

Be it Enacted by the People of the State of Colorado:

SECTION 1. Statement of Purpose: The people of the State of Colorado find and declare:

- (1) Democratic processes are subject to decay as indicated by section 1 article XXVIII of the state constitution and section 1-45-102 of the Colorado revised statutes.
- (2) Article II section 1 of the state constitution vests all political power to the people of Colorado.
- (3) Money is free speech, but choosing not to use money is also free speech and that free speech is harmed when non electorate contributions exceed electorate contributions.
- (4) In Buckley v Valeo the Supreme Court acknowledged the interest of the state to prevent corruption and the appearance of corruption in elections. That interest is weighed against the need to protect free speech. This measure strikes that balance. It protects the electorate's interest while protecting candidates' free speech as Colorado law requires a candidate to be an eligible elector. It also protects the electorates' free speech of not funding candidates or issues by granting primacy of funding and limiting outside influence thereby protecting the democratic process from decay.
- (5) In Citizens United v FEC the Supreme Court also dealt with the free association of people to support campaign free speech. This measure augments this principle by requiring outside entities to gain financial support from the electorate the same way that local candidate committees and local issue committees do. In essence encouraging greater association among the electorate by requiring financial support from the electorate while reducing the appearance that outside influence determined an election.
- (6) The principle of restricting the effects of non eligible electors' contributions is obvious to the people of Colorado as non US citizens are barred from making contributions in Colorado.
- (7) A right of primacy in regard to campaign finance by the people of a political district is self-evident.

SECTION 2. In Colorado Revised Statutes, add 1-45-119 as follows:

**1-45-119. Campaign expenditure limits**

- (1) CAMPAIGN EXPENDITURES OF ANY SINGLE CANDIDATE COMMITTEE, POLITICAL COMMITTEE, OR ISSUE COMMITTEE SHALL NOT EXCEED ONE HUNDRED FIFTY PERCENT OF ELIGIBLE ELECTORS' CONTRIBUTIONS MADE TO SAID INDIVIDUAL COMMITTEE FOR EACH ELECTION CYCLE AT ANY TIME WITHIN THAT CYCLE .
- (2) DEFINITIONS AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:
  - (a) "CAMPAIGN EXPENDITURES" HAS THE SAME MEANING AS SET FORTH IN SECTION 2 (8)(a) OF ARTICLE XXVIII OF THE STATE CONSTITUTION.
  - (b) "ELECTION CYCLE" HAS THE SAME MEANING AS SET FORTH IN SECTION 2 (6) OF ARTICLE XXVIII OF THE STATE CONSTITUTION.
  - (c) "ELIGIBLE ELECTOR" HAS THE SAME MEANING AS SET FORTH IN SECTION 1-1-104 (16).
  - (d) "ELIGIBLE ELECTOR CONTRIBUTION" MEANS A CONTRIBUTION RECEIVED BY A COMMITTEE FROM AN ELIGIBLE ELECTOR THAT IS ACCOMPANIED BY A VOTER REGISTRATION IDENTIFICATION NUMBER THAT CORRESPONDS TO A PRECINCT NUMBER INDICATING THE CONTRIBUTOR IS AN ELIGIBLE ELECTOR ON THE DATE OF THE CONTRIBUTION.
  - (e) "GENERAL CONTRIBUTION" MEANS A CONTRIBUTION THAT IS NOT ACCOMPANIED BY A VOTER REGISTRATION NUMBER.

- (3) THIS SECTION SHALL APPLY TO ALL COMMITTEES REFERRED TO IN SECTIONS 1-45-109 (1)(a)(I), (1)(a)(II), and (1)(c).
- (4) THIS SECTION SHALL NOT APPLY TO CANDIDATES WITHOUT A COMMITTEE AND DO NOT ACCEPT CONTRIBUTIONS.
- (5) THE COMMITTEE ACCEPTING AN ELIGIBLE ELECTOR CONTRIBUTION SHALL REPORT THE CONTRIBUTION WITH THE VOTER REGISTRATION NUMBER OF THE ELIGIBLE ELECTOR IN ACCORDANCE WITH OTHER REQUIREMENTS STATED IN SECTIONS 1-45-108 AND 1-45-109.
- (6) THE SECRETARY OF STATE SHALL PROVIDE ELECTRONIC MEANS:
- (a) TO RECORD VOTER REGISTRATION IDENTIFICATION NUMBERS AND CORRESPONDING PRECINCT NUMBERS FOR EACH CONTRIBUTION.
  - (b) FOR COMMITTEES TO VERIFY ELIGIBLE ELECTOR INFORMATION WITH THE VOTER REGISTRATION IDENTIFICATION NUMBER AND THE CORRESPONDING PRECINCT NUMBER FOR THE DATE THE CONTRIBUTION IS RECEIVED.
  - (c) TO SUM ELIGIBLE ELECTOR CONTRIBUTIONS AND GENERAL CONTRIBUTIONS WITHIN THE REGULAR PERIODIC DISCLOSURE SYSTEM REQUIRED BY SECTION 1-45-109 (6)(a) FOR EACH COMMITTEE REQUIRED TO REPORT AS STIPULATED IN SUBSECTION (3) OF THIS SECTION.
  - (d) TO REPORT TOTAL ELIGIBLE ELECTOR CONTRIBUTIONS, TOTAL EXPENDITURES AND GENERAL CONTRIBUTIONS FOR THE REPORTING PERIOD AND THE ELECTION CYCLE, FOR EACH REQUIRED COMMITTEE AS FOLLOWS:
    - (I) CANDIDATE COMMITTEES SHALL BE PROVIDED ELIGIBLE ELECTOR TOTAL CONTRIBUTIONS FOR THE RESPECTIVE OFFICE.
    - (II) POLITICAL COMMITTEES SHALL BE PROVIDED UPON REQUEST, TOTALS FOR ALL DISTRICTS WITHIN THE COMMITTEE'S STATED AREA OF INFLUENCE .
    - (III) ISSUE COMMITTEES SHALL BE PROVIDED UPON REQUEST, TOTALS FOR JURISDICTIONS WITHIN THE ISSUE ELECTION.
    - (IV) SMALL DONOR COMMITTEES SHALL NOT HAVE ELIGIBLE ELECTOR ACCOUNTS.
- (7) THE SECRETARY OF STATE MUST PROVIDE ACCESS TO VOTER REGISTRATION DATA TO ELECTRONIC PAYMENT PROCESSORS PROVIDED APPROPRIATE SECURITY MEASURES ARE IN PLACE AS DETERMINED BY THE COLORADO BUREAU OF INVESTIGATIONS.
- (8) COMMITTEE VIOLATIONS OF THIS SECTION ARE ENFORCED IN THE FOLLOWING WAYS:
- (a) WHEN A VIOLATION IS REPORTED THROUGH THE REGULAR PERIODIC DISCLOSURE REPORTING PROCESS AS ESTABLISHED BY SECTION 1-45-109 (6)(a), A CIVIL PENALTY OF DOUBLE THE EXCESS EXPENDITURES WILL BE BILLED AUTOMATICALLY BY THE ELECTRONIC REPORTING SYSTEM. PAYMENT SHALL BE RECEIVED WITHIN TWO WEEKS OF THE ASSESSED FINE OR INTEREST AT A RATE OF EIGHTEEN PERCENT ANNUAL PERCENTAGE RATE COMPOUNDED MONTHLY WILL ACCRUE UNTIL FULL PAYMENT IS MADE .
  - (b) VIOLATIONS NOT REPORTED THROUGH THE REGULAR PERIODIC DISCLOSURE REPORTING PROCESS WILL BE SUBJECT TO THE PROCESS ESTABLISHED BY SECTION (10)(2)(a) OF ARTICLE XXVIII OF THE STATE CONSTITUTION WITH CIVIL PENALTIES UP TO FIVE TIMES THE AMOUNT OF EXCESS EXPENDITURES.
- (9) THE SECRETARY OF STATE SHALL COMPLETE ALL NECESSARY SOFTWARE UPGRADES WITHIN ONE CALENDAR YEAR OF PASSAGE OF THIS PROVISION. ENFORCEMENT SHALL BEGIN AT THAT TIME .

**SECTION 3. Effective date.** This act shall take effect upon proclamation by the governor.