

## CHAPTER 361

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**ELECTIONS**

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**HOUSE BILL 09-1357**

BY REPRESENTATIVE(S) Vigil, Court, Fischer, Labuda, Massey;  
also SENATOR(S) Schwartz, Bacon, Boyd, Heath, Hudak, Penry, Romer, Shaffer B., Spence, Williams.

**AN ACT**

**CONCERNING A REQUIREMENT THAT CAMPAIGN FINANCE REPORTS REQUIRED TO BE FILED WITH THE COUNTY CLERK AND RECORDER BE FILED INSTEAD WITH THE SECRETARY OF STATE, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** 1-45-108 (2) (a) (II), (2) (e), and (2.5), Colorado Revised Statutes, are amended to read:

**1-45-108. Disclosure.** (2) (a) (II) Such reports that are required to be filed with the ~~county clerk and recorder or with the~~ municipal clerk AND SUCH REPORTS REQUIRED TO BE FILED PURSUANT TO SECTION 1-45-109 (1) (a) (II) AND (1) (c) 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.

(e) The reporting period for all reports required to be filed with the ~~county clerk and recorder or with the~~ municipal clerk AND SUCH REPORTS REQUIRED TO BE FILED PURSUANT TO SECTION 1-45-109 (1) (a) (II) AND (1) (c) shall close five calendar days prior to the effective date of filing.

(2.5) In addition to any report required to be filed with the secretary of state OR MUNICIPAL CLERK 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 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.

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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.*

**SECTION 2.** 1-45-109 (1), (5) (a), (6), (8) (b) (II), (8) (b) (III), (8) (c) (II), and (9), Colorado Revised Statutes, are amended, and the said 1-45-109 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-45-109. Filing - where to file - timeliness - repeal.** (1) For the purpose of meeting the filing and reporting requirements of this article:

(a) THE FOLLOWING SHALL FILE WITH THE SECRETARY OF STATE:

(I) Candidates for statewide office, the general assembly, district attorney, district court judge, or any office representing 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; issue committees in support of or in opposition to an issue on the ballot in more than one county; small donor committees making contributions to such candidates; and persons expending one thousand dollars or more per calendar year on electioneering communications. ~~shall file with the secretary of state.~~

(II) CANDIDATES IN SPECIAL DISTRICT ELECTIONS; THE CANDIDATE COMMITTEES OF SUCH CANDIDATES; POLITICAL COMMITTEES IN SUPPORT OF OR IN OPPOSITION TO SUCH CANDIDATES; ISSUE COMMITTEES SUPPORTING OR OPPOSING A SPECIAL DISTRICT BALLOT ISSUE; AND SMALL DONOR COMMITTEES MAKING CONTRIBUTIONS TO SUCH CANDIDATES.

(b) Candidates in municipal elections, their candidate committees, any political committee in support of or in opposition to such candidate, an issue committee supporting or opposing a municipal ballot issue, and small donor committees making contributions to such candidates shall file with the municipal clerk. ~~Candidates in special district elections, except candidates for director of the regional transportation district, the candidate committees of such candidates, political committees in support of or in opposition to such candidates, issue committees supporting or opposing a special district ballot issue, and small donor committees making contributions to such candidate shall file with the clerk and recorder of the county in which the district court having jurisdiction over the special district pursuant to section 32-1-303, C.R.S., is located.~~

(c) All other candidates, candidate committees, issue committees, political committees, and small donor 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 SECRETARY OF STATE.

(5) (a) The secretary of state shall operate and maintain a web site 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.

(6) (a) 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 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.

~~(8) (b) (II) Each county clerk and recorder shall use the electronic filing system described in 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 (H) 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.~~

~~(c) (II) 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 subsection (6) of this section.~~

(9) ~~Subsections (1) and (8)~~ SUBSECTION (1) 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.

(10) (a) EACH COUNTY CLERK AND RECORDER SHALL TRANSMIT ANY REPORT REQUIRED BY THIS ARTICLE FILED ON OR BEFORE DECEMBER 15, 2009, TO THE SECRETARY OF STATE USING THE ELECTRONIC FILING SYSTEM ESTABLISHED IN PARAGRAPH (a) OF SUBSECTION (6) OF THIS SECTION NOT LATER THAN DECEMBER 23, 2009. ANY SUCH REPORT SUBMITTED TO A COUNTY CLERK AND RECORDER ON OR AFTER DECEMBER 16, 2009, SHALL BE TRANSFERRED IMMEDIATELY TO THE SECRETARY OF STATE.

(b) EACH COUNTY CLERK AND RECORDER SHALL, WITHIN TEN DAYS FROM THE DATE OF A REQUEST FOR DATA SUBMITTED BY THE SECRETARY OF STATE, CERTIFY THAT THE DATA CONTAINED IN THE ELECTRONIC FILING SYSTEM IS COMPLETE AND ACCURATE. THE CERTIFICATION REQUIRED BY THIS PARAGRAPH (b) SHALL OCCUR NOT LATER THAN DECEMBER 23, 2009.

(c) EACH COUNTY CLERK AND RECORDER SHALL, TO THE EXTENT FEASIBLE, TAKE ALL APPROPRIATE MEASURES TO ASSIST THE SECRETARY OF STATE IN TRANSFERRING DATA CONTAINED IN THE ELECTRONIC FILING SYSTEM FROM THE CONTROL OF THE COUNTY CLERK AND RECORDER TO THE CONTROL OF THE SECRETARY OF STATE.

(d) EACH COUNTY CLERK AND RECORDER SHALL MAINTAIN A COPY OF ANY REPORT OR STATEMENT FILED WITH HIS OR HER OFFICE IN ACCORDANCE WITH THE

REQUIREMENTS OF THIS ARTICLE FOR A PERIOD OF ONE YEAR FROM THE DATE ON WHICH THE REPORT IS FILED. IN THE CASE OF A CANDIDATE FOR PUBLIC OFFICE WHO IS ELECTED TO SUCH OFFICE, THE COUNTY CLERK AND RECORDER SHALL MAINTAIN REPORTS AND FILINGS PERTAINING TO THE CANDIDATE FOR A PERIOD OF ONE YEAR FROM THE DATE THE CANDIDATE LEAVES PUBLIC OFFICE.

(e) THIS SUBSECTION (10) IS REPEALED, EFFECTIVE JANUARY 1, 2011.

**SECTION 3.** The introductory portion to 1-45-112 (1) and 1-45-112 (2), Colorado Revised Statutes, are amended to read:

**1-45-112. Duties of municipal clerk.** (1) The municipal clerk ~~and county clerk and recorder~~ shall:

(2) The secretary of state shall reimburse the municipal clerk ~~and the county clerk and recorder of each county~~ OF EACH MUNICIPALITY at the rate of two dollars per candidate per election to help defray the cost of implementing this article.

**SECTION 4. 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, 2009, the sum of two hundred six thousand fifty-three dollars (\$206,053) cash funds and 4.3 FTE, or so much thereof as may be necessary, for the implementation of this act.

**SECTION 5. Effective date - applicability.** This act shall take effect July 1, 2009, and shall apply to campaign finance reports required to be filed on or after January 1, 2010; except that section 1-45-109 (10), Colorado Revised Statutes, as contained in section 2 of this act, shall apply to campaign finance reports required to be filed on or after July 1, 2009.

**SECTION 6. 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, 2009