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HOUSE SPONSORSHIP

Weissman and Cutter,

A BILL FOR AN ACT

101   **CONCERNING EXPANDED DISCLOSURE ABOUT ELECTIONEERING**
102   **COMMUNICATIONS.**

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.)

The state constitution defines an "electioneering communication" to mean certain communication that unambiguously refers to a candidate that is disseminated to the public within 30 days before a primary election or within 60 days before a general election.

For purposes of campaign finance disclosure, **sections 1, 2, and 3** of the bill expand the definition of this term in the "Fair Campaign

Practices Act" to include any communication that satisfies all other requirements of the definition of the term specified in the state constitution but that is broadcast, printed, mailed, delivered, or distributed between the primary election and the general election.

Section 3 also requires any person who expends $1,000 or more per calendar year on electioneering communications or regular biennial school electioneering communications to state in the communication the name of the person making the communication in accordance with existing statutory requirements for communication constituting an independent expenditure.

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 (9) as follows:

4 **1-45-103. Definitions - repeal.** As used in this ~~article~~ ARTICLE 45,

5 unless the context otherwise requires:

6 (9) "Electioneering communication" ~~shall have~~ HAS the same

7 meaning as set forth in section 2 (7) of article XXVIII of the state

8 constitution. FOR PURPOSES OF THE DISCLOSURE REQUIRED BY SECTION

9 1-45-108, "ELECTIONEERING COMMUNICATION" ALSO INCLUDES ANY

10 COMMUNICATION THAT SATISFIES ALL OTHER REQUIREMENTS SET FORTH

11 IN SAID SECTION 2 (7) OF ARTICLE XXVIII BUT THAT IS BROADCAST,

12 PRINTED, MAILED, DELIVERED, OR DISTRIBUTED BETWEEN THE PRIMARY

13 ELECTION AND THE GENERAL ELECTION.

14 **SECTION 2.** In Colorado Revised Statutes, 1-45-108, **amend**

15 (1)(a)(III) as follows:

16 **1-45-108. Disclosure - definition - repeal.** (1) (a) (III) Any

17 person who expends one thousand dollars or more per calendar year on

18 electioneering communications or regular biennial school electioneering

19 communications shall report to the secretary of state, in accordance with

20 the disclosure required by this section, the amount expended on the

1 communications and the name and address of any person that contributes
2 more than two hundred fifty dollars per year to the person expending one
3 thousand dollars or more on the communications. If the person making a
4 contribution of more than two hundred fifty dollars is a natural person,
5 the disclosure required by this section must also include the person's
6 occupation and employer. Electioneering communication reports must
7 include the name of the candidate or candidates unambiguously referred
8 to in the electioneering communication or regular biennial school
9 electioneering communication. IN ACCORDANCE WITH SECTION 1-45-103
10 (9), AN ELECTIONEERING COMMUNICATION INCLUDES ANY
11 COMMUNICATION THAT SATISFIES ALL OTHER REQUIREMENTS SET FORTH
12 IN SECTION 2 (7) OF ARTICLE XXVIII OF THE STATE CONSTITUTION BUT
13 THAT IS BROADCAST, PRINTED, MAILED, DELIVERED, OR DISTRIBUTED
14 BETWEEN THE PRIMARY ELECTION AND THE GENERAL ELECTION.

15 **SECTION 3.** In Colorado Revised Statutes, 1-45-108.3, **add** (3)
16 as follows:

17 **1-45-108.3. Disclaimers - issue committees - electioneering**
18 **communications.** (3) IN ADDITION TO ANY OTHER APPLICABLE
19 REQUIREMENTS PROVIDED BY LAW, ANY PERSON WHO EXPENDS ONE
20 THOUSAND DOLLARS OR MORE PER CALENDAR YEAR ON ELECTIONEERING
21 COMMUNICATIONS OR REGULAR BIENNIAL SCHOOL ELECTIONEERING
22 COMMUNICATIONS SHALL, IN ACCORDANCE WITH THE REQUIREMENTS
23 SPECIFIED IN SECTION 1-45-107.5 (5), STATE IN THE COMMUNICATION THE
24 NAME OF THE PERSON MAKING THE COMMUNICATION. FOR PURPOSES OF
25 THIS SUBSECTION (3), AN "ELECTIONEERING COMMUNICATION" ALSO
26 INCLUDES ANY COMMUNICATION THAT SATISFIES ALL OTHER
27 REQUIREMENTS SET FORTH IN SECTION 2 (7) OF ARTICLE XXVIII OF THE

1 STATE CONSTITUTION BUT THAT IS BROADCAST, PRINTED, MAILED,

2 DELIVERED, OR DISTRIBUTED BETWEEN THE PRIMARY ELECTION AND THE

3 GENERAL ELECTION.

4 **SECTION 4. Act subject to petition - effective date -**

5 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

6 the expiration of the ninety-day period after final adjournment of the

7 general assembly (August 2, 2019, if adjournment sine die is on May 3,

8 2019); except that, if a referendum petition is filed pursuant to section 1

9 (3) of article V of the state constitution against this act or an item, section,

10 or part of this act within such period, then the act, item, section, or part

11 will not take effect unless approved by the people at the general election

12 to be held in November 2020 and, in such case, will take effect on the

13 date of the official declaration of the vote thereon by the governor.

14 (2) This act applies to the portion of any election cycle or for the

15 portion of the calendar year remaining after the effective date of this act

16 and for any election cycle or calendar year commencing after such

17 effective date, whichever is applicable.