

CHAPTER 417

ELECTIONS

HOUSE BILL 23-1245

BY REPRESENTATIVE(S) Parenti and Willford, Bacon, Bird, Brown, deGruy Kennedy, Epps, Froelich, Gonzales-Gutierrez, Jodeh, Joseph, Lindsay, Mabrey, Snyder, Story, Weissman, Woodrow, English, Velasco;
also SENATOR(S) Priola and Rodriguez, Coleman, Exum, Fields, Gonzales, Hansen, Jaquez Lewis, Moreno, Mullica.

AN ACT**CONCERNING REQUIREMENTS UNDER THE "FAIR CAMPAIGN PRACTICES ACT" FOR MUNICIPAL ELECTIONS.**

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

SECTION 1. In Colorado Revised Statutes, 1-45-103.7, **add** (1.9) as follows:

1-45-103.7. Contribution limits - county offices - school district director - municipal office - treatment of independent expenditure committees - contributions from limited liability companies - voter instructions on spending limits - definitions. (1.9) (a) (I) THE MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT ANY ONE PERSON, INCLUDING A POLITICAL PARTY, AND EXCLUDING A SMALL DONOR COMMITTEE, MAY MAKE TO A CANDIDATE COMMITTEE OF A CANDIDATE FOR A MUNICIPAL OFFICE, AND THAT A CANDIDATE COMMITTEE FOR SUCH A CANDIDATE MAY ACCEPT FROM ANY ONE SUCH PERSON PER ELECTION IS FOUR HUNDRED DOLLARS.

(II) THE MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT ANY ONE SMALL DONOR COMMITTEE MAY MAKE TO A CANDIDATE COMMITTEE OF A CANDIDATE FOR A MUNICIPAL OFFICE AND THAT A CANDIDATE COMMITTEE FOR SUCH A CANDIDATE MAY ACCEPT FROM ANY ONE SMALL DONOR COMMITTEE PER ELECTION IS FOUR THOUSAND DOLLARS.

(III) THE REQUIREMENTS OF SECTIONS 1-45-108 AND 1-45-109, AS APPROPRIATE, APPLY TO ANY CONTRIBUTION MADE OR RECEIVED FOR ANY ELECTION THAT IS SUBJECT TO SUBSECTION (1.9)(a)(I) OR (1.9)(a)(II) OF THIS SECTION.

(b) AS USED IN THIS SUBSECTION (1.9), "MUNICIPAL OFFICE" MEANS THE MAYOR,

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.

THE BOARD OF TRUSTEES, A MEMBER OF CITY COUNCIL, AND ANY OTHER ELECTED MUNICIPAL OFFICER.

SECTION 2. In Colorado Revised Statutes, 1-45-108, **amend** (2)(a)(II); and **add** (2)(a)(II.5) as follows:

1-45-108. Disclosure - definitions - repeal. (2) (a) (II) Such reports that are required to be filed with the municipal clerk FOR MUNICIPALITIES WITH A POPULATION OF LESS THAN ONE THOUSAND and such reports required to be filed pursuant to section 1-45-109 (1)(a)(II) and (1)(c) must be filed on the twenty-first day and on the Friday before and thirty-five days after the primary election, where applicable, and the major election in election years and annually in off-election years on the first day of the month in which the anniversary of the major election occurs.

(II.5) SUCH REPORTS THAT ARE REQUIRED TO BE FILED WITH THE MUNICIPAL CLERK FOR MUNICIPALITIES THAT HAVE A POPULATION OF ONE THOUSAND OR MORE MUST BE FILED NO LATER THAN SIXTY DAYS, THIRTY DAYS, AND FIFTEEN DAYS BEFORE, AND THIRTY DAYS AFTER THE MAJOR ELECTION IN ELECTION YEARS AND ANNUALLY IN OFF-ELECTION YEARS ON THE FIRST DAY OF THE MONTH IN WHICH THE ANNIVERSARY OF THE MAJOR ELECTION OCCURS; EXCEPT THAT, FOR A RUNOFF ELECTION REPORTS MUST BE FILED NO LATER THAN FIFTEEN DAYS BEFORE AND FIFTEEN DAYS AFTER THE RUNOFF ELECTION.

SECTION 3. In Colorado Revised Statutes, 1-45-109, **amend** (1)(b) 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:

(b) Candidates in municipal elections, their candidate committees, any political committee in support of or in opposition to such candidate, an issue committee supporting or opposing a municipal ballot issue, and small donor committees making contributions to such candidates shall file with the municipal clerk. AN INDEPENDENT EXPENDITURE COMMITTEE THAT MAKES EXPENDITURES IN CONNECTION WITH A MUNICIPAL ELECTION SHALL FILE WITH THE MUNICIPAL CLERK.

SECTION 4. In Colorado Revised Statutes, 1-45-112, **amend** (1)(b); and **add** (1)(c.5) as follows:

1-45-112. Duties of municipal clerk. (1) The municipal clerk shall:

(b) Keep a copy of any report or statement required to be filed by this article for a period of ~~one year~~ TEN YEARS from the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for ~~one year~~ SIX YEARS after the candidate leaves office.

(c.5) MAKE PUBLICLY AVAILABLE WITHOUT CHARGE ON A WEBSITE, OR FOR IN-PERSON INSPECTION, ANY REPORTS, DISCLOSURES, OR STATEMENTS THAT ARE FILED PURSUANT TO THIS ARTICLE 45 AND ARE SUBJECT TO THE RETENTION REQUIREMENTS SET FORTH IN SUBSECTION (1)(b) OF THIS SECTION. FOR AN INDIVIDUAL WHO SUBMITS AN OPEN RECORDS REQUEST INVOLVING SUCH REPORTS,

DISCLOSURES, OR STATEMENTS, IF PRINTOUTS OR PHOTOGRAPHS RELATING TO SUCH AN OPEN RECORDS REQUEST ARE REQUESTED, THE MUNICIPAL CLERK MAY CHARGE APPROPRIATE FEES.

SECTION 5. Act subject to petition - effective date - applicability. (1) This act takes effect January 1, 2024; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to any municipal election held on or after the effective date of this act.

Approved: June 7, 2023