

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 19-0497.01 Bob Lackner x4350

**HOUSE BILL 19-1195**

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**HOUSE SPONSORSHIP**

**Mullica,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

State, Veterans, & Military Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING RESTRICTIONS ON SPECIFIED COMMUNICATIONS BY A**  
102 **CANDIDATE FOR COUNTY ELECTED OFFICE.**

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**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 1** of the bill prohibits a candidate for county elected office from sending any mass communication within 60 days immediately prior to the date of any primary, general, or special election in which the name of the candidate is on the ballot.

The bill defines "mass communication" to mean any form of communication containing substantially identical content that is

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.

broadcast, mailed, delivered, or distributed by a candidate for county elected office at public expense, whether all of the communication is sent at the same time or on separate occasions, to:

- ! 500 or more persons where the population of the county exceeds 50,000 permanent residents; or
- ! 150 or more persons where the population of the county is 50,000 permanent residents or less.

The bill exempts certain forms of communication by a candidate for county elected office from the definition of "mass communication". The bill also contains additional restrictions applicable to such mass communication regardless of the date when the communication is broadcast, mailed, delivered, or distributed.

The bill does not affect the ability of a candidate for county elected office to broadcast, print, mail, deliver, or distribute to the fullest extent provided by law any form of communication that is paid for by a candidate committee established in his or her own name.

**Section 2** prohibits any reference to the county clerk and recorder in any document included within a mail ballot packet from identifying the name of the particular individual serving as county clerk and recorder at the time of the election.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 30-10-113 as  
3 follows:

4 **30-10-113. Mass communications by a candidate for county**  
5 **elected office - restrictions - definitions.** (1) AS USED IN THIS SECTION,  
6 UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "CANDIDATE FOR COUNTY ELECTED OFFICE" MEANS A  
8 CANDIDATE FOR THE OFFICE OF BOARD OF COUNTY COMMISSIONERS,  
9 COUNTY CLERK AND RECORDER, SHERIFF, CORONER, TREASURER,  
10 ASSESSOR, OR SURVEYOR.

11 (b) "LOCAL GOVERNMENT" MEANS A COUNTY, CITY AND COUNTY,  
12 MUNICIPALITY, HOME RULE COUNTY, HOME RULE MUNICIPALITY, OR  
13 SPECIAL DISTRICT.

14 (c) (I) "MASS COMMUNICATION" MEANS ANY FORM OF

1 COMMUNICATION CONTAINING SUBSTANTIALLY IDENTICAL CONTENT THAT  
2 IS BROADCAST, MAILED, DELIVERED, OR DISTRIBUTED BY A CANDIDATE  
3 FOR COUNTY ELECTED OFFICE AT PUBLIC EXPENSE, WHETHER ALL OF THE  
4 COMMUNICATION IS SENT AT THE SAME TIME OR ON SEPARATE OCCASIONS,  
5 TO:

6 (A) FIVE HUNDRED OR MORE PERSONS WHERE THE POPULATION OF  
7 THE COUNTY EXCEEDS FIFTY THOUSAND PERMANENT RESIDENTS; OR

8 (B) ONE HUNDRED FIFTY OR MORE PEOPLE WHERE THE  
9 POPULATION OF THE COUNTY IS FIFTY THOUSAND PERMANENT RESIDENTS  
10 OR LESS.

11 (II) "MASS COMMUNICATION" DOES NOT INCLUDE:

12 (A) ANY FORM OF COMMUNICATION THAT IS DELIVERED OR  
13 DISTRIBUTED IN DIRECT RESPONSE TO A COMMUNICATION FROM A PERSON  
14 TO WHOM THE COMMUNICATION IS SENT;

15 (B) ANY FORM OF COMMUNICATION FROM A CANDIDATE FOR  
16 COUNTY ELECTED OFFICE TO ANY OFFICIAL OF THE FEDERAL, STATE, OR A  
17 LOCAL GOVERNMENT;

18 (C) A NEWS RELEASE TO THE COMMUNICATIONS MEDIA;

19 (D) NOTICE OF A TOWN HALL OR OTHER COMMUNITY MEETING  
20 HOSTED BY ONE OR MORE ELECTED OFFICIALS AT THE FEDERAL, STATE, OR  
21 LOCAL GOVERNMENT LEVELS; OR

22 (E) ANY FORM OF COMMUNICATION A CANDIDATE FOR COUNTY  
23 ELECTED OFFICE IS REQUIRED BY LAW TO PROVIDE IN CONNECTION WITH  
24 THE CANDIDATE'S EXISTING EMPLOYMENT THAT IS SEPARATE FROM HIS OR  
25 HER STATUS AS A CANDIDATE.

26 (2) A CANDIDATE FOR COUNTY ELECTED OFFICE SHALL NOT SEND  
27 ANY MASS COMMUNICATION WITHIN SIXTY DAYS IMMEDIATELY PRIOR TO

1 THE DATE OF ANY PRIMARY, GENERAL, OR SPECIAL ELECTION IN WHICH  
2 THE NAME OF THE CANDIDATE IS ON THE BALLOT.

3 (3) IN CONNECTION WITH ANY MASS COMMUNICATION,  
4 REGARDLESS OF THE DATE WHEN THE COMMUNICATION IS BROADCAST,  
5 MAILED, DELIVERED, OR DISTRIBUTED:

6 (a) A CANDIDATE FOR COUNTY ELECTED OFFICE SHALL NOT IN THE  
7 MASS COMMUNICATION SOLICIT CAMPAIGN CONTRIBUTIONS OR A VOTE IN  
8 SUPPORT OF OR IN OPPOSITION TO THE CANDIDATE OR ANY OTHER  
9 CANDIDATE FOR PUBLIC OFFICE;

10 (b) A MASS COMMUNICATION SHALL NOT CONTAIN PARTISAN  
11 LANGUAGE, DISPARAGE ANOTHER PUBLIC OFFICIAL OR A POLITICAL PARTY,  
12 OR CONTAIN GRATUITOUS BIOGRAPHICAL OR PERSONAL INFORMATION  
13 ABOUT ANY PUBLIC OFFICIAL;

14 (c) ANY IMAGES IN THE MASS COMMUNICATION MUST RELATE TO  
15 THE TEXT OF THE MESSAGE IN THE COMMUNICATION; AND

16 (d) THE MASS COMMUNICATION MUST STATE AT THE BOTTOM OF  
17 THE FIRST PAGE OF ANY WRITTEN DOCUMENT OR PROMINENTLY IN ANY  
18 SUCH COMMUNICATION SENT ELECTRONICALLY THE WORDS: "PREPARED  
19 AND DISTRIBUTED AT TAXPAYER EXPENSE."

20 (4) NOTHING IN THIS SECTION AFFECTS THE ABILITY OF A  
21 CANDIDATE FOR COUNTY ELECTED OFFICE TO BROADCAST, PRINT, MAIL,  
22 DELIVER, OR DISTRIBUTE TO THE FULLEST EXTENT PROVIDED BY LAW ANY  
23 FORM OF COMMUNICATION THAT IS PAID FOR BY A CANDIDATE COMMITTEE  
24 ESTABLISHED IN HIS OR HER OWN NAME.

25 **SECTION 2.** In Colorado Revised Statutes, 1-7.5-104.5, **add** (5)  
26 as follows:

27 **1-7.5-104.5. Ballots and supplies for mail voting.** (5) ANY

1 REFERENCE TO THE COUNTY CLERK AND RECORDER IN ANY DOCUMENT  
2 INCLUDED WITHIN A MAIL BALLOT PACKET SHALL NOT IDENTIFY THE NAME  
3 OF THE PARTICULAR INDIVIDUAL SERVING AS COUNTY CLERK AND  
4 RECORDER AT THE TIME OF THE ELECTION.

5           **SECTION 3. Act subject to petition - effective date.** This act  
6 takes effect at 12:01 a.m. on the day following the expiration of the  
7 ninety-day period after final adjournment of the general assembly (August  
8 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
9 referendum petition is filed pursuant to section 1 (3) of article V of the  
10 state constitution against this act or an item, section, or part of this act  
11 within such period, then the act, item, section, or part will not take effect  
12 unless approved by the people at the general election to be held in  
13 November 2020 and, in such case, will take effect on the date of the  
14 official declaration of the vote thereon by the governor.