



# Legislative Council Staff

## Research Note

Version: Final

Date: 11/29/2016

### Bill Number

**Senate Bill 16-106**

### Sponsors

**Senator Holbert**  
**Representative Salazar**

### Short Title

**Administration Of Laws**  
**Governing Campaign Finance**

### Research Analyst

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### Status

This research note reflects the final version of the bill, which was signed by the Governor on June 10, 2016, and became effective on August 10, 2016.

### Summary

This bill requires an administrative law judge (ALJ) who hears campaign finance complaints to complete four credit hours of continuing legal education annually. The four credit hours must be related to election or campaign finance law and must be certified by the Colorado Supreme Court. The Secretary of State's Office (SOS) is required to create a campaign finance training course and post it on the SOS website. An ALJ may, but is not required to, satisfy their annual continuing legal education requirement by completing the SOS online training course.

### Background

In Colorado, violations of campaign finance laws and regulations are heard by ALJs employed by the Office of Administrative Courts (OAC), which is housed in the Department of Personnel and Administration. OAC provides administrative adjudication for many state agencies, though the vast majority are workers' compensation cases arising from the Department of Labor and Employment. In fiscal year 2014-2015, workers' compensation cases made up 9,394 of 12,713 cases heard by OAC; in the same year only 47 campaign finance cases were heard.

### Senate Action

**Senate State Affairs Committee (February 22, 2016).** At the hearing, the Deputy Secretary of State, the former Colorado Secretary of State, and a representative from Colorado Ethics Watch

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testified in support of the bill. Representatives from America Votes and Colorado Common Cause testified against the bill. The committee adopted amendment L.001 and referred the bill, as amended, to the Committee on Appropriations. Amendment L.001 removed a modification to the definition of "limited liability corporation" under the Fair Campaign Practices Act. It also modified the bill's original appointment process for ALJs to conform with the Colorado Constitution.

**Senate Appropriations Committee (March 11, 2016).** The committee adopted amendment J.001 and referred the bill to the Senate Committee of the Whole. The amendment adjusts the bill's appropriations clause.

**Senate second reading (March 17, 2016).** The Senate adopted the Senate State Affairs and Appropriations committee reports. The Senate passed the bill on second reading, as amended.

**Senate third reading (March 18, 2016).** The Senate passed the bill on third reading with no amendments.

## House Action

**House State Affairs Committee (April 20, 2016).** At the hearing a representative from the SOS, a representative from Colorado Ethics Watch, and a representative from Colorado Common Cause testified in support of the bill. A representative from OAC answered committee member questions. The committee adopted amendments L.004 and L.005 and referred the bill, as amended, to the Committee on Appropriations. Amendment L.005 allows a party awarded attorney fees to seek enforcement in a private cause of action. L.004 requires the SOS to create and post on the SOS website a campaign finance training course that satisfies the training requirements for ALJs created by the bill. It also adds a requirement that after January 1, 2017, an ALJ must complete 4 hours of continuing legal education, on an annual basis, on the subject of campaign finance or election law before hearing a complaint related to campaign finance.

**House Appropriations Committee (April 26, 2016).** The committee adopted amendment J.002 and referred the bill to the House Committee of the Whole. The amendment adjusts the bill's appropriations clause.

**House second reading (April 28, 2016).** The House adopted the House State Affairs and Appropriations committee reports. The House passed the bill on second reading, as amended.

**House third reading (April 29, 2016).** The House passed the bill on third reading with no amendments.

## Conference Committee

**First conference committee (May 9, 2016).** The Senate did not concur in amendments made by the House, and a conference committee was formed. The committee adopted a report striking the section of the bill dealing with enforcement and sanctions, including additions made by amendment L.005 as added by the House State Affairs Committee.

**House action (May 10, 2016).** The House adopted the first report of the first conference committee and repassed the bill.

**Senate action (May 11, 2016).** The Senate adopted the first report of the first conference committee and repassed the bill.