

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0561.01 Bob Lackner x4350

SENATE BILL 18-075

SENATE SPONSORSHIP

Merrifield,

HOUSE SPONSORSHIP

Arndt,

Senate Committees

State, Veterans, & Military Affairs

House 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://leg.colorado.gov>.)

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 or bold & italic numbers 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 subjects the new contribution limits to existing statutory provisions governing the disclosure of campaign contributions.

Section 4 contains requirements governing when a candidate for school district director is required to disclose 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, **amend** the
3 introductory portion; and **add** (15.7) and (16.4) as follows:

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

6 (15.7) "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 (16.4) "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
19 A PERSON, INCLUDING A POLITICAL COMMITTEE BUT NOT INCLUDING A

1 SMALL DONOR COMMITTEE, MAY MAKE TO A CANDIDATE COMMITTEE OF
2 A CANDIDATE FOR SCHOOL DISTRICT DIRECTOR, AND THAT A CANDIDATE
3 COMMITTEE FOR SUCH CANDIDATE MAY ACCEPT FROM ANY ONE PERSON
4 EXCLUDING A SMALL DONOR COMMITTEE, FOR A REGULAR BIENNIAL
5 SCHOOL ELECTION OR SPECIAL SCHOOL ELECTION, AS APPLICABLE, IS FIVE
6 HUNDRED DOLLARS.

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

13 (c) THE REQUIREMENTS OF SECTIONS 1-45-108 AND 1-45-109, AS
14 APPROPRIATE, APPLY TO ANY CONTRIBUTION MADE OR RECEIVED FOR ANY
15 FOUR-YEAR ELECTION CYCLE THAT IS SUBJECT TO SUBSECTION (1.5)(a) OR
16 (1.5)(b) OF THIS SECTION.

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

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

1 received in violation of the applicable provision.

2 **SECTION 3.** In Colorado Revised Statutes, 1-45-108, **amend**
3 (2)(a)(I) introductory portion and (2.5); and **add** (2.1) and (2.2) as
4 follows:

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

10 (2.1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2.2) OF
11 THIS SECTION, IN THE CASE OF A REGULAR BIENNIAL SCHOOL ELECTION OR
12 A SPECIAL SCHOOL ELECTION, A CANDIDATE FOR SCHOOL DISTRICT
13 DIRECTOR SHALL FILE REPORTS THAT ARE REQUIRED TO BE FILED WITH THE
14 SECRETARY OF STATE AS FOLLOWS:

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

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

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

24 (d) THIRTY DAYS AFTER THE ELECTION IN ELECTION YEARS.

25 (2.2) IN CONNECTION WITH A RECALL ELECTION OF A SCHOOL
26 DISTRICT DIRECTOR, REPORTS OF CONTRIBUTIONS AND EXPENDITURES
27 MUST BE FILED IN ACCORDANCE WITH THE DEADLINES THAT ARE SPECIFIED

1 IN SUBSECTION (6) OF THIS SECTION.

2 (2.5) In addition to any report required to be filed with the
3 secretary of state or municipal clerk under this section, all candidate
4 committees, political committees, issue committees, and political parties
5 shall file a report with the secretary of state of any contribution of one
6 thousand dollars or more at any time within thirty days preceding the date
7 of the primary election, general election, ~~or~~ regular biennial school
8 election, OR SPECIAL SCHOOL ELECTION, AS APPLICABLE. This report shall
9 be filed with the secretary of state no later than twenty-four hours after
10 receipt of said contribution.

11 **SECTION 4.** In Colorado Revised Statutes, 1-45-109, **amend** (1)
12 introductory portion and (1)(a)(II) as follows:

13 **1-45-109. Filing - where to file - timeliness - definition.** (1) For
14 the purpose of meeting the filing and reporting requirements of this ~~article~~
15 ARTICLE 45:

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

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

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

24 **22-31-103. Board of education to govern conduct of school**
25 **elections - contract with county clerk and recorder.** (1) Except as
26 otherwise provided in this ~~article~~ ARTICLE 31, the board of education of
27 each school district shall govern the conduct of all school elections in the

1 district, shall designate an election official who shall be responsible for
2 conducting the election, and shall render all interpretations and make all
3 initial decisions as to controversies or other matters arising in the conduct
4 of such elections. All elections authorized in this ~~article~~ ARTICLE 31 shall
5 be conducted pursuant to ~~the provisions of~~ articles 1 to 13 of title 1.
6 ~~C.R.S.~~ LIMITS ON CONTRIBUTIONS TO CANDIDATES FOR THE BOARD OF
7 EDUCATION OF A SCHOOL DISTRICT ARE SPECIFIED IN SECTION 1-45-103.7
8 (1.5). THE DISCLOSURE OF SUCH CONTRIBUTIONS IS GOVERNED IN
9 ACCORDANCE WITH SECTIONS 1-45-108 AND 1-45-109.

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

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

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

24 **32-9-111. Election of directors - dates - terms.** (5) (f) Every
25 candidate for director shall comply with ~~the provisions of~~ article 45 of
26 title 1. ~~C.R.S.~~ LIMITS ON CONTRIBUTIONS TO CANDIDATES FOR DIRECTOR
27 ARE SPECIFIED IN SECTION 1-45-103.7 (1.5). THE DISCLOSURE OF SUCH

1 CONTRIBUTIONS IS GOVERNED IN ACCORDANCE WITH SECTIONS 1-45-108
2 AND 1-45-109.

3 **SECTION 8. Effective date - applicability.** This act takes effect
4 July 1, 2018, and applies to the portion of any election cycle or for the
5 portion of the calendar year remaining after said date, and for any election
6 cycle or calendar year commencing after said date.

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