil penalty of at least double and up to five times the amount contributed or received in violation of the applicable provision.

SECTION 2. In Colorado Revised Statutes, **add** 30-10-113 as follows:

30-10-113. Contribution limits for county offices - definitions. (1) THE MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT A PERSON MAY MAKE TO A CANDIDATE COMMITTEE OF A CANDIDATE FOR A COUNTY OFFICE AND THAT A CANDIDATE COMMITTEE FOR SUCH CANDIDATE MAY ACCEPT FROM SUCH PERSON AND RELATED REQUIREMENTS GOVERNING THE DISCLOSURE OF SUCH

CONTRIBUTIONS ARE SPECIFIED IN SECTION 1-45-103.7 (1.5).

(2) FOR PURPOSES OF THIS SECTION:

(a) "COUNTY OFFICE" MEANS A COUNTY COMMISSIONER, COUNTY CLERK AND RECORDER, SHERIFF, CORONER, TREASURER, ASSESSOR, OR SURVEYOR.

(b) "PERSON" HAS THE SAME MEANING AS SPECIFIED IN SECTION 2(11) OF ARTICLE XXVIII OF THE STATE CONSTITUTION.

SECTION 3. Appropriation. For the 2019-20 state fiscal year, \$7,000 is appropriated to the department of state. This appropriation is from the department of state cash fund created in section 24-21-104 (3)(b), C.R.S. To implement this act, the department may use this appropriation for personal services related to information technology services.

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to the portion of any election cycle or for the portion of the calendar year remaining after the effective date of this act and for any election cycle or calendar year commencing after such effective date, whichever is applicable.

Approved: April 12, 2019