

CHAPTER 259

ELECTIONS

SENATE BILL 96-082

BY SENATORS Bishop, Schroeder, Coffman, Dennis, Feeley, Johnson, Linkhart, Matsunaka, Meiklejohn, Norton, Pascoe, and Wham; also REPRESENTATIVES Foster, Acquafresca, Clarke, DeGette, George, June, Lawrence, Lyle, Morrison, Saliman, Schwarz, Swenson, Taylor, and Tupa.

AN ACT**CONCERNING CAMPAIGN FINANCE REFORM, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

SECTION 1. 1-45-103 (10), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended, and the said 1-45-103 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

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

(6.5) "ELECTION CYCLE" MEANS THE PERIOD BEGINNING ON JANUARY 1 FOLLOWING A GENERAL ELECTION FOR AN ELECTED OFFICE AND ENDING AT 12 MIDNIGHT ON DECEMBER 31 FOLLOWING THE NEXT GENERAL ELECTION DAY FOR SUCH OFFICE.

(10) "Political committee" means any two or more persons who are elected, appointed, or chosen or who have associated themselves or cooperated for the purpose of accepting contributions or contributions in kind or making expenditures to support or oppose a candidate for public office at any election or seek to influence the passage or defeat of any issue. ~~"Political committee" includes any political party or committee thereof at any level or a political organization as defined in section 1-1-104.~~ "Political committee" also includes a separate political education or political action fund or committee which is associated with an organization or association formed principally for some other purpose and includes an organization or association formed principally for some other purpose insofar as it makes contributions or

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

contributions in kind or expenditures but shall not include a single individual, partnership, committee, association, corporation, labor organization, or other organization or group solely making contributions or contributions in kind to support or oppose a candidate for public office or to influence the passage or defeat of any issue at any election.

(10.5) "POLITICAL PARTY" AS USED IN THIS ARTICLE INCLUDES A MAJOR POLITICAL PARTY, AS DEFINED IN SECTION 1-1-104 (22), A MINOR POLITICAL PARTY, AS DEFINED IN SECTION 1-1-104 (23), OR A POLITICAL PARTY, AS DEFINED IN SECTION 1-1-104 (25).

(14) "TWO-YEAR ELECTION CYCLE" MEANS THE PERIOD BEGINNING ON JANUARY 1 FOLLOWING A GENERAL ELECTION FOR AN ELECTED OFFICE AND ENDING AT 12 MIDNIGHT ON DECEMBER 31 FOLLOWING THE NEXT GENERAL ELECTION DAY.

SECTION 2. 1-45-108 (7), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-45-108. Reports - certification and filing. (7) (a) Any person or campaign treasurer making an independent expenditure of five hundred dollars, or more, at any time ~~after the sixteenth day but more than twenty-four hours~~ before the day of the election shall file a report of such an expenditure. This report shall be filed with the appropriate officer within twenty-four hours after the independent expenditure is made. The report shall include the identification and address of each person who made a contribution to the campaign treasurer or person filing such report ~~which~~ THAT was made for the purpose of furthering an independent expenditure.

(b) Any person or campaign treasurer filing the report pursuant to paragraph (a) of this subsection (7) shall provide ~~concurrent with such filing~~, a copy of that report to the candidate running in the election or to the political committee supporting or opposing the issue to be submitted in the election for which the independent expenditure was made. THE COPY OF THE REPORT SHALL BE PROVIDED TO SUCH CANDIDATE OR POLITICAL COMMITTEE WITHIN TWENTY-FOUR HOURS AFTER THE INDEPENDENT EXPENDITURE IS MADE.

SECTION 3. Article 45 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

1-45-124. Person or political committee - contribution limits - exception.

(1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION AND SECTIONS 1-45-117 AND 1-45-125, NO PERSON OR POLITICAL COMMITTEE SHALL MAKE A COMBINED TOTAL OF CONTRIBUTIONS AND CONTRIBUTIONS IN KIND DURING AN ELECTION CYCLE IN EXCESS OF THE FOLLOWING AMOUNTS:

(a) FIVE THOUSAND DOLLARS TO ANY ONE CANDIDATE OR WRITE-IN CANDIDATE FOR GOVERNOR;

(b) TWO THOUSAND FIVE HUNDRED DOLLARS TO ANY ONE CANDIDATE OR WRITE-IN CANDIDATE FOR LIEUTENANT GOVERNOR, SECRETARY OF STATE, STATE TREASURER, OR ATTORNEY GENERAL, OR TO ANY ONE CANDIDATE OR WRITE-IN CANDIDATE

RUNNING AT LARGE FOR THE STATE BOARD OF EDUCATION OR FOR REGENT OF THE UNIVERSITY OF COLORADO;

(c) FIVE HUNDRED DOLLARS TO ANY ONE CANDIDATE OR WRITE-IN CANDIDATE FOR MEMBER OF THE STATE BOARD OF EDUCATION FROM A CONGRESSIONAL DISTRICT OR TO ANY ONE CANDIDATE OR WRITE-IN CANDIDATE FOR MEMBER OF THE BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO FROM A CONGRESSIONAL DISTRICT;

(d) ONE THOUSAND DOLLARS TO ANY ONE CANDIDATE OR WRITE-IN CANDIDATE FOR THE STATE SENATE; AND

(e) FIVE HUNDRED DOLLARS TO ANY ONE CANDIDATE OR WRITE-IN CANDIDATE FOR THE STATE HOUSE OF REPRESENTATIVES OR FOR DISTRICT ATTORNEY.

(2) FOR ANY CANDIDATE OR WRITE-IN CANDIDATE WHO HAS A CONTESTED PRIMARY ELECTION AS WELL AS A GENERAL ELECTION, THE APPLICABLE CONTRIBUTION LIMIT ESTABLISHED IN SUBSECTION (1) OF THIS SECTION SHALL BE RAISED TO TWICE THE AMOUNT OF THE LIMIT FOR SUCH CANDIDATE.

(3) NOTWITHSTANDING THE PROVISIONS OF SECTION 1-45-117, NO LATER THAN TEN DAYS AFTER RECEIVING A CONTRIBUTION IN EXCESS OF THE LIMITS SET FORTH IN THIS SECTION, THE CANDIDATE WHO RECEIVED THE CONTRIBUTION SHALL REMIT THE EXCESS TO THE CONTRIBUTOR.

1-45-125. Political parties - contribution limits. (1) NO POLITICAL PARTY, INCLUDING ANY PARTY ORGANIZATION AT ANY STATE, COUNTY, DISTRICT, OR LOCAL LEVEL, SHALL MAKE A COMBINED TOTAL OF CONTRIBUTIONS AND CONTRIBUTIONS IN KIND DURING AN ELECTION CYCLE IN EXCESS OF THE FOLLOWING AMOUNTS:

(a) ONE HUNDRED THOUSAND DOLLARS TO ANY ONE CANDIDATE OR WRITE-IN CANDIDATE FOR GOVERNOR;

(b) FIFTY THOUSAND DOLLARS TO ANY ONE CANDIDATE OR WRITE-IN CANDIDATE FOR LIEUTENANT GOVERNOR, SECRETARY OF STATE, STATE TREASURER, OR ATTORNEY GENERAL, OR TO ANY ONE CANDIDATE OR WRITE-IN CANDIDATE RUNNING AT LARGE FOR THE STATE BOARD OF EDUCATION OR FOR REGENT OF THE UNIVERSITY OF COLORADO;

(c) FORTY THOUSAND DOLLARS TO ANY ONE CANDIDATE OR WRITE-IN CANDIDATE FOR THE STATE SENATE, FOR MEMBER OF THE STATE BOARD OF EDUCATION FROM A CONGRESSIONAL DISTRICT, OR FOR MEMBER OF THE BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO FROM A CONGRESSIONAL DISTRICT;

(d) TWENTY THOUSAND DOLLARS TO ANY ONE CANDIDATE OR WRITE-IN CANDIDATE FOR THE STATE HOUSE OF REPRESENTATIVES; AND

(e) SEVEN THOUSAND FIVE HUNDRED DOLLARS TO ANY ONE CANDIDATE OR WRITE-IN CANDIDATE FOR DISTRICT ATTORNEY.

(2) NOTWITHSTANDING THE PROVISIONS OF SECTION 1-45-117, NO LATER THAN TEN DAYS AFTER RECEIVING A CONTRIBUTION IN EXCESS OF THE LIMITS SET FORTH IN

THIS SECTION, THE CANDIDATE WHO RECEIVED THE CONTRIBUTION SHALL REMIT THE EXCESS TO THE CONTRIBUTOR.

1-45-126. Candidates - contributions from authorized committees. (1) AS USED IN THIS SECTION, "AUTHORIZED COMMITTEE" MEANS AN AUTHORIZED COMMITTEE AS DEFINED UNDER "THE FEDERAL ELECTION CAMPAIGN ACT OF 1971", 2 U.S.C. SEC. 431 (6), AS AMENDED.

(2) (a) NO CANDIDATE OR CANDIDATE'S POLITICAL COMMITTEE MAY ACCEPT A COMBINED TOTAL OF CONTRIBUTIONS AND CONTRIBUTIONS IN KIND FROM AN AUTHORIZED COMMITTEE OF AN INDIVIDUAL WHO HAS SOUGHT NOMINATION FOR ELECTION, OR ELECTION, TO FEDERAL OFFICE, IN EXCESS OF THE FOLLOWING AMOUNTS:

(I) TWO THOUSAND DOLLARS BY ANY ONE CANDIDATE OR WRITE-IN CANDIDATE FOR GOVERNOR;

(II) ONE THOUSAND DOLLARS BY ANY ONE CANDIDATE OR WRITE-IN CANDIDATE FOR LIEUTENANT GOVERNOR, SECRETARY OF STATE, STATE TREASURER, STATE SENATE, OR ATTORNEY GENERAL, OR BY ANY ONE CANDIDATE OR WRITE-IN CANDIDATE RUNNING AT LARGE FOR THE STATE BOARD OF EDUCATION OR FOR REGENT OF THE UNIVERSITY OF COLORADO;

(III) FIVE HUNDRED DOLLARS BY ANY ONE CANDIDATE OR WRITE-IN CANDIDATE FOR THE STATE HOUSE OF REPRESENTATIVES, DISTRICT ATTORNEY, MEMBER OF THE STATE BOARD OF EDUCATION FROM A CONGRESSIONAL DISTRICT, OR MEMBER OF THE BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO FROM A CONGRESSIONAL DISTRICT.

(b) THE LIMITS SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL APPLY TO CONTRIBUTIONS THAT A CANDIDATE OR CANDIDATE'S POLITICAL COMMITTEE MAY ACCEPT FROM AN AUTHORIZED COMMITTEE OF THE CANDIDATE FROM A PREVIOUS CAMPAIGN FOR FEDERAL OFFICE.

(c) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, NO LATER THAN TEN DAYS AFTER RECEIVING A CONTRIBUTION IN EXCESS OF THE LIMITS SET FORTH IN THIS SUBSECTION (2), THE CANDIDATE WHO RECEIVED THE CONTRIBUTION SHALL REMIT THE EXCESS TO THE CONTRIBUTOR.

1-45-127. Contributions to political parties - limits. NO PERSON, OTHER THAN A POLITICAL PARTY OR AN AUTHORIZED COMMITTEE OF A FEDERAL CANDIDATE OR OFFICEHOLDER, SHALL MAKE A COMBINED TOTAL OF CONTRIBUTIONS AND CONTRIBUTIONS IN KIND IN EXCESS OF TWENTY-FIVE THOUSAND DOLLARS DURING A TWO-YEAR ELECTION CYCLE TO ANY POLITICAL PARTY ORGANIZATION AT THE STATE, COUNTY, DISTRICT, OR LOCAL LEVEL. AS USED IN THIS SECTION, "AUTHORIZED COMMITTEE" MEANS AN AUTHORIZED COMMITTEE AS DEFINED UNDER "THE FEDERAL ELECTION CAMPAIGN ACT OF 1971", 2 U.S.C. SEC. 431 (6), AS AMENDED.

1-45-128. Earmarked contributions to political parties prohibited. NO PERSON SHALL MAKE AND NO POLITICAL PARTY SHALL ACCEPT A CONTRIBUTION OR CONTRIBUTION IN KIND THAT IS EARMARKED OR IN ANY OTHER WAY DESIGNATED TO

BE PASSED THROUGH THE POLITICAL PARTY TO ANY SPECIFIC CANDIDATE.

1-45-129. Disbursement of party moneys by professional lobbyist prohibited.

A PROFESSIONAL LOBBYIST, AS DEFINED IN SECTION 24-6-301 (6), C.R.S., SHALL NOT DISBURSE THE PARTY MONEYS OF ANY STATE, COUNTY, DISTRICT, OR LOCAL POLITICAL PARTIES TO CANDIDATES OF THAT POLITICAL PARTY.

1-45-130. Contribution limits - adjustment for inflation. (1) THE LIMITS ON CONTRIBUTIONS TO CANDIDATES CONTAINED IN THIS ARTICLE SHALL BE ADJUSTED FOR INFLATION ON JANUARY 1, 2002, AND ON JANUARY 1 EVERY FIVE YEARS THEREAFTER. SUCH ADJUSTMENT SHALL BE ROUNDED UPWARD OR DOWNWARD TO THE NEAREST TEN-DOLLAR INCREMENT.

(2) AS USED IN THIS SECTION, "INFLATION" MEANS THE CUMULATIVE PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR THE DENVER-BOULDER CONSOLIDATED METROPOLITAN STATISTICAL AREA FOR ALL URBAN CONSUMERS, ALL GOODS, AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, OR ITS SUCCESSOR INDEX, FOR THE APPROPRIATE FIVE-YEAR PERIOD.

SECTION 4. 1-45-117 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended, and the said 1-45-117 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

1-45-117. Campaign funds - use restricted. (2.5) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION, NO CANDIDATE'S POLITICAL COMMITTEE SHALL MAKE CONTRIBUTIONS TO ANOTHER CANDIDATE OR CANDIDATE'S POLITICAL COMMITTEE DURING AN ELECTION CYCLE IN EXCESS OF THE FOLLOWING AMOUNTS:

(I) TWO THOUSAND DOLLARS TO ANY ONE CANDIDATE OR WRITE-IN CANDIDATE FOR GOVERNOR;

(II) ONE THOUSAND DOLLARS TO ANY ONE CANDIDATE OR WRITE-IN CANDIDATE FOR LIEUTENANT GOVERNOR, SECRETARY OF STATE, STATE TREASURER, STATE SENATE, OR ATTORNEY GENERAL, OR TO ANY ONE CANDIDATE OR WRITE-IN CANDIDATE RUNNING AT LARGE FOR THE STATE BOARD OF EDUCATION OR FOR REGENT OF THE UNIVERSITY OF COLORADO;

(III) ONE THOUSAND DOLLARS TO ANY ONE CANDIDATE OR WRITE-IN CANDIDATE FOR THE STATE HOUSE OF REPRESENTATIVES, DISTRICT ATTORNEY, MEMBER OF THE STATE BOARD OF EDUCATION FROM A CONGRESSIONAL DISTRICT, OR MEMBER OF THE BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO FROM A CONGRESSIONAL DISTRICT.

(b) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, NO LATER THAN TEN DAYS AFTER RECEIVING A CONTRIBUTION IN EXCESS OF THE LIMITS SET FORTH IN THIS SUBSECTION (2.5), THE CANDIDATE WHO RECEIVED THE CONTRIBUTION SHALL REMIT THE EXCESS TO THE CONTRIBUTOR.

(3) Notwithstanding the provisions of subsection (2) of this section, contributions not expended on behalf of any candidate's campaign may be retained for use in a

subsequent campaign for public office by that individual or as provided in subsection (1) of this section. A CANDIDATE SHALL NOT USE ANY SUCH CONTRIBUTIONS FOR PRIVATE PURPOSES.

(4) FOR PURPOSES OF SUBSECTIONS (1) AND (3) OF THIS SECTION, USE OF CONTRIBUTIONS OR CONTRIBUTIONS IN KIND FOR "PRIVATE PURPOSES" MEANS USING SUCH CONTRIBUTIONS OR CONTRIBUTIONS IN KIND:

(a) TO DEFRAY NORMAL LIVING EXPENSES OF THE CANDIDATE OR OF THE CANDIDATE'S FAMILY; OR

(b) FOR THE PERSONAL BENEFIT OF THE CANDIDATE, HAVING NO DIRECT CONNECTION WITH OR EFFECT UPON THE CANDIDATE'S CAMPAIGN OR HOLDING PUBLIC OFFICE.

SECTION 5. Nonseverability. If any provision of this act is held invalid, such invalidity shall invalidate this act in its entirety, and to this end the provisions of this act are declared to be nonseverable.

SECTION 6. Effective date - applicability. This act shall take effect July 1, 1996, and the limits on contributions and contributions in kind contained in this act shall apply to any person, candidate's political committee, political committee, or political party subject to such limits during an election cycle for a candidate that commences on or after January 1, 1997.

SECTION 7. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the secretary of state cash fund not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 1996, the sum of seven thousand two hundred eleven dollars (\$7,211), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 1996, the sum of seven thousand two hundred eleven dollars (\$7,211), or so much thereof as may be necessary, for the provision of legal services to the department of state for the purposes of this act. Such sum shall be from cash funds received from the department of state out of the appropriation made in subsection (1) of this section.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 1996