

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 18-1154.01 Bob Lackner x4350

HOUSE BILL 18-1403

HOUSE SPONSORSHIP

Weissman,

SENATE SPONSORSHIP

Fenberg,

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE EXPANDED DISCLOSURE OF INFORMATION IN
102 DISCLAIMER STATEMENTS ABOUT PERSONS PAYING FOR CERTAIN
103 FORMS OF POLITICAL COMMUNICATION.

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 2 of the bill addresses independent expenditures, meaning purchases expressly advocating the election or defeat of a candidate that are not controlled by or coordinated with a candidate. Under current law, a major independent expenditure that is broadcast, printed, mailed, or delivered must be accompanied by a disclaimer statement. Section 2

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.

HOUSE
2nd Reading Unamended
April 26, 2018

expands these forms of communication necessitating the disclosure statement to include communication placed on a website, streaming media service, or online forum for a fee. Section 2 additionally replaces the term "circulated" with "distributed" to modify all other forms of communication triggering the disclaimer requirement.

Section 2 also modifies the components of the disclaimer statement to:

- ! Include online video or audio communication in addition to broadcast communication; and
- ! Clarify that nonbroadcast communication includes online communications.

Under current law, an issue committee making an expenditure in excess of \$1,000 on a communication that supports or opposes a statewide ballot issue or ballot question and that is broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, or otherwise distributed must disclose in the communication produced by the expenditure the name of the issue committee making the expenditure.

Section 3 modifies these disclosure requirements by:

- ! Imposing the disclosure requirements on all candidate committees, political committees, issue committees, small donor committees, political organizations, political parties, and other persons, and not just issue committees, by requiring those committees, organizations, parties, and other persons spending in excess of \$1,000 per calendar year on certain communications to include in the communication a disclaimer statement; and
- ! Expanding the nature of the communication triggering a disclaimer statement from a communication supporting or opposing a statewide ballot issue or ballot question and that is broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, or otherwise distributed to any communication that is broadcast, printed, mailed, delivered, placed on a website, streaming media service, or online forum for a fee, or that is otherwise distributed.

Section 3 also requires any person who expends \$1,000 or more per calendar year on any electioneering communication or any regular biennial school electioneering communication to include in such communication a disclaimer statement for communications for which disclosure is required.

Current law also requires that the disclaimer be printed on the communication clearly and legibly in a conspicuous manner. Section 3 requires that the disclaimer statement conform to the requirements specified in current law for disclaimers for large independent

expenditures with respect to content, size, duration, and placement. The bill deletes other existing requirements pertaining to the disclaimer.

Any person who believes that a violation has occurred of disclaimer requirements is authorized to file a complaint with the secretary of state in accordance with existing statutory provisions governing enforcement of the state's campaign finance laws.

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

2 **SECTION 1. Short title.** This short title of this act is the "Stand
3 By Your Ad Act".

4 **SECTION 2.** In Colorado Revised Statutes, 1-45-107.5, **amend**
5 (5)(a) introductory portion, (5)(b), and (5)(c) as follows:

6 **1-45-107.5. Independent expenditures - restrictions on foreign**
7 **corporations - registration - disclosure - disclaimer requirements.**

8 (5) (a) In addition to any other applicable requirements provided by law,
9 and subject to the provisions of this section, any communication that is
10 broadcast, printed, mailed, delivered, PLACED ON A WEBSITE, STREAMING
11 MEDIA SERVICE, OR ONLINE FORUM FOR A FEE, or THAT IS otherwise
12 ~~circulated~~ DISTRIBUTED that constitutes an independent expenditure for
13 which the person making the independent expenditure expends in excess
14 of one thousand dollars on the communication shall include in the
15 communication a statement that:

16 (b) In the case of a broadcast OR ONLINE VIDEO OR AUDIO
17 communication, the statement required by ~~paragraph (a) of this subsection~~
18 ~~(5)~~ SUBSECTION (5)(a) OF THIS SECTION shall satisfy all applicable
19 requirements promulgated by the federal communications commission for
20 size, duration, and placement.

21 (c) In the case of a nonbroadcast communication, INCLUDING
22 ONLINE COMMUNICATIONS, the secretary of state shall, by rule, establish

1 size and placement requirements for the disclaimer STATEMENT. IF THE
2 SIZE, FORMAT, OR DISPLAY REQUIREMENTS OF AN ONLINE COMMUNICATION
3 MAKE IT IMPRACTICABLE TO INCLUDE A DISCLAIMER STATEMENT AS PART
4 OF THE COMMUNICATION, THE RULES SHALL REQUIRE THAT THE
5 DISCLAIMER STATEMENT BE AVAILABLE BY MEANS OF A DIRECT LINK FROM
6 THE COMMUNICATION TO A WEB PAGE OR APPLICATION SCREEN
7 CONTAINING THE STATEMENT.

8 **SECTION 3.** In Colorado Revised Statutes, **amend 1-45-108.3**
9 as follows:

10 **1-45-108.3. Disclaimer statements - major spending by**
11 **committees, political organizations, political parties, other persons -**
12 **electioneering communications - enforcement.** (1) (a) ~~An issue~~
13 ~~committee making an expenditure~~ IN ADDITION TO ANY OTHER
14 APPLICABLE REQUIREMENTS PROVIDED BY LAW, ALL CANDIDATE
15 COMMITTEES, POLITICAL COMMITTEES, ISSUE COMMITTEES, SMALL DONOR
16 COMMITTEES, POLITICAL ORGANIZATIONS, POLITICAL PARTIES, AND OTHER
17 PERSONS SPENDING in excess of one thousand dollars ~~on~~ PER CALENDAR
18 YEAR FOR a communication FOR WHICH DISCLOSURE IS REQUIRED UNDER
19 THIS ARTICLE 45 that ~~supports or opposes a statewide ballot issue or ballot~~
20 ~~question and that is broadcast, by television or radio, printed, in a~~
21 ~~newspaper or on a billboard, directly mailed, or delivered, by hand to~~
22 ~~personal residences~~ PLACED ON A WEBSITE, STREAMING MEDIA SERVICE,
23 OR ONLINE FORUM FOR A FEE, or THAT IS otherwise distributed shall
24 ~~disclose~~ include, in the communication, ~~produced by the expenditure, the~~
25 ~~name of the issue committee making the expenditure~~ A DISCLAIMER
26 STATEMENT IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

27 (b) IN ADDITION TO ANY OTHER APPLICABLE REQUIREMENTS

1 PROVIDED BY LAW, ANY PERSON WHO EXPENDS ONE THOUSAND DOLLARS
2 OR MORE PER CALENDAR YEAR ON ANY ELECTIONEERING COMMUNICATION
3 OR ANY REGULAR BIENNIAL SCHOOL ELECTIONEERING COMMUNICATION
4 SHALL INCLUDE IN SUCH COMMUNICATION A DISCLAIMER STATEMENT.

5 (2) ~~(a)~~ The disclaimer STATEMENT required by subsection (1) of
6 this section ~~shall be printed on the communication clearly and legibly in~~
7 ~~a conspicuous manner~~ MUST CONFORM TO THE REQUIREMENTS SPECIFIED
8 IN SECTION 1-45-107.5 (5) FOR CONTENT, SIZE, DURATION, AND
9 PLACEMENT.

10 ~~(b) If the communication is broadcast on radio, the disclaimer~~
11 ~~shall be spoken at the beginning or end of the communication.~~

12 ~~(c) (I) If the communication is broadcast on television, the~~
13 ~~disclaimer shall be written or spoken at the beginning or end of the~~
14 ~~communication. If the disclaimer is written, it shall appear for at least~~
15 ~~four seconds of any communication broadcast on television.~~

16 ~~(II) The written disclaimer required by subparagraph (I) of this~~
17 ~~paragraph (c) shall appear in the communication in a conspicuous~~
18 ~~manner.~~

19 (3) ANY PERSON WHO BELIEVES THAT A VIOLATION HAS OCCURRED
20 OF EITHER THIS SECTION OR ANY OTHER DISCLAIMER REQUIREMENT
21 SPECIFIED IN THIS ARTICLE 45 OR THE SECRETARY OF STATE'S RULES
22 CONCERNING CAMPAIGN AND POLITICAL FINANCE MAY FILE A COMPLAINT
23 WITH THE SECRETARY OF STATE IN ACCORDANCE WITH SECTION
24 1-45-111.5 (1.5)(a). THE COMPLAINT IS SUBJECT TO THE PROCEDURAL
25 REQUIREMENTS SPECIFIED IN SECTION 1-45-111.5 (1.5)(a). THE IMPOSITION
26 OF A SANCTION FOR THE COMMISSION OF ANY SUCH VIOLATION IS
27 GOVERNED BY SECTION 1-45-111.5 (1.5)(b).

1 **SECTION 4. Applicability.** This act applies to elections
2 conducted on or after the effective date of this act.

3 **SECTION 5. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.