

CHAPTER 234

ELECTIONS

HOUSE BILL 01-1070

BY REPRESENTATIVE(S) Hodge, Borodkin, Boyd, Coleman, Daniel, Garcia, Groff, Jahn, Marshall, Plant, Romanoff, Veiga, and Vigil;
also SENATOR(S) Gordon, Hernandez, Takis, Tate, and Tupa.

AN ACT

CONCERNING "FAIR CAMPAIGN PRACTICES ACT" REPORTS REQUIRED TO BE FILED WITH A COUNTY CLERK AND RECORDER, AND, IN CONNECTION THEREWITH, REQUIRING THE SECRETARY OF STATE TO POST THE REPORTS ON A WEB SITE AND DEVELOP A SYSTEM TO ALLOW ELECTRONIC FILING OF THE REPORTS, REQUIRING EACH COUNTY CLERK AND RECORDER WITH INTERNET ACCESS TO ELECTRONICALLY TRANSMIT THE REPORTS TO THE SECRETARY OF STATE, AND MAKING AN APPROPRIATION.

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

SECTION 1. 1-45-108 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

1-45-108. Disclosure. (3) All candidate committees, political committees, issue committees, and political parties shall register with the appropriate officer before accepting or making any contributions. Registration shall include a statement listing:

(f) ANY INTENT OF THE CANDIDATE COMMITTEE, POLITICAL COMMITTEE, ISSUE COMMITTEE, OR POLITICAL PARTY TO ELECTRONICALLY FILE REPORTS REQUIRED BY THIS ARTICLE THAT MAY BE FILED ELECTRONICALLY ON A WEB SITE OPERATED AND MAINTAINED BY THE SECRETARY OF STATE PURSUANT TO SECTION 1-45-109.

SECTION 2. 1-45-109 (1), Colorado Revised Statutes, is amended, and the said 1-45-109 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

1-45-109. Filing - where to file - timeliness. (1) For the purpose of meeting the filing and reporting requirements of this article, candidates for state wide office, the general assembly, district attorney, district court judge, or any office representing

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

more than one county, except candidates for school district director; the candidate committees for such candidates; political committees in support of or in opposition to such candidates; and issue committees in support of or in opposition to an issue on the ballot in more than one county shall file with the secretary of state. Candidates in municipal elections, their candidate committees, any political committee in support of or in opposition to such candidate, and an issue committee supporting or opposing a municipal ballot issue shall file with the municipal clerk. All other candidates, candidate committees, issue committees and political committees shall file with the county clerk and recorder of the county of their residence. HOWEVER, A REPORT REQUIRED TO BE FILED WITH A COUNTY CLERK AND RECORDER SHALL BE DEEMED PROPERLY FILED IF FILED ELECTRONICALLY PURSUANT TO SUBSECTION (8) OF THIS SECTION.

(7) (a) NO LATER THAN JANUARY 1, 2002, THE SECRETARY OF STATE SHALL EITHER MODIFY THE WEB SITE OPERATED AND MAINTAINED PURSUANT TO SUBSECTION (5) OF THIS SECTION OR ESTABLISH, OPERATE, AND MAINTAIN AN ADDITIONAL WEB SITE SO AS TO ALLOW ANY PERSON WHO WISHES TO REVIEW REPORTS FILED WITH A COUNTY CLERK AND RECORDER PURSUANT TO THIS ARTICLE AND ELECTRONICALLY TRANSMITTED TO THE SECRETARY OF STATE OR ELECTRONICALLY FILED IN ACCORDANCE WITH SUBSECTION (8) OF THIS SECTION ELECTRONIC READ-ONLY ACCESS TO SUCH REPORTS FREE OF CHARGE.

(b) WITHIN FORTY-EIGHT HOURS AFTER RECEIVING IN ELECTRONIC FORM FROM A CANDIDATE, CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, OR COUNTY CLERK AND RECORDER ANY REPORT REQUIRED TO BE FILED WITH A COUNTY CLERK AND RECORDER PURSUANT TO THIS ARTICLE, THE SECRETARY OF STATE SHALL MAKE THE REPORT AVAILABLE ON THE WEB SITE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (7). 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 (7). THE RULES SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

(8) (a) NO LATER THAN JANUARY 1, 2002, OR AS NEAR TO SUCH DATE AS PRACTICABLE, THE SECRETARY OF STATE SHALL EITHER MODIFY THE ELECTRONIC FILING SYSTEM OPERATED AND MAINTAINED PURSUANT TO SUBSECTION (6) OF THIS SECTION OR ESTABLISH, OPERATE, AND MAINTAIN AN ADDITIONAL SYSTEM TO ENABLE ELECTRONIC FILING, THROUGH UTILIZATION OF THE INTERNET, OF REPORTS REQUIRED TO BE FILED WITH A COUNTY CLERK AND RECORDER PURSUANT TO THIS ARTICLE.

(b) (I) BEFORE JANUARY 1, 2006, EACH COUNTY CLERK AND RECORDER WHO HAS THE TECHNOLOGY AVAILABLE TO ACCESS THE INTERNET MAY USE THE ELECTRONIC FILING SYSTEM DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (8) TO TRANSMIT ANY REPORT FILED WITH THE COUNTY CLERK AND RECORDER TO THE SECRETARY OF STATE.

(II) ON AND AFTER JANUARY 1, 2006, EACH COUNTY CLERK AND RECORDER SHALL USE THE ELECTRONIC FILING SYSTEM DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (8) TO TRANSMIT ANY REPORT FILED WITH THE COUNTY CLERK AND

RECORDER TO THE SECRETARY OF STATE.

(III) A COUNTY CLERK AND RECORDER SHALL TRANSMIT ANY REPORT TO BE TRANSMITTED TO THE SECRETARY OF STATE PURSUANT TO SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH (b) AS QUICKLY AS PRACTICABLE. THE COUNTY CLERK AND RECORDER SHALL CONVERT ANY REPORT THAT IS NOT ELECTRONICALLY FILED INTO ELECTRONIC FORMAT BEFORE TRANSMITTING THE REPORT TO THE SECRETARY OF STATE. A COUNTY CLERK AND RECORDER THAT DOES NOT HAVE THE TECHNOLOGY AVAILABLE TO ACCESS THE INTERNET SHALL NOT TRANSMIT REPORTS TO THE SECRETARY OF STATE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b). THE RULES FOR THE USE OF THE ELECTRONIC FILING SYSTEM SHALL BE PROMULGATED BY THE SECRETARY OF STATE IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

(c) (I) BEFORE JANUARY 1, 2006, ANY PERSON REQUIRED TO FILE REPORTS WITH A COUNTY CLERK AND RECORDER PURSUANT TO THIS ARTICLE MAY MEET THE FILING REQUIREMENTS BY USING THE ELECTRONIC FILING SYSTEM DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (8) IF THE COUNTY CLERK AND RECORDER HAS THE TECHNOLOGY AVAILABLE TO ACCESS THE INTERNET. IF THE COUNTY CLERK AND RECORDER DOES NOT HAVE THE TECHNOLOGY AVAILABLE TO ACCESS THE INTERNET, REPORTS SHALL NOT BE FILED ELECTRONICALLY.

(II) ON AND AFTER JANUARY 1, 2006, ANY PERSON REQUIRED TO FILE REPORTS WITH A COUNTY CLERK AND RECORDER PURSUANT TO THIS ARTICLE MAY MEET THE FILING REQUIREMENTS BY USING THE ELECTRONIC FILING SYSTEM DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (8).

(9) SUBSECTIONS (1), (7), AND (8) OF THIS SECTION SHALL NOT BE CONSTRUED TO REQUIRE THE SECRETARY OF THE STATE TO REVIEW REPORTS ELECTRONICALLY FILED BY PERSONS REQUIRED TO FILE REPORTS WITH A COUNTY CLERK AND RECORDER PURSUANT TO THIS ARTICLE OR TO IMPOSE ANY ENFORCEMENT DUTIES UPON THE SECRETARY OF STATE BEYOND THE DUTIES SPECIFIED IN SECTION 1-45-111.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated to the department of state, out of cash funds in the department of state cash fund not otherwise appropriated, for the fiscal year beginning July 1, 2001, the sum of one hundred fifty-seven thousand seventy-eight dollars (\$157,078) and 1.9 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 1, 2001