

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0514.01 Bob Lackner x4350

HOUSE BILL 19-1318

HOUSE SPONSORSHIP

Weissman, Kennedy

SENATE SPONSORSHIP

Bridges and Foote,

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASED TRANSPARENCY OF MONEY IN ELECTIONS**
102 **CONSISTENT WITH THE FIRST AMENDMENT TO THE UNITED**
103 **STATES CONSTITUTION.**

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 prohibits an issue committee or small-scale issue committee from knowingly accepting contributions from:

- ! Any natural person who is not a citizen of the United States;
- ! A foreign government; or

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.

! Any foreign corporation that does not have the authority to transact business in this state.

Under the bill, a natural person who is not a citizen of the United States, a foreign government, or a foreign corporation is prohibited from establishing, registering, or maintaining a political committee, small donor committee, political party, issue committee, or small-scale issue committee, or making an electioneering communication or regular biennial school electioneering communication.

If, within the 6 months before becoming a candidate for public office, a person actively solicits funds for an independent expenditure committee with the intent of benefitting his or her future candidacy, any expenditure made by that independent expenditure committee in that candidate's race is presumed to be controlled by or coordinated with that candidate and deemed to constitute both a contribution by the maker of the expenditures, and an expenditure by the candidate committee.

Section 3 extends existing restrictions barring a foreign corporation from expending money on an independent expenditure to include a natural person who is not a citizen of the United States, or a foreign government. The bill also prohibits an independent expenditure committee from knowingly accepting a donation from any natural person who is not a citizen of the United States, any foreign government, or any foreign corporation.

The bill expands existing requirements requiring a disclaimer to include communication placed on a website, streaming media service, or an online forum for a fee, or that is otherwise distributed. Existing requirements pertaining to the nature of the disclaimer are expanded to include online video or audio communications.

Any corporation, labor organization, or independent expenditure committee (covered organization) that contributes, donates, or transfers \$10,000 or more to any person during any one calendar year earmarked for the purpose of making an independent expenditure or electioneering communication must provide to the recipient of the contribution, donation, or transfer a written affirmation.

Any covered organization that transfers \$10,000 or more to any person, earmarked for the purpose of that person making a contribution, donation, or transfer to pay for an independent expenditure or electioneering communication, during any one calendar year, must provide to the recipient of the transfer a written affirmation.

Particular disclosure requirements are made applicable to a covered organization that is not a for-profit organization.

The bill prohibits any person from accepting a contribution, donation, or transfer from a covered organization unless the covered organization provides a written affirmation. The bill describes the required contents of the affirmation.

Section 4 repeals and reenacts existing statutory provisions

addressing small-scale issue committees and, in particular, specifies requirements governing when such committees are required to disclose and file reports of their contributions or expenditures.

Under existing law, an issue committee making an expenditure in excess of \$1,000 on a communication is required to disclose in the communication the name of the issue committee making the expenditure. **Section 5** expands these requirements so they apply to a candidate committee, political committee, small donor committee, political organization, political party, or other person, as well as an issue committee, making or spending more than \$1,000 per calendar year on a communication. The bill also extends these requirements to communication placed on a website, streaming media service, or online forum for a fee. Instead of requiring that the communication disclose certain information, the bill requires that the responsible person include in the communication a disclaimer statement. The bill specifies the contents of the disclaimer statement.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-45-103, **amend** the
3 introductory portion and (7.5); and **repeal and reenact, with**
4 **amendments**, (16.3) as follows:

5 **1-45-103. Definitions - repeal.** As used in this ~~article~~ ARTICLE 45,
6 unless the context otherwise requires:

7 (7.5) "Earmark" means a designation, instruction, or encumbrance
8 that directs the transmission by the recipient of all or part of a donation
9 to a third party for the purpose of making one or more independent
10 expenditures OR ELECTIONEERING COMMUNICATIONS in excess of one
11 thousand dollars.

12 (16.3) (a) "SMALL-SCALE ISSUE COMMITTEE" MEANS AN ISSUE
13 COMMITTEE THAT HAS ACCEPTED OR MADE CONTRIBUTIONS OR
14 EXPENDITURES IN AN AMOUNT THAT DOES NOT EXCEED FIVE THOUSAND
15 DOLLARS DURING AN APPLICABLE ELECTION CYCLE FOR THE MAJOR
16 PURPOSE OF SUPPORTING OR OPPOSING ANY BALLOT ISSUE OR BALLOT

1 QUESTION.

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

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

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

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

17 **SECTION 2.** In Colorado Revised Statutes, 1-45-103.7, **add**
18 (5.3), (5.5), and (11) as follows:

19 **1-45-103.7. Contribution limits - treatment of independent**
20 **expenditure committees - contributions from limited liability**
21 **companies - voter instructions on spending limits - definitions.**

22 (5.3) AN ISSUE COMMITTEE OR SMALL-SCALE ISSUE COMMITTEE SHALL
23 NOT KNOWINGLY ACCEPT CONTRIBUTIONS FROM:

24 (a) ANY NATURAL PERSON WHO IS NOT A CITIZEN OF THE UNITED
25 STATES;

26 (b) A FOREIGN GOVERNMENT; OR

27 (c) ANY FOREIGN CORPORATION THAT DOES NOT HAVE THE

1 AUTHORITY TO TRANSACT BUSINESS IN THIS STATE PURSUANT TO ARTICLE
2 115 OF TITLE 7 OR ANY SUCCESSOR SECTION.

3 (5.5) A NATURAL PERSON WHO IS NOT A CITIZEN OF THE UNITED
4 STATES, A FOREIGN GOVERNMENT, OR A FOREIGN CORPORATION SHALL
5 NOT ESTABLISH, REGISTER, OR MAINTAIN A POLITICAL COMMITTEE, SMALL
6 DONOR COMMITTEE, POLITICAL PARTY, ISSUE COMMITTEE, OR
7 SMALL-SCALE ISSUE COMMITTEE, OR MAKE AN ELECTIONEERING
8 COMMUNICATION OR REGULAR BIENNIAL SCHOOL ELECTIONEERING
9 COMMUNICATION.

10 (11) (a) IF, WITHIN THE SIX MONTHS BEFORE BECOMING A
11 CANDIDATE FOR PUBLIC OFFICE, A PERSON ACTIVELY SOLICITS FUNDS FOR
12 AN INDEPENDENT EXPENDITURE COMMITTEE WITH THE INTENT OF
13 BENEFITING HIS OR HER FUTURE CANDIDACY, ANY EXPENDITURE MADE BY
14 THAT INDEPENDENT EXPENDITURE COMMITTEE IN THAT CANDIDATE'S RACE
15 IS PRESUMED TO BE CONTROLLED BY OR COORDINATED WITH THAT
16 CANDIDATE AND DEEMED TO CONSTITUTE BOTH A CONTRIBUTION BY THE
17 MAKER OF THE EXPENDITURES, AND AN EXPENDITURE BY THE CANDIDATE
18 COMMITTEE.

19 (b) IF ANY COMPLAINT FILED UNDER SECTION 1-45-111.7 FOR A
20 VIOLATION OF THIS SUBSECTION (11) FAILS TO STATE SUFFICIENT FACTS TO
21 SUPPORT THE ALLEGATIONS OF THE COMPLAINT, UPON A FINAL AGENCY
22 ACTION, THE RESPONDENT TO SUCH A COMPLAINT MAY APPLY TO THE
23 STATE DISTRICT COURT FOR AN AWARD OF THE PERSON'S ATTORNEYS FEES
24 AND COSTS IN CONNECTION WITH DEFENDING AGAINST THE COMPLAINT IF
25 THE DISTRICT COURT DETERMINES THAT THE COMPLAINT WAS FRIVOLOUS,
26 VEXATIOUS, OR FOR THE PURPOSE OF HARASSMENT.

27 **SECTION 3.** In Colorado Revised Statutes, 1-45-107.5, **amend**

1 (1) and (5); and **add** (14) as follows:

2 **1-45-107.5. Independent expenditures - restrictions on foreign**
3 **corporations - registration - disclosure - disclaimer requirements -**
4 **definitions.** (1) Notwithstanding any other provision of law, no NATURAL
5 PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES, FOREIGN
6 GOVERNMENT, OR foreign corporation may expend moneys on an
7 independent expenditure in connection with an election in the state, AND
8 NO INDEPENDENT EXPENDITURE COMMITTEE MAY KNOWINGLY ACCEPT A
9 DONATION FROM ANY NATURAL PERSON WHO IS NOT A CITIZEN OF THE
10 UNITED STATES, ANY FOREIGN GOVERNMENT, OR ANY FOREIGN
11 CORPORATION.

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

20 (I) The communication has been "paid for by (full name of the
21 person paying for the communication)"; and

22 (II) Identifies a natural person who is the registered agent if the
23 person identified in ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION
24 (5)(a)(I) OF THIS SECTION is not a natural person.

25 (b) In the case of a broadcast OR ONLINE VIDEO OR AUDIO
26 communication, the statement required by ~~paragraph (a) of this subsection~~
27 ~~(5)~~ SUBSECTION (5)(a) OF THIS SECTION shall satisfy all applicable

1 requirements promulgated by the federal communications commission for
2 size, duration, and placement.

3 (c) In the case of a nonbroadcast communication, INCLUDING AN
4 ONLINE COMMUNICATION, the secretary of state shall, by rule, establish
5 size and placement requirements for the disclaimer STATEMENT. IF THE
6 SIZE, FORMAT, OR DISPLAY REQUIREMENTS OF THE COMMUNICATION MAKE
7 IT IMPRACTICABLE TO INCLUDE A DISCLAIMER STATEMENT ON THE
8 COMMUNICATION, THE RULES MUST REQUIRE THAT THE DISCLAIMER
9 STATEMENT BE AVAILABLE BY MEANS OF A DIRECT LINK FROM THE
10 COMMUNICATION TO THE WEB PAGE OR APPLICATION SCREEN CONTAINING
11 THE STATEMENT.

12 (14) (a) ANY COVERED ORGANIZATION THAT CONTRIBUTES,
13 DONATES, OR TRANSFERS TEN THOUSAND DOLLARS OR MORE TO ANY
14 PERSON, EARMARKED FOR THE PURPOSE OF MAKING AN INDEPENDENT
15 EXPENDITURE OR ELECTIONEERING COMMUNICATION, DURING ANY ONE
16 CALENDAR YEAR, SHALL PROVIDE TO THE RECIPIENT OF THE
17 CONTRIBUTION, DONATION, OR TRANSFER AN AFFIRMATION, IN WRITING,
18 THAT INCLUDES THE INFORMATION LISTED IN SUBSECTION (14)(d) OF THIS
19 SECTION. AFTER REACHING THE TEN THOUSAND DOLLAR THRESHOLD, THE
20 COVERED ORGANIZATION SHALL PROVIDE A NEW AFFIRMATION
21 STATEMENT FOR EACH QUALIFYING SUBSEQUENT CONTRIBUTION,
22 DONATION, OR TRANSFER DURING THAT CALENDAR YEAR.

23 (b) ANY COVERED ORGANIZATION THAT TRANSFERS TEN
24 THOUSAND DOLLARS OR MORE TO ANY PERSON, EARMARKED FOR THE
25 PURPOSE OF THAT PERSON MAKING A CONTRIBUTION, DONATION, OR
26 TRANSFER TO PAY FOR AN INDEPENDENT EXPENDITURE OR
27 ELECTIONEERING COMMUNICATION, DURING ANY ONE CALENDAR YEAR,

1 SHALL PROVIDE TO THE RECIPIENT OF THE TRANSFER AN AFFIRMATION, IN
2 WRITING, THAT INCLUDES THE INFORMATION LISTED IN SUBSECTION
3 (14)(d) OF THIS SECTION. AFTER REACHING THE TEN THOUSAND DOLLAR
4 THRESHOLD, THE COVERED ORGANIZATION SHALL PROVIDE A NEW
5 AFFIRMATION STATEMENT FOR EACH QUALIFYING SUBSEQUENT TRANSFER
6 DURING THAT CALENDAR YEAR.

7 (c) A PERSON SHALL NOT ACCEPT A CONTRIBUTION, DONATION, OR
8 TRANSFER AS DESCRIBED IN SUBSECTION (14)(a) OR (14)(b) OF THIS
9 SECTION FROM A COVERED ORGANIZATION UNLESS THE COVERED
10 ORGANIZATION PROVIDES A WRITTEN AFFIRMATION TO THE RECIPIENT
11 SATISFYING THE REQUIREMENTS OF SUBSECTION (14)(d) OF THIS SECTION.
12 THE RECIPIENT SHALL INCLUDE THE WRITTEN AFFIRMATION WHEN
13 REPORTING THE INDEPENDENT EXPENDITURE OR ELECTIONEERING
14 COMMUNICATION TO THE APPROPRIATE FILING OFFICER AND SHALL RETAIN
15 THE WRITTEN AFFIRMATION FOR NOT LESS THAN ONE YEAR FOLLOWING
16 THE DATE OF THE END OF THE ELECTION CYCLE DURING WHICH THE
17 AFFIRMATION WAS RECEIVED.

18 (d) THE AFFIRMATION REQUIRED BY THIS SUBSECTION (14) MUST
19 INCLUDE:

20 (I) THE NAME OF THE COVERED ORGANIZATION AND ITS PRINCIPAL
21 PLACE OF BUSINESS;

22 (II) THE AMOUNT OF THE CONTRIBUTION, DONATION, OR TRANSFER
23 AND THE NAME OF THE PERSON WHO RECEIVED THE CONTRIBUTION,
24 DONATION, OR TRANSFER;

25 (III) (A) IF THE COVERED ORGANIZATION IS A FOR-PROFIT
26 CORPORATION, EACH BENEFICIAL OWNER'S NAME AND CURRENT
27 RESIDENCE OR BUSINESS ADDRESS AND, IF A LISTED BENEFICIAL OWNER

1 EXERCISES CONTROL OVER THE ENTITY THROUGH ANOTHER LEGAL ENTITY,
2 SUCH AS A CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, OR
3 TRUST, EACH SUCH OTHER LEGAL ENTITY AND EACH SUCH BENEFICIAL
4 OWNER WHO WILL USE THAT OTHER ENTITY TO EXERCISE CONTROL OVER
5 THE ENTITY.

6 (B) FOR PURPOSES OF THIS SUBSECTION (14)(d)(III), "BENEFICIAL
7 OWNER" MEANS A CORPORATION'S OFFICERS, DIRECTORS, AND OWNERS OF
8 MORE THAN FIVE PERCENT OF THE CORPORATION.

9 (IV) (A) IF THE COVERED ORGANIZATION IS NOT A FOR-PROFIT
10 CORPORATION BUT IS SUBJECT TO DISCLOSURE UNDER SUBSECTION (14)(a)
11 OR (14)(b) OF THIS SECTION, A LIST OF ANY PERSON WHO TRANSFERRED
12 FIVE THOUSAND DOLLARS OR MORE TO THE COVERED ORGANIZATION AND
13 WHO EARMARKED THAT TRANSFER OF FUNDS FOR THE PURPOSE OF MAKING
14 AN INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION AS
15 DETERMINED BY THE EARLIER OF EITHER THE PRECEDING TWELVE-MONTH
16 PERIOD THAT ENDS ON THE DATE OF THE TRANSMISSION OF THE
17 INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION OR
18 THAT ENDS ON THE DATE OF THE TRANSFER.

19 (B) A COVERED ORGANIZATION IS NOT REQUIRED TO INCLUDE A
20 NATURAL PERSON'S NAME IF DISCLOSURE OF THAT PERSON WOULD LEAD
21 TO A REASONABLE PROBABILITY OF HARM, THREATS, HARASSMENT, OR
22 REPRISALS TO THE PERSON OR TO INDIVIDUALS AFFILIATED WITH THAT
23 PERSON.

24 (C) A COVERED ORGANIZATION MAY ONLY REDACT A PERSON'S
25 NAME FROM ITS REPORT UNDER SUBSECTION (14)(d)(IV)(B) OF THIS
26 SECTION IF THE PERSON HAS AFFIRMED ON A FORM PROVIDED BY THE
27 SECRETARY OF STATE, UNDER PENALTY OF PERJURY, THAT THE PERSON

1 BELIEVES THERE IS A REASONABLE PROBABILITY THAT THEY WILL BE
2 SUBJECT TO HARM, THREATS, HARASSMENT, OR REPRISAL IF DISCLOSED.
3 THE COVERED ORGANIZATION SHALL RETAIN THE AFFIRMATION FOR NOT
4 LESS THAN ONE YEAR AND SHALL PRODUCE THE AFFIRMATION TO THE
5 SECRETARY OF STATE'S OFFICE IN RESPONSE TO A REQUEST FOR
6 INFORMATION RELATED TO ANY INVESTIGATION OF A CAMPAIGN FINANCE
7 VIOLATION. THE AFFIRMATION MUST REMAIN CONFIDENTIAL DURING THE
8 PENDENCY OF ANY INVESTIGATION AND COMPLAINT WITH A HEARING
9 OFFICER UNDER SECTION 1-45-117.5. FOLLOWING A FINAL AGENCY
10 DECISION FINDING THAT THE INDIVIDUAL WHOSE NAME WAS REDACTED
11 DOES NOT MEET THE REQUIREMENTS OF THIS SUBSECTION (14)(d)(IV)(C),
12 INCLUDING THE APPLICABLE PERIOD FOR APPEAL, THE AFFIRMATION IS NO
13 LONGER CONFIDENTIAL AND IS SUBJECT TO PUBLIC REVIEW.

14 (D) IF THE CONTRIBUTION, DONATION, OR TRANSFER UNDER
15 SUBSECTION (14)(a) OR (14)(b) OF THIS SECTION IS FROM ANOTHER
16 COVERED ORGANIZATION, THE COVERED ORGANIZATION SHALL PROVIDE
17 A LIST OF PERSONS WHO TRANSFERRED TO THAT COVERED ORGANIZATION
18 CONSISTENT WITH SUBSECTIONS (14)(d)(IV)(B) AND (14)(d)(IV)(C) OF
19 THIS SECTION.

20 (V) A COVERED ORGANIZATION NEED NOT INCLUDE A TRANSFER
21 MADE FOR A COMMERCIAL TRANSACTION IN THE ORDINARY COURSE OF
22 ANY TRADE OR BUSINESS CONDUCTING BY THE COVERED ORGANIZATION.

23 (VI) A CERTIFICATION BY THE CHIEF EXECUTIVE OFFICER OR
24 PERSON WHO IS THE HEAD OF THE COVERED ORGANIZATION STATING THAT
25 THE CONTRIBUTION, DONATION, OR TRANSFER IS NOT MADE IN
26 COOPERATION, CONSULTATION, OR CONCERT WITH OR AT THE REQUEST OR
27 SUGGESTION OF A CANDIDATE, AUTHORIZED COMMITTEE, OR AGENT OF A

1 CANDIDATE, POLITICAL PARTY, OR AGENT OF A POLITICAL PARTY.

2 (e) FOR PURPOSES OF THIS SUBSECTION (14), "COVERED
3 ORGANIZATION" MEANS A CORPORATION, INCLUDING AN ENTITY
4 ORGANIZED UNDER SECTION 501(c) OR 527 OF THE INTERNAL REVENUE
5 CODE, A LABOR ORGANIZATION, OR AN INDEPENDENT EXPENDITURE
6 COMMITTEE. IT DOES NOT INCLUDE A SMALL DONOR COMMITTEE,
7 POLITICAL PARTY COMMITTEE, OR CANDIDATE COMMITTEE.

8 (f) FOR PURPOSES OF THIS SUBSECTION (14), "TRANSFER",
9 "DONATE", OR "CONTRIBUTE" DOES NOT INCLUDE THE PROVISION OF FUNDS
10 TO A VENDOR OR IN PAYMENT OF A CONTRACT FOR GOODS OR SERVICES.

11 **SECTION 4.** In Colorado Revised Statutes, 1-45-108, **repeal and**
12 **reenact, with amendments,** (1.5); and **add** (8) as follows:

13 **1-45-108. Disclosure - definition - repeal.**
14 (1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN LIGHT OF THE
15 OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE TENTH
16 CIRCUIT IN THE CASE OF *COALITION FOR SECULAR GOVERNMENT V.*
17 *WILLIAMS*, NO. 14-1469 (10TH CIRCUIT MARCH 2, 2016), THAT AFFIRMED
18 THE ORDER OF THE FEDERAL DISTRICT COURT IN THE CASE OF *COALITION*
19 *FOR SECULAR GOV'T V. GESSLER*, CASE NO. 12 CV 1708, THE DISCLOSURE
20 REQUIREMENTS SPECIFIED IN SUBSECTION (1)(a)(I) OR (1)(a)(II) OF THIS
21 SECTION AND THE REPORTING REQUIREMENTS SPECIFIED IN SUBSECTION
22 (3.3) OR (6) OF THIS SECTION SHALL NOT APPLY TO A SMALL-SCALE ISSUE
23 COMMITTEE. A SMALL-SCALE ISSUE COMMITTEE SHALL DISCLOSE OR FILE
24 REPORTS ABOUT THE CONTRIBUTIONS OR EXPENDITURES IT HAS MADE OR
25 RECEIVED OR OTHERWISE REGISTER AS AN ISSUE COMMITTEE IN
26 CONNECTION WITH ACCEPTING OR MAKING SUCH CONTRIBUTIONS OR
27 EXPENDITURES IN ACCORDANCE WITH THE FOLLOWING ALTERNATIVE

1 REQUIREMENTS:

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

9 (b) (I) A SMALL-SCALE ISSUE COMMITTEE THAT ACCEPTS OR
10 MAKES CONTRIBUTIONS OR EXPENDITURES IN AN AGGREGATE AMOUNT
11 DURING ANY APPLICABLE ELECTION CYCLE OF BETWEEN TWO HUNDRED
12 DOLLARS AND FIVE THOUSAND DOLLARS SHALL REGISTER WITH THE
13 APPROPRIATE OFFICER WITHIN TEN BUSINESS DAYS OF THE DATE ON WHICH
14 THE AGGREGATE AMOUNT OF CONTRIBUTIONS OR EXPENDITURES EXCEEDS
15 TWO HUNDRED DOLLARS. THE REGISTRATION REQUIRED BY THIS
16 SUBSECTION (1.5)(b)(I) MUST INCLUDE A STATEMENT LISTING:

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

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

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

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

24 AND

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

1 (II) A SMALL-SCALE ISSUE COMMITTEE DESCRIBED IN SUBSECTION
2 (1.5)(b)(I) OF THIS SECTION IS NOT REQUIRED TO MAKE ANY DISCLOSURE
3 ABOUT ANY CONTRIBUTIONS OR EXPENDITURES IT HAS MADE OR RECEIVED.

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

13 (II) AT SUCH TIME AS ANY ISSUE COMMITTEE THAT BEGAN AS A
14 SMALL-SCALE ISSUE COMMITTEE ACCEPTS OR MAKES CONTRIBUTIONS OR
15 EXPENDITURES IN AN AGGREGATE AMOUNT DURING ANY APPLICABLE
16 ELECTION CYCLE THAT EXCEEDS FIVE THOUSAND DOLLARS, THE
17 COMMITTEE SHALL MAKE DISCLOSURE OF ANY CONTRIBUTIONS OR
18 EXPENDITURES IT ACCEPTS OR MAKES ON OR AFTER THE DATE ON WHICH
19 SUCH AGGREGATE AMOUNT EXCEEDS FIVE THOUSAND DOLLARS IN
20 COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS UNDER THIS ARTICLE
21 45 PERTAINING TO THE DISCLOSURE BY AN ISSUE COMMITTEE OF ITS
22 CONTRIBUTIONS OR EXPENDITURES ACCEPTED OR MADE.

23 (III) WITHIN FIFTEEN DAYS OF A SMALL-SCALE ISSUE COMMITTEE
24 BECOMING SUBJECT TO THE APPLICABLE REQUIREMENTS GOVERNING AN
25 ISSUE COMMITTEE UNDER THIS ARTICLE 45, THE COMMITTEE THROUGH ITS
26 REGISTERED AGENT SHALL REPORT THIS CHANGE IN THE COMMITTEE'S
27 STATUS TO THE SECRETARY OF STATE.

1 (8) (a) ANY EXPENDITURE OR SPENDING ON A COVERED
2 COMMUNICATION THAT IS CONTROLLED BY OR COORDINATED WITH A
3 CANDIDATE OR CANDIDATE'S AGENT OR A POLITICAL PARTY IS CONSIDERED
4 BOTH A CONTRIBUTION BY THE MAKER OF THE EXPENDITURE OR SPENDING,
5 AND AN EXPENDITURE BY THE CANDIDATE COMMITTEE.

6 (b) FOR PURPOSES OF THIS SUBSECTION (8), "COVERED
7 COMMUNICATION" INCLUDES:

8 (I) A COMMUNICATION THAT EXPRESSLY ADVOCATES FOR THE
9 ELECTION OR DEFEAT OF A CANDIDATE;

10 (II) AN ELECTIONEERING COMMUNICATION AS DEFINED IN SECTION
11 2 (7) OF ARTICLE XXVIII OF THE STATE CONSTITUTION AND SECTION
12 1-45-103 (9), OR REGULAR BIENNIAL ELECTIONEERING COMMUNICATION
13 AS DEFINED IN SECTION 1-45-103 (15.5); AND

14 (III) A COMMUNICATION BY A POLITICAL ORGANIZATION THAT
15 INFLUENCES OR ATTEMPTS TO INFLUENCE THE SELECTION, NOMINATION,
16 ELECTION, OR APPOINTMENT OF A CANDIDATE TO PUBLIC OFFICE.

17 **SECTION 5.** In Colorado Revised Statutes, **amend 1-45-108.3**
18 as follows:

19 **1-45-108.3. Issue committees - disclaimer.** (1) ~~An issue~~
20 ~~committee~~ A CANDIDATE COMMITTEE, POLITICAL COMMITTEE, ISSUE
21 COMMITTEE, SMALL DONOR COMMITTEE, POLITICAL ORGANIZATION,
22 POLITICAL PARTY, OR OTHER PERSON making an expenditure in excess of
23 OR SPENDING MORE THAN one thousand dollars PER CALENDAR YEAR on
24 a communication that ~~supports or opposes a statewide ballot issue or~~
25 ~~ballot question~~ MUST BE DISCLOSED UNDER ARTICLE XXVIII OF THE STATE
26 CONSTITUTION OR UNDER THIS ARTICLE 45 OR SUPPORTS OR OPPOSES A
27 BALLOT ISSUE OR BALLOT QUESTION, and that is broadcast, ~~by television~~

1 ~~or radio, printed, in a newspaper or on a billboard, directly mailed, or~~
2 ~~delivered; by hand to personal residences,~~ PLACED ON A WEBSITE,
3 STREAMING MEDIA SERVICE, OR ONLINE FORUM FOR A FEE; OR THAT IS
4 otherwise distributed shall ~~disclose~~ INCLUDE in the communication
5 ~~produced by the expenditure, the name of the issue committee making the~~
6 ~~expenditure~~ A DISCLAIMER STATEMENT IN ACCORDANCE WITH SUBSECTION
7 (2) OF THIS SECTION.

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

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

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

19 ~~(H) The written disclaimer required by subparagraph (I) of this~~
20 ~~paragraph (c) shall appear in the communication in a conspicuous~~
21 ~~manner.~~

22 **SECTION 6. Act subject to petition - effective date -**
23 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
24 the expiration of the ninety-day period after final adjournment of the
25 general assembly (August 2, 2019, if adjournment sine die is on May 3,
26 2019); except that, if a referendum petition is filed pursuant to section 1
27 (3) of article V of the state constitution against this act or an item, section,

1 or part of this act within such period, then the act, item, section, or part
2 will not take effect unless approved by the people at the general election
3 to be held in November 2020 and, in such case, will take effect on the
4 date of the official declaration of the vote thereon by the governor.

5 (2) This act applies to the portion of any election cycle or to the
6 portion of the calendar year remaining after the effective date of this act
7 and for any election cycle or calendar year commencing after such
8 effective date, whichever is applicable. ■