

CHAPTER 2

ELECTIONS

HOUSE BILL 95-1017

BY REPRESENTATIVES Anderson, Kerns, Allen, Armstrong, Berry, Chlouber, Dean, Friednash, Hagedorn, Hernandez, Jerke, Kaufman, Lamborn, Lyle, McPherson, Moellenberg, Nichol, Owen, Paschall, Pfiffner, Prinzler, Reeser, Schwarz, Snyder, Swenson, Taylor;
also SENATORS R. Powers, Gallagher, Casey, Johnson, Pascoe, Schaffer, Weddig, and Weissmann.

AN ACT

CONCERNING LIMITATIONS UNDER THE "CAMPAIGN REFORM ACT OF 1974" ON THE AUTHORITY OF GOVERNMENTAL ENTITIES TO MAKE CAMPAIGN CONTRIBUTIONS RELATING TO MEASURES FOR VOTER APPROVAL.

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

SECTION 1. 1-45-116 (1) (a), (1) (b), and (1) (c), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-45-116. State and political subdivisions - limitations on contributions. (1) (a) (I) No agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof shall make any contribution or contribution in kind in campaigns involving the nomination, retention, or election of any person to any public office, nor shall any such entity expend any public moneys from any source, or make any contributions in kind, to urge electors to vote in favor of or against any: ~~issue before the electorate~~

(A) STATEWIDE BALLOT ISSUE THAT HAS BEEN SUBMITTED FOR THE PURPOSE OF HAVING A TITLE DESIGNATED AND FIXED PURSUANT TO SECTION 1-40-106 (1) OR THAT HAS HAD A TITLE DESIGNATED AND FIXED PURSUANT TO THAT SECTION;

(B) LOCAL BALLOT ISSUE THAT HAS BEEN SUBMITTED FOR THE PURPOSE OF HAVING A TITLE FIXED PURSUANT TO SECTION 1-40-106 (2) OR THAT HAS HAD A TITLE FIXED

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

PURSUANT TO THAT SECTION;

(C) REFERRED MEASURE, AS DEFINED IN SECTION 1-1-104 (34.5);

(D) MEASURE FOR THE RECALL OF ANY OFFICER THAT HAS BEEN CERTIFIED BY THE APPROPRIATE ELECTION OFFICIAL FOR SUBMISSION TO THE ELECTORS FOR THEIR APPROVAL OR REJECTION.

(II) However, a member or employee of any such agency, department, board, division, bureau, commission, or council may respond to questions about any such issue DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) if the member, employee, or public entity has not solicited the question. A member or employee of any such agency, department, board, division, bureau, commission, or council who has policy-making responsibilities may expend not more than fifty dollars of public moneys in the form of letters, telephone calls, or other activities incidental to expressing his or her opinion on any such issue DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

(b) (I) Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from expending public moneys or making contributions in kind to dispense a factual summary, which shall include arguments both for and against the proposal, on any issue of official concern before the electorate in the jurisdiction. Such summary shall not contain a conclusion or opinion in favor of or against any particular issue. As used herein, an issue of official concern shall be limited to issues that will appear on an election ballot in the jurisdiction.

(II) Nothing in this subsection (1) shall be construed to prevent an elected official from expressing a personal opinion on any issue. ~~before the electorate~~

(III) Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from:

(A) Passing a resolution or taking a position of advocacy on any issue ~~before the electorate~~ DESCRIBED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (1); OR

(B) REPORTING THE PASSAGE OF OR DISTRIBUTING SUCH RESOLUTION THROUGH ESTABLISHED, CUSTOMARY MEANS, OTHER THAN PAID ADVERTISING, BY WHICH INFORMATION ABOUT OTHER PROCEEDINGS OF SUCH AGENCY, DEPARTMENT, BOARD, DIVISION, BUREAU, OR COUNCIL OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF IS REGULARLY PROVIDED TO THE PUBLIC.

(c) Nothing in this subsection (1) shall be construed as prohibiting a member or an employee of an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from expending personal funds, making contributions in kind, or using personal time to urge electors to vote in favor of or against any issue ~~before the electorate~~ DESCRIBED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (1).

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 9, 1995