

NOTE: The governor signed this measure on 6/10/2016.

An Act

SENATE BILL 16-186

BY SENATOR(S) Tate, Baumgardner, Grantham, Holbert, Lambert, Marble, Neville T.;
also REPRESENTATIVE(S) Lontine, Becker K., Court, Pabon, Rosenthal, Ryden.

CONCERNING DISCLOSURE REQUIREMENTS TO BE APPLIED TO SMALL-SCALE ISSUE COMMITTEES UNDER COLORADO LAW GOVERNING CAMPAIGN FINANCE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 1-45-103, **add** (16.3) as follows:

1-45-103. Definitions - repeal. As used in this article, unless the context otherwise requires:

(16.3) (a) "SMALL-SCALE ISSUE COMMITTEE" MEANS AN ISSUE COMMITTEE THAT HAS ACCEPTED OR MADE CONTRIBUTIONS OR EXPENDITURES IN AN AMOUNT THAT DOES NOT EXCEED FIVE THOUSAND DOLLARS DURING AN APPLICABLE ELECTION CYCLE FOR THE MAJOR PURPOSE OF SUPPORTING OR OPPOSING ANY BALLOT ISSUE OR BALLOT QUESTION.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) THE FOLLOWING ARE TREATED AS A SINGLE SMALL-SCALE ISSUE COMMITTEE:

(I) ALL SMALL-SCALE ISSUE COMMITTEES THAT SUPPORT OR OPPOSE A COMMON BALLOT MEASURE IF THE COMMITTEES ARE ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A SINGLE CORPORATION OR ITS SUBSIDIARIES;

(II) ALL SMALL-SCALE ISSUE COMMITTEES THAT SUPPORT OR OPPOSE A COMMON BALLOT MEASURE IF THE COMMITTEES ARE ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A SINGLE LABOR ORGANIZATION OR THE AFFILIATED LOCAL UNITS IT DIRECTS; OR

(III) ALL SMALL-SCALE ISSUE COMMITTEES THAT SUPPORT OR OPPOSE A COMMON BALLOT MEASURE IF THE COMMITTEES ARE ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY SUBSTANTIALLY THE SAME PERSON, GROUP OF PERSONS, OR OTHER ORGANIZATIONS.

(c) THIS SUBSECTION (16.3) IS REPEALED, EFFECTIVE JUNE 30, 2019.

SECTION 2. In Colorado Revised Statutes, 1-45-108, **amend** (1) (a) (I), (1) (a) (II), (3.3), and (6); and **add** (1.5) as follows:

1-45-108. Disclosure - definition - repeal. (1) (a) (I) SUBJECT TO SUBSECTION (1.5) OF THIS SECTION, all candidate committees, political committees, issue committees, small donor committees, and political parties shall report to the appropriate officer their contributions received, including the name and address of each person who has contributed twenty dollars or more; expenditures made, and obligations entered into by the committee or party.

(II) SUBJECT TO SUBSECTION (1.5) OF THIS SECTION, in the case of contributions made to a candidate committee, political committee, issue committee, and political party, the disclosure required by this section shall also include the occupation and employer of each person who has made a contribution of one hundred dollars or more to such committee or party.

(1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN LIGHT OF THE OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE TENTH

CIRCUIT IN THE CASE OF *COALITION FOR SECULAR GOVERNMENT V. WILLIAMS*, No. 14-1469 (10TH CIRCUIT MARCH 2, 2016), THAT AFFIRMED THE ORDER OF THE FEDERAL DISTRICT COURT IN THE CASE OF *COALITION FOR SECULAR GOV'T V. GESSLER*, CASE No. 12 CV 1708, THE DISCLOSURE REQUIREMENTS SPECIFIED IN SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION AND THE REPORTING REQUIREMENTS SPECIFIED IN SUBSECTION (3.3) OR (6) OF THIS SECTION SHALL NOT APPLY TO A SMALL-SCALE ISSUE COMMITTEE. ANY SMALL-SCALE ISSUE COMMITTEE SHALL DISCLOSE OR FILE REPORTS ABOUT THE CONTRIBUTIONS OR EXPENDITURES IT HAS MADE OR RECEIVED OR OTHERWISE REGISTER AS AN ISSUE COMMITTEE IN CONNECTION WITH ACCEPTING OR MAKING SUCH CONTRIBUTIONS OR EXPENDITURES IN ACCORDANCE WITH THE FOLLOWING ALTERNATIVE REQUIREMENTS:

(a) ANY SMALL-SCALE ISSUE COMMITTEE THAT ACCEPTS OR MAKES CONTRIBUTIONS OR EXPENDITURES IN AN AGGREGATE AMOUNT DURING ANY APPLICABLE ELECTION CYCLE THAT DOES NOT EXCEED TWO HUNDRED DOLLARS IS NOT REQUIRED TO DISCLOSE OR FILE REPORTS ABOUT THE CONTRIBUTIONS OR EXPENDITURES IT HAS MADE OR RECEIVED OR OTHERWISE REGISTER AS AN ISSUE COMMITTEE IN CONNECTION WITH ACCEPTING OR MAKING SUCH CONTRIBUTIONS OR EXPENDITURES.

(b) (I) ANY SMALL-SCALE ISSUE COMMITTEE THAT ACCEPTS OR MAKES CONTRIBUTIONS OR EXPENDITURES IN AN AGGREGATE AMOUNT DURING ANY APPLICABLE ELECTION CYCLE OF BETWEEN TWO HUNDRED DOLLARS AND FIVE THOUSAND DOLLARS SHALL REGISTER WITH THE APPROPRIATE OFFICER WITHIN TEN BUSINESS DAYS OF THE DATE ON WHICH THE AGGREGATE AMOUNT OF CONTRIBUTIONS OR EXPENDITURES EXCEEDS TWO HUNDRED DOLLARS. THE REGISTRATION REQUIRED BY THIS SUBPARAGRAPH (I) MUST INCLUDE A STATEMENT LISTING:

(A) THE COMMITTEE'S FULL NAME, SPELLING OUT ANY ACRONYMS USED IN THE NAME;

(B) THE NAME OF A NATURAL PERSON AUTHORIZED TO ACT AS A REGISTERED AGENT OF THE COMMITTEE;

(C) A STREET ADDRESS FOR THE PRINCIPAL PLACE OF BUSINESS OF THE COMMITTEE;

(D) THE PURPOSE OR NATURE OF INTEREST OF THE COMMITTEE; AND

(E) THE NAME OF THE FINANCIAL INSTITUTION IN WHICH, IN A SEPARATE ACCOUNT BEARING THE NAME OF THE COMMITTEE, ALL CONTRIBUTIONS RECEIVED BY THE COMMITTEE ARE DEPOSITED.

(II) ANY SMALL-SCALE ISSUE COMMITTEE DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) IS NOT REQUIRED TO MAKE ANY DISCLOSURE ABOUT ANY CONTRIBUTIONS OR EXPENDITURES IT HAS MADE OR RECEIVED.

(c) (I) AT SUCH TIME AS ANY ISSUE COMMITTEE THAT BEGAN AS A SMALL-SCALE ISSUE COMMITTEE ACCEPTS OR MAKES CONTRIBUTIONS OR EXPENDITURES IN AN AGGREGATE AMOUNT DURING ANY APPLICABLE ELECTION CYCLE THAT EXCEEDS FIVE THOUSAND DOLLARS, THE COMMITTEE SHALL REPORT TO THE APPROPRIATE OFFICER, FOR EACH PARTICULAR CONTRIBUTION OR EXPENDITURE ACCEPTED OR MADE, THE NAME AND ADDRESS OF EACH PERSON WHO HAS MADE SUCH CONTRIBUTION AND THE AMOUNT OF EACH SPECIFIC CONTRIBUTION AND EXPENDITURE ACCEPTED OR MADE BY THE COMMITTEE.

(II) AT SUCH TIME AS ANY ISSUE COMMITTEE THAT BEGAN AS A SMALL-SCALE ISSUE COMMITTEE ACCEPTS OR MAKES CONTRIBUTIONS OR EXPENDITURES IN AN AGGREGATE AMOUNT DURING ANY APPLICABLE ELECTION CYCLE THAT EXCEEDS FIVE THOUSAND DOLLARS, THE COMMITTEE SHALL MAKE DISCLOSURE OF ANY CONTRIBUTIONS OR EXPENDITURES IT ACCEPTS OR MAKES ON OR AFTER THE DATE ON WHICH SUCH AGGREGATE AMOUNT EXCEEDS FIVE THOUSAND DOLLARS IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS UNDER THIS ARTICLE PERTAINING TO THE DISCLOSURE BY AN ISSUE COMMITTEE OF ITS CONTRIBUTIONS OR EXPENDITURES ACCEPTED OR MADE.

(III) WITHIN FIFTEEN DAYS OF A SMALL-SCALE ISSUE COMMITTEE BECOMING SUBJECT TO THE APPLICABLE REQUIREMENTS GOVERNING AN ISSUE COMMITTEE UNDER THIS ARTICLE, THE COMMITTEE THROUGH ITS REGISTERED AGENT, SHALL REPORT THIS CHANGE IN THE COMMITTEE'S STATUS TO THE SECRETARY OF STATE.

(d) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JUNE 30, 2019.

(3.3) Subject to ~~the provisions of subsection (7)~~ SUBSECTIONS (1.5) AND (7) of this section, each issue committee shall register with the appropriate officer within ten calendar days of accepting or making contributions or expenditures in excess of two hundred dollars to support or oppose any ballot issue or ballot question or upon receipt of the notice from the secretary of state pursuant to section 1-40-113 (1) (b). If required to register under the requirements of this subsection (3.3), the registration of the issue committee ~~shall~~ MUST include a statement containing the items listed in paragraphs (a) to (e) of subsection (3) of this section in connection with other committees and a political party.

(6) SUBJECT TO SUBSECTION (1.5) OF THIS SECTION, any issue committee whose purpose is the recall of any elected official shall register with the appropriate officer within ten calendar days of accepting or making contributions or expenditures in excess of two hundred dollars to support or oppose the recall. Reports of contributions and expenditures shall be filed with the appropriate officer within fifteen days of the filing of the committee registration and every thirty days thereafter until the date of the recall election has been established and then fourteen days and seven days before the recall election and thirty days following the recall election.

SECTION 3. Appropriation. For the 2016-17 state fiscal year, \$20,130 is appropriated to the department of state. This appropriation is from the department of state cash fund created in section 24-21-104 (3) (b), C.R.S. To implement this act, the department may use this appropriation for personal services related to information technology services.

SECTION 4. Applicability. This act applies to the portion of any election cycle or for the portion of the calendar year remaining after the effective date of this act and for any election cycle or calendar year commencing after such effective date, whichever is applicable.

SECTION 5. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Bill L. Cadman
PRESIDENT OF
THE SENATE

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO