

HB1155\_L.002

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.HB17-1155 be amended as follows:

1 Amend printed bill, page 2, strike everything below the enacting clause  
2 and substitute the following:

3 "SECTION 1. In Colorado Revised Statutes, 1-45-109, amend  
4 (4)(b); and add (4)(c) and (12) as follows:

5 **1-45-109. Filing - where to file - timeliness - definition.**  
6 (4) (b) Any report that is deemed to be incomplete by the appropriate  
7 officer shall be accepted on a conditional basis and the committee or party  
8 treasurer shall MUST be notified by mail as to any deficiencies found. If  
9 an ~~electronic mail~~ E-MAIL address is on file with the secretary of state, the  
10 secretary of state may also provide such notification by ~~electronic mail~~  
11 E-MAIL. The committee or party treasurer shall have HAS fifteen business  
12 days from the date such notice is sent, whether electronically or by United  
13 States mail, to file an addendum that cures the deficiencies.

14 (c) (I) UPON RECEIPT OF A COMPLAINT BROUGHT UNDER SECTION  
15 9 (2)(a) OF ARTICLE XXVIII OF THE STATE CONSTITUTION ALLEGING A  
16 FAILURE TO FILE OTHER INFORMATION REQUIRED TO BE FILED OR  
17 DISCLOSED PURSUANT TO ARTICLE XXVIII OF THE STATE CONSTITUTION  
18 OR THIS ARTICLE 45, THE SECRETARY OF STATE SHALL GIVE NOTICE TO THE  
19 COMMITTEE BY E-MAIL OF THE DEFICIENCIES ALLEGED IN THE COMPLAINT.  
20 SERVICE OF THE NOTICE DOES NOT TOLL OR OTHERWISE AFFECT THE  
21 THREE-DAY PERIOD DURING WHICH THE SECRETARY OF STATE IS REQUIRED  
22 TO REFER A COMPLAINT TO AN ADMINISTRATIVE LAW JUDGE PURSUANT TO  
23 SECTION 9 (2)(a) OF ARTICLE XXVIII OF THE STATE CONSTITUTION. UPON  
24 RECEIPT OF THE NOTICE FROM THE SECRETARY OF STATE, THE COMMITTEE  
25 MAY REQUEST FROM THE APPROPRIATE OFFICER A POSTPONEMENT OF THE  
26 HEARING BROUGHT UNDER SECTION 9 (2)(a) OF ARTICLE XXVIII OF THE  
27 STATE CONSTITUTION AND, IF SUCH REQUEST IS TIMELY SUBMITTED, HAS  
28 FIFTEEN BUSINESS DAYS FROM THE DATE OF THE NOTICE TO FILE AN  
29 ADDENDUM TO THE RELEVANT REPORT THAT CURES ANY SUCH  
30 DEFICIENCIES IN THE DISCLOSURE SPECIFIED IN THE NOTICE. THE  
31 COMMITTEE SHALL ALSO PROVIDE THE COMPLAINANT NOTICE OF THE  
32 ENTITY'S INTENT TO CURE AND A COPY OF THE ADDENDUM ON THE SAME  
33 DAY THAT THE ADDENDUM IS FILED WITH THE SECRETARY OF STATE.  
34 WHERE THE COMMITTEE FILES AN ADDENDUM THAT CURES ALL  
35 DEFICIENCIES ALLEGED IN THE COMPLAINT BEFORE THE EXPIRATION OF  
36 THE FIFTEEN-DAY PERIOD SPECIFIED IN THIS SUBSECTION (4)(c)(I), THE  
37 APPROPRIATE OFFICER SHALL NOT ASSESS A PENALTY AGAINST THE

1 COMMITTEE THAT OTHERWISE WOULD HAVE BEEN ASSESSED FOR THE  
2 DEFICIENCIES FOR THE PERIOD FROM THE FIRST DATE OF THE ALLEGED  
3 VIOLATION THROUGH THE EXPIRATION OF THE CURE PERIOD.

4 (II) UPON FILING AN ADDENDUM TO THE RELEVANT REPORT BY THE  
5 COMMITTEE THAT CURES ALL SUCH DEFICIENCIES IN ACCORDANCE WITH  
6 SUBSECTION (4)(c)(I) OF THIS SECTION, THE APPROPRIATE OFFICER SHALL  
7 SET A HEARING WITHIN THIRTY DAYS OF THE NOTICE TO DETERMINE  
8 WHETHER ALL ISSUES RAISED BY THE COMPLAINT HAVE BEEN RESOLVED.  
9 IF THE COMMITTEE FAILS TO CURE ANY SUCH DEFICIENCY, ANY PENALTY  
10 IMPOSED FOR THE DEFICIENCY CONTINUES TO ACCRUE UNTIL FURTHER  
11 RESOLUTION OF THE MATTER. NOTWITHSTANDING ANY OTHER PROVISION  
12 OF LAW, SUBSECTION (4)(c)(I) OF THIS SECTION ONLY APPLIES IN THE CASE  
13 OF A GOOD FAITH EFFORT BY A COMMITTEE TO MAKE A TIMELY  
14 DISCLOSURE IN ACCORDANCE WITH ARTICLE XXVIII OF THE STATE  
15 CONSTITUTION OR THIS ARTICLE 45 OR WHERE THE DISCLOSURE MADE BY  
16 THE COMMITTEE IS IN SUBSTANTIAL COMPLIANCE WITH SUCH LEGAL  
17 REQUIREMENTS. THE COMMITTEE HAS THE BURDEN OF DEMONSTRATING  
18 GOOD FAITH OR SUBSTANTIAL COMPLIANCE UNDER THIS SUBSECTION  
19 (4)(c)(II) BY A PREPONDERANCE OF THE EVIDENCE IN THE HEARING HELD  
20 BY THE APPROPRIATE OFFICER UNDER SECTION 9 (2)(a) OF ARTICLE  
21 XXVIII OF THE STATE CONSTITUTION. WHERE THE COMMITTEE FAILS TO  
22 SATISFY ITS BURDEN OF DEMONSTRATING EITHER GOOD FAITH OR  
23 SUBSTANTIAL COMPLIANCE, THE ADMINISTRATIVE LAW JUDGE SHALL  
24 IMPOSE A PENALTY OF FIFTY DOLLARS PER DAY FOR EACH DAY THE  
25 COMMITTEE HAS FAILED TO FILE OTHER INFORMATION REQUIRED TO BE  
26 FILED OR DISCLOSED PURSUANT TO ARTICLE XXVIII OF THE STATE  
27 CONSTITUTION OR THIS ARTICLE 45.

28 (12) FOR PURPOSES OF THIS SECTION, "APPROPRIATE OFFICER"  
29 MEANS A HEARING OFFICER OR AN ADMINISTRATIVE LAW JUDGE.

30 **SECTION 2. Act subject to petition - effective date -**  
31 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
32 the expiration of the ninety-day period after final adjournment of the  
33 general assembly (August 9, 2017, if adjournment sine die is on May 10,  
34 2017); except that, if a referendum petition is filed pursuant to section 1  
35 (3) of article V of the state constitution against this act or an item, section,  
36 or part of this act within such period, then the act, item, section, or part  
37 will not take effect unless approved by the people at the general election  
38 to be held in November 2018 and, in such case, will take effect on the  
39 date of the official declaration of the vote thereon by the governor.

40 (2) This act applies to the disclosure of campaign finance  
41 information made on or after the effective date of this act."

\*\* \*\* \*\* \*\* \*\*

