

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Civic, Military, & Veterans Affairs.

HB24-1283 be amended as follows:

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

3 "SECTION 1. In Colorado Revised Statutes, 1-45-111.7, **repeal**
4 (9)(b); and **add** (10) as follows:

5 **1-45-111.7. Campaign finance complaints - initial review -**
6 **curing violations - investigation and enforcement - hearings -**
7 **advisory opinions - document review - collection of debts resulting**
8 **from campaign finance penalties - definitions. (9) Debt collection.**

9 ~~(b) Any complaint arising out of a municipal campaign finance matter~~
10 ~~must be exclusively filed with the clerk of the applicable municipality.~~

11 (10) **Municipal complaints.** (a) A COMPLAINT ALLEGING THAT A
12 VIOLATION OF ARTICLE XXVIII OF THE STATE CONSTITUTION, THIS
13 ARTICLE 45, OR THE RULES HAS OCCURRED IN CONNECTION WITH A
14 MUNICIPAL CAMPAIGN FINANCE MATTER MUST BE FILED WITH THE CLERK
15 OF THE APPLICABLE MUNICIPALITY. UNLESS OTHERWISE PROVIDED BY
16 LOCAL LAW, A COMPLAINANT MUST FILE THE COMPLAINT IN WRITING, SIGN
17 THE COMPLAINT, AND IDENTIFY ONE OR MORE RESPONDENTS. THE
18 COMPLAINT SHALL BE FILED AND PROCESSED IN ACCORDANCE WITH LOCAL
19 LAW UNLESS REFERRED TO THE SECRETARY AS SPECIFIED IN SUBSECTION
20 (10)(c)(I) OR (10)(c)(II) OF THIS SECTION.

21 (b) THE CLERK SHALL CONDUCT AN INITIAL REVIEW OF A
22 CAMPAIGN FINANCE COMPLAINT WITHIN TEN BUSINESS DAYS OF RECEIVING
23 THE COMPLAINT OR WITHIN THE TIME SPECIFIED IN LOCAL LAW TO
24 DETERMINE WHETHER THE COMPLAINT SATISFIES THE REQUIREMENTS OF
25 SUBSECTION (10)(a) OF THIS SECTION OR THE REQUIREMENTS OF LOCAL
26 LAW, AS APPLICABLE. IF, AFTER INITIALLY REVIEWING A COMPLAINT
27 PURSUANT TO THIS SUBSECTION (10)(b), THE CLERK DETERMINES THAT A
28 COMPLAINT DOES NOT SATISFY THE REQUIREMENTS OF SUBSECTION (10)(a)
29 OF THIS SECTION, THE CLERK SHALL DISMISS THE COMPLAINT.

30 (c) (I) IF, AFTER INITIALLY REVIEWING A CAMPAIGN FINANCE
31 COMPLAINT PURSUANT TO SUBSECTION (10)(b) OF THIS SECTION, THE
32 CLERK DETERMINES THAT THE COMPLAINT SATISFIES THE REQUIREMENTS
33 OF SUBSECTION (10)(a) OF THIS SECTION AND LOCAL LAW, AS APPLICABLE,
34 BUT PRESENTS AN ACTUAL OR POTENTIAL CONFLICT FOR THE CLERK OR
35 THE CLERK'S STAFF, THE CLERK SHALL REFER THE COMPLAINT TO THE
36 SECRETARY, IN A FORM AND MANNER DETERMINED BY THE SECRETARY,
37 WITHIN FOURTEEN BUSINESS DAYS OF RECEIVING THE COMPLAINT IF THE
38 MUNICIPALITY HAS ADOPTED AN ORDINANCE REGARDING MUNICIPAL
39 CAMPAIGN FINANCE MATTERS THAT:

40 (A) AUTHORIZES THE MUNICIPALITY TO REFER A CAMPAIGN

1 FINANCE COMPLAINT TO THE SECRETARY BASED ON AN ACTUAL OR
2 POTENTIAL CONFLICT OF THE CLERK OR THE CLERK'S STAFF, AS
3 DETERMINED IN WRITING BY THE CLERK;

4 (B) AUTHORIZES THE SECRETARY TO USE THE PROVISIONS OF
5 SUBSECTIONS (3) TO (7) OF THIS SECTION TO PROCESS, INVESTIGATE, AND
6 RESOLVE THE CAMPAIGN FINANCE COMPLAINT; EXCEPT THAT THE
7 DETERMINATION OF WHETHER THE COMPLAINT WAS TIMELY FILED
8 PURSUANT TO SUBSECTION (3)(a)(I) OF THIS SECTION SHALL CONSIDER THE
9 TIME FOR FILING A COMPLAINT UNDER LOCAL LAW;

10 (C) PERMITS THE FILING OF A CAMPAIGN FINANCE COMPLAINT NO
11 MORE THAN ONE HUNDRED EIGHTY DAYS AFTER THE DATE ON WHICH THE
12 COMPLAINANT EITHER KNEW OR SHOULD HAVE KNOWN, BY THE EXERCISE
13 OF REASONABLE DILIGENCE, OF THE ALLEGED VIOLATION;

14 (D) REQUIRES THE FILING OF A CAMPAIGN FINANCE COMPLAINT TO
15 BE IN WRITING AND SIGNED BY THE COMPLAINANT ON A FORM PROVIDED
16 BY THE SECRETARY, INCLUDING IDENTIFICATION OF ONE OR MORE
17 RESPONDENTS AND INCLUDING THE INFORMATION REQUIRED TO BE
18 PROVIDED ON THE FORM;

19 (E) DIRECTS THE MUNICIPALITY TO COOPERATE WITH THE
20 SECRETARY IN THE PROCESSING AND INVESTIGATION OF THE CAMPAIGN
21 FINANCE COMPLAINT; AND

22 (F) DISCLAIMS ANY INTEREST OF THE MUNICIPALITY IN FINES
23 COLLECTED IN CONNECTION WITH A REFERRED CAMPAIGN FINANCE
24 COMPLAINT.

25 (II) IF THE CLERK OF A STATUTORY MUNICIPALITY THAT DOES NOT
26 HAVE A CAMPAIGN FINANCE COMPLAINT AND HEARING PROCESS
27 DETERMINES, AFTER INITIALLY REVIEWING A CAMPAIGN FINANCE
28 COMPLAINT PURSUANT TO SUBSECTION (10)(b) OF THIS SECTION, THAT A
29 COMPLAINT SATISFIES THE REQUIREMENTS OF SUBSECTION (10)(a) OF THIS
30 SECTION, THE CLERK SHALL REFER THE COMPLAINT TO THE SECRETARY, IN
31 A FORM AND MANNER DETERMINED BY THE SECRETARY, WITHIN FOURTEEN
32 BUSINESS DAYS OF RECEIVING THE COMPLAINT.

33 (d) UPON DISMISSING A COMPLAINT OR REFERRING A COMPLAINT
34 TO THE SECRETARY PURSUANT TO THIS SECTION, THE CLERK SHALL NOTIFY
35 THE COMPLAINANT OF THE CLERK'S ACTION BY E-MAIL OR BY REGULAR
36 MAIL IF E-MAIL IS UNAVAILABLE.

37 (e) A MUNICIPALITY MUST COOPERATE WITH THE SECRETARY IN
38 THE REVIEW, INVESTIGATION, AND DETERMINATION OF ANY CAMPAIGN
39 FINANCE COMPLAINT REFERRED TO THE SECRETARY PURSUANT TO THIS
40 SECTION.

41 (f) IF THE SECRETARY RECEIVES A CAMPAIGN FINANCE COMPLAINT
42 REFERRED BY A CLERK PURSUANT TO SUBSECTION (10)(c)(I) OR (10)(c)(II)
43 OF THIS SECTION, THE SECRETARY SHALL DEEM THE COMPLAINT FILED

1 PURSUANT TO SUBSECTION (2) OF THIS SECTION ON THE DATE OF RECEIPT
2 FROM THE CLERK, AND THE SECRETARY SHALL ENSURE THAT THE
3 COMPLAINT IS ADDRESSED IN ACCORDANCE WITH THE REQUIREMENTS OF
4 THIS SECTION. THE DETERMINATION THAT A CONFLICT EXISTS IS NOT
5 REVIEWABLE BY THE SECRETARY.

6 (g) THE SECRETARY SHALL APPLY THE SUBSTANTIVE PROVISIONS
7 OF A HOME RULE MUNICIPALITY'S LOCAL LAW IN PROCESSING,
8 INVESTIGATING, AND RESOLVING A CAMPAIGN FINANCE COMPLAINT
9 REFERRED TO THE SECRETARY PURSUANT TO THIS SECTION.

10 (h) ALL FINES COLLECTED IN CONNECTION WITH A REFERRED
11 CAMPAIGN FINANCE COMPLAINT ARE PAYABLE TO THE SECRETARY.

12 (i) THE ADOPTION OF A LOCAL LAW AUTHORIZING THE REFERRAL
13 OF A CAMPAIGN FINANCE COMPLAINT TO THE SECRETARY PURSUANT TO
14 THIS SECTION IS NOT A WAIVER OF THE APPLICATION OF ANY PROVISIONS
15 OF ARTICLE XX OR XXVIII OF THE STATE CONSTITUTION OR SECTION
16 1-45-116. NOTHING IN THIS SUBSECTION (10) REQUIRES A MUNICIPALITY
17 TO REPEAL AN ORDINANCE OR RESOLUTION ESTABLISHING A CAMPAIGN
18 FINANCE COMPLAINT AND HEARING PROCESS.

19 (j) AS USED IN THIS SUBSECTION (10):

20 (I) "CONFLICT" MEANS THE ACTUAL OR PERCEIVED INABILITY TO
21 PROCESS A CAMPAIGN FINANCE COMPLAINT OR IMPOSE A REMEDY IN A FAIR
22 AND IMPARTIAL MANNER, INCLUDING AN ACTUAL OR PERCEIVED BIAS OR
23 OTHER FACTORS THAT MAY IMPACT THE INDEPENDENCE OF THE
24 DECISION-MAKER REGARDING THE COMPLAINANT OR A CANDIDATE.

25 (II) "CLERK" MEANS THE CLERK OF A MUNICIPALITY OR THE
26 PERSON OR ENTITY DESIGNATED TO REVIEW CAMPAIGN FINANCE
27 COMPLAINTS UNDER A LOCAL LAW.

28 (III) "LOCAL LAW" MEANS A MUNICIPAL CHARTER, ORDINANCE, OR
29 RESOLUTION THAT ADDRESS THE MATTERS COVERED BY ARTICLE XXVIII
30 OF THE STATE CONSTITUTION AND THIS ARTICLE 45.

31 **SECTION 2. Act subject to petition - effective date -**
32 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
33 the expiration of the ninety-day period after final adjournment of the
34 general assembly; except that, if a referendum petition is filed pursuant
35 to section 1 (3) of article V of the state constitution against this act or an
36 item, section, or part of this act within such period, then the act, item,
37 section, or part will not take effect unless approved by the people at the
38 general election to be held in November 2024 and, in such case, will take
39 effect on the date of the official declaration of the vote thereon by the
40 governor.

41 (2) This act applies to municipal campaign finance complaints
42 filed on or after the applicable effective date of this act."

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