

First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0841.01 Bob Lackner x4350

SENATE BILL 19-232

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SENATE SPONSORSHIP

Foote,

HOUSE SPONSORSHIP

Weissman,

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Senate Committees

State, Veterans, & Military Affairs

House Committees

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A BILL FOR AN ACT

101      **CONCERNING THE CODIFICATION OF THE RULES OF THE SECRETARY OF**  
102            **STATE ADDRESSING THE PROCEDURES FOR THE ENFORCEMENT**  
103            **OF STATE LAWS GOVERNING CAMPAIGN FINANCE.**

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**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>.)*

**Section 1** of the bill codifies in the "Fair Campaign Practices Act" (FCPA) the rules of the secretary of state (secretary) addressing the procedures that govern the enforcement of state laws governing campaign and political finance. In particular, the codified provisions specify the procedures governing the filing of complaints, initial review of

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.

complaints by the elections division (division) within the secretary's office, the method by which a respondent may cure a violation of the campaign finance laws, the investigation of unresolved or uncured complaints by the division, the conduct of hearings, audits by the division of campaign finance documents it receives for filing, and the issuance of advisory opinions by the secretary.

**Sections 2, 3, and 4** specify conforming amendments to other existing sections of the FCPA. **Section 5** deletes an existing statutory provision requiring administrative law judges to complete continuing legal education in campaign finance that is made obsolete by the bill.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 1-45-111.7 as  
3 follows:

4           **1-45-111.7. Campaign finance complaints - initial review -**  
5 **curing violations - investigation and enforcement - hearings -**  
6 **advisory opinions - audits - collection of debts resulting from**  
7 **campaign finance penalties - definitions.** (1) **Definitions.** AS USED IN  
8 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9           (a) "ARTICLE XXVIII" MEANS ARTICLE XXVIII OF THE STATE  
10 CONSTITUTION.

11           (b) "DEPUTY SECRETARY" MEANS THE DEPUTY SECRETARY OF  
12 STATE APPOINTED PURSUANT TO SECTION 24-21-105 OR THE DEPUTY  
13 SECRETARY'S DESIGNEE.

14           (c) "DIVISION" MEANS THE DIVISION WITHIN THE OFFICE OF THE  
15 SECRETARY RESPONSIBLE FOR ADMINISTERING THE STATE'S LAWS  
16 GOVERNING CAMPAIGN AND POLITICAL FINANCE.

17           (d) "HEARING OFFICER" MEANS A PERSON AUTHORIZED TO  
18 CONDUCT A HEARING UNDER SECTION 24-4-105 (3).

19           (e) "RULES" MEANS THE RULES OF THE SECRETARY CONCERNING  
20 CAMPAIGN AND POLITICAL FINANCE.

1 (f) "SECRETARY" MEANS THE SECRETARY OF STATE OR THE  
2 SECRETARY'S DESIGNATE.

3 (2) **Filing complaints.** (a) ANY PERSON WHO BELIEVES THAT A  
4 VIOLATION HAS OCCURRED OF ARTICLE XXVIII, THIS ARTICLE 45, OR THE  
5 RULES MAY FILE A COMPLAINT WITH THE SECRETARY.

6 (b) A COMPLAINT MUST BE FILED NO LATER THAN ONE HUNDRED  
7 EIGHTY DAYS AFTER THE DATE ON WHICH THE COMPLAINANT EITHER  
8 KNEW OR SHOULD HAVE KNOWN, BY THE EXERCISE OF REASONABLE  
9 DILIGENCE, OF THE ALLEGED VIOLATION.

10 (c) ANY COMPLAINT MUST BE FILED IN WRITING AND SIGNED BY  
11 THE COMPLAINANT ON THE FORM PROVIDED BY THE SECRETARY. THE  
12 COMPLAINT MUST IDENTIFY ONE OR MORE RESPONDENTS AND INCLUDE  
13 THE INFORMATION REQUIRED TO BE PROVIDED ON THE FORM.

14 (d) UPON RECEIPT OF A COMPLAINT, THE DIVISION SHALL NOTIFY  
15 THE RESPONDENT OF THE COMPLAINT BY E-MAIL OR BY REGULAR MAIL IF  
16 E-MAIL IS UNAVAILABLE.

17 (e) THE DIVISION SHALL FORWARD ANY COMPLAINT MADE AGAINST  
18 A CANDIDATE FOR SECRETARY OR THE SECRETARY TO THE DEPARTMENT  
19 OF LAW FOR THE REVIEW OF THE COMPLAINT BY THE ATTORNEY GENERAL  
20 TO ACT ON BEHALF OF THE DIVISION IN ACCORDANCE WITH APPLICABLE  
21 REQUIREMENTS OF THIS SECTION.

22 (3) **Initial review.** (a) THE DIVISION SHALL CONDUCT AN INITIAL  
23 REVIEW OF A COMPLAINT FILED UNDER SUBSECTION (2) OF THIS SECTION  
24 TO DETERMINE WHETHER THE COMPLAINT:

25 (I) WAS TIMELY FILED UNDER SUBSECTION (2)(b) OF THIS SECTION;

26 (II) SPECIFICALLY IDENTIFIES ONE OR MORE VIOLATIONS OF  
27 ARTICLE XXVIII, THIS ARTICLE 45, OR THE RULES; AND

1 (III) ALLEGES SUFFICIENT FACTS TO SUPPORT A FACTUAL AND  
2 LEGAL BASIS FOR THE VIOLATIONS OF LAW ALLEGED IN THE COMPLAINT.

3 (b) WITHIN TEN BUSINESS DAYS OF RECEIVING A COMPLAINT, THE  
4 DIVISION SHALL TAKE ONE OR MORE OF THE ACTIONS SPECIFIED IN THIS  
5 SUBSECTION (3)(b):

6 (I) IF THE DIVISION MAKES AN INITIAL DETERMINATION THAT THE  
7 COMPLAINT WAS NOT TIMELY FILED, HAS NOT SPECIFICALLY IDENTIFIED  
8 ONE OR MORE VIOLATIONS OF ARTICLE XXVIII, THIS ARTICLE 45, OR THE  
9 RULES, OR DOES NOT ASSERT FACTS SUFFICIENT TO SUPPORT A FACTUAL OR  
10 LEGAL BASIS FOR AN ALLEGED VIOLATION, THE DIVISION SHALL PREPARE  
11 AND FILE WITH THE DEPUTY SECRETARY A MOTION TO DISMISS THE  
12 COMPLAINT. THE DEPUTY SECRETARY SHALL MAKE A DETERMINATION ON  
13 THE MOTION TO DISMISS WITHIN FIVE BUSINESS DAYS, WHICH MUST BE  
14 PROVIDED TO THE COMPLAINANT AND THE RESPONDENT BY E-MAIL OR BY  
15 REGULAR MAIL IF E-MAIL IS UNAVAILABLE. IF THE DEPUTY SECRETARY  
16 DENIES THE MOTION, THE DIVISION SHALL DETERMINE WHETHER TO  
17 CONDUCT A REVIEW UNDER SUBSECTION (3)(b)(II) OR (3)(b)(III) OF THIS  
18 SECTION. THE FINAL DETERMINATION BY THE DEPUTY SECRETARY ON THE  
19 MOTION TO DISMISS CONSTITUTES FINAL AGENCY ACTION AND IS SUBJECT  
20 TO JUDICIAL REVIEW BY A STATE DISTRICT COURT UNDER SECTION  
21 24-4-106.

22 (II) IF THE DIVISION MAKES AN INITIAL DETERMINATION THAT THE  
23 COMPLAINT ALLEGES ONE OR MORE CURABLE VIOLATIONS AS ADDRESSED  
24 IN SUBSECTION (4) OF THIS SECTION, THE DIVISION SHALL NOTIFY THE  
25 RESPONDENT AND PROVIDE THE RESPONDENT AN OPPORTUNITY TO CURE  
26 THE VIOLATIONS.

27 (III) IF THE DIVISION MAKES AN INITIAL DETERMINATION THAT THE

1 COMPLAINT HAS SPECIFICALLY IDENTIFIED ONE OR MORE VIOLATIONS OF  
2 ARTICLE XXVIII, THIS ARTICLE 45, OR THE RULES, AND HAS ALLEGED  
3 FACTS SUFFICIENT TO SUPPORT A FACTUAL OR LEGAL BASIS FOR EACH  
4 ALLEGED VIOLATION, AND THAT EITHER A FACTUAL FINDING OR A LEGAL  
5 INTERPRETATION IS REQUIRED, THE DIVISION SHALL CONDUCT ADDITIONAL  
6 REVIEW UNDER SUBSECTION (5) OF THIS SECTION WITHIN THIRTY DAYS TO  
7 DETERMINE WHETHER TO FILE A COMPLAINT WITH A HEARING OFFICER.

8 (4) **Curing violations.** (a) UPON THE DIVISION'S INITIAL  
9 DETERMINATION THAT A COMPLAINT ALLEGES A FAILURE TO FILE OR  
10 OTHERWISE DISCLOSE REQUIRED INFORMATION, OR ALLEGES ANOTHER  
11 CURABLE VIOLATION, THE DIVISION SHALL NOTIFY THE RESPONDENT BY  
12 E-MAIL OR BY REGULAR MAIL IF E-MAIL IS UNAVAILABLE OF THE CURABLE  
13 DEFICIENCIES ALLEGED IN THE COMPLAINT.

14 (b) THE RESPONDENT HAS TEN BUSINESS DAYS FROM THE DATE THE  
15 NOTICE IS E-MAILED OR MAILED TO FILE AN AMENDMENT TO ANY  
16 RELEVANT REPORT THAT CURES ANY DEFICIENCIES SPECIFIED IN THE  
17 NOTICE.

18 (c) THE RESPONDENT SHALL PROVIDE THE DIVISION WITH NOTICE  
19 OF THE RESPONDENT'S INTENT TO CURE ON THE FORM PROVIDED BY THE  
20 SECRETARY AND INCLUDE A COPY OF ANY AMENDMENTS TO ANY REPORT  
21 CONTAINING ONE OR MORE DEFICIENCIES.

22 (d) UPON RECEIPT OF THE RESPONDENT'S NOTICE OF AN INTENT TO  
23 CURE, THE DIVISION MAY ASK THE RESPONDENT TO PROVIDE ADDITIONAL  
24 INFORMATION AND MAY GRANT THE RESPONDENT AN EXTENSION OF TIME  
25 TO FILE AN AMENDED NOTICE OF INTENT TO CURE IN ORDER TO RESPOND  
26 TO ANY SUCH REQUEST.

27 (e) (I) AFTER THE PERIOD FOR CURE HAS EXPIRED, THE DIVISION

1 SHALL DETERMINE WHETHER THE RESPONDENT HAS CURED ANY  
2 VIOLATION ALLEGED IN THE COMPLAINT AND, IF SO, WHETHER THE  
3 RESPONDENT HAS SUBSTANTIALLY COMPLIED WITH ITS LEGAL  
4 OBLIGATIONS UNDER ARTICLE XXVIII, THIS ARTICLE 45, AND THE RULES  
5 IN ACCORDANCE WITH SUBSECTION (4)(f) OF THIS SECTION.

6 (II) IF THE DIVISION DETERMINES THAT THE RESPONDENT HAS  
7 SUBSTANTIALLY COMPLIED WITH ITS LEGAL OBLIGATIONS, THE DIVISION  
8 SHALL PREPARE AND FILE WITH THE DEPUTY SECRETARY A MOTION TO  
9 DISMISS THE COMPLAINT. THE MOTION MUST BE ACCOMPANIED BY A  
10 DRAFT ORDER SPECIFYING THE MANNER IN WHICH THE RESPONDENT HAS  
11 SATISFIED THE FACTORS SPECIFIED IN SUBSECTION (4)(f) OF THIS SECTION.  
12 THE DEPUTY SECRETARY SHALL MAKE A DETERMINATION ON THE MOTION  
13 TO DISMISS, WHICH MUST BE PROVIDED TO THE COMPLAINANT AND THE  
14 RESPONDENT BY E-MAIL OR BY REGULAR MAIL IF E-MAIL IS UNAVAILABLE.  
15 IF THE DEPUTY SECRETARY DENIES THE MOTION, THE DIVISION SHALL  
16 DETERMINE WHETHER TO CONDUCT A REVIEW UNDER SUBSECTION  
17 (3)(b)(II) OR (3)(b)(III) OF THIS SECTION. THE DETERMINATION BY THE  
18 DEPUTY SECRETARY UNDER THIS SUBSECTION (4)(e)(II) IS FINAL AGENCY  
19 ACTION AND IS SUBJECT TO JUDICIAL REVIEW BY A STATE DISTRICT COURT  
20 UNDER SECTION 24-4-106.

21 (III) IF THE DIVISION DETERMINES THAT THE RESPONDENT HAS  
22 FAILED TO SUBSTANTIALLY COMPLY UNDER SUBSECTION (4)(f) OF THIS  
23 SECTION, THE DIVISION SHALL CONDUCT AN ADDITIONAL REVIEW UNDER  
24 SUBSECTION (5)(a) OF THIS SECTION TO DETERMINE WHETHER TO FILE THE  
25 COMPLAINT WITH A HEARING OFFICER.

26 (f) IN DETERMINING WHETHER AN ENTITY SUBSTANTIALLY  
27 COMPLIED WITH ITS LEGAL OBLIGATIONS UNDER ARTICLE XXVIII, THIS

1 ARTICLE 45, OR THE RULES THE DIVISION MUST CONSIDER:

2 (I) THE EXTENT OF THE RESPONDENT'S NONCOMPLIANCE;

3 (II) THE PURPOSE OF THE PROVISION VIOLATED AND WHETHER  
4 THAT PURPOSE WAS SUBSTANTIALLY ACHIEVED DESPITE THE  
5 NONCOMPLIANCE; AND

6 (III) WHETHER THE NONCOMPLIANCE MAY PROPERLY BE VIEWED  
7 AS AN INTENTIONAL ATTEMPT TO MISLEAD THE ELECTORATE OR ELECTION  
8 OFFICIALS.

9 (g) IF THE DIVISION DETERMINES THAT THE RESPONDENT FAILED  
10 TO CURE ANY ALLEGED DEFICIENCY, THE DIVISION SHALL CONDUCT AN  
11 ADDITIONAL REVIEW UNDER SUBSECTION (5)(a) OF THIS SECTION TO  
12 DETERMINE WHETHER TO FILE A COMPLAINT WITH A HEARING OFFICER.

13 (5) **Investigations and enforcement.** (a) (I) THE DIVISION SHALL  
14 INVESTIGATE EACH COMPLAINT THAT WAS NOT DISMISSED DURING EITHER  
15 ITS INITIAL REVIEW OR BY MEANS OF THE CURE PROCEEDINGS IN  
16 ACCORDANCE WITH SUBSECTION (3) OR (4) OF THIS SECTION TO DETERMINE  
17 WHETHER TO FILE A COMPLAINT WITH A HEARING OFFICER. THE DIVISION  
18 MAY ALSO INITIATE AN INVESTIGATION UNDER SUBSECTION (7)(b) OF THIS  
19 SECTION.

20 (II) FOR THE PURPOSE OF AN INVESTIGATION RELATING TO A  
21 COMPLAINT FILED UNDER SUBSECTION (2)(a) OF THIS SECTION OR AN  
22 INVESTIGATION INITIATED BY THE DIVISION UNDER SUBSECTION (7)(b) OF  
23 THIS SECTION, THE DIVISION MAY DEMAND THE PRODUCTION OF ANY  
24 DOCUMENTS OR OTHER TANGIBLE THINGS THAT ARE RELEVANT OR  
25 MATERIAL TO THE INVESTIGATION, AND SHALL ESTABLISH THE RELEVANCE  
26 AND MATERIALITY IN WRITING. IN THE CASE OF A REFUSAL TO OBEY A  
27 REQUEST FOR THE PRODUCTION OF DOCUMENTS ISSUED, THE DIVISION MAY

1 APPLY TO A STATE DISTRICT COURT FOR AN ORDER TO SHOW CAUSE  
2 REQUESTING THE PERSON UPON WHOM THE DEMAND WAS MADE TO  
3 PRODUCE DOCUMENTS REQUESTED BY THE DIVISION THAT ARE RELEVANT  
4 OR MATERIAL TO THE INVESTIGATION. NOTWITHSTANDING ANY OTHER  
5 PROVISION OF LAW, DOCUMENTS OR OTHER TANGIBLE THINGS PROVIDED  
6 TO THE DIVISION DURING THE COURSE OF AN INVESTIGATION UNDER THIS  
7 SUBSECTION (5) ARE NOT SUBJECT TO INSPECTION OR COPYING UNDER THE  
8 "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24.  
9 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, DOCUMENTS OR  
10 OTHER TANGIBLE THINGS PROVIDED TO THE DIVISION DURING THE COURSE  
11 OF AN INVESTIGATION UNDER THIS SUBSECTION (5) AND OTHER MATERIALS  
12 PREPARED OR ASSEMBLED TO ASSIST THE SECRETARY'S DESIGNEE IN  
13 REACHING A DECISION ARE WORK PRODUCT AS DEFINED IN SECTION  
14 24-72-202 (6.5)(a) AND ARE NOT PUBLIC RECORDS SUBJECT TO INSPECTION  
15 UNDER PART 2 OF ARTICLE 72 OF TITLE 24.

16 (III) THE DIVISION SHALL DETERMINE WHETHER IT WILL FILE A  
17 COMPLAINT WITH A HEARING OFFICER WITHIN THIRTY DAYS AFTER  
18 INITIATING AN INVESTIGATION. IF THE DIVISION MAKES A DETERMINATION  
19 THAT A COMPLAINT SHOULD NOT BE FILED WITH A HEARING OFFICER  
20 BECAUSE THERE IS NOT SUFFICIENT INFORMATION TO SUPPORT THE  
21 ALLEGATIONS CONTAINED IN THE COMPLAINT OR FOR ANY OTHER REASON,  
22 IT SHALL PREPARE AND FILE WITH THE DEPUTY SECRETARY A MOTION TO  
23 DISMISS THE COMPLAINT. THE DEPUTY SECRETARY SHALL MAKE A  
24 DETERMINATION ON THE MOTION TO DISMISS WITHIN THIRTY-FIVE DAYS OF  
25 THE INITIAL DETERMINATION OF THE DIVISION UNDER THIS SUBSECTION  
26 (5)(a)(III), OR THE INITIATION OF AN INVESTIGATION BY THE DIVISION  
27 UNDER SUBSECTION (7)(b) OF THIS SECTION, WHICH MUST BE PROVIDED TO

1 THE COMPLAINANT AND THE RESPONDENT BY E-MAIL OR BY REGULAR MAIL  
2 IF E-MAIL IS UNAVAILABLE. IF THE DEPUTY SECRETARY DENIES THE  
3 MOTION, THE DIVISION HAS FOURTEEN BUSINESS DAYS TO FILE A  
4 COMPLAINT WITH A HEARING OFFICER UNDER THIS SUBSECTION (5).

5 (IV) IF THE DIVISION FILES A COMPLAINT WITH A HEARING OFFICER  
6 UNDER THIS SUBSECTION (5), IT IS RESPONSIBLE FOR CONDUCTING SUCH  
7 DISCOVERY AS MAY BE NECESSARY FOR EFFECTIVELY PROSECUTING THE  
8 COMPLAINT, SUPPLEMENTING OR AMENDING THE COMPLAINT WITH SUCH  
9 ADDITIONAL OR ALTERNATIVE CLAIMS OR ALLEGATIONS AS MAY BE  
10 SUPPORTED BY THE DIVISION'S INVESTIGATION, AMENDING THE COMPLAINT  
11 TO STRIKE ALLEGATIONS OR CLAIMS THAT ARE NOT SUPPORTED BY THE  
12 DIVISION'S INVESTIGATION, AND IN ALL OTHER RESPECTS PROSECUTING  
13 THE COMPLAINT.

14 (b) A COMPLAINANT OR ANY OTHER NONRESPONDENT IS NOT A  
15 PARTY TO THE DIVISION'S INITIAL REVIEW, CURE PROCEEDINGS,  
16 INVESTIGATION, OR ANY PROCEEDINGS BEFORE A HEARING OFFICER AS  
17 DESCRIBED IN THIS SECTION. A COMPLAINANT MAY SEEK PERMISSION  
18 FROM THE HEARING OFFICER TO FILE A BRIEF AS AN AMICUS CURIAE. A  
19 PERSON'S STATUS AS A COMPLAINANT IS NOT SUFFICIENT TO ESTABLISH  
20 THAT HE OR SHE MAY BE AFFECTED OR AGGRIEVED BY THE SECRETARY'S  
21 ACTION ON THE COMPLAINT. TO THE EXTENT THIS SUBSECTION (5)(b)  
22 CONFLICTS IN ANY RESPECT WITH SECTION 24-4-105 OR 24-4-106, THIS  
23 SUBSECTION (5)(b) CONTROLS. A COMPLAINANT MAY ALSO SEEK JUDICIAL  
24 REVIEW BY A STATE DISTRICT COURT OF A FINAL AGENCY ACTION UNDER  
25 SECTION 24-4-106.

26 (6) **Conduct of hearings.** (a) ANY HEARING CONDUCTED BY A  
27 HEARING OFFICER UNDER THIS SECTION MUST BE IN ACCORDANCE WITH

1 SECTION 24-4-105; EXCEPT THAT A HEARING OFFICER SHALL SCHEDULE A  
2 HEARING WITHIN THIRTY DAYS OF THE FILING OF THE COMPLAINT, WHICH  
3 HEARING MAY BE CONTINUED UPON THE MOTION OF ANY PARTY FOR UP TO  
4 THIRTY DAYS OR A LONGER EXTENSION OF TIME UPON A SHOWING OF GOOD  
5 CAUSE.

6 (b) ANY INITIAL DETERMINATION MADE BY A HEARING OFFICER  
7 MUST BE MADE IN ACCORDANCE WITH SECTION 24-4-105 AND IS SUBJECT  
8 TO REVIEW BY THE DEPUTY SECRETARY. THE FINAL AGENCY DECISION IS  
9 SUBJECT TO REVIEW UNDER SECTION 24-4-106.

10 (7) **Audit by division.** (a) IN ADDITION TO ANY OTHER POWERS  
11 AND DUTIES IT POSSESSES UNDER LAW, THE DIVISION MAY ALSO AUDIT  
12 ANY DOCUMENT THE SECRETARY RECEIVES FOR FILING UNDER ARTICLE  
13 XXVIII, THIS ARTICLE 45, OR THE RULES AND MAY REVIEW ANY OTHER  
14 AVAILABLE INFORMATION RELATED TO A POTENTIAL VIOLATION.

15 (b) IN CONNECTION WITH THE AUDIT OR REVIEW OF OTHER  
16 AVAILABLE INFORMATION REGARDING A POTENTIAL VIOLATION UNDER  
17 THIS SUBSECTION (7):

18 (I) IF THE DIVISION DETERMINES THAT A PERSON VIOLATED OR  
19 POTENTIALLY VIOLATED ANY OF THE PROVISIONS OF ARTICLE XXVIII,  
20 THIS ARTICLE 45, OR THE RULES, THE DIVISION SHALL EITHER NOTIFY THE  
21 PERSON OF HIS OR HER OPPORTUNITY TO CURE THE IDENTIFIED  
22 DEFICIENCIES IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION OR  
23 NOTIFY THE PERSON THAT THE DIVISION IS INITIATING AN INVESTIGATION  
24 UNDER SUBSECTION (5) OF THIS SECTION. THE DIVISION SHALL SEND THE  
25 NOTIFICATION BY E-MAIL OR BY REGULAR MAIL IF E-MAIL IS UNAVAILABLE.

26 (II) IF THE DIVISION INITIATES AN INVESTIGATION OR FILES A  
27 COMPLAINT WITH A HEARING OFFICER IN CONNECTION WITH ITS AUDIT OR

1 REVIEW, THE PROCEDURES DESCRIBED IN SUBSECTIONS (5) AND (6) OF THIS  
2 SECTION APPLY.

3 (c) AS USED IN THIS SUBSECTION (7), "AUDIT" MEANS THE FACTUAL  
4 INSPECTION AND REVIEW OF ANY DOCUMENT REQUIRED TO BE FILED WITH  
5 THE SECRETARY FOR CAMPAIGN FINANCE REGISTRATION, REPORTING, OR  
6 DISCLOSURE IN ORDER TO ASSESS THE DOCUMENT'S ACCURACY AND  
7 COMPLETENESS AND THE TIMELINESS OF THE DOCUMENT'S FILING.

8 (8) **Advisory opinions.** (a) ANY PERSON SEEKING GUIDANCE ON  
9 THE APPLICATION OF ARTICLE XXVIII, THIS ARTICLE 45, OR THE RULES  
10 MAY REQUEST THAT THE SECRETARY ISSUE AN ADVISORY OPINION  
11 REGARDING THAT PERSON'S SPECIFIC ACTIVITY.

12 (b) THE SECRETARY SHALL DETERMINE, AT THE SECRETARY'S  
13 DISCRETION, WHETHER TO ISSUE AN ADVISORY OPINION UNDER  
14 SUBSECTION (8)(a) OF THIS SECTION. IN MAKING THIS DETERMINATION,  
15 THE SECRETARY SHALL CONSIDER FACTORS INCLUDING WHETHER:

16 (I) THE ADVISORY OPINION WILL TERMINATE A CONTROVERSY OR  
17 REMOVE ONE OR MORE UNCERTAINTIES AS TO THE APPLICATION OF THE  
18 LAW TO THE REQUESTOR'S SITUATION;

19 (II) THE REQUEST INVOLVES A SUBJECT, QUESTION, OR ISSUE THAT  
20 CONCERNS A FORMAL OR INFORMAL MATTER OR INVESTIGATION  
21 CURRENTLY PENDING BEFORE THE SECRETARY OR A COURT; AND

22 (III) THE REQUEST SEEKS A RULING ON A MOOT OR HYPOTHETICAL  
23 QUESTION.

24 (c) A PERSON MAY RELY ON AN ADVISORY OPINION ISSUED BY THE  
25 SECRETARY AS AN AFFIRMATIVE DEFENSE TO ANY COMPLAINT FILED  
26 UNDER THIS SECTION.

27 (d) A REFUSAL BY THE SECRETARY TO ISSUE AN ADVISORY OPINION

1 DOES NOT CONSTITUTE A FINAL AGENCY ACTION THAT IS SUBJECT TO  
2 APPEAL.

3 (9) **Miscellaneous matters - debt collection - municipal**  
4 **complaints.** (a) THE SECRETARY MAY SEND TO THE STATE CONTROLLER  
5 FOR COLLECTION ANY OUTSTANDING DEBT RESULTING FROM A CAMPAIGN  
6 FINANCE PENALTY THAT THE SECRETARY DEEMS COLLECTIBLE.

7 (b) ANY COMPLAINT ARISING OUT OF A MUNICIPAL CAMPAIGN  
8 FINANCE MATTER MUST BE EXCLUSIVELY FILED WITH THE CLERK OF THE  
9 APPLICABLE MUNICIPALITY.

10 **SECTION 2.** In Colorado Revised Statutes, 1-45-103.7, **amend**  
11 (7)(a) as follows:

12 **1-45-103.7. Contribution limits - treatment of independent**  
13 **expenditure committees - contributions from limited liability**  
14 **companies - voter instructions on spending limits - definitions.**

15 (7) (a) Any person who believes that a violation of subsection (5) or (6)  
16 of this section has occurred may file a written complaint with the  
17 secretary of state ~~no later than one hundred eighty days after the date of~~  
18 ~~the alleged violation. The complaint shall be subject to all applicable~~  
19 ~~procedures specified in section 9 (2) of article XXVIII of the state~~  
20 ~~constitution~~ IN ACCORDANCE WITH SECTION 1-45-111.7.

21 **SECTION 3.** In Colorado Revised Statutes, 1-45-109, **repeal**  
22 (4)(b), (4)(c), (11), and (12) as follows:

23 **1-45-109. Filing - where to file - timeliness - definition.**

24 (4) (b) ~~Any report that is deemed incomplete by the appropriate officer~~  
25 ~~must be accepted and the committee must be notified of the deficiency.~~  
26 ~~If an e-mail address is on file with the secretary of state, the secretary of~~  
27 ~~state may provide such notification by e-mail. The committee has thirty~~

1 calendar days from the date such notice is sent, whether electronically or  
2 by United States mail, to file an addendum that cures the deficiencies:

3 (c) (I) ~~Upon receipt of a complaint brought under section 9 (2)(a)~~  
4 ~~of article XXVIII of the state constitution alleging a failure to file other~~  
5 ~~information required to be filed or disclosed pursuant to article XXVIII~~  
6 ~~of the state constitution or this article 45, the secretary of state shall give~~  
7 ~~notice to the committee by e-mail, or by regular mail if an e-mail address~~  
8 ~~is not known, of the deficiencies alleged in the complaint. Service of the~~  
9 ~~notice does not toll or otherwise affect the three-day period during which~~  
10 ~~the secretary of state is required to refer a complaint to an administrative~~  
11 ~~law judge pursuant to section 9 (2)(a) of article XXVIII of the state~~  
12 ~~constitution. Upon receipt of the notice from the secretary of state, the~~  
13 ~~committee may request from the appropriate officer a postponement of~~  
14 ~~the hearing brought under section 9 (2)(a) of article XXVIII of the state~~  
15 ~~constitution and, if such request is timely submitted, has fifteen business~~  
16 ~~days from the date of the notice to file an addendum to the relevant report~~  
17 ~~that cures any such deficiencies in the disclosure specified in the notice.~~  
18 ~~The committee shall also provide the complainant notice of the entity's~~  
19 ~~intent to cure and a copy of the addendum on the same day that the~~  
20 ~~addendum is filed with the secretary of state. Where the committee files~~  
21 ~~an addendum that cures all deficiencies alleged in the complaint before~~  
22 ~~the expiration of the fifteen-day period specified in this subsection~~  
23 ~~(4)(c)(I), the appropriate officer shall not assess a penalty against the~~  
24 ~~committee that otherwise would have been assessed for the deficiencies~~  
25 ~~for the period from the first date of the alleged violation through the~~  
26 ~~expiration of the cure period.~~

27 (H) ~~Upon filing an addendum to the relevant report by the~~

1 committee that cures all such deficiencies in accordance with subsection  
2 (4)(c)(I) of this section, the appropriate officer shall set a hearing within  
3 thirty days of the notice to determine whether all issues raised by the  
4 complaint have been resolved. If the committee fails to cure any such  
5 deficiency, any penalty imposed for the deficiency continues to accrue  
6 until further resolution of the matter. Notwithstanding any other provision  
7 of law, subsection (4)(c)(I) of this section only applies in the case of a  
8 good faith effort by a committee to make a timely disclosure in  
9 accordance with article XXVIII of the state constitution or this article 45  
10 or where the disclosure made by the committee is in substantial  
11 compliance with such legal requirements. The committee has the burden  
12 of demonstrating good faith or substantial compliance under this  
13 subsection (4)(c)(II) by a preponderance of the evidence in the hearing  
14 held by the appropriate officer under section 9 (2)(a) of article XXVIII of  
15 the state constitution. Where the committee fails to satisfy its burden of  
16 demonstrating either good faith or substantial compliance, the  
17 administrative law judge shall enter or impose a civil penalty in  
18 accordance with the following:

19 (A) If the amount of the penalty that has accrued to that point in  
20 time is less than five thousand dollars, the administrative law judge shall  
21 impose a penalty in the amount of the penalty that has accrued to that  
22 point in time.

23 (B) If the amount of the civil penalty that has accrued to that point  
24 in time is five thousand or more dollars, the administrative law judge  
25 shall impose a penalty, in his or her discretion, in an amount that is not  
26 less than five thousand dollars.

27 (11) Notwithstanding any other provision of this section, during

1 the period commencing May 25, 2010, and continuing through December  
2 31, 2010, any report, statement, or other document required to be filed  
3 under section 1-45-107.5 that is to be filed electronically with the  
4 secretary of state's office pursuant to this section may be filed manually  
5 or by means of a portable document format file acceptable to the  
6 secretary.

7 (12) For purposes of subsection (4)(c) of this section, "appropriate  
8 officer" means a hearing officer or an administrative law judge.

9 **SECTION 4.** In Colorado Revised Statutes, 1-45-111.5, **amend**  
10 (1.5)(a), (1.5)(b), (1.5)(c), (1.5)(d), (1.5)(e), (2), (3), and (4)(d)(II); and  
11 **repeal** (5) as follows:

12 **1-45-111.5. Duties of the secretary of state - enforcement -**  
13 **sanctions - definitions.** (1.5) (a) Any person who believes that a  
14 violation of ~~either~~ ARTICLE XXVIII OF THE STATE CONSTITUTION, the  
15 secretary of state's rules concerning campaign and political finance or this  
16 article 45 has occurred may file a written complaint with the secretary of  
17 state ~~not later than one hundred eighty days after the date of the~~  
18 ~~occurrence of the alleged violation. The complaint is subject to all~~  
19 ~~applicable procedures specified in section 9 (2) of article XXVIII of the~~  
20 ~~state constitution. The person filing the complaint must serve the~~  
21 ~~complaint on the respondent by certified mail, return receipt requested,~~  
22 ~~on the same day the person files the complaint with the secretary of state.~~  
23 ~~The person filing the complaint must state factual allegations of a~~  
24 ~~violation. For purposes of this section and section 9 (2) of article XXVIII~~  
25 ~~of the state constitution, "complaint" means a signed document that~~  
26 ~~alleges a violation of article XXVIII of the state constitution or of this~~  
27 ~~article 45~~ IN ACCORDANCE WITH SECTION 1-45-111.7.

1 (b) Any person who commits a violation of either the secretary of  
2 state's rules concerning campaign and political finance or this article that  
3 is not specifically listed in ~~section 9(2)(a)~~ of article XXVIII of the state  
4 constitution shall be subject to any of the sanctions specified in section 10  
5 of article XXVIII of the state constitution or in this section.

6 (c) In addition to any other penalty authorized by article XXVIII  
7 of the state constitution or this ~~article, an administrative law judge~~  
8 ARTICLE 45, A HEARING OFFICER may impose a civil penalty of fifty  
9 dollars per day for each day that a report, statement, or other document  
10 required to be filed under this ~~article~~ ARTICLE 45 that is not specifically  
11 listed in article XXVIII of the state constitution is not filed by the close  
12 of business on the day due. Any person who fails to file three or more  
13 successive committee registration reports or reports concerning  
14 contributions, expenditures, or donations in accordance with the  
15 requirements of section 1-45-107.5 shall be subject to a civil penalty of  
16 up to five hundred dollars for each day that a report, statement, or other  
17 document required to be filed by an independent expenditure committee  
18 is not filed by the close of business on the day due. Any person who  
19 knowingly and intentionally fails to file three or more reports due under  
20 section 1-45-107.5 shall be subject to a civil penalty of up to one  
21 thousand dollars per day for each day that the report, statement, or other  
22 document is not filed by the close of business on the day due. Imposition  
23 of any penalty under this ~~paragraph (c)~~ SUBSECTION (1.5)(c) shall be  
24 subject to all applicable requirements specified in section 10 of article  
25 XXVIII of the state constitution governing the imposition of penalties.

26 (d) In connection with a complaint brought to enforce any  
27 requirement of article XXVIII of the state constitution or this ~~article, an~~

1 ~~administrative law judge~~ ARTICLE 45, A HEARING OFFICER may order  
2 disclosure of the source and amount of any undisclosed donations or  
3 expenditures.

4 (e) In connection with any action brought to enforce any provision  
5 of article XXVIII of the state constitution or this ~~article~~ ARTICLE 45, the  
6 membership lists of a MEMBERSHIP ORGANIZATION, A labor organization  
7 or, in the case of a publicly held corporation, a list of the shareholders of  
8 the corporation, shall not be disclosed by means of discovery or by any  
9 other manner.

10 (2) A party in any action brought to enforce the provisions of  
11 article XXVIII of the state constitution or of this article 45 is entitled to  
12 the recovery of the party's reasonable attorney fees and costs from any  
13 attorney or party who has brought or defended the action, either in whole  
14 or in part, upon a determination by the ~~office of administrative courts~~  
15 HEARING OFFICER that the action, or any part thereof, lacked substantial  
16 justification or that the action, or any part thereof, was commenced for  
17 delay or harassment or if it finds that an attorney or party unnecessarily  
18 expanded the proceeding by other improper conduct, including abuses of  
19 discovery procedures available under the Colorado rules of civil  
20 procedure. Notwithstanding any other provision of this subsection (2), no  
21 attorney fees may be awarded under this subsection (2) unless the court  
22 or ~~administrative law judge~~ HEARING OFFICER, as applicable, has first  
23 considered and issued written findings regarding the provisions of section  
24 13-17-102 (5) and (6). Either party in an action in which the ~~office of~~  
25 ~~administrative courts~~ HEARING OFFICER awarded attorney fees and costs  
26 may apply to a district court to convert an award of attorney fees and  
27 costs into a district court judgment. Promptly upon the conversion of the

1 award of attorney fees and costs into a district court judgment, the clerk  
2 of the district court shall mail notice of the filing of the judgment to the  
3 judgment debtor at the address given and shall make a note of the mailing  
4 in the docket. The notice must include the name and post-office address  
5 of the judgment creditor and the judgment creditor's lawyer, if any, in this  
6 state. In addition, the judgment creditor may mail a notice of the filing of  
7 the judgment to the judgment debtor and may file proof of mailing with  
8 the clerk. Lack of mailing notice of filing by the clerk shall not affect the  
9 enforcement proceedings if proof of mailing by the judgment creditor has  
10 been filed. For purposes of this subsection (2), "lacked substantial  
11 justification" means substantially frivolous, substantially groundless, or  
12 substantially vexatious.

13 (3) Upon a determination by the ~~office of administrative courts~~  
14 HEARING OFFICER that an issue committee failed to file a report required  
15 pursuant to section 1-45-108, the ~~administrative law judge~~ HEARING  
16 OFFICER shall direct the issue committee to file any such report within ten  
17 days containing all required disclosure of any previously unreported  
18 contributions or expenditures and may, in addition to any other penalty,  
19 impose a penalty not to exceed twenty dollars for each contribution  
20 received and expenditure made by the issue committee that was not timely  
21 reported.

22 (4) (d) If the court determines that the subpoenaed witness or  
23 party is required to comply with the administrative subpoena:

24 (II) The ~~administrative law judge~~ HEARING OFFICER shall schedule  
25 a hearing on the complaint to occur on a day after the occurrence of the  
26 required deposition and such other discovery as may be warranted due to  
27 such deposition.

1           (5) ~~Not later than December 1, 2016, the secretary of state shall~~  
2 ~~create and post on the secretary's official website a campaign finance~~  
3 ~~training course that offers sufficient content to satisfy the training~~  
4 ~~requirements for administrative law judges that is required by section~~  
5 ~~24-30-1003 (6), C.R.S.~~

6           **SECTION 5.** In Colorado Revised Statutes, 24-30-1003, **repeal**  
7 (6) as follows:

8           **24-30-1003. Administrative law judges - appointment -**  
9 **qualifications - standards of conduct.** (6) ~~On and after January 1, 2017,~~  
10 ~~before hearing a complaint that has been filed with the office of~~  
11 ~~administrative courts in accordance with section 9 (2) of article XXVIII~~  
12 ~~of the state constitution, an administrative law judge shall complete four~~  
13 ~~credit hours of continuing legal education courses that have been certified~~  
14 ~~by the Colorado supreme court. The four credit hours of legal education~~  
15 ~~must be substantially related to election or campaign finance law. An~~  
16 ~~administrative law judge who hears campaign finance complaints must~~  
17 ~~obtain the four credit hours on an annual basis. An administrative law~~  
18 ~~judge may satisfy the requirements of this subsection (6) by completing~~  
19 ~~the campaign finance training course that is offered on the secretary of~~  
20 ~~state's website pursuant to section 1-45-111.5 (5), C.R.S.~~

21           **SECTION 6. Effective date - applicability.** This act takes effect  
22 July 1, 2019, and applies to complaints filed with the secretary of state on  
23 or after said date.

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