

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0543.01 Bob Lackner x4350

HOUSE BILL 16-1140

HOUSE SPONSORSHIP

Court and Pabon, Melton

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ESTABLISHMENT OF CONTRIBUTION LIMITS UNDER
102 THE "FAIR CAMPAIGN PRACTICES ACT" FOR CANDIDATES FOR
103 SCHOOL DISTRICT DIRECTOR.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

Current law regulating campaign finance does not set limits on contributions to candidates for school district director.

Section 2 of the bill:

! Sets aggregate limits on contributions to candidates for school district director from persons other than small donor

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

committees for any regular biennial or special school election in the amount of \$500; and

! Sets aggregate limits on contributions to candidates for school district director from small donor committees for any regular biennial or special school election in the amount of \$5,000.

Section 3 of the bill subjects the new contribution limits to existing statutory provisions governing the disclosure of campaign contributions.

Section 4 of the bill contains requirements governing when a candidate for school district director is required to provide disclosure of information concerning campaign contributions and clarifies that such candidates are required to file their disclosure with the secretary of state.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-45-103, **add** (15.5)
3 and (16.3) as follows:

4 **1-45-103. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (15.5) "SCHOOL DISTRICT DIRECTOR" MEANS A PERSON SERVING
7 AS A DIRECTOR ON THE BOARD OF EDUCATION OF ANY SCHOOL DISTRICT
8 WITHIN THE STATE, INCLUDING A SCHOOL DISTRICT COMPOSED OF A CITY
9 AND COUNTY.

10 (16.3) "SPECIAL SCHOOL ELECTION" MEANS ANY SCHOOL ELECTION
11 PROVIDED FOR BY LAW AND HELD AT A TIME OTHER THAN THE REGULAR
12 BIENNIAL SCHOOL ELECTION.

13 **SECTION 2.** In Colorado Revised Statutes, 1-45-103.7, **amend**
14 (7) (a) and (7) (b); and **add** (1.5) as follows:

15 **1-45-103.7. Contribution limits - treatment of independent**
16 **expenditure committees - contributions from limited liability**
17 **companies - voter instructions on spending limits - definitions.**

18 (1.5) (a) THE MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT

1 A PERSON, INCLUDING A POLITICAL COMMITTEE BUT NOT INCLUDING A
2 SMALL DONOR COMMITTEE, MAY MAKE TO A CANDIDATE COMMITTEE OF
3 A CANDIDATE FOR SCHOOL DISTRICT DIRECTOR, AND THAT A CANDIDATE
4 COMMITTEE FOR SUCH CANDIDATE MAY ACCEPT FROM ANY ONE PERSON
5 EXCLUDING A SMALL DONOR COMMITTEE, FOR A REGULAR BIENNIAL
6 SCHOOL ELECTION OR SPECIAL SCHOOL ELECTION, AS APPLICABLE, IS FIVE
7 HUNDRED DOLLARS.

8 (b) THE MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT
9 A SMALL DONOR COMMITTEE MAY MAKE TO A CANDIDATE COMMITTEE OF
10 A CANDIDATE FOR SCHOOL DISTRICT DIRECTOR, AND THAT A CANDIDATE
11 COMMITTEE FOR SUCH CANDIDATE MAY ACCEPT FROM ANY ONE SMALL
12 DONOR COMMITTEE, FOR A REGULAR BIENNIAL OR SPECIAL SCHOOL
13 ELECTION, AS APPLICABLE, IS FIVE THOUSAND DOLLARS.

14 (c) THE REQUIREMENTS OF SECTIONS 1-45-108 AND 1-45-109, AS
15 APPROPRIATE, APPLY TO ANY CONTRIBUTION MADE OR RECEIVED THAT IS
16 SUBJECT TO THE PROVISIONS OF PARAGRAPH (a) OR (b) OF THIS
17 SUBSECTION (1.5).

18 (7) (a) Any person who believes that a violation of ~~subsection (5)~~
19 ~~or (6)~~ SUBSECTION (1.5), (5), OR (6) of this section has occurred may file
20 a written complaint with the secretary of state no later than one hundred
21 eighty days after the date of the alleged violation. The complaint ~~shall be~~
22 IS subject to all applicable procedures specified in section 9 (2) of article
23 XXVIII of the state constitution, SECTION 1-45-111.5, OR THE SECRETARY
24 OF STATE'S RULES CONCERNING CAMPAIGN AND POLITICAL FINANCE.

25 (b) Any person who has violated any of the provisions of
26 SUBSECTION (1.5), paragraph (a), (b), or (c) of subsection (5), or
27 subsection (6) of this section ~~shall be~~ IS subject to a civil penalty of at

1 least double and up to five times the amount contributed or received in
2 violation of the applicable provision.

3 **SECTION 3.** In Colorado Revised Statutes, 1-45-108, **amend** (2)
4 (a) (I) introductory portion and (2.5); and **add** (2.1) as follows:

5 **1-45-108. Disclosure - definition.** (2) (a) (I) Except as provided
6 in ~~subsections (2.5), (2.7), and (6)~~ SUBSECTIONS (2.1), (2.5), (2.7), AND (6)
7 of this section, such reports that are required to be filed with the secretary
8 of state shall be filed:

9 (2.1) IN THE CASE OF A REGULAR BIENNIAL SCHOOL ELECTION OR
10 A SPECIAL SCHOOL ELECTION, A CANDIDATE FOR SCHOOL DISTRICT
11 DIRECTOR SHALL FILE REPORTS THAT ARE REQUIRED TO BE FILED WITH THE
12 SECRETARY OF STATE AS FOLLOWS:

13 (a) QUARTERLY IN OFF-ELECTION YEARS NO LATER THAN THE
14 FIFTEENTH CALENDAR DAY FOLLOWING THE END OF THE APPLICABLE
15 QUARTER;

16 (b) EIGHT WEEKS BEFORE THE ELECTION AND ON EACH MONDAY
17 EVERY TWO WEEKS THEREAFTER BEFORE THE ELECTION;

18 (c) ON THE FIRST DAY OF EACH MONTH BEGINNING THE SIXTH FULL
19 MONTH BEFORE THE ELECTION; EXCEPT THAT NO MONTHLY REPORT SHALL
20 BE REQUIRED DURING A PERIOD THAT IS COVERED BY PARAGRAPH (b) OR
21 (d) OF THIS SUBSECTION (2.1);

22 (d) IN THE CASE OF A RUNOFF ELECTION, ON THE FIRST MONDAY
23 FOUR WEEKS BEFORE THE RUNOFF ELECTION AND ON EACH MONDAY
24 EVERY TWO WEEKS THEREAFTER BEFORE THE RUNOFF ELECTION; AND

25 (e) THIRTY DAYS AFTER THE ELECTION IN ELECTION YEARS.

26 (2.5) In addition to any report required to be filed with the
27 secretary of state or municipal clerk under this section, all candidate

1 committees, political committees, issue committees, and political parties
2 shall file a report with the secretary of state of any contribution of one
3 thousand dollars or more at any time within thirty days preceding the date
4 of the primary election, ~~or~~ general election, REGULAR BIENNIAL SCHOOL
5 ELECTION, OR SPECIAL SCHOOL ELECTION. This report shall be filed with
6 the secretary of state no later than twenty-four hours after receipt of said
7 contribution.

8 **SECTION 4.** In Colorado Revised Statutes, 1-45-109, **amend** (1)
9 (a) (II) as follows:

10 **1-45-109. Filing - where to file - timeliness.** (1) For the purpose
11 of meeting the filing and reporting requirements of this article:

12 (a) The following shall file with the secretary of state:

13 (II) Candidates in special district AND SCHOOL DISTRICT DIRECTOR
14 elections; the candidate committees of such candidates; political
15 committees in support of or in opposition to such candidates; issue
16 committees supporting or opposing a special district ballot issue; and
17 small donor committees making contributions to such candidates.

18 **SECTION 5.** In Colorado Revised Statutes, 22-31-103, **amend**
19 (1) as follows:

20 **22-31-103. Board of education to govern conduct of school**
21 **elections - contract with county clerk and recorder.** (1) Except as
22 otherwise provided in this article, the board of education of each school
23 district shall govern the conduct of all school elections in the district,
24 shall designate an election official who shall be responsible for
25 conducting the election, and shall render all interpretations and make all
26 initial decisions as to controversies or other matters arising in the conduct
27 of such elections. All elections authorized in this article shall be

1 conducted pursuant to the provisions of articles 1 to 13 of title 1, C.R.S.
2 LIMITS ON CONTRIBUTIONS TO CANDIDATES FOR THE BOARD OF
3 EDUCATION OF A SCHOOL DISTRICT ARE SPECIFIED IN SECTION 1-45-103.7
4 (1.5), C.R.S. THE DISCLOSURE OF SUCH CONTRIBUTIONS IS GOVERNED IN
5 ACCORDANCE WITH THE PROVISIONS OF SECTIONS 1-45-108 AND 1-45-109,
6 C.R.S.

7 **SECTION 6.** In Colorado Revised Statutes, 22-31-131, **amend**
8 (1) as follows:

9 **22-31-131. Election procedures in districts composed of a city**
10 **and county.** (1) The regular biennial school election in each school
11 district coterminous with a city and county shall be held on the first
12 Tuesday in November of each odd-numbered year, shall be conducted and
13 supervised by the election commission of the city and county, and shall
14 be governed by the provisions of articles 1 to 13 of title 1, C.R.S. LIMITS
15 ON CONTRIBUTIONS TO CANDIDATES FOR THE BOARD OF EDUCATION OF
16 SUCH SCHOOL DISTRICT ARE SPECIFIED IN SECTION 1-45-103.7(1.5), C.R.S.
17 THE DISCLOSURE OF SUCH CONTRIBUTIONS IS GOVERNED IN ACCORDANCE
18 WITH THE PROVISIONS OF SECTIONS 1-45-108 AND 1-45-109, C.R.S.

19 **SECTION 7.** In Colorado Revised Statutes, 32-9-111, **amend** (5)
20 (f) as follows:

21 **32-9-111. Election of directors - dates - terms.** (5) (f) Every
22 candidate for director shall comply with the provisions of article 45 of
23 title 1, C.R.S. LIMITS ON CONTRIBUTIONS TO CANDIDATES FOR DIRECTOR
24 ARE SPECIFIED IN SECTION 1-45-103.7 (1.5), C.R.S. THE DISCLOSURE OF
25 SUCH CONTRIBUTIONS IS GOVERNED IN ACCORDANCE WITH THE
26 PROVISIONS OF SECTIONS 1-45-108 AND 1-45-109, C.R.S.

27 **SECTION 8. Effective date - applicability.** This act takes effect

1 July 1, 2016, and applies to the portion of any election cycle or for the
2 portion of the calendar year remaining after said date, and for any election
3 cycle or calendar year commencing after said date.

4 **SECTION 9. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.