

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 20-0614.01 Bob Lackner x4350

HOUSE BILL 20-1066

HOUSE SPONSORSHIP

Sirota,

SENATE SPONSORSHIP

Gonzales,

House Committees

State, Veterans, & Military Affairs
Appropriations

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, AND, IN CONNECTION THEREWITH,**
104 **MAKING AN APPROPRIATION.**

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:

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.

HOUSE
Amended 2nd Reading
February 21, 2020

- ! Sets aggregate limits on contributions to candidates for school district director from persons other than small donor committees for any regular biennial or special school election in the amount of \$2,500; 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 \$25,000.

The bill requires that these aggregate contribution limits be periodically adjusted for inflation consistent with other contribution limits.

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, **add** (15.7)
 3 and (16.4) as follows:

4 **1-45-103. Definitions - repeal.** As used in this article 45, unless
 5 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 SCHOOLELECTION" MEANS ANY SCHOOLELECTION
 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); and **add** (1.7) as follows:

15 **1-45-103.7. Contribution limits - county offices - school**
 16 **district director - treatment of independent expenditure committees**

1 **- contributions from limited liability companies - voter instructions**
2 **on spending limits - definitions.** (1.7) (a) THE MAXIMUM AMOUNT OF
3 AGGREGATE CONTRIBUTIONS THAT A PERSON, INCLUDING A POLITICAL
4 COMMITTEE BUT NOT INCLUDING A SMALL DONOR COMMITTEE, MAY MAKE
5 TO A CANDIDATE COMMITTEE OF A CANDIDATE FOR SCHOOL DISTRICT
6 DIRECTOR, AND THAT A CANDIDATE COMMITTEE FOR SUCH CANDIDATE
7 MAY ACCEPT FROM ANY ONE PERSON EXCLUDING A SMALL DONOR
8 COMMITTEE, FOR A REGULAR BIENNIAL SCHOOL ELECTION OR SPECIAL
9 SCHOOL ELECTION, AS APPLICABLE, IS TWO THOUSAND FIVE HUNDRED
10 DOLLARS.

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

17 (c) ANY MONETARY AMOUNT SPECIFIED IN SUBSECTION (1.7)(a) OR
18 (1.7)(b) OF THIS SECTION MUST BE ADJUSTED IN ACCORDANCE WITH THE
19 ADJUSTMENTS MADE TO OTHER CONTRIBUTION LIMITS AS SPECIFIED IN
20 SECTION 3 (13) OF ARTICLE XVIII OF THE STATE CONSTITUTION.

21 (d) THE REQUIREMENTS OF SECTIONS 1-45-108 AND 1-45-109, AS
22 APPROPRIATE, APPLY TO ANY CONTRIBUTION MADE OR RECEIVED FOR ANY
23 FOUR-YEAR ELECTION CYCLE THAT IS SUBJECT TO SUBSECTION (1.7)(a) OR
24 (1.7)(b) OF THIS SECTION.

25 (7) (a) Any person who believes that a violation of subsection
26 (1.5), **(1.7)**, (5), or (6) of this section has occurred may file a written
27 complaint with the secretary of state in accordance with ~~section~~

1 ~~1-45-111.7~~ SECTION 1-45-111.7 (2).

2 (b) Any person who has violated subsection (1.5), ~~(1.7)~~, (5)(a),
3 (5)(b), (5)(c), or (6) of this section is subject to a civil penalty of at least
4 double and up to five times the amount contributed or received in
5 violation of the applicable provision.

6 (c) Any person who has violated any of the provisions of
7 ~~subparagraph (I) of paragraph (d) of subsection (5)~~ SUBSECTION (5)(d)(I)
8 of this section ~~shall be~~ IS subject to a civil penalty of fifty dollars per day
9 for each day that the written affirmation regarding the membership of a
10 limited liability company has not been filed with or retained by the
11 candidate committee, political committee, or political party to which a
12 contribution has been made.

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

16 **1-45-108. Disclosure - definition - repeal.** (2) (a) (I) Except as
17 provided in ~~subparagraph (V) of this paragraph (a) and subsections (2.5),~~
18 ~~(2.7), and (6)~~ SUBSECTIONS (2)(a)(V), (2.1), (2.5), (2.7), AND (6) of this
19 section, such reports that are required to be filed with the secretary of
20 state must be filed:

21 (2.1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2.2) OF
22 THIS SECTION, IN THE CASE OF A REGULAR BIENNIAL SCHOOL ELECTION OR
23 A SPECIAL SCHOOL ELECTION, A CANDIDATE FOR SCHOOL DISTRICT
24 DIRECTOR SHALL FILE REPORTS THAT ARE REQUIRED TO BE FILED WITH THE
25 SECRETARY OF STATE AS FOLLOWS:

26 (a) QUARTERLY IN OFF-ELECTION YEARS NO LATER THAN THE
27 FIFTEENTH CALENDAR DAY FOLLOWING THE END OF THE APPLICABLE

1 QUARTER;

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

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

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

9 (2.2) IN CONNECTION WITH A RECALL ELECTION OF A SCHOOL
10 DISTRICT DIRECTOR, REPORTS OF CONTRIBUTIONS AND EXPENDITURES
11 MUST BE FILED IN ACCORDANCE WITH THE DEADLINES THAT ARE SPECIFIED
12 IN SUBSECTION (6) OF THIS SECTION.

13 (2.5) (a) Except as provided in subsection (2.5)(b) of this section,
14 and in addition to any report required to be filed with the secretary of
15 state or municipal clerk under this section, all candidate committees, issue
16 committees, and political parties must file a report with the secretary of
17 state of any contribution of one thousand dollars or more at any time
18 within thirty days preceding the date of the primary election, general
19 election, ~~or~~ regular biennial school election, OR SPECIAL SCHOOL
20 ELECTION, AS APPLICABLE. This report ~~shall~~ MUST be filed with the
21 secretary of state no later than twenty-four hours after THE receipt of said
22 contribution.

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

25 **1-45-109. Filing - where to file - timeliness.** (1) For the purpose
26 of meeting the filing and reporting requirements of this article 45:

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

1 (II) Candidates in special district AND SCHOOL DISTRICT DIRECTOR
2 elections; the candidate committees of such candidates; political
3 committees in support of or in opposition to such candidates; issue
4 committees supporting or opposing a special district ballot issue; and
5 small donor committees making contributions to such candidates.

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

8 **22-31-103. Board of education to govern conduct of school**
9 **elections - contract with county clerk and recorder.** (1) Except as
10 otherwise provided in this ~~article~~ ARTICLE 31, the board of education of
11 each school district shall govern the conduct of all school elections in the
12 district, shall designate an election official who shall be responsible for
13 conducting the election, and shall render all interpretations and make all
14 initial decisions as to controversies or other matters arising in the conduct
15 of such elections. All elections authorized in this ~~article~~ ARTICLE 31 shall
16 be conducted pursuant to ~~the provisions of~~ articles 1 to 13 of title 1.
17 ~~C.R.S.~~ LIMITS ON CONTRIBUTIONS TO CANDIDATES FOR THE BOARD OF
18 EDUCATION OF A SCHOOL DISTRICT ARE SPECIFIED IN SECTION 1-45-103.7
19 (1.7). THE DISCLOSURE OF SUCH CONTRIBUTIONS IS GOVERNED IN
20 ACCORDANCE WITH SECTIONS 1-45-108 AND 1-45-109.

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

23 **22-31-131. Election procedures in districts composed of a city**
24 **and county.** (1) The regular biennial school election in each school
25 district coterminous with a city and county shall be held on the first
26 Tuesday in November of each odd-numbered year, shall be conducted and
27 supervised by the election commission of the city and county, and shall

1 be governed by the provisions of articles 1 to 13 of title 1. ~~C.R.S.~~ LIMITS
2 ON CONTRIBUTIONS TO CANDIDATES FOR THE BOARD OF EDUCATION OF
3 SUCH SCHOOL DISTRICT ARE SPECIFIED IN SECTION 1-45-103.7 (1.7). THE
4 DISCLOSURE OF SUCH CONTRIBUTIONS IS GOVERNED IN ACCORDANCE WITH
5 SECTIONS 1-45-108 AND 1-45-109.

6

7 **SECTION 7. Appropriation.** For the 2020-21 state fiscal year,
8 \$7,000 is appropriated to the department of state for use by the
9 information technology division. This appropriation is from the
10 department of state cash fund created in section 24-21-104 (3)(b), C.R.S.
11 To implement this act, the division may use this appropriation for
12 personal services.

13 **SECTION 8. Effective date - applicability.** This act takes effect
14 July 1, 2020, and applies to the portion of any election cycle or for the
15 portion of the calendar year remaining after said date, and for any election
16 cycle or calendar year commencing after said date.

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