

CHAPTER 151

ELECTIONS

SENATE BILL 10-041

BY SENATOR(S) Bacon, Romer;
also REPRESENTATIVE(S) Nikkel, Gerou, Kerr J., Lambert, Schafer S., Summers.

AN ACT

CONCERNING TECHNICAL MODIFICATIONS TO STATUTORY PROVISIONS GOVERNING CAMPAIGN FINANCE.

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

SECTION 1. 1-45-106 (1) (a) (I) (B), Colorado Revised Statutes, is amended to read:

1-45-106. Unexpended campaign contributions. (1) (a) (I) Subject to the requirements of section 3 (3) (e) of article XXVIII of the state constitution, unexpended campaign contributions to a candidate committee may be:

(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)~~ SECTION 3 OF ARTICLE XXVIII OF THE STATE CONSTITUTION, 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;

SECTION 2. 1-45-108 (1) (a) (III), (3) (f), (3.3), (4), and (6), Colorado Revised Statutes, are amended to read:

1-45-108. Disclosure. (1) (a) (III) Any person who expends one thousand dollars or more per calendar year on electioneering communications shall report to the secretary of state, in accordance with the disclosure required by this section, the amount expended on the communications and the name and address of any person that contributes more than two hundred fifty dollars per year to the person expending one thousand dollars or more on the communications. If the person making ~~such~~ A contribution of MORE THAN two hundred fifty dollars ~~or more~~ is a natural person, the disclosure required by this section shall also include the person's

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

occupation and employer.

(3) Except as otherwise provided in subsection (3.5) of this section, all candidate committees, political 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:

~~(f) Any intent of the candidate committee, political committee, small donor 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.~~

(3.3) Subject to the provisions of subsection (7) of this section, each issue committee shall register with the appropriate officer within ten calendar days of accepting or making contributions or expenditures in excess of two hundred dollars to support or oppose any ballot issue or ballot question. If required to register under the requirements of this subsection (3.3), the registration of the issue committee shall include a statement containing the items listed in ~~paragraphs (a) to (f)~~ PARAGRAPHS (a) TO (e) of subsection (3) of this section in connection with other committees and a political party.

~~(4) For purposes of subsection (3) of this section, a political committee in existence on January 1, 1997, shall register with the secretary of state on or before April 1, 1997, pursuant to the requirements of this act.~~

(6) Any issue committee whose purpose is the recall of any elected official shall ~~file a committee registration~~ REGISTER with the appropriate officer within ten ~~business~~ CALENDAR days of ~~receiving its first contribution~~ ACCEPTING OR MAKING CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF TWO HUNDRED DOLLARS TO SUPPORT OR OPPOSE THE RECALL. Reports of contributions and expenditures shall be filed with the appropriate officer within fifteen days of the filing of the committee registration and every thirty days thereafter until the date of the recall election has been established and then fourteen days and seven days before the recall election and thirty days following the recall election.

SECTION 3. 1-45-109 (4) (b) and (6), Colorado Revised Statutes, are amended to read:

1-45-109. Filing - where to file - timeliness - repeal. (4) (b) Any report 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 mail 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 ~~seven~~ FIFTEEN business days from the date ~~of mailing~~ such notice IS SENT, WHETHER ELECTRONICALLY OR BY UNITED STATES MAIL, to file an addendum that cures the deficiencies.

(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. IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-21-111 (1), C.R.S., THE SECRETARY MAY REQUIRE ANY FILING UNDER

THIS SECTION TO BE MADE BY ELECTRONIC MEANS AS DETERMINED BY THE SECRETARY. 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 ~~may~~ SHALL use the electronic filing system described in paragraph (a) of this subsection (6) in order to meet the filing requirements of this article, IF SO REQUIRED BY THE SECRETARY IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (6), EXCEPT IN SO FAR AS AN ALTERNATE METHOD OF FILING MAY BE PERMITTED BY THE SECRETARY. 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.

SECTION 4. 1-45-110 (3), Colorado Revised Statutes, is amended to read:

1-45-110. Candidate affidavit - disclosure statement. (3) Failure of any person to file the affidavit or THE disclosure statement required ~~under this~~ BY SUBSECTION (2) OF THIS SECTION shall result in the disqualification of such person as a candidate for the office being sought. Disqualification shall occur only after the ~~appropriate officer~~ DESIGNATED ELECTION OFFICIAL CERTIFYING THE BALLOT PURSUANT TO SECTION 1-5-203 (3) (a) has sent a notice to the person by certified mail, return receipt requested, addressed to the person's ~~residence~~ MAILING address. The notice shall state that the person will be disqualified as a candidate if the person fails to file the appropriate document within five business days of receipt of the notice.

SECTION 5. The introductory portion to 24-6-202 (1), Colorado Revised Statutes, is amended, and the said 24-6-202 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-6-202. Disclosure - contents - filing - false or incomplete filing - penalty. (1) ~~Not more than thirty days after their~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1.7) OF THIS SECTION, NOT LATER THAN THE JANUARY 10 FOLLOWING HIS OR HER election, reelection, appointment, or retention in office, written disclosure, in such form as the secretary of state shall prescribe, stating the interests named in subsection (2) of this section shall be made to and filed with the secretary of state of Colorado by:

(1.7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ANY PERSON WHO HAS TIMELY FILED AN AMENDED STATEMENT WITH THE SECRETARY OF STATE PURSUANT TO SUBSECTION (4) OF THIS SECTION IS NOT REQUIRED TO ADDITIONALLY FILE A DISCLOSURE STATEMENT SATISFYING THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION BY THE JANUARY 10 FOLLOWING HIS OR HER ELECTION, REELECTION, APPOINTMENT, OR RETENTION IN OFFICE.

SECTION 6. Specified effective date. This act shall take effect July 1, 2010.

SECTION 7. 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: April 21, 2010