



**Colorado  
Legislative  
Council  
Staff**

**HB17-1262**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 17-0758

**Date:** March 30, 2017

**Prime Sponsor(s):** Rep. Bridges; Becker K.

**Bill Status:** House SVMA

**Fiscal Analyst:** Chris Creighton (303-866-5834)

**BILL TOPIC:** EXPAND DISCLOSURE ELECTIONEERING COMMUNICATIONS

<b>Fiscal Impact Summary</b>	<b>FY 2017-2018</b>	<b>FY 2018-2019</b>
<b>State Revenue</b>		
Cash Funds	Potential increase.	
<b>State Expenditures</b>		
Cash Funds	Potential increase.	
<b>TABOR Impact</b>	Potential increase.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing potential revenue and expenditure increase.		

**Summary of Legislation**

Under current law, electioneering communication means communication that unambiguously refers to a candidate and is broadcast, printed, directly mailed, or delivered by hand within 30 days of a primary election and 60 days of a general election. This bill changes this time frame to include communications that are broadcast, printed, directly mailed, or delivered by hand at any point between the primary election and general election.

**State Revenue**

This bill potentially increases fine revenue from violations relating to electioneering communications. Specifically, the Department of State may assess a fine for the failure to properly disclose electioneering communications made between the primary election and the General Election in a timely manner. Fine revenue is deposited in the Department of State Cash Fund. This analysis assumes a high level of compliance by individuals making electioneering communications, therefore any fine revenue collected will be minimal.

**TABOR Impact**

This bill potentially increases state cash revenue from fines by a minimal amount, which may increase the amount of money required to be refunded under TABOR for FY 2017-18 and

FY 2018-19. TABOR refunds are paid out of the General Fund. Since the bill potentially increases the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget may decrease by an identical amount.

### **State Expenditures**

Beginning in FY 2017-18, this bill potentially increases costs in the Department of State. To the extent that this bill results in additional electioneering communication litigation, legal services costs will increase. Also to the extent that complaints of electioneering communication campaign finance violations are received, workload and costs will increase. Workload is also increased in the Office of Administrative Courts for an Administrative Law Judge hearing. Costs will increase to pay for the hearing from funds reappropriated from the Department of State Cash Fund. Any increase in workload and costs is expected to be minimal and can be accomplished within existing appropriations.

### **Effective Date**

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed. This applies to any election cycle, the portion of the calendar year remaining after the effective date, or any election cycle or calendar year commencing after this effective date.

### **State and Local Government Contacts**

Secretary of State