

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0542.04 Jessica Herrera x4218

HOUSE BILL 23-1245

HOUSE SPONSORSHIP

Parenti,

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS UNDER THE "FAIR CAMPAIGN**
102 **PRACTICES ACT" FOR MUNICIPAL ELECTIONS.**

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 municipal elections. For municipal elections held on or after January 1, 2024, the bill sets aggregate limits on contributions to candidates for municipal office from persons, excluding any small donor committee, for any election cycle in the amount of \$250. The bill sets aggregate limits on contributions to candidates for municipal

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

office from small donor committees for any election cycle in the amount of \$2,500. The bill requires that these aggregate contribution limits be periodically adjusted for inflation consistent with other contribution limits and subjects the new contribution limits to existing statutory provisions governing the disclosure of campaign contributions.

The bill prohibits a political party from making any contribution to a candidate committee for municipal office and prohibits a candidate committee from accepting any contribution from a political party.

The bill requires campaign contribution reports for candidates of a municipal office to be filed with the municipal clerk no later than 90 days, 60 days, 30 days, and 15 days before and 30 days after the major election in election years and annually in off-election years. The bill clarifies that an independent expenditure committee that makes expenditures in connection with a municipal election must file its disclosure reports with the applicable municipal clerk.

The bill also extends the retention requirements for campaign contribution reports from one year to 10 years.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-45-103.7, **add** (1.9)
3 as follows:

4 **1-45-103.7. Contribution limits - county offices - school district**
5 **director - municipal office - treatment of independent expenditure**
6 **committees - contributions from limited liability companies - voter**
7 **instructions on spending limits - definitions.** (1.9) (a) (I) THE
8 MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT ANY ONE
9 PERSON, OTHER THAN A SMALL DONOR COMMITTEE MAY MAKE TO A
10 CANDIDATE COMMITTEE OF A CANDIDATE FOR A MUNICIPAL OFFICE, AND
11 THAT A CANDIDATE COMMITTEE FOR SUCH A CANDIDATE MAY ACCEPT
12 FROM ANY ONE SUCH PERSON PER ELECTION CYCLE IS TWO HUNDRED FIFTY
13 DOLLARS.

14 (II) THE MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT
15 ANY ONE SMALL DONOR COMMITTEE MAY MAKE TO A CANDIDATE
16 COMMITTEE OF A CANDIDATE FOR A MUNICIPAL OFFICE AND THAT A

1 CANDIDATE COMMITTEE FOR SUCH A CANDIDATE MAY ACCEPT FROM ANY
2 ONE SMALL DONOR COMMITTEE PER ELECTION IS TWO THOUSAND FIVE
3 HUNDRED DOLLARS.

4 (III) ANY MONETARY AMOUNT SPECIFIED IN SUBSECTION
5 (1.9)(a)(I) OR (1.9)(a)(II) OF THIS SECTION MUST BE ADJUSTED IN
6 ACCORDANCE WITH THE ADJUSTMENTS MADE TO OTHER CONTRIBUTION
7 LIMITS AS SPECIFIED IN SECTION 3 (13) OF ARTICLE XXVIII OF THE STATE
8 CONSTITUTION.

9 (IV) THE REQUIREMENTS OF SECTIONS 1-45-108 AND 1-45-109, AS
10 APPROPRIATE, APPLY TO ANY CONTRIBUTION MADE OR RECEIVED FOR ANY
11 ELECTION CYCLE THAT IS SUBJECT TO SUBSECTION (1.9)(a)(I) OR
12 (1.9)(a)(II) OF THIS SECTION.

13 (b) A POLITICAL PARTY SHALL NOT MAKE ANY CONTRIBUTIONS TO
14 A CANDIDATE COMMITTEE FOR A MUNICIPAL OFFICE, AND A CANDIDATE
15 COMMITTEE FOR SUCH A CANDIDATE MAY NOT ACCEPT ANY
16 CONTRIBUTIONS FROM A POLITICAL PARTY.

17 (c) AS USED IN THIS SUBSECTION (1.9), "MUNICIPAL OFFICE" MEANS
18 THE MAYOR, THE BOARD OF TRUSTEES, A CITY MANAGER, A MEMBER OF
19 CITY COUNCIL, AND ANY OTHER ELECTED MUNICIPAL BOARD OR
20 COMMISSION.

21 **SECTION 2.** In Colorado Revised Statutes, 1-45-108, **amend**
22 (2)(a)(II); and **add** (2)(a)(II.5) as follows:

23 **1-45-108. Disclosure - definitions - repeal.** (2) (a) (II) Such
24 reports that are ~~required to be filed with the municipal clerk and such~~
25 ~~reports~~ required to be filed pursuant to section 1-45-109 (1)(a)(II) and
26 (1)(c) must be filed on the twenty-first day and on the Friday before and
27 thirty-five days after the primary election, where applicable, and the

1 major election in election years and annually in off-election years on the
2 first day of the month in which the anniversary of the major election
3 occurs.

4 (II.5) SUCH REPORTS THAT ARE REQUIRED TO BE FILED WITH THE
5 MUNICIPAL CLERK MUST BE FILED NO LATER THAN NINETY DAYS, SIXTY
6 DAYS, THIRTY DAYS, AND FIFTEEN DAYS BEFORE, AND THIRTY DAYS AFTER
7 THE MAJOR ELECTION IN ELECTION YEARS AND ANNUALLY IN
8 OFF-ELECTION YEARS ON THE FIRST DAY OF THE MONTH IN WHICH THE
9 ANNIVERSARY OF THE MAJOR ELECTION OCCURS.

10 **SECTION 3.** In Colorado Revised Statutes, 1-45-109, **amend**
11 (1)(b) as follows:

12 **1-45-109. Filing - where to file - timeliness.** (1) For the purpose
13 of meeting the filing and reporting requirements of this article 45:

14 (b) Candidates in municipal elections, their candidate committees,
15 any political committee in support of or in opposition to such candidate,
16 an issue committee supporting or opposing a municipal ballot issue, and
17 small donor committees making contributions to such candidates shall file
18 with the municipal clerk. AN INDEPENDENT EXPENDITURE COMMITTEE
19 THAT MAKES EXPENDITURES IN CONNECTION WITH A MUNICIPAL ELECTION
20 SHALL ALSO FILE WITH THE MUNICIPAL CLERK.

21 **SECTION 4.** In Colorado Revised Statutes, 1-45-112, **amend**
22 (1)(b); and **add** (1)(c.5) as follows:

23 **1-45-112. Duties of municipal clerk.** (1) The municipal clerk
24 shall:

25 (b) Keep a copy of any report or statement required to be filed by
26 this article for a period of ~~one year~~ TEN YEARS from the date of filing. In
27 the case of candidates who were elected, those candidate's reports and

1 filings shall be kept for ~~one year~~ TEN YEARS after the candidate leaves
2 office.

3 (c.5) PROVIDE FREE OF CHARGE ANY REPORTS, DISCLOSURES, OR
4 STATEMENTS THAT ARE FILED PURSUANT TO THIS ARTICLE 45 AND ARE
5 SUBJECT TO THE RETENTION REQUIREMENTS SET FORTH IN SUBSECTION
6 (1)(b) OF THIS SECTION TO AN INDIVIDUAL WHO SUBMITS AN OPEN
7 RECORDS REQUEST. IF PAPER COPIES RELATING TO SUCH AN OPEN RECORDS
8 REQUEST ARE REQUESTED, THE MUNICIPAL CLERK MAY CHARGE A FEE.

9 **SECTION 5. Act subject to petition - effective date -**
10 **applicability.** (1) This act takes effect January 1, 2024; except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2024 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.

17 (2) This act applies to any municipal election held on or after the
18 effective date of this act.