

CHAPTER 36

ELECTIONS

HOUSE BILL 00-1194

BY REPRESENTATIVES George, McPherson, Dean, Fairbank, Hoppe, Johnson, Kaufman, Kester, Lee, Scott, Stengel, and Young;
also SENATOR Powers.

AN ACT

CONCERNING CAMPAIGN FINANCE.

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

SECTION 1. Article 45 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

1-45-105.3. Contribution limits - person or political committee. (1) NO NATURAL PERSON, CORPORATION, LABOR ORGANIZATION, AUTHORIZED COMMITTEE, OR POLITICAL COMMITTEE SHALL MAKE A COMBINED TOTAL OF CONTRIBUTIONS AND CONTRIBUTIONS IN KIND DURING AN ELECTION CYCLE, OR FOR A SPECIAL LEGISLATIVE ELECTION, IN EXCESS OF THE FOLLOWING AMOUNTS:

(a) FIVE THOUSAND DOLLARS TO ANY ONE GOVERNOR CANDIDATE COMMITTEE;

(b) TWO THOUSAND FIVE HUNDRED DOLLARS TO ANY ONE LIEUTENANT GOVERNOR, SECRETARY OF STATE, STATE TREASURER, OR ATTORNEY GENERAL CANDIDATE COMMITTEE;

(c) ONE THOUSAND FIVE HUNDRED DOLLARS TO ANY ONE STATE SENATE OR DISTRICT ATTORNEY CANDIDATE COMMITTEE;

(d) ONE THOUSAND DOLLARS TO ANY ONE STATE HOUSE OF REPRESENTATIVES, STATE BOARD OF EDUCATION, OR REGENT OF THE UNIVERSITY OF COLORADO CANDIDATE COMMITTEE.

(2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION

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

(2), NO POLITICAL PARTY AT THE STATE, COUNTY, DISTRICT, OR LOCAL LEVEL SHALL ACCEPT A COMBINED TOTAL OF CONTRIBUTIONS AND CONTRIBUTIONS IN KIND FROM ANY PERSON, OTHER THAN A POLITICAL PARTY, IN EXCESS OF TWENTY-FIVE THOUSAND DOLLARS PER YEAR.

(b) NO POLITICAL PARTY AT THE STATE, COUNTY, DISTRICT, OR LOCAL LEVEL SHALL KNOWINGLY ACCEPT CONTRIBUTIONS FROM ANY NATURAL PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES, FROM A FOREIGN GOVERNMENT, OR FROM ANY FOREIGN CORPORATION THAT DOES NOT HAVE AUTHORITY TO TRANSACT BUSINESS IN THIS STATE PURSUANT TO ARTICLE 115 OF TITLE 7, C.R.S.

(c) NO POLITICAL PARTY SHALL ACCEPT CONTRIBUTIONS THAT ARE INTENDED, OR IN ANY WAY DESIGNATED, TO BE PASSED THROUGH THE PARTY TO A SPECIFIC STATE CANDIDATE'S CANDIDATE COMMITTEE.

(3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), NO POLITICAL COMMITTEE SHALL ACCEPT A COMBINED TOTAL OF CONTRIBUTIONS AND CONTRIBUTIONS IN KIND FROM ANY PERSON IN EXCESS OF TWENTY-FIVE THOUSAND DOLLARS PER YEAR.

(b) NO POLITICAL COMMITTEE SHALL KNOWINGLY ACCEPT CONTRIBUTIONS FROM ANY NATURAL PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES, FROM A FOREIGN GOVERNMENT, OR FROM ANY FOREIGN CORPORATION THAT DOES NOT HAVE AUTHORITY TO TRANSACT BUSINESS IN THIS STATE PURSUANT TO ARTICLE 115 OF TITLE 7, C.R.S.

(4) (a) NO CANDIDATE COMMITTEE SHALL MAKE A CONTRIBUTION OR CONTRIBUTION IN KIND TO OR ACCEPT A CONTRIBUTION OR CONTRIBUTION IN KIND FROM A CANDIDATE COMMITTEE OF ANOTHER CANDIDATE.

(b) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (4), NO CANDIDATE COMMITTEE SHALL ACCEPT A COMBINED TOTAL OF CONTRIBUTIONS AND CONTRIBUTIONS IN KIND IN EXCESS OF TWENTY-FIVE THOUSAND DOLLARS DURING SUCH CANDIDATE COMMITTEE'S ELECTION CYCLE FROM A CANDIDATE COMMITTEE OF THE SAME CANDIDATE THAT WAS ESTABLISHED FOR A DIFFERENT PUBLIC OFFICE.

(c) NO CANDIDATE COMMITTEE FOR A STATE CANDIDATE SHALL ACCEPT A CONTRIBUTION OR CONTRIBUTION IN KIND FROM A CANDIDATE COMMITTEE OF THE SAME CANDIDATE THAT WAS ESTABLISHED FOR A PUBLIC OFFICE OTHER THAN A STATE OFFICE. AS USED IN THIS PARAGRAPH (c), "STATE OFFICE" MEANS ANY OFFICE DESCRIBED IN SECTION 1-45-103 (13).

(4.5) NO CANDIDATE COMMITTEE SHALL ACCEPT A CONTRIBUTION OR CONTRIBUTION IN KIND FROM AN AUTHORIZED COMMITTEE OF THE SAME CANDIDATE THAT WAS ESTABLISHED OR MAINTAINED FOR A FEDERAL ELECTION CAMPAIGN OR OFFICE.

(5) EACH LIMIT ON CONTRIBUTIONS TO CANDIDATE COMMITTEES DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL BE INCREASED BY AN AMOUNT EQUAL TO TEN PERCENT, ROUNDED UP TO THE NEAREST FIFTY DOLLARS, OF SUCH LIMIT ON JANUARY 1, 2003, AND ON JANUARY 1 EVERY FOUR YEARS THEREAFTER. THE SECRETARY OF

STATE SHALL CALCULATE SUCH AN INCREASE IN EACH LIMIT AND SPECIFY THE LIMITS IN RULES PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

(6) NO LATER THAN TEN BUSINESS DAYS AFTER RECEIVING A CONTRIBUTION IN EXCESS OF THE LIMITS SET FORTH IN THIS SECTION, THE CANDIDATE COMMITTEE THAT RECEIVED THE CONTRIBUTION SHALL REMIT THE EXCESS TO THE CONTRIBUTOR.

(7) **[Formerly 1-45-104 (9)]** ~~(9)~~ Notwithstanding any other section of this article to the contrary, a state candidate's candidate committee may receive a loan from a financial institution organized under state or federal law if the loan bears the usual and customary interest rate, is made on a basis that assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule.

(8) **[Formerly 1-45-104 (10)]** ~~(10)~~ All contributions received by a candidate committee, issue committee, political committee, or political party shall be deposited in a financial institution in a separate account whose title shall include the name of the committee or political party. All records pertaining to such accounts shall be maintained by the committee or political party for ninety days following any general election in which the committee or party received contributions unless a complaint is filed, in which case they shall be maintained until final disposition of the complaint and any consequent litigation. Such records shall be subject to inspection at any hearing held pursuant to this article.

(9) **[Formerly 1-45-104 (11)]** ~~(11)~~ No candidate committee, political committee, issue committee, or political party shall accept a contribution, or make an expenditure, in currency or coin exceeding one hundred dollars.

(10) **[Formerly 1-45-104 (12)]** ~~(12)~~ No person shall make a contribution to a candidate committee, issue committee, political committee, or political party with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution made to any candidate committee, issue committee, political committee, or political party, nor shall any person make such reimbursement except as provided in ~~subsection (9)~~ SUBSECTION (7) of this section.

(11) **[Formerly 1-45-104 (14)]** ~~(14)~~ An undeclared candidate who is an elected and serving state officeholder that is subject to the provisions of this article may maintain a candidate committee during such person's term of office and accept contributions, subject to the contribution limits ~~and the limits on aggregate totals of contributions~~ that apply to such office, for the uses and purposes set forth in section 1-45-106.

1-45-105.5. Contributions to members of general assembly and governor during consideration of legislation. (1) **[Formerly 1-45-104 (13)]** ~~(13)~~ (a) No professional lobbyist, volunteer lobbyist, or principal of a professional lobbyist or volunteer lobbyist shall make or promise to make a contribution to, or solicit or promise to solicit a contribution for:

(I) A member of the general assembly or candidate for the general assembly, when the general assembly is in regular session;

(II) (A) The governor or a candidate for governor when the general assembly is in regular session or when any measure adopted by the general assembly in a regular session is pending before the governor for approval or disapproval; or

(B) The lieutenant governor, the secretary of state, the state treasurer, the attorney general, or a candidate for any of such offices when the general assembly is in regular session.

(b) As used in this subsection (1):

(I) "Principal" means any person that employs, retains, engages, or uses, with or without compensation, a professional or volunteer lobbyist. One does not become a principal, nor may one be considered a principal, merely by belonging to an organization or owning stock in a corporation which THAT employs a lobbyist.

(II) The terms "professional lobbyist" and "volunteer lobbyist" shall have the meanings ascribed to them in section 24-6-301, C.R.S.

(c) (I) Nothing contained in this ~~subsection (13)~~ SUBSECTION (1) shall be construed to prohibit lobbyists and their principals from raising money when the general assembly is in regular session or when regular session legislation is pending before the governor, except as specifically prohibited in paragraph (a) of this ~~subsection (13)~~ SUBSECTION (1).

(II) Nothing contained in this ~~subsection (13)~~ SUBSECTION (1) shall be construed to prohibit a lobbyist or principal of a lobbyist from participating in a fund-raising event of a political party when the general assembly is in regular session or when regular session legislation is pending before the governor, so long as the purpose of the event is not to raise money for specifically designated members of the general assembly, specifically designated candidates for the general assembly, the governor, or specifically designated candidates for governor.

(III) A payment by a lobbyist or a principal of a lobbyist to a political party to participate in such a fund-raising event ~~shall be attributed to the aggregate contributions of the lobbyist or principal of a lobbyist to the political party for purposes of subsection (4) of this section~~ and shall be reported as a contribution to the political party pursuant to section 1-45-108; except that, if the lobbyist or principal of a lobbyist receives a meal in return for a portion of the payment, only the amount of the payment in excess of the value of the meal shall be considered a contribution to the political party. The political party shall determine the value of the meal received for such payment, which shall approximate the actual value of the meal.

(IV) A gift of a meal described in subparagraph (III) of this paragraph (c) by a lobbyist or a principal of a lobbyist to an incumbent in or a candidate elected to any office described in paragraph (a) of this ~~subsection (13)~~ SUBSECTION (1) shall be reported as follows:

(A) The lobbyist shall report the value of the meal in the lobbyist disclosure statement filed pursuant to section 24-6-302, C.R.S.

(B) The incumbent or candidate shall report the value of the meal in the public official disclosure statement filed pursuant to section 24-6-203, C.R.S.

SECTION 2. 1-45-103 (4) (a) (III), (10) (b), and (12), Colorado Revised Statutes, are 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:

(1.3) "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.

(4) (a) "Contribution" means:

~~(III) The fair market value of any gift or loan of property made to any candidate committee, issue committee, political committee, or political party;~~

(4.5) (a) "CONTRIBUTION IN KIND" MEANS THE FAIR MARKET VALUE OF A GIFT OR LOAN OF ANY ITEM OF REAL OR PERSONAL PROPERTY, OTHER THAN MONEY, MADE TO OR FOR ANY CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, OR POLITICAL PARTY FOR THE PURPOSE OF INFLUENCING THE PASSAGE OR DEFEAT OF ANY ISSUE OR THE NOMINATION, RETENTION, ELECTION, OR DEFEAT OF ANY CANDIDATE. PERSONAL SERVICES ARE A CONTRIBUTION IN KIND BY THE PERSON PAYING COMPENSATION THEREFOR. IN DETERMINING THE VALUE TO BE PLACED ON CONTRIBUTIONS IN KIND, A REASONABLE ESTIMATE OF FAIR MARKET VALUE SHALL BE USED.

(b) "CONTRIBUTION IN KIND" DOES NOT INCLUDE AN ENDORSEMENT OF A CANDIDATE OR AN ISSUE BY ANY PERSON.

(c) "CONTRIBUTION IN KIND" DOES NOT INCLUDE THE PAYMENT OF COMPENSATION FOR LEGAL AND ACCOUNTING SERVICES RENDERED TO A CANDIDATE IF THE PERSON PAYING FOR THE SERVICES IS THE REGULAR EMPLOYER OF THE INDIVIDUAL RENDERING THE SERVICES AND THE SERVICES ARE SOLELY FOR THE PURPOSE OF ENSURING COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE.

~~(10) (b) For purposes of this article, the following are treated as a single political committee:~~

~~(I) All political committees established by a single corporation or its subsidiaries;~~

~~(II) All political committees established by a single labor organization unless the political committee is established by a local unit of the labor organization which has the authority to endorse candidates independently of the state and national units and if the local unit contributes only funds raised from its members;~~

~~(III) All political committees established by the same political party;~~

~~(IV) All political committees established by substantially the same group of persons;~~

(12) "Political party" means any group of registered electors who, by petition or assembly, nominate candidates for the official general election ballot. ~~"Political party" includes affiliated party organizations at the state, county, and election district levels and all such affiliates are considered to be a single entity for purposes of this article.~~ A POLITICAL PARTY AT THE STATE, COUNTY, DISTRICT, OR LOCAL LEVEL IS A SEPARATE POLITICAL PARTY FOR PURPOSES OF THIS ARTICLE.

SECTION 3. 1-45-103 (4) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

1-45-103. Definitions. As used in this article:

(4) (a) "Contribution" means:

(V) WITH REGARD TO A CONTRIBUTION FOR WHICH THE CONTRIBUTOR RECEIVES COMPENSATION OR CONSIDERATION OF LESS THAN EQUIVALENT VALUE TO SUCH CONTRIBUTION, INCLUDING, BUT NOT LIMITED TO, ITEMS OF PERISHABLE OR NONPERMANENT VALUE, GOODS, SUPPLIES, SERVICES, OR PARTICIPATION IN A CAMPAIGN-RELATED EVENT, AN AMOUNT EQUAL TO THE VALUE IN EXCESS OF SUCH COMPENSATION OR CONSIDERATION AS DETERMINED BY THE CANDIDATE COMMITTEE.

SECTION 4. 1-45-106 (1) (a) and (2), Colorado Revised Statutes, are amended to read:

1-45-106. Unexpended campaign contributions. (1) (a) (I) Unexpended campaign contributions to a candidate committee may be:

(A) Contributed to a political party; ~~subject to the limitation set forth in section 1-45-104(4)~~

(B) CONTRIBUTED TO A CANDIDATE COMMITTEE ESTABLISHED BY THE SAME CANDIDATE FOR A DIFFERENT PUBLIC OFFICE, SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 1-45-105.3 (4) (b) AND (c), IF THE CANDIDATE COMMITTEE MAKING SUCH A CONTRIBUTION IS AFFIRMATIVELY CLOSED BY THE CANDIDATE NO LATER THAN TEN DAYS AFTER THE DATE SUCH A CONTRIBUTION IS MADE;

(C) Donated to a charitable organization recognized by the internal revenue service;

(D) Returned to the contributors, or retained by the committee for use by the candidate in a subsequent campaign. ~~pursuant to the restrictions set forth in subsection (2) of this section.~~

(II) In no event shall contributions to a candidate committee be used for personal purposes not reasonably related to supporting the election of the candidate.

(III) A CANDIDATE COMMITTEE FOR A FORMER OFFICEHOLDER OR A PERSON NOT ELECTED TO OFFICE SHALL EXPEND ALL OF THE UNEXPENDED CAMPAIGN CONTRIBUTIONS RETAINED BY SUCH CANDIDATE COMMITTEE, FOR THE PURPOSES SPECIFIED IN SUBSECTION (1) OF THIS SECTION, NO LATER THAN NINE YEARS FROM THE DATE SUCH OFFICEHOLDER'S TERM EXPIRED OR FROM THE DATE OF THE ELECTION AT

WHICH SUCH PERSON WAS A CANDIDATE FOR OFFICE, WHICHEVER IS LATER.

~~(2) Any unexpended campaign contributions retained by a candidate committee for use in a subsequent election cycle shall be counted and reported as contributions from political committees in any subsequent election for purposes of section 1-45-104(1) no matter how those contributions were originally classified.~~

SECTION 5. 1-45-108 (2) (a) and (2) (c), Colorado Revised Statutes, are amended, and the said 1-45-108 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

1-45-108. Disclosure. (2) (a) (I) EXCEPT AS PROVIDED IN SUBSECTIONS (2.3) AND (2.5) OF THIS SECTION, such reports that are required to be filed with the secretary of state shall be filed:

(A) Quarterly in off-election years NO LATER THAN THE FIFTEENTH CALENDAR DAY FOLLOWING THE END OF THE APPLICABLE QUARTER;

(B) ON THE FIRST MONDAY IN JULY AND ON EACH MONDAY EVERY TWO WEEKS THEREAFTER BEFORE THE PRIMARY ELECTION IF REPORTS CAN BE FILED ELECTRONICALLY THROUGH A WEBSITE ON THE INTERNET WITH THE SECRETARY OF STATE BY JULY 1, 2000; EXCEPT THAT NOTHING IN THIS SUB-SUBPARAGRAPH (B) SHALL REQUIRE FILING BY SUCH MEANS;

(C) On the first day of each month beginning the sixth full month before the major election; ~~and fourteen days before and~~ EXCEPT THAT NO MONTHLY REPORT SHALL BE REQUIRED ON THE FIRST DAY OF THE MONTH IN WHICH THE MAJOR ELECTION IS HELD;

(D) ON THE FIRST MONDAY IN SEPTEMBER AND ON EACH MONDAY EVERY TWO WEEKS THEREAFTER BEFORE THE MAJOR ELECTION;

(E) Thirty days after the major election in election years; and

(F) Fourteen days before and thirty days after a special legislative election held in an off-election year.

(II) Such reports that are required to be filed with the county clerk and recorder or with the municipal clerk shall be filed on the twenty-first day and on the Friday before and thirty 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.

(c) All reports filed with the secretary of state pursuant to this subsection (2) shall be ~~subject to the following:~~ FOR THE REPORTING PERIODS ESTABLISHED PURSUANT TO RULES PROMULGATED BY THE SECRETARY OF STATE IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

~~(f) The reporting period for a quarterly report shall close on the last day of the month and shall be filed no later than the fifteenth calendar day following the close of the reporting period.~~

~~(II) The reporting period for a monthly report shall close five calendar days prior to the last day of the month and shall be filed no later than the first calendar day of the following month.~~

~~(III) The reporting period for the report due fourteen calendar days prior to a major election shall close nineteen calendar days prior to the election, and the report shall be filed on the fourteenth calendar day prior to the election.~~

~~(IV) The reporting period for the report due thirty calendar days after a major election shall close on the last day of the calendar month in which the election was held and shall be filed no later than the thirtieth calendar day following the election.~~

~~(V) The reporting period for the report due fourteen calendar days prior to a special legislative election shall close nineteen calendar days prior to the special legislative election, and the report shall be filed on the fourteenth calendar day prior to the special legislative election.~~

~~(VI) The reporting period for the report due thirty calendar days after a special legislative election shall close twenty-five calendar days after the date on which such election was held, and the report shall be filed no later than the thirtieth calendar day following such election.~~

(2.3) A CANDIDATE COMMITTEE, POLITICAL COMMITTEE, ISSUE COMMITTEE, OR POLITICAL PARTY THAT UTILIZES THE ELECTRONIC FILING SYSTEM DESCRIBED IN SECTION 1-45-109 (6) TO FILE REPORTS WITH THE SECRETARY OF STATE SHALL HAVE TWO ADDITIONAL DAYS AFTER EACH DUE DATE PRESCRIBED IN PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION IN WHICH TO FILE SUCH REPORTS.

(2.5) IN ADDITION TO ANY REPORT REQUIRED TO BE FILED WITH THE SECRETARY OF STATE UNDER THIS SECTION, ALL CANDIDATE COMMITTEES, POLITICAL COMMITTEES, ISSUE COMMITTEES, AND POLITICAL PARTIES SHALL FILE A REPORT WITH THE SECRETARY OF STATE OF ANY CONTRIBUTION OR CONTRIBUTION IN KIND OF ONE THOUSAND DOLLARS OR MORE AT ANY TIME WITHIN THIRTY DAYS PRECEDING THE DATE OF THE PRIMARY ELECTION OR GENERAL ELECTION. THIS REPORT SHALL BE FILED WITH THE SECRETARY OF STATE NO LATER THAN TWENTY-FOUR HOURS AFTER RECEIPT OF SAID CONTRIBUTION OR CONTRIBUTION IN KIND.

SECTION 6. 1-45-108 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

1-45-108. Disclosure. (2) (d) A CANDIDATE COMMITTEE FOR A FORMER OFFICEHOLDER OR A PERSON NOT ELECTED TO OFFICE THAT HAS NO CHANGE IN THE BALANCE OF FUNDS MAINTAINED BY SUCH COMMITTEE, RECEIVES NO CONTRIBUTIONS, MAKES NO EXPENDITURES, AND ENTERS INTO NO OBLIGATIONS DURING A REPORTING PERIOD SHALL NOT BE REQUIRED TO FILE A REPORT UNDER THIS SECTION FOR SUCH PERIOD.

SECTION 7. 1-45-109 (4), (5), and (6), Colorado Revised Statutes, are amended to read:

1-45-109. Filing - where to file - timeliness. (4) (a) All reports required by this

~~article shall be filed in duplicate with the appropriate officer. These reports~~ ALL REPORTS REQUIRED TO BE FILED BY THIS ARTICLE are public records and shall be open to inspection by the public during regular business hours. ~~One~~ A copy of the report shall be kept by the appropriate officer as a permanent record and ~~the other~~ A copy shall be made available immediately in a file for public inspection.

(b) Any report ~~which~~ THAT is deemed to be incomplete by the appropriate officer shall be accepted on a conditional basis and the committee or party treasurer shall be notified by ~~certified mail return receipt requested~~, as to any deficiencies found. IF AN ELECTRONIC MAIL ADDRESS IS ON FILE WITH THE SECRETARY OF STATE, THE SECRETARY OF STATE MAY ALSO PROVIDE SUCH NOTIFICATION BY ELECTRONIC MAIL. The committee or party treasurer shall have ~~five~~ SEVEN business days from ~~receipt~~ OF THE DATE OF MAILING such notice to file an addendum ~~which~~ THAT cures the deficiencies.

(5) (a) The secretary of state shall establish, operate, and maintain ~~such computer services as are necessary to maintain a telecommunications network that allows electronic read-only access to persons who wish to review the reports filed with the secretary of state's office pursuant to this article. The rates to be charged and procedures for such access shall be determined by the secretary of state. The rates to be charged shall be set at a level which offsets the costs to the secretary of state~~ A WEB SITE ON THE INTERNET, OR MODIFY, OPERATE, AND MAINTAIN AN EXISTING WEB SITE, SO AS TO ALLOW ANY PERSON WHO WISHES TO REVIEW REPORTS FILED WITH THE SECRETARY OF STATE'S OFFICE PURSUANT TO THIS ARTICLE ELECTRONIC READ-ONLY ACCESS TO SUCH REPORTS FREE OF CHARGE.

(b) ALL REPORTS REQUIRED TO BE FILED BY THIS ARTICLE THAT ARE ELECTRONICALLY FILED PURSUANT TO SUBSECTION (6) OF THIS SECTION SHALL BE MADE AVAILABLE ON SAID WEB SITE WITHIN FORTY-EIGHT HOURS AFTER FILING. IN ADDITION, THE WEB SITE SHALL ENABLE A USER TO PRODUCE SUMMARY REPORTS BASED ON SEARCH CRITERIA THAT SHALL INCLUDE, BUT NOT BE LIMITED TO THE REPORTING PERIOD, DATE, NAME OF THE PERSON MAKING A CONTRIBUTION OR EXPENDITURE, CANDIDATE, AND COMMITTEE. THE SECRETARY OF STATE MAY PROMULGATE RULES NECESSARY FOR THE IMPLEMENTATION OF THIS SUBSECTION (5). SUCH RULES SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

(6) (a) NO LATER THAN SEPTEMBER 1, 2000, OR AS NEAR TO SUCH DATE AS IS PRACTICABLE, the secretary of state shall establish, operate, and maintain a ~~telecommunications network~~ SYSTEM that enables electronic filing of the reports required by this article BY UTILIZING THE INTERNET. ~~The secretary of state shall make computer software available to use the electronic filing system. The procedures~~ RULES for use of the electronic filing system shall be ~~determined~~ PROMULGATED by the secretary of state IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

(b) In addition to any other method of filing, any person may use the electronic filing system described in paragraph (a) of this subsection (6) in order to meet the filing requirements of this article.

SECTION 8. 1-45-111 (1) (b) and (2), Colorado Revised Statutes, are amended, and the said 1-45-111 (1) is further amended BY THE ADDITION OF A NEW

PARAGRAPH, to read:

1-45-111. Duties of the secretary of state - enforcement. (1) The secretary of state shall:

(a.5) PROMULGATE SUCH RULES, IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AS MAY BE NECESSARY TO ADMINISTER AND ENFORCE ANY PROVISION OF THIS ARTICLE.

~~(b) Prepare forms for candidates to declare their voluntary acceptance of the campaign spending limits set forth in section 1-45-105(1) C.R.S. Such forms shall include an acknowledgment that the candidate has read the Fair Campaign Practices Act and understands its terms, requirements, and penalties; that the candidate voluntarily accepts the applicable spending limit; and that the candidate swears to abide by those spending limits. These forms shall be signed by the candidate under oath, notarized, filed with the secretary of state, and available to the public upon request.~~

(2) (a) Any person who believes that a violation of ~~this article~~ SECTION 1-45-105.3, 1-45-105.5, 1-45-106, 1-45-108, 1-45-114, 1-45-115, OR 1-45-117 has occurred may file a written complaint with the secretary of state no later than one hundred eighty days after the date of the alleged violation. The secretary of state shall ~~hold a hearing on~~ REFER the complaint ~~before~~ TO an administrative law judge. ~~within fifteen days of the filing of the complaint. A decision of the administrative law judge shall be issued and made public within ten days of the hearing.~~ THE PERSON FILING THE COMPLAINT SHALL BEAR THE BURDEN OF PROOF. If the administrative law judge determines that such violation has occurred, ~~the secretary of state shall so notify the attorney general and appropriate district attorney who may institute appropriate legal action against the alleged offender~~ SUCH DECISION SHALL INCLUDE ANY APPROPRIATE ORDER, SANCTION, OR RELIEF AUTHORIZED BY THIS ARTICLE. THE DECISION OF THE ADMINISTRATIVE LAW JUDGE SHALL BE FINAL AND SUBJECT TO REVIEW BY THE COURT OF APPEALS, PURSUANT TO SECTION 24-4-106 (11), C.R.S. THE DECISION MAY BE ENFORCED BY THE SECRETARY OF STATE OR BY THE PERSON FILING THE COMPLAINT.

~~(b) If, within ninety days after a complaint is filed with the secretary of state, no civil action for relief has been instituted by the attorney general, the complainant shall have a private right of action based on an alleged violation of this article and may institute a civil action in district court for any appropriate remedy. Any such action shall be filed within one year of the date the final report is filed with the appropriate officer. The prevailing party in any such private action shall be entitled to reasonable attorney fees and costs.~~

(c) The attorney general shall investigate complaints made against any candidate for the office of secretary of state using the same procedures set forth in paragraph (a) of this subsection (2). ~~Complainant shall have the same private right of action as set forth in paragraph (b) of this subsection.~~

SECTION 9. 1-45-113 (1), (2), (3), and (4), Colorado Revised Statutes, are amended to read:

1-45-113. Sanctions. (1) It shall be a class two misdemeanor for any person to willfully and intentionally violate ~~sections 1-45-104, 1-45-105, 1-45-106, or 1-45-107, C.R.S.~~ SECTION 1-45-105.3, 1-45-105.5, 1-45-106, 1-45-108, 1-45-114, 1-45-115, OR 1-45-117. It shall ~~also~~ be a class two misdemeanor for any person to willfully and intentionally fail to disclose any contribution or expenditure on any report filed pursuant to this article.

(2) In addition to ~~any other sanction imposed~~ THE CRIMINAL PENALTY PROVIDED FOR IN SUBSECTION (1) OF THIS SECTION, any person who INTENTIONALLY violates any provision of this article relating to contribution limits shall be ~~liable to the State of Colorado for~~ SUBJECT TO A CIVIL PENALTY OF double the amount contributed or received in violation of the applicable provision of this article. Candidates shall be personally liable for fines imposed against the candidate's committee.

(3) ~~Notwithstanding any other statutory provision to the contrary, any candidate convicted of violating any provision of this article shall not be qualified for any primary or general election ballot as a state or local candidate for a period of four years following the date of conviction.~~

(4) The appropriate officer, after proper notification by ~~certified mail, return receipt requested,~~ shall impose a penalty of ten dollars per day for each day that a statement or other information required to be filed ~~by this article~~ PURSUANT TO SECTION 1-45-107, 1-45-108, 1-45-109, OR 1-45-110 is not filed by the close of business on the day due. IF AN ELECTRONIC MAIL ADDRESS IS ON FILE WITH THE SECRETARY OF STATE, THE SECRETARY OF STATE MAY ALSO PROVIDE SUCH NOTIFICATION BY ELECTRONIC MAIL. Revenues collected from fees and penalties assessed by the secretary of state pursuant to this article shall be deposited in the department of state cash fund created in section 24-21-104 (3), C.R.S.

SECTION 10. 1-45-114, Colorado Revised Statutes, is amended to read:

1-45-114. Expenditures - political advertising - rates and charges. (1) No candidate shall pay to any radio or television station, newspaper, periodical, or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space, materials, or services. Any such rate shall not be rebated, directly or indirectly.

(2) ANY RADIO OR TELEVISION STATION, NEWSPAPER, OR PERIODICAL THAT CHARGES A CANDIDATE COMMITTEE A LOWER RATE FOR USE OF SPACE, MATERIALS, OR SERVICES THAN THE RATE SUCH STATION, NEWSPAPER, PERIODICAL, OR SUPPLIER CHARGES ANOTHER CANDIDATE COMMITTEE FOR THE SAME PUBLIC OFFICE FOR COMPARABLE USE OF SPACE, MATERIALS, OR SERVICES SHALL REPORT THE DIFFERENCE IN SUCH RATE AS A CONTRIBUTION IN KIND TO THE CANDIDATE COMMITTEE THAT IS CHARGED SUCH LOWER RATE PURSUANT TO SECTION 1-45-108.

(3) Nothing in this article shall be construed to prevent an adjustment in rates related to frequency, volume, production costs, and agency fees if such adjustments are offered consistently to other advertisers.

SECTION 11. 24-6-301 (1.9) (a) (IV), Colorado Revised Statutes, is amended to read:

24-6-301. Definitions. As used in this part 3, unless the context otherwise requires:

(1.9) (a) "Disclosure statement" means a written statement ~~which~~ THAT contains:

(IV) The name of any covered official to or for whom expenditures of fifty dollars or more have been made by or on behalf of the disclosing person for gift or entertainment purposes in connection with lobbying or for whom an expenditure was made by or on behalf of the disclosing person for a gift of a meal at a fund-raising event of a political party described in ~~section 1-45-104 (13) (c) (IV)~~ SECTION 1-45-105.5 (1) (c) (IV), C.R.S., during either the first six months or the second six months of a calendar year and the amount, date, and principal purpose of the gift or entertainment, if the covered official or a member of his or her family actually received such gift or entertainment, but expenditures of one dollar or less shall be reported under subparagraph (V) of this paragraph (a). All amounts spent by a professional lobbyist on a covered official for which the lobbyist is reimbursed, or the source of which is a contribution, shall be deemed to be for gift or entertainment purposes.

SECTION 12. Repeal. 1-45-104 and 1-45-105, Colorado Revised Statutes, are repealed.

SECTION 13. Effective date - applicability. This act shall take effect upon passage, and the limits on contributions and contributions in kind contained in this act shall apply to any natural person, corporation, labor organization, candidate committee, political party, political committee, or authorized committee subject to such limits for the portion of any election cycle or for the portion of the year remaining after such effective date, and for any election cycle or calendar year commencing after such effective date, whichever is applicable. Such limits shall not apply to any contributions and contributions in kind made prior to such effective date.

SECTION 14. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the provisions of this act.

SECTION 15. 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: March 15, 2000