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HOUSE BILL 22-1060

BY REPRESENTATIVE(S) Sirota, Kipp, Amabile, Bacon, Benavidez, Bernett, Bird, Boesenecker, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jodeh, Lindsay, Lontine, McCluskie, McCormick, Michaelson Jenet, Mullica, Ortiz, Snyder, Sullivan, Tipper, Titone, Valdez A., Weissman, Woodrow;
also SENATOR(S) Gonzales, Buckner, Hinrichsen, Jaquez Lewis, Moreno, Story, Winter.

CONCERNING THE ESTABLISHMENT OF CONTRIBUTION LIMITS UNDER THE "FAIR CAMPAIGN PRACTICES ACT" FOR CANDIDATES FOR SCHOOL DISTRICT DIRECTOR, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

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

(15.7) "SCHOOL DISTRICT DIRECTOR" MEANS A PERSON SERVING AS

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

A DIRECTOR ON THE BOARD OF EDUCATION OF ANY SCHOOL DISTRICT WITHIN THE STATE, INCLUDING A SCHOOL DISTRICT COMPOSED OF A CITY AND COUNTY.

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

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

1-45-103.7. Contribution limits - county offices - school district director - treatment of independent expenditure committees - contributions from limited liability companies - voter instructions on spending limits - definitions. (1.7) (a) THE MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT A PERSON, EXCLUDING A SMALL DONOR COMMITTEE, MAY MAKE TO A CANDIDATE COMMITTEE OF A CANDIDATE FOR SCHOOL DISTRICT DIRECTOR, AND THAT A CANDIDATE COMMITTEE FOR SUCH CANDIDATE MAY ACCEPT FROM ANY ONE PERSON EXCLUDING A SMALL DONOR COMMITTEE FOR A REGULAR BIENNIAL SCHOOL ELECTION OR SPECIAL SCHOOL ELECTION, AS APPLICABLE, IS TWO THOUSAND FIVE HUNDRED DOLLARS.

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

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

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

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

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

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

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

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

(2.1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2.2) OF THIS SECTION, IN THE CASE OF A REGULAR BIENNIAL SCHOOL ELECTION OR A SPECIAL SCHOOL ELECTION, A CANDIDATE COMMITTEE FOR SCHOOL DISTRICT DIRECTOR SHALL FILE REPORTS THAT ARE REQUIRED TO BE FILED WITH THE SECRETARY OF STATE ACCORDING TO THE FILING SCHEDULE SPECIFIED IN SUBSECTIONS (2)(a)(I)(A), (2)(a)(I)(C), (2)(a)(I)(D), AND (2)(a)(I)(E) OF THIS SECTION.

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

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

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

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

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

(II) Candidates in special district AND SCHOOL DISTRICT DIRECTOR elections; the candidate committees of such candidates; political committees in support of or in opposition to such candidates; issue committees supporting or opposing a special district ballot issue; and small donor committees making contributions to such candidates.

SECTION 5. In Colorado Revised Statutes, 22-30-104, **amend** (1) as follows:

22-30-104. Conduct of elections. (1) All elections authorized in this ~~article shall~~ ARTICLE 30 MUST be conducted pursuant to articles 1 to 13 of title 1, ~~C.R.S.~~ For each election, the governing body authorized to call the election shall name a designated election official who shall be responsible for calling and conducting the authorized election. LIMITS ON CONTRIBUTIONS TO CANDIDATES FOR THE BOARD OF EDUCATION OF A SCHOOL DISTRICT ARE SPECIFIED IN SECTION 1-45-103.7 (1.7). THE DISCLOSURE OF SUCH CONTRIBUTIONS IS GOVERNED IN ACCORDANCE WITH SECTIONS 1-45-108 AND 1-45-109.

SECTION 6. In Colorado Revised Statutes, 22-30-122, **amend** (4) as follows:

22-30-122. Election of school directors in new school districts.

(4) Any person desiring to be a candidate for the office of director of a new school district formed under the provisions of this ~~article~~ ARTICLE 30 shall be an eligible elector of the school district and, if directors in such new school district are elected under a director district plan of representation, a resident of the director district which the candidate seeks to represent. Each such candidate ~~shall~~ MUST be nominated in the manner otherwise provided by law for school directors. LIMITS ON CONTRIBUTIONS TO CANDIDATES FOR THE BOARD OF EDUCATION OF A SCHOOL DISTRICT ARE SPECIFIED IN SECTION 1-45-103.7 (1.7). THE DISCLOSURE OF SUCH CONTRIBUTIONS IS GOVERNED IN ACCORDANCE WITH SECTIONS 1-45-108 AND 1-45-109.

SECTION 7. In Colorado Revised Statutes, 22-31-103, **amend** (1) as follows:

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

SECTION 8. In Colorado Revised Statutes, 22-31-131, **amend** (1) as follows:

22-31-131. Election procedures in districts composed of a city and county. (1) The regular biennial school election in each school district coterminous with a city and county shall be held on the first Tuesday in November of each odd-numbered year, shall be conducted and supervised by the election commission of the city and county, and shall be governed by ~~the provisions of~~ articles 1 to 13 of title 1. ~~C.R.S.~~ LIMITS ON CONTRIBUTIONS TO CANDIDATES FOR THE BOARD OF EDUCATION OF SUCH SCHOOL DISTRICT ARE SPECIFIED IN SECTION 1-45-103.7 (1.7). THE

DISCLOSURE OF SUCH CONTRIBUTIONS IS GOVERNED IN ACCORDANCE WITH SECTIONS 1-45-108 AND 1-45-109.

SECTION 9. Appropriation. For the 2022-23 state fiscal year, \$7,500 is appropriated to the department of state for use by the information technology division. This appropriation is from the department of state cash fund created in section 24-21-104 (3)(b), C.R.S. To implement this act, the department may use this appropriation for hardware/software maintenance.

SECTION 10. Effective date - applicability. This act takes effect July 1, 2022, and applies to the portion of any election cycle or for the portion of the calendar year remaining after said date, and for any election cycle or calendar year commencing after said date.

SECTION 11. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO