



Legislative  
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*Nonpartisan Services for Colorado's Legislature*

**HB 18-1403**

# FINAL FISCAL NOTE

|                         |                               |                        |  |
|-------------------------|-------------------------------|------------------------|--|
| <b>Drafting Number:</b> | LLS 18-1154                   | <b>Date:</b>           | June 20, 2018                                      |
| <b>Prime Sponsors:</b>  | Rep. Weissman<br>Sen. Fenberg | <b>Bill Status:</b>    | Postponed Indefinitely                             |
|                         |                               | <b>Fiscal Analyst:</b> | Ryan Long   303-866-2066<br>RyanC.Long@state.co.us |

**Bill Topic:** STAND BY YOUR AD ACT

|                                      |  |   |
|--------------------------------------|--|---|
| <b>Summary of<br/>Fiscal Impact:</b> | <input checked="" type="checkbox"/> State Revenue ( <i>minimal</i> )     | <input checked="" type="checkbox"/> TABOR Refund ( <i>minimal</i> ) |
|                                      | <input checked="" type="checkbox"/> State Expenditure ( <i>minimal</i> ) | <input type="checkbox"/> Local Government                           |
|                                      | <input type="checkbox"/> State Transfer                                  | <input type="checkbox"/> Statutory Public Entity                    |

This bill specifies that online communication is included in the requirements for the disclosure of independent electioneering expenditures, and it expands the number of people who must disclose expenditures in excess of \$1,000. Beginning in the current FY 2017-18, it will minimally increase state revenue and expenditures.

**Appropriation  
Summary:** No appropriation is required.

**Fiscal Note  
Status:** The fiscal note reflects the reengrossed bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

## Summary of Legislation

Under current law, an independent expenditure that is broadcast, printed, mailed, or delivered in certain media formats, and is in excess of \$1,000, must have a disclaimer statement identifying the name of the issue committee making the expenditure. This bill includes online video, audio communication, and other online content to this requirement.

Additionally, the bill specifies that the disclosure requirement related to electioneering materials includes all candidate committees, political committees, issue committees, small donor committees, political organizations, political parties, and any other person spending in excess of \$1,000. The bill also adds this disclosure requirement to expenditures made in school board elections.

## State Revenue

To the extent that more people face penalties for not complying with disclosure of independent expenditures, this bill will minimally increase cash fund revenue credited to the Department of State cash fund beginning in the current FY 2017-18. The fiscal note assumes that there will be high compliance with this bill, and that fine issuance will be minimal.

**TABOR Refund**

This bill may minimally increase bill state revenue from fines, which will increase the amount of money required to be refunded under TABOR for FY 2018-19 and FY 2019-20. Since the bill 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 will decrease by an identical amount. State revenue subject to TABOR is not estimated for years beyond FY 2019-20.

**State Expenditures**

Beginning in the current FY 2017-18, this bill increases Department of State workload to update policies and procedures as they relate to the requirement to disclose independent expenditures. Additionally, workload may increase for the Office of Administrative Courts in the Department of Personnel and Administration to hear additional cases related to independent expenditure disclosure. It is assumed that any increase to caseload will be minimal. These workload impacts can be accomplished within the existing appropriation's for each agency.

**Effective Date**

The bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee on May 3, 2018.

**State and Local Government Contacts**

Counties  
Municipalities

County Clerks  
Personnel

Information Technology  
Secretary of State