

## CHAPTER 303

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**ELECTIONS**


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**SENATE BILL 07-259**

BY SENATOR(S) Gordon, and Tupa;  
 also REPRESENTATIVE(S) Carroll M., Buescher, Casso, Frangas, Gallegos, McGihon, Stephens, and Todd.

**AN ACT**

**CONCERNING IMPROVEMENTS TO THE SECRETARY OF STATE'S ELECTRONIC FILING SYSTEM FOR  
 CAMPAIGN FINANCE REPORTING, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** 1-45-109 (5), (6), (7), (8), and (9), Colorado Revised Statutes, are amended to read:

**1-45-109. Filing - where to file - timeliness.** (5) (a) The secretary of state shall ~~establish, operate and maintain a web site on the internet, or modify, operate, and maintain an existing web site,~~ WEBSITE so as to allow any person who wishes to review reports filed with the secretary of state's office OR WITH A COUNTY CLERK AND RECORDER 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 IMMEDIATELY on ~~said web site within forty-eight hours after filing~~ THE WEBSITE.

(c) ~~In addition,~~ The ~~web site~~ WEBSITE 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.

(d) AT THE EARLIEST PRACTICABLE DATE, THE SECRETARY OF STATE SHALL DEVELOP AND IMPLEMENT IMPROVEMENTS TO THE WEBSITE'S DESIGN AND STRUCTURE TO IMPROVE THE PUBLIC'S ABILITY TO NAVIGATE, SEARCH, BROWSE, DOWNLOAD, AND ANALYZE INFORMATION. SUCH IMPROVEMENTS SHALL INCLUDE BUT NEED NOT BE LIMITED TO:

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

(I) ENHANCED SEARCHING AND SUMMARY REPORTING, INCLUDING ADDITIONAL SEARCH FIELDS SUCH AS ZIP CODE, EMPLOYER, AND VENDOR, THE ABILITY TO SEARCH ACROSS MULTIPLE COMMITTEES AND ALL FILERS, THE ABILITY TO FILTER OR LIMIT SEARCHES, SUCH AS BY ELECTION CYCLE OR CANDIDATE, THE INCLUSION OF SMART-SEARCH FEATURES SUCH AS "NAME SOUNDS LIKE" OR "NAME CONTAINS", AND NUMERICAL TOTALING OF AMOUNTS SHOWN ON SEARCH RESULTS;

(II) FEATURES THAT FACILITATE THE ABILITY TO DOWNLOAD RAW DATA AND SEARCH RESULTS IN ONE OR MORE COMMON FORMATS TO ENABLE OFFLINE SORTING AND ANALYZING;

(III) DETAILED, TECHNICAL INSTRUCTIONS FOR USERS;

(IV) INFORMATION TO HELP USERS DETERMINE THE SCOPE OF CANDIDATES' AND COMMITTEES' REPORTS AND CAMPAIGN DATA AVAILABLE ONLINE, INCLUDING EXPLANATIONS OF WHICH TYPES OF REPORTS ARE AVAILABLE, THE PERIOD COVERED BY THE ONLINE DATA, AND WHICH SPECIFIC REPORTS CAN BE VIEWED FOR EACH CAMPAIGN COMMITTEE; AND

(V) RESOURCES THAT GIVE THE PUBLIC COMPARATIVE CONTEXT WHEN VIEWING CAMPAIGN FINANCE DATA, SUCH AS COMPILATIONS OF THE TOTAL AMOUNTS OF MONEY RAISED AND SPENT BY INDIVIDUAL CANDIDATES, LISTS OF TOTAL AMOUNTS RAISED AND SPENT BY ALL STATEWIDE AND LEGISLATIVE CANDIDATES, AND COMPILATIONS OF FUNDRAISING AND SPENDING ACROSS CANDIDATES AND ELECTION CYCLES.

(e) 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 system that enables electronic filing USING THE INTERNET of the reports required by this article ~~by utilizing the internet~~ TO BE FILED WITH THE SECRETARY OF STATE'S OFFICE OR WITH A COUNTY CLERK AND RECORDER. The rules for 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.

(b) In addition to any other method of filing, any person REQUIRED TO FILE WITH THE SECRETARY OF STATE'S OFFICE OR WITH A COUNTY CLERK AND RECORDER may use the electronic filing system described in paragraph (a) of this subsection (6) in order to meet the filing requirements of this article. Where a person uses such electronic filing system to meet the filing requirements of this article, the secretary of state shall acknowledge by electronic means the receipt of such filing.

(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, small donor committee, person expending one thousand dollars or more per calendar year on electioneering communications, 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) SUBSECTION (6) OF THIS SECTION 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)~~ SUBSECTION (6) OF THIS SECTION.

(9) Subsections (1) ~~(7)~~, and (8) of this section shall not be construed to require the secretary of 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 9 of article XXVIII of the state constitution.

**SECTION 2.** The introductory portion to 1-45-108 (2) (a) (I) and 1-45-108 (2) (a) (I) (B), Colorado Revised Statutes, are amended to read:

**1-45-108. Disclosure.** (2) (a) (I) Except as provided in subsections ~~(2.3)~~, (2.5), (2.7), and (6) of this section, such reports that are required to be filed with the secretary of state shall be filed:

(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;~~

**SECTION 3. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2007, the sum of eighty-six thousand six hundred seventy-nine dollars (\$86,679) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

**SECTION 4. Effective date.** This act shall take effect July 1, 2007.

**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 25, 2007