

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 24-0960.01 Nicole Myers x4326

HOUSE BILL 24-1283

HOUSE SPONSORSHIP

Willford and Marvin,

SENATE SPONSORSHIP

Mullica,

House Committees

State, Civic, Military, & Veterans Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE SECRETARY OF STATE**
102 **REVIEW A CAMPAIGN FINANCE COMPLAINT THAT ARISES OUT OF**
103 **A MUNICIPAL CAMPAIGN FINANCE MATTER UNDER CERTAIN**
104 **CIRCUMSTANCES.**

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>.)

If a person wants to file a complaint for a campaign finance violation (complaint) and the complaint arises out of a municipal campaign finance matter, current law requires the complaint to be filed

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.

with the clerk of the applicable municipality (clerk) rather than with the secretary of state (secretary). The bill allows a clerk to refer a complaint that arises out of a municipal campaign finance matter to the secretary if the municipality in which the complaint was filed:

- Does not have a campaign finance complaint ordinance and hearing process in place; or
- Does have a campaign finance complaint ordinance and hearing process in place but the clerk determines that the clerk's review of the complaint would create a conflict of interest for the clerk or the clerk's staff.

Before referring a complaint to the secretary, a clerk is required to review the complaint to determine if it was filed in writing, signed by the complainant, and identifies one or more respondents. If the complaint does not satisfy these 3 criteria, the clerk is required to dismiss it, and if it does, the clerk is required to refer it to the secretary. The secretary is required to treat a complaint referred by a clerk in the same manner as any other complaint filed with the secretary.

A clerk is required to provide notice to a person who files a complaint if the clerk dismisses the complaint or refers the complaint to the secretary.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-45-111.7, **repeal**
3 **(9)(b); and add (10) as follows:**

4 **1-45-111.7. Campaign finance complaints - initial review -**
5 **curing violations - investigation and enforcement - hearings -**
6 **advisory opinions - document review - collection of debts resulting**
7 **from campaign finance penalties - definitions. (9) Debt collection.**
8 ~~(b) Any complaint arising out of a municipal campaign finance matter~~
9 ~~must be exclusively filed with the clerk of the applicable municipality.~~

10 **(10) Municipal complaints.** (a) A COMPLAINT ALLEGING THAT A
11 VIOLATION OF ARTICLE XXVIII OF THE STATE CONSTITUTION, THIS
12 ARTICLE 45, OR THE RULES HAS OCCURRED IN CONNECTION WITH A
13 MUNICIPAL CAMPAIGN FINANCE MATTER MUST BE FILED WITH THE CLERK
14 OF THE APPLICABLE MUNICIPALITY. UNLESS OTHERWISE PROVIDED BY

1 LOCAL LAW, A COMPLAINANT MUST FILE THE COMPLAINT IN WRITING, SIGN
2 THE COMPLAINT, AND IDENTIFY ONE OR MORE RESPONDENTS. THE
3 COMPLAINT SHALL BE FILED AND PROCESSED IN ACCORDANCE WITH LOCAL
4 LAW UNLESS REFERRED TO THE SECRETARY AS SPECIFIED IN SUBSECTION
5 (10)(c)(I) OR (10)(c)(II) OF THIS SECTION.

6 (b) THE CLERK SHALL CONDUCT AN INITIAL REVIEW OF A
7 CAMPAIGN FINANCE COMPLAINT WITHIN TEN BUSINESS DAYS OF RECEIVING
8 THE COMPLAINT OR WITHIN THE TIME SPECIFIED IN LOCAL LAW TO
9 DETERMINE WHETHER THE COMPLAINT SATISFIES THE REQUIREMENTS OF
10 SUBSECTION (10)(a) OF THIS SECTION OR THE REQUIREMENTS OF LOCAL
11 LAW, AS APPLICABLE. IF, AFTER INITIALLY REVIEWING A COMPLAINT
12 PURSUANT TO THIS SUBSECTION (10)(b), THE CLERK DETERMINES THAT A
13 COMPLAINT DOES NOT SATISFY THE REQUIREMENTS OF SUBSECTION (10)(a)
14 OF THIS SECTION, THE CLERK SHALL DISMISS THE COMPLAINT.

15 (c) (I) IF, AFTER INITIALLY REVIEWING A CAMPAIGN FINANCE
16 COMPLAINT PURSUANT TO SUBSECTION (10)(b) OF THIS SECTION, THE
17 CLERK DETERMINES THAT THE COMPLAINT SATISFIES THE REQUIREMENTS
18 OF SUBSECTION (10)(a) OF THIS SECTION AND LOCAL LAW, AS APPLICABLE,
19 BUT PRESENTS AN ACTUAL OR POTENTIAL CONFLICT FOR THE CLERK OR
20 THE CLERK'S STAFF, THE CLERK SHALL REFER THE COMPLAINT TO THE
21 SECRETARY, IN A FORM AND MANNER DETERMINED BY THE SECRETARY,
22 WITHIN FOURTEEN BUSINESS DAYS OF RECEIVING THE COMPLAINT IF THE
23 MUNICIPALITY HAS ADOPTED AN ORDINANCE REGARDING MUNICIPAL
24 CAMPAIGN FINANCE MATTERS THAT:

25 (A) AUTHORIZES THE MUNICIPALITY TO REFER A CAMPAIGN
26 FINANCE COMPLAINT TO THE SECRETARY BASED ON AN ACTUAL OR
27 POTENTIAL CONFLICT OF THE CLERK OR THE CLERK'S STAFF, AS

1 DETERMINED IN WRITING BY THE CLERK;

2 (B) AUTHORIZES THE SECRETARY TO USE THE PROVISIONS OF
3 SUBSECTIONS (3) TO (7) OF THIS SECTION TO PROCESS, INVESTIGATE, AND
4 RESOLVE THE CAMPAIGN FINANCE COMPLAINT; EXCEPT THAT THE
5 DETERMINATION OF WHETHER THE COMPLAINT WAS TIMELY FILED
6 PURSUANT TO SUBSECTION (3)(a)(I) OF THIS SECTION SHALL CONSIDER THE
7 TIME FOR FILING A COMPLAINT UNDER LOCAL LAW;

8 (C) PERMITS THE FILING OF A CAMPAIGN FINANCE COMPLAINT NO
9 MORE THAN ONE HUNDRED EIGHTY DAYS AFTER THE DATE ON WHICH THE
10 COMPLAINANT EITHER KNEW OR SHOULD HAVE KNOWN, BY THE EXERCISE
11 OF REASONABLE DILIGENCE, OF THE ALLEGED VIOLATION;

12 (D) REQUIRES THE FILING OF A CAMPAIGN FINANCE COMPLAINT TO
13 BE IN WRITING AND SIGNED BY THE COMPLAINANT ON A FORM PROVIDED
14 BY THE SECRETARY, INCLUDING IDENTIFICATION OF ONE OR MORE
15 RESPONDENTS AND INCLUDING THE INFORMATION REQUIRED TO BE
16 PROVIDED ON THE FORM;

17 (E) DIRECTS THE MUNICIPALITY TO COOPERATE WITH THE
18 SECRETARY IN THE PROCESSING AND INVESTIGATION OF THE CAMPAIGN
19 FINANCE COMPLAINT; AND

20 (F) DISCLAIMS ANY INTEREST OF THE MUNICIPALITY IN FINES
21 COLLECTED IN CONNECTION WITH A REFERRED CAMPAIGN FINANCE
22 COMPLAINT.

23 (II) IF THE CLERK OF A STATUTORY MUNICIPALITY THAT DOES NOT
24 HAVE A CAMPAIGN FINANCE COMPLAINT AND HEARING PROCESS
25 DETERMINES, AFTER INITIALLY REVIEWING A CAMPAIGN FINANCE
26 COMPLAINT PURSUANT TO SUBSECTION (10)(b) OF THIS SECTION, THAT A
27 COMPLAINT SATISFIES THE REQUIREMENTS OF SUBSECTION (10)(a) OF THIS

1 SECTION, THE CLERK SHALL REFER THE COMPLAINT TO THE SECRETARY, IN
2 A FORM AND MANNER DETERMINED BY THE SECRETARY, WITHIN FOURTEEN
3 BUSINESS DAYS OF RECEIVING THE COMPLAINT.

4 (d) UPON DISMISSING A COMPLAINT OR REFERRING A COMPLAINT
5 TO THE SECRETARY PURSUANT TO THIS SECTION, THE CLERK SHALL NOTIFY
6 THE COMPLAINANT OF THE CLERK'S ACTION BY E-MAIL OR BY REGULAR
7 MAIL IF E-MAIL IS UNAVAILABLE.

8 (e) A MUNICIPALITY MUST COOPERATE WITH THE SECRETARY IN
9 THE REVIEW, INVESTIGATION, AND DETERMINATION OF ANY CAMPAIGN
10 FINANCE COMPLAINT REFERRED TO THE SECRETARY PURSUANT TO THIS
11 SECTION.

12 (f) IF THE SECRETARY RECEIVES A CAMPAIGN FINANCE COMPLAINT
13 REFERRED BY A CLERK PURSUANT TO SUBSECTION (10)(c)(I) OR (10)(c)(II)
14 OF THIS SECTION, THE SECRETARY SHALL DEEM THE COMPLAINT FILED
15 PURSUANT TO SUBSECTION (2) OF THIS SECTION ON THE DATE OF RECEIPT
16 FROM THE CLERK, AND THE SECRETARY SHALL ENSURE THAT THE
17 COMPLAINT IS ADDRESSED IN ACCORDANCE WITH THE REQUIREMENTS OF
18 THIS SECTION. THE DETERMINATION THAT A CONFLICT EXISTS IS NOT
19 REVIEWABLE BY THE SECRETARY.

20 (g) THE SECRETARY SHALL APPLY THE SUBSTANTIVE PROVISIONS
21 OF A HOME RULE MUNICIPALITY'S LOCAL LAW IN PROCESSING,
22 INVESTIGATING, AND RESOLVING A CAMPAIGN FINANCE COMPLAINT
23 REFERRED TO THE SECRETARY PURSUANT TO THIS SECTION.

24 (h) ALL FINES COLLECTED IN CONNECTION WITH A REFERRED
25 CAMPAIGN FINANCE COMPLAINT ARE PAYABLE TO THE SECRETARY.

26 (i) THE ADOPTION OF A LOCAL LAW AUTHORIZING THE REFERRAL
27 OF A CAMPAIGN FINANCE COMPLAINT TO THE SECRETARY PURSUANT TO

1 THIS SECTION IS NOT A WAIVER OF THE APPLICATION OF ANY PROVISIONS
2 OF ARTICLE XX OR XXVIII OF THE STATE CONSTITUTION OR SECTION
3 1-45-116. NOTHING IN THIS SUBSECTION (10) REQUIRES A MUNICIPALITY
4 TO REPEAL AN ORDINANCE OR RESOLUTION ESTABLISHING A CAMPAIGN
5 FINANCE COMPLAINT AND HEARING PROCESS.

6 (j) AS USED IN THIS SUBSECTION (10):

7 (I) "CONFLICT" MEANS THE ACTUAL OR PERCEIVED INABILITY TO
8 PROCESS A CAMPAIGN FINANCE COMPLAINT OR IMPOSE A REMEDY IN A FAIR
9 AND IMPARTIAL MANNER, INCLUDING AN ACTUAL OR PERCEIVED BIAS OR
10 OTHER FACTORS THAT MAY IMPACT THE INDEPENDENCE OF THE
11 DECISION-MAKER REGARDING THE COMPLAINANT OR A CANDIDATE.

12 (II) "CLERK" MEANS THE CLERK OF A MUNICIPALITY OR THE
13 PERSON OR ENTITY DESIGNATED TO REVIEW CAMPAIGN FINANCE
14 COMPLAINTS UNDER A LOCAL LAW.

15 (III) "LOCAL LAW" MEANS A MUNICIPAL CHARTER, ORDINANCE, OR
16 RESOLUTION THAT ADDRESS THE MATTERS COVERED BY ARTICLE XXVIII
17 OF THE STATE CONSTITUTION AND THIS ARTICLE 45.

18 **SECTION 2. Act subject to petition - effective date -**
19 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
20 the expiration of the ninety-day period after final adjournment of the
21 general assembly; except that, if a referendum petition is filed pursuant
22 to section 1 (3) of article V of the state constitution against this act or an
23 item, section, or part of this act within such period, then the act, item,
24 section, or part will not take effect unless approved by the people at the
25 general election to be held in November 2024 and, in such case, will take
26 effect on the date of the official declaration of the vote thereon by the
27 governor.

- 1 (2) This act applies to municipal campaign finance complaints
- 2 filed on or after the applicable effective date of this act.