

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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March 11, 2024  
Date

Committee on State, Civic, Military, & Veterans Affairs.

After consideration on the merits, the Committee recommends the following:

HB24-1283 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

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

5 **1-45-111.7. Campaign finance complaints - initial review -**  
6 **curing violations - investigation and enforcement - hearings -**  
7 **advisory opinions - document review - collection of debts resulting**  
8 **from campaign finance penalties - definitions. (9) Debt collection.**

9 (b) ~~Any complaint arising out of a municipal campaign finance matter~~  
10 ~~must be exclusively filed with the clerk of the applicable municipality.~~

11 (10) **Municipal complaints.** (a) A COMPLAINT ALLEGING THAT A  
12 VIOLATION OF ARTICLE XXVIII OF THE STATE CONSTITUTION, THIS  
13 ARTICLE 45, OR THE RULES HAS OCCURRED IN CONNECTION WITH A  
14 MUNICIPAL CAMPAIGN FINANCE MATTER MUST BE FILED WITH THE CLERK  
15 OF THE APPLICABLE MUNICIPALITY. UNLESS OTHERWISE PROVIDED BY  
16 LOCAL LAW, A COMPLAINANT MUST FILE THE COMPLAINT IN WRITING, SIGN  
17 THE COMPLAINT, AND IDENTIFY ONE OR MORE RESPONDENTS. THE  
18 COMPLAINT SHALL BE FILED AND PROCESSED IN ACCORDANCE WITH LOCAL  
19 LAW UNLESS REFERRED TO THE SECRETARY AS SPECIFIED IN SUBSECTION  
20 (10)(c)(I) OR (10)(c)(II) OF THIS SECTION.

21 (b) THE CLERK SHALL CONDUCT AN INITIAL REVIEW OF A  
22 CAMPAIGN FINANCE COMPLAINT WITHIN TEN BUSINESS DAYS OF RECEIVING  
23 THE COMPLAINT OR WITHIN THE TIME SPECIFIED IN LOCAL LAW TO  
24 DETERMINE WHETHER THE COMPLAINT SATISFIES THE REQUIREMENTS OF  
25 SUBSECTION (10)(a) OF THIS SECTION OR THE REQUIREMENTS OF LOCAL  
26 LAW, AS APPLICABLE. IF, AFTER INITIALLY REVIEWING A COMPLAINT  
27 PURSUANT TO THIS SUBSECTION (10)(b), THE CLERK DETERMINES THAT A  
28 COMPLAINT DOES NOT SATISFY THE REQUIREMENTS OF SUBSECTION (10)(a)

1 OF THIS SECTION, THE CLERK SHALL DISMISS THE COMPLAINT.

2 (c) (I) IF, AFTER INITIALLY REVIEWING A CAMPAIGN FINANCE  
3 COMPLAINT PURSUANT TO SUBSECTION (10)(b) OF THIS SECTION, THE  
4 CLERK DETERMINES THAT THE COMPLAINT SATISFIES THE REQUIREMENTS  
5 OF SUBSECTION (10)(a) OF THIS SECTION AND LOCAL LAW, AS APPLICABLE,  
6 BUT PRESENTS AN ACTUAL OR POTENTIAL CONFLICT FOR THE CLERK OR  
7 THE CLERK'S STAFF, THE CLERK SHALL REFER THE COMPLAINT TO THE  
8 SECRETARY, IN A FORM AND MANNER DETERMINED BY THE SECRETARY,  
9 WITHIN FOURTEEN BUSINESS DAYS OF RECEIVING THE COMPLAINT IF THE  
10 MUNICIPALITY HAS ADOPTED AN ORDINANCE REGARDING MUNICIPAL  
11 CAMPAIGN FINANCE MATTERS THAT:

12 (A) AUTHORIZES THE MUNICIPALITY TO REFER A CAMPAIGN  
13 FINANCE COMPLAINT TO THE SECRETARY BASED ON AN ACTUAL OR  
14 POTENTIAL CONFLICT OF THE CLERK OR THE CLERK'S STAFF, AS  
15 DETERMINED IN WRITING BY THE CLERK;

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

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

26 (D) REQUIRES THE FILING OF A CAMPAIGN FINANCE COMPLAINT TO  
27 BE IN WRITING AND SIGNED BY THE COMPLAINANT ON A FORM PROVIDED  
28 BY THE SECRETARY, INCLUDING IDENTIFICATION OF ONE OR MORE  
29 RESPONDENTS AND INCLUDING THE INFORMATION REQUIRED TO BE  
30 PROVIDED ON THE FORM;

31 (E) DIRECTS THE MUNICIPALITY TO COOPERATE WITH THE  
32 SECRETARY IN THE PROCESSING AND INVESTIGATION OF THE CAMPAIGN  
33 FINANCE COMPLAINT; AND

34 (F) DISCLAIMS ANY INTEREST OF THE MUNICIPALITY IN FINES  
35 COLLECTED IN CONNECTION WITH A REFERRED CAMPAIGN FINANCE  
36 COMPLAINT.

37 (II) IF THE CLERK OF A STATUTORY MUNICIPALITY THAT DOES NOT  
38 HAVE A CAMPAIGN FINANCE COMPLAINT AND HEARING PROCESS  
39 DETERMINES, AFTER INITIALLY REVIEWING A CAMPAIGN FINANCE  
40 COMPLAINT PURSUANT TO SUBSECTION (10)(b) OF THIS SECTION, THAT A  
41 COMPLAINT SATISFIES THE REQUIREMENTS OF SUBSECTION (10)(a) OF THIS  
42 SECTION, THE CLERK SHALL REFER THE COMPLAINT TO THE SECRETARY, IN  
43 A FORM AND MANNER DETERMINED BY THE SECRETARY, WITHIN FOURTEEN

1 BUSINESS DAYS OF RECEIVING THE COMPLAINT.

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

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

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

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

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

24 (i) THE ADOPTION OF A LOCAL LAW AUTHORIZING THE REFERRAL  
25 OF A CAMPAIGN FINANCE COMPLAINT TO THE SECRETARY PURSUANT TO  
26 THIS SECTION IS NOT A WAIVER OF THE APPLICATION OF ANY PROVISIONS  
27 OF ARTICLE XX OR XXVIII OF THE STATE CONSTITUTION OR SECTION  
28 1-45-116. NOTHING IN THIS SUBSECTION (10) REQUIRES A MUNICIPALITY  
29 TO REPEAL AN ORDINANCE OR RESOLUTION ESTABLISHING A CAMPAIGN  
30 FINANCE COMPLAINT AND HEARING PROCESS.

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

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

37 (II) "CLERK" MEANS THE CLERK OF A MUNICIPALITY OR THE  
38 PERSON OR ENTITY DESIGNATED TO REVIEW CAMPAIGN FINANCE  
39 COMPLAINTS UNDER A LOCAL LAW.

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

43 **SECTION 2. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
2 the expiration of the ninety-day period after final adjournment of the  
3 general assembly; except that, if a referendum petition is filed pursuant  
4 to section 1 (3) of article V of the state constitution against this act or an  
5 item, section, or part of this act within such period, then the act, item,  
6 section, or part will not take effect unless approved by the people at the  
7 general election to be held in November 2024 and, in such case, will take  
8 effect on the date of the official declaration of the vote thereon by the  
9 governor.  
10 (2) This act applies to municipal campaign finance complaints  
11 filed on or after the applicable effective date of this act."

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