

CHAPTER 69

ELECTIONS

SENATE BILL 19-068

BY SENATOR(S) Zenzinger and Tate, Coram, Court, Donovan, Fenberg, Fields, Foote, Garcia, Ginal, Gonzales, Hisey, Lee, Moreno, Pettersen, Priola, Rodriguez, Story, Todd, Williams A., Winter, Bridges, Danielson;
 also REPRESENTATIVE(S) Weissman and Cutter, Arndt, Bird, Buckner, Caraveo, Duran, Exum, Froelich, Gray, Herod, Hooton, Jackson, Kennedy, Kipp, Lontine, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Tipper, Titone, Valdez A., Becker.

AN ACT**CONCERNING EXPANDED DISCLOSURE ABOUT ELECTIONEERING COMMUNICATIONS.**

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

SECTION 1. In Colorado Revised Statutes, 1-45-103, **amend** the introductory portion and (9) as follows:

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

(9) "Electioneering communication" ~~shall have~~ HAS the same meaning as set forth in section 2 (7) of article XXVIII of the state constitution. FOR PURPOSES OF THE DISCLOSURE REQUIRED BY SECTION 1-45-108, "ELECTIONEERING COMMUNICATION" ALSO INCLUDES ANY COMMUNICATION THAT SATISFIES ALL OTHER REQUIREMENTS SET FORTH IN SAID SECTION 2 (7) OF ARTICLE XXVIII BUT THAT IS BROADCAST, PRINTED, MAILED, DELIVERED, OR DISTRIBUTED BETWEEN THE PRIMARY ELECTION AND THE GENERAL ELECTION.

SECTION 2. In Colorado Revised Statutes, 1-45-108, **amend** (1)(a)(III) as follows:

1-45-108. Disclosure - definition - repeal. (1) (a) (III) Any person who expends one thousand dollars or more per calendar year on electioneering communications or regular biennial school electioneering communications shall report to the secretary of state, in accordance with the disclosure required by this section, the amount expended on the communications and the name and address of any person

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

that contributes more than two hundred fifty dollars per year to the person expending one thousand dollars or more on the communications. If the person making a contribution of more than two hundred fifty dollars is a natural person, the disclosure required by this section must also include the person's occupation and employer. Electioneering communication reports must include the name of the candidate or candidates unambiguously referred to in the electioneering communication or regular biennial school electioneering communication. IN ACCORDANCE WITH SECTION 1-45-103 (9), AN ELECTIONEERING COMMUNICATION INCLUDES ANY COMMUNICATION THAT SATISFIES ALL OTHER REQUIREMENTS SET FORTH IN SECTION 2 (7) OF ARTICLE XXVIII OF THE STATE CONSTITUTION BUT THAT IS BROADCAST, PRINTED, MAILED, DELIVERED, OR DISTRIBUTED BETWEEN THE PRIMARY ELECTION AND THE GENERAL ELECTION.

SECTION 3. In Colorado Revised Statutes, 1-45-108.3, **add** (3) as follows:

1-45-108.3. Disclaimers - issue committees - electioneering communications.

(3) IN ADDITION TO ANY OTHER APPLICABLE REQUIREMENTS PROVIDED BY LAW, ANY PERSON WHO EXPENDS ONE THOUSAND DOLLARS OR MORE PER CALENDAR YEAR ON ELECTIONEERING COMMUNICATIONS OR REGULAR BIENNIAL SCHOOL ELECTIONEERING COMMUNICATIONS SHALL, IN ACCORDANCE WITH THE REQUIREMENTS SPECIFIED IN SECTION 1-45-107.5(5), STATE IN THE COMMUNICATION THE NAME OF THE PERSON MAKING THE COMMUNICATION. FOR PURPOSES OF THIS SUBSECTION (3), AN "ELECTIONEERING COMMUNICATION" ALSO INCLUDES ANY COMMUNICATION THAT SATISFIES ALL OTHER REQUIREMENTS SET FORTH IN SECTION 2 (7) OF ARTICLE XXVIII OF THE STATE CONSTITUTION BUT THAT IS BROADCAST, PRINTED, MAILED, DELIVERED, OR DISTRIBUTED BETWEEN THE PRIMARY ELECTION AND THE GENERAL ELECTION.

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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

Approved: April 1, 2019