

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 23-0542.04 Jessica Herrera x4218

HOUSE BILL 23-1245

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A BILL FOR AN ACT

101 CONCERNING REQUIREMENTS UNDER THE "FAIR CAMPAIGN
102 PRACTICES ACT" FOR MUNICIPAL ELECTIONS.

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>.)

Current law regulating campaign finance does not set limits on contributions to candidates for municipal elections. For municipal elections held on or after January 1, 2024, the bill sets aggregate limits on contributions to candidates for municipal office from persons, excluding any small donor committee, for any election cycle in the amount of \$250. The bill sets aggregate limits on contributions to candidates for municipal

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

SENATE
3rd Reading Unamended
May 3, 2023

SENATE
Amended 2nd Reading
May 1, 2023

HOUSE
Amended 3rd Reading
April 18, 2023

HOUSE
Amended 2nd Reading
April 14, 2023

office from small donor committees for any election cycle in the amount of \$2,500. The bill requires that these aggregate contribution limits be periodically adjusted for inflation consistent with other contribution limits and subjects the new contribution limits to existing statutory provisions governing the disclosure of campaign contributions.

The bill prohibits a political party from making any contribution to a candidate committee for municipal office and prohibits a candidate committee from accepting any contribution from a political party.

The bill requires campaign contribution reports for candidates of a municipal office to be filed with the municipal clerk no later than 90 days, 60 days, 30 days, and 15 days before and 30 days after the major election in election years and annually in off-election years. The bill clarifies that an independent expenditure committee that makes expenditures in connection with a municipal election must file its disclosure reports with the applicable municipal clerk.

The bill also extends the retention requirements for campaign contribution reports from one year to 10 years.

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

SECTION 1. In Colorado Revised Statutes, 1-45-103.7, **add** (1.9) as follows:

1-45-103.7. Contribution limits - county offices - school district director - municipal office - treatment of independent expenditure committees - contributions from limited liability companies - voter instructions on spending limits - definitions. (1.9) (a) (I) THE MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT ANY ONE PERSON, INCLUDING A POLITICAL PARTY, AND EXCLUDING A SMALL DONOR COMMITTEE, MAY MAKE TO A CANDIDATE COMMITTEE OF A CANDIDATE FOR A MUNICIPAL OFFICE, AND THAT A CANDIDATE COMMITTEE FOR SUCH A CANDIDATE MAY ACCEPT FROM ANY ONE SUCH PERSON PER ELECTION IS FOUR HUNDRED DOLLARS.

(II) THE MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT ANY ONE SMALL DONOR COMMITTEE MAY MAKE TO A CANDIDATE COMMITTEE OF A CANDIDATE FOR A MUNICIPAL OFFICE AND THAT A

1 CANDIDATE COMMITTEE FOR SUCH A CANDIDATE MAY ACCEPT FROM ANY
2 ONE SMALL DONOR COMMITTEE PER ELECTION IS FOUR THOUSAND
3 DOLLARS.

4 [REDACTED]
5 (III) THE REQUIREMENTS OF SECTIONS 1-45-108 AND 1-45-109, AS
6 APPROPRIATE, APPLY TO ANY CONTRIBUTION MADE OR RECEIVED FOR ANY
7 ELECTION [REDACTED] THAT IS SUBJECT TO SUBSECTION (1.9)(a)(I) OR (1.9)(a)(II)
8 OF THIS SECTION.

9 [REDACTED]
10 (b) AS USED IN THIS SUBSECTION (1.9), "MUNICIPAL OFFICE" MEANS
11 THE MAYOR, THE BOARD OF TRUSTEES, [REDACTED] A MEMBER OF CITY COUNCIL,
12 AND ANY OTHER ELECTED MUNICIPAL OFFICER.

13 **SECTION 2.** In Colorado Revised Statutes, 1-45-108, **amend**
14 (2)(a)(II); and **add** (2)(a)(II.5) as follows:

15 **1-45-108. Disclosure - definitions - repeal.** (2) (a) (II) Such
16 reports that are required to be filed with the municipal clerk FOR
17 MUNICIPALITIES WITH A POPULATION OF LESS THAN ONE THOUSAND and
18 such reports required to be filed pursuant to section 1-45-109 (1)(a)(II)
19 and (1)(c) must be filed on the twenty-first day and on the Friday before
20 and thirty-five days after the primary election, where applicable, and the
21 major election in election years and annually in off-election years on the
22 first day of the month in which the anniversary of the major election
23 occurs.

24 (II.5) SUCH REPORTS THAT ARE REQUIRED TO BE FILED WITH THE
25 MUNICIPAL CLERK FOR MUNICIPALITIES THAT HAVE A POPULATION OF ONE
26 THOUSAND OR MORE MUST BE FILED NO LATER THAN [REDACTED] SIXTY DAYS,
27 THIRTY DAYS, AND FIFTEEN DAYS BEFORE, AND THIRTY DAYS AFTER THE

1 MAJOR ELECTION IN ELECTION YEARS AND ANNUALLY IN OFF-ELECTION
2 YEARS ON THE FIRST DAY OF THE MONTH IN WHICH THE ANNIVERSARY OF
3 THE MAJOR ELECTION OCCURS; EXCEPT THAT, FOR A RUNOFF ELECTION
4 REPORTS MUST BE FILED NO LATER THAN FIFTEEN DAYS BEFORE AND
5 FIFTEEN DAYS AFTER THE RUNOFF ELECTION.

6 **SECTION 3.** In Colorado Revised Statutes, 1-45-109, **amend**
7 (1)(b) as follows:

8 **1-45-109. Filing - where to file - timeliness.** (1) For the purpose
9 of meeting the filing and reporting requirements of this article 45:

10 (b) Candidates in municipal elections, their candidate committees,
11 any political committee in support of or in opposition to such candidate,
12 an issue committee supporting or opposing a municipal ballot issue, and
13 small donor committees making contributions to such candidates shall file
14 with the municipal clerk. AN INDEPENDENT EXPENDITURE COMMITTEE
15 THAT MAKES EXPENDITURES IN CONNECTION WITH A MUNICIPAL ELECTION
16 SHALL FILE WITH THE MUNICIPAL CLERK.

17 **SECTION 4.** In Colorado Revised Statutes, 1-45-112, **amend**
18 (1)(b); and **add** (1)(c.5) as follows:

19 **1-45-112. Duties of municipal clerk.** (1) The municipal clerk
20 shall:

21 (b) Keep a copy of any report or statement required to be filed by
22 this article for a period of ~~one year~~ TEN YEARS from the date of filing. In
23 the case of candidates who were elected, those candidate's reports and
24 filings shall be kept for ~~one year~~ SIX YEARS after the candidate leaves
25 office.

26 (c.5) MAKE PUBLICLY AVAILABLE WITHOUT CHARGE ON A
27 WEBSITE, OR FOR IN-PERSON INSPECTION, ANY REPORTS, DISCLOSURES, OR

1 STATEMENTS THAT ARE FILED PURSUANT TO THIS ARTICLE 45 AND ARE
2 SUBJECT TO THE RETENTION REQUIREMENTS SET FORTH IN SUBSECTION
3 (1)(b) OF THIS SECTION. FOR AN INDIVIDUAL WHO SUBMITS AN OPEN
4 RECORDS REQUEST INVOLVING SUCH REPORTS, DISCLOSURES, OR
5 STATEMENTS, IF PRINTOUTS OR PHOTOGRAPHS RELATING TO SUCH AN OPEN
6 RECORDS REQUEST ARE REQUESTED, THE MUNICIPAL CLERK MAY CHARGE
7 APPROPRIATE FEES.

8 **SECTION 5. Act subject to petition - effective date -**
9 **applicability.** (1) This act takes effect January 1, 2024; except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within the ninety-day period after final adjournment of the general
13 assembly, then the act, item, section, or part will not take effect unless
14 approved by the people at the general election to be held in November
15 2024 and, in such case, will take effect on the date of the official
16 declaration of the vote thereon by the governor.

17 (2) This act applies to any municipal election held on or after the
18 effective date of this act.