

CHAPTER 248

ELECTIONS

HOUSE BILL 04-1121

BY REPRESENTATIVE(S) Fairbank, Cadman, Clapp, Crane, Harvey, Hefley, King, Lee, May M., Miller, Schultheis, Spence, Spradley, and Stafford;
also SENATOR(S) Lamborn, Andrews, Arnold, Chlouber, Hillman, Jones, May R., and Teck.

AN ACT

CONCERNING THE TREATMENT UNDER LAWS REGULATING CAMPAIGN FINANCE OF CONTRIBUTIONS TO PERSONS INVOLVED IN THE POLITICAL PROCESS.

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

SECTION 1. 1-45-103.7, Colorado Revised Statutes, is amended to read:

1-45-103.7. Contribution limits. (1) Nothing in article XXVIII of the state constitution or this article shall be construed to prohibit a corporation or labor organization from making a contribution to a political committee.

(2) A POLITICAL COMMITTEE MAY RECEIVE AND ACCEPT MONEYS CONTRIBUTED TO SUCH COMMITTEE BY A CORPORATION OR LABOR ORGANIZATION PURSUANT TO SUBSECTION (1) OF THIS SECTION FOR DISBURSEMENT TO A CANDIDATE COMMITTEE OR POLITICAL PARTY WITHOUT DEPOSITING SUCH MONEYS IN AN ACCOUNT SEPARATE FROM THE ACCOUNT REQUIRED TO BE ESTABLISHED FOR THE RECEIPT AND ACCEPTANCE OF ALL CONTRIBUTIONS BY ALL COMMITTEES OR POLITICAL PARTIES IN ACCORDANCE WITH SECTION 3 (9) OF ARTICLE XXVIII OF THE STATE CONSTITUTION.

(3) A CANDIDATE COMMITTEE MAY ACCEPT:

(a) THE AGGREGATE CONTRIBUTION LIMIT SPECIFIED IN SECTION 3 (1) OF ARTICLE XXVIII OF THE STATE CONSTITUTION FOR A PRIMARY ELECTION AT ANY TIME AFTER THE DATE OF THE PRIMARY ELECTION IN WHICH THE CANDIDATE IN WHOSE NAME THE CANDIDATE COMMITTEE IS ACCEPTING CONTRIBUTIONS IS ON THE PRIMARY ELECTION BALLOT; OR

(b) THE AGGREGATE CONTRIBUTION LIMIT SPECIFIED IN SECTION 3 (1) OF ARTICLE

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

XXVIII OF THE STATE CONSTITUTION FOR A GENERAL ELECTION AT ANY TIME PRIOR TO THE DATE OF THE PRIMARY ELECTION IN WHICH THE CANDIDATE IN WHOSE NAME THE CANDIDATE COMMITTEE IS ACCEPTING CONTRIBUTIONS IS ON THE PRIMARY ELECTION BALLOT.

(4) A CANDIDATE COMMITTEE MAY EXPEND CONTRIBUTIONS RECEIVED AND ACCEPTED FOR A GENERAL ELECTION PRIOR TO THE DATE OF THE PRIMARY ELECTION IN WHICH THE CANDIDATE IN WHOSE NAME THE CANDIDATE COMMITTEE IS ACCEPTING CONTRIBUTIONS IS ON THE PRIMARY ELECTION BALLOT. A CANDIDATE COMMITTEE ESTABLISHED IN THE NAME OF A CANDIDATE WHO WINS THE PRIMARY ELECTION MAY EXPEND CONTRIBUTIONS RECEIVED AND ACCEPTED FOR A PRIMARY ELECTION IN THE GENERAL ELECTION.

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

1-45-108. Disclosure - repeal. (1) (e) A CANDIDATE'S CANDIDATE COMMITTEE MAY REIMBURSE THE CANDIDATE FOR EXPENDITURES THE CANDIDATE HAS MADE ON BEHALF OF THE CANDIDATE COMMITTEE. ANY SUCH EXPENDITURES MAY BE REIMBURSED AT ANY TIME. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY EXPENDITURE REIMBURSED TO THE CANDIDATE BY THE CANDIDATE'S CANDIDATE COMMITTEE WITHIN THE ELECTION CYCLE DURING WHICH THE EXPENDITURE IS MADE SHALL BE TREATED ONLY AS AN EXPENDITURE AND NOT AS A CONTRIBUTION TO AND AN EXPENDITURE BY THE CANDIDATE'S CANDIDATE COMMITTEE. NOTWITHSTANDING THE DATE ON WHICH ANY SUCH EXPENDITURE IS REIMBURSED, THE EXPENDITURE SHALL BE REPORTED AT THE TIME IT IS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

SECTION 3. The introductory portion to section 1-45-108 (3), Colorado Revised Statutes, is amended, and the said 1-45-108 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

1-45-108. Disclosure - repeal. (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3.5) OF THIS SECTION, all candidate committees, political committees, issue committees, small donor committees, and political parties shall register with the appropriate officer before accepting or making any contributions. Registration shall include a statement listing:

(3.5) ANY POLITICAL COMMITTEE THAT HAS REGISTERED WITH THE FEDERAL ELECTION COMMISSION MAY FILE WITH THE APPROPRIATE OFFICER A COPY OF THE REGISTRATION FILED WITH THE FEDERAL ELECTION COMMISSION AND, INsofar AS SUCH REGISTRATION CONTAINS SUBSTANTIALLY THE SAME INFORMATION REQUIRED BY SUBSECTION (3) OF THIS SECTION, THE POLITICAL COMMITTEE SHALL BE CONSIDERED TO HAVE REGISTERED WITH THE APPROPRIATE OFFICER FOR PURPOSES OF SUBSECTION (3) OF THIS SECTION AND, THEREFORE, SHALL BE AUTHORIZED TO ACCEPT OR MAKE CONTRIBUTIONS AS PERMITTED BY LAW. ANY POLITICAL COMMITTEE THAT SATISFIES THE REQUIREMENTS OF THIS SUBSECTION (3.5) SHALL BE SUBJECT TO ALL OTHER LEGAL REQUIREMENTS PERTAINING TO CONTRIBUTIONS AND DISCLOSURE THAT ARE APPLICABLE TO POLITICAL COMMITTEES.

SECTION 4. Effective date - applicability. This act shall take effect on passage,

and its requirements shall apply to the portion of any election cycle or for the portion of the calendar year remaining after such effective date, and for any election cycle or calendar year commencing after such effective date, whichever is applicable.

SECTION 5. 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: May 21, 2004