

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0614.01 Bob Lackner x4350

HOUSE BILL 20-1066

HOUSE SPONSORSHIP

Sirota,

SENATE SPONSORSHIP

Gonzales,

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ESTABLISHMENT OF CONTRIBUTION LIMITS UNDER
102 THE "FAIR CAMPAIGN PRACTICES ACT" FOR CANDIDATES FOR
103 SCHOOL DISTRICT DIRECTOR.

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 school district director.

Section 2 of the bill:

! Sets aggregate limits on contributions to candidates for school district director from persons other than small donor

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

committees for any regular biennial or special school election in the amount of \$2,500; and

! Sets aggregate limits on contributions to candidates for school district director from small donor committees for any regular biennial or special school election in the amount of \$25,000.

The bill requires that these aggregate contribution limits be periodically adjusted for inflation consistent with other contribution limits.

Section 3 subjects the new contribution limits to existing statutory provisions governing the disclosure of campaign contributions.

Section 4 contains requirements governing when a candidate for school district director is required to disclose information concerning campaign contributions and clarifies that such candidates are required to file their disclosure with the secretary of state.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-45-103, **add** (15.7)
3 and (16.4) as follows:

4 **1-45-103. Definitions - repeal.** As used in this article 45, unless
5 the context otherwise requires:

6 (15.7) "SCHOOL DISTRICT DIRECTOR" MEANS A PERSON SERVING
7 AS A DIRECTOR ON THE BOARD OF EDUCATION OF ANY SCHOOL DISTRICT
8 WITHIN THE STATE, INCLUDING A SCHOOL DISTRICT COMPOSED OF A CITY
9 AND COUNTY.

10 (16.4) "SPECIAL SCHOOL ELECTION" MEANS ANY SCHOOL ELECTION
11 PROVIDED FOR BY LAW AND HELD AT A TIME OTHER THAN THE REGULAR
12 BIENNIAL SCHOOL ELECTION.

13 **SECTION 2.** In Colorado Revised Statutes, 1-45-103.7, **amend**
14 (7); and **add** (1.7) as follows:

15 **1-45-103.7. Contribution limits - county offices - school**
16 **district director - treatment of independent expenditure committees**
17 **- contributions from limited liability companies - voter instructions**

1 **on spending limits - definitions.** (1.7) (a) THE MAXIMUM AMOUNT OF
2 AGGREGATE CONTRIBUTIONS THAT A PERSON, INCLUDING A POLITICAL
3 COMMITTEE BUT NOT INCLUDING A SMALL DONOR COMMITTEE, MAY MAKE
4 TO A CANDIDATE COMMITTEE OF A CANDIDATE FOR SCHOOL DISTRICT
5 DIRECTOR, AND THAT A CANDIDATE COMMITTEE FOR SUCH CANDIDATE
6 MAY ACCEPT FROM ANY ONE PERSON EXCLUDING A SMALL DONOR
7 COMMITTEE, FOR A REGULAR BIENNIAL SCHOOL ELECTION OR SPECIAL
8 SCHOOL ELECTION, AS APPLICABLE, IS TWO THOUSAND FIVE HUNDRED
9 DOLLARS.

10 (b) THE MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT
11 A SMALL DONOR COMMITTEE MAY MAKE TO A CANDIDATE COMMITTEE OF
12 A CANDIDATE FOR SCHOOL DISTRICT DIRECTOR, AND THAT A CANDIDATE
13 COMMITTEE FOR SUCH CANDIDATE MAY ACCEPT FROM ANY ONE SMALL
14 DONOR COMMITTEE, FOR A REGULAR BIENNIAL OR SPECIAL SCHOOL
15 ELECTION, AS APPLICABLE, IS TWENTY-FIVE THOUSAND DOLLARS.

16 (c) ANY MONETARY AMOUNT SPECIFIED IN SUBSECTION (1.7)(a) OR
17 (1.7)(b) OF THIS SECTION MUST BE ADJUSTED IN ACCORDANCE WITH THE
18 ADJUSTMENTS MADE TO OTHER CONTRIBUTION LIMITS AS SPECIFIED IN
19 SECTION 3 (13) OF ARTICLE XVIII OF THE STATE CONSTITUTION.

20 (d) THE REQUIREMENTS OF SECTIONS 1-45-108 AND 1-45-109, AS
21 APPROPRIATE, APPLY TO ANY CONTRIBUTION MADE OR RECEIVED FOR ANY
22 FOUR-YEAR ELECTION CYCLE THAT IS SUBJECT TO SUBSECTION (1.7)(a) OR
23 (1.7)(b) OF THIS SECTION.

24 (7) (a) Any person who believes that a violation of subsection
25 (1.5), ~~(1.7)~~, (5), or (6) of this section has occurred may file a written
26 complaint with the secretary of state in accordance with ~~section~~
27 ~~1-45-111.7~~ SECTION 1-45-111.7 (2).

1 (b) Any person who has violated subsection (1.5), ~~(1.7)~~, (5)(a),
2 (5)(b), (5)(c), or (6) of this section is subject to a civil penalty of at least
3 double and up to five times the amount contributed or received in
4 violation of the applicable provision.

5 (c) Any person who has violated any of the provisions of
6 ~~subparagraph (I) of paragraph (d) of subsection (5)~~ SUBSECTION (5)(d)(I)
7 of this section ~~shall be~~ IS subject to a civil penalty of fifty dollars per day
8 for each day that the written affirmation regarding the membership of a
9 limited liability company has not been filed with or retained by the
10 candidate committee, political committee, or political party to which a
11 contribution has been made.

12 **SECTION 3.** In Colorado Revised Statutes, 1-45-108, **amend**
13 (2)(a)(I) introductory portion and (2.5)(a); and **add** (2.1) and (2.2) as
14 follows:

15 **1-45-108. Disclosure - definition - repeal.** (2) (a) (I) Except as
16 provided in ~~subparagraph (V) of this paragraph (a) and subsections (2.5);~~
17 ~~(2.7), and (6)~~ SUBSECTIONS (2)(a)(V), (2.1), (2.5), (2.7), AND (6) of this
18 section, such reports that are required to be filed with the secretary of
19 state must be filed:

20 (2.1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2.2) OF
21 THIS SECTION, IN THE CASE OF A REGULAR BIENNIAL SCHOOL ELECTION OR
22 A SPECIAL SCHOOL ELECTION, A CANDIDATE FOR SCHOOL DISTRICT
23 DIRECTOR SHALL FILE REPORTS THAT ARE REQUIRED TO BE FILED WITH THE
24 SECRETARY OF STATE AS FOLLOWS:

25 (a) QUARTERLY IN OFF-ELECTION YEARS NO LATER THAN THE
26 FIFTEENTH CALENDAR DAY FOLLOWING THE END OF THE APPLICABLE
27 QUARTER;

1 (b) EIGHT WEEKS BEFORE THE ELECTION AND ON EACH MONDAY
2 EVERY TWO WEEKS THEREAFTER BEFORE THE ELECTION;

3 (c) ON THE FIRST DAY OF EACH MONTH BEGINNING THE SIXTH FULL
4 MONTH BEFORE THE ELECTION; EXCEPT THAT NO MONTHLY REPORT SHALL
5 BE REQUIRED DURING A PERIOD THAT IS COVERED BY SUBSECTION (2.1)(b)
6 OF THIS SECTION; AND

7 (d) THIRTY DAYS AFTER THE ELECTION IN ELECTION YEARS.

8 (2.2) IN CONNECTION WITH A RECALL ELECTION OF A SCHOOL
9 DISTRICT DIRECTOR, REPORTS OF CONTRIBUTIONS AND EXPENDITURES
10 MUST BE FILED IN ACCORDANCE WITH THE DEADLINES THAT ARE SPECIFIED
11 IN SUBSECTION (6) OF THIS SECTION.

12 (2.5) (a) Except as provided in subsection (2.5)(b) of this section,
13 and in addition to any report required to be filed with the secretary of
14 state or municipal clerk under this section, all candidate committees, issue
15 committees, and political parties must file a report with the secretary of
16 state of any contribution of one thousand dollars or more at any time
17 within thirty days preceding the date of the primary election, general
18 election, ~~or~~ regular biennial school election, OR SPECIAL SCHOOL
19 ELECTION, AS APPLICABLE. This report ~~shall~~ MUST be filed with the
20 secretary of state no later than twenty-four hours after THE receipt of said
21 contribution.

22 **SECTION 4.** In Colorado Revised Statutes, 1-45-109, **amend**
23 (1)(a)(II) as follows:

24 **1-45-109. Filing - where to file - timeliness.** (1) For the purpose
25 of meeting the filing and reporting requirements of this article 45:

26 (a) The following shall file with the secretary of state:

27 (II) Candidates in special district AND SCHOOL DISTRICT DIRECTOR

1 elections; the candidate committees of such candidates; political
2 committees in support of or in opposition to such candidates; issue
3 committees supporting or opposing a special district ballot issue; and
4 small donor committees making contributions to such candidates.

5 **SECTION 5.** In Colorado Revised Statutes, 22-31-103, **amend**
6 (1) as follows:

7 **22-31-103. Board of education to govern conduct of school**
8 **elections - contract with county clerk and recorder.** (1) Except as
9 otherwise provided in this ~~article~~ ARTICLE 31, the board of education of
10 each school district shall govern the conduct of all school elections in the
11 district, shall designate an election official who shall be responsible for
12 conducting the election, and shall render all interpretations and make all
13 initial decisions as to controversies or other matters arising in the conduct
14 of such elections. All elections authorized in this ~~article~~ ARTICLE 31 shall
15 be conducted pursuant to ~~the provisions of~~ articles 1 to 13 of title 1.
16 ~~C.R.S. LIMITS ON CONTRIBUTIONS TO CANDIDATES FOR THE BOARD OF~~
17 ~~EDUCATION OF A SCHOOL DISTRICT ARE SPECIFIED IN SECTION 1-45-103.7~~
18 (1.7). THE DISCLOSURE OF SUCH CONTRIBUTIONS IS GOVERNED IN
19 ACCORDANCE WITH SECTIONS 1-45-108 AND 1-45-109.

20 **SECTION 6.** In Colorado Revised Statutes, 22-31-131, **amend**
21 (1) as follows:

22 **22-31-131. Election procedures in districts composed of a city**
23 **and county.** (1) The regular biennial school election in each school
24 district coterminous with a city and county shall be held on the first
25 Tuesday in November of each odd-numbered year, shall be conducted and
26 supervised by the election commission of the city and county, and shall
27 be governed by ~~the provisions of~~ articles 1 to 13 of title 1. ~~C.R.S. LIMITS~~

1 ON CONTRIBUTIONS TO CANDIDATES FOR THE BOARD OF EDUCATION OF
2 SUCH SCHOOL DISTRICT ARE SPECIFIED IN SECTION 1-45-103.7 (1.7). THE
3 DISCLOSURE OF SUCH CONTRIBUTIONS IS GOVERNED IN ACCORDANCE WITH
4 SECTIONS 1-45-108 AND 1-45-109.

5 **SECTION 7.** In Colorado Revised Statutes, 32-9-111, **amend**
6 (5)(f) as follows:

7 **32-9-111. Election of directors - dates - terms.** (5) (f) Every
8 candidate for director shall comply with ~~the provisions of~~ article 45 of
9 title 1. ~~C.R.S.~~ LIMITS ON CONTRIBUTIONS TO CANDIDATES FOR DIRECTOR
10 ARE SPECIFIED IN SECTION 1-45-103.7 (1.7). THE DISCLOSURE OF SUCH
11 CONTRIBUTIONS IS GOVERNED IN ACCORDANCE WITH SECTIONS 1-45-108
12 AND 1-45-109.

13 **SECTION 8. Effective date - applicability.** This act takes effect
14 July 1, 2020, and applies to the portion of any election cycle or for the
15 portion of the calendar year remaining after said date, and for any election
16 cycle or calendar year commencing after said date.

17 **SECTION 9. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.