

## CHAPTER 252

---

**ELECTIONS**

---

**HOUSE BILL 98-1188**

BY REPRESENTATIVES Snyder, Saliman, Anderson, Gotlieb, June, and Swenson;  
also SENATORS Wham, J. Johnson, and Weddig.

**AN ACT**

CONCERNING THE "FAIR CAMPAIGN PRACTICES ACT".

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

**SECTION 1.** 1-45-104 (13) (c), Colorado Revised Statutes, is amended to read:

**1-45-104. Contribution limits.** (13) (c) (I) Nothing contained in this ~~subsection~~ SUBSECTION (13) shall be construed to prohibit lobbyists and their principals from raising money when the general assembly is in regular session or when regular session legislation is pending before the governor, except as specifically prohibited in paragraph (a) of this ~~subsection~~ SUBSECTION (13).

(II) Nothing contained in this ~~subsection~~ SUBSECTION (13) shall be construed to prohibit a lobbyist or principal of a lobbyist from participating in a fund-raising event of a political party when the general assembly is in regular session or when regular session legislation is pending before the governor, so long as the purpose of the event is not to raise money for specifically designated members of the general assembly, specifically designated candidates for the general assembly, the governor, or specifically designated candidates for governor.

(III) A PAYMENT BY A LOBBYIST OR A PRINCIPAL OF A LOBBYIST TO A POLITICAL PARTY TO PARTICIPATE IN SUCH A FUND-RAISING EVENT SHALL BE ATTRIBUTED TO THE AGGREGATE CONTRIBUTIONS OF THE LOBBYIST OR PRINCIPAL OF A LOBBYIST TO THE POLITICAL PARTY FOR PURPOSES OF SUBSECTION (4) OF THIS SECTION AND SHALL BE REPORTED AS A CONTRIBUTION TO THE POLITICAL PARTY PURSUANT TO SECTION 1-45-108; EXCEPT THAT, IF THE LOBBYIST OR PRINCIPAL OF A LOBBYIST RECEIVES A MEAL IN RETURN FOR A PORTION OF THE PAYMENT, ONLY THE AMOUNT OF THE PAYMENT IN EXCESS OF THE VALUE OF THE MEAL SHALL BE CONSIDERED A CONTRIBUTION TO THE POLITICAL PARTY. THE POLITICAL PARTY SHALL DETERMINE

---

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

THE VALUE OF THE MEAL RECEIVED FOR SUCH PAYMENT, WHICH SHALL APPROXIMATE THE ACTUAL VALUE OF THE MEAL.

(IV) A GIFT OF A MEAL DESCRIBED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) BY A LOBBYIST OR A PRINCIPAL OF A LOBBYIST TO AN INCUMBENT IN OR A CANDIDATE ELECTED TO ANY OFFICE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (13) SHALL BE REPORTED AS FOLLOWS:

(A) THE LOBBYIST SHALL REPORT THE VALUE OF THE MEAL IN THE LOBBYIST DISCLOSURE STATEMENT FILED PURSUANT TO SECTION 24-6-302, C.R.S.

(B) THE INCUMBENT OR CANDIDATE SHALL REPORT THE VALUE OF THE MEAL IN THE PUBLIC OFFICIAL DISCLOSURE STATEMENT FILED PURSUANT TO SECTION 24-6-203, C.R.S.

**SECTION 2.** 1-45-105 (3), Colorado Revised Statutes, is amended to read:

**1-45-105. Voluntary campaign spending limits.** (3) Each state candidate who chooses to accept the applicable voluntary spending limit shall file a statement to that effect with the secretary of state at the time that the candidate registers a candidate committee pursuant to subsection 1-45-108 (3) FILES A CANDIDATE AFFIDAVIT PURSUANT TO SECTION 1-45-110 (1). Acceptance of the applicable voluntary spending limit shall be irrevocable except as set forth in subsection (4) of this section and shall subject the candidate to the penalties set forth in section 1-45-113 for exceeding the limit.

**SECTION 3.** 1-45-108 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**1-45-108. Disclosure.** (2) (c) ALL REPORTS FILED WITH THE SECRETARY OF STATE PURSUANT TO THIS SUBSECTION (2) SHALL BE SUBJECT TO THE FOLLOWING:

(I) THE REPORTING PERIOD FOR A QUARTERLY REPORT SHALL CLOSE ON THE LAST DAY OF THE MONTH AND SHALL BE FILED NO LATER THAN THE FIFTEENTH CALENDAR DAY FOLLOWING THE CLOSE OF THE REPORTING PERIOD.

(II) THE REPORTING PERIOD FOR A MONTHLY REPORT SHALL CLOSE FIVE CALENDAR DAYS PRIOR TO THE LAST DAY OF THE MONTH AND SHALL BE FILED NO LATER THAN THE FIRST CALENDAR DAY OF THE FOLLOWING MONTH.

(III) THE REPORTING PERIOD FOR THE REPORT DUE FOURTEEN CALENDAR DAYS PRIOR TO A MAJOR ELECTION SHALL CLOSE NINETEEN CALENDAR DAYS PRIOR TO THE ELECTION, AND THE REPORT SHALL BE FILED ON THE FOURTEENTH CALENDAR DAY PRIOR TO THE ELECTION.

(IV) THE REPORTING PERIOD FOR THE REPORT DUE THIRTY CALENDAR DAYS AFTER A MAJOR ELECTION SHALL CLOSE ON THE LAST DAY OF THE CALENDAR MONTH IN WHICH THE ELECTION WAS HELD AND SHALL BE FILED NO LATER THAN THE THIRTIETH CALENDAR DAY FOLLOWING THE ELECTION.

**SECTION 4.** 1-45-113, Colorado Revised Statutes, is amended BY THE

ADDITION OF A NEW SUBSECTION to read:

**1-45-113. Sanctions.** (6) (a) ANY INDIVIDUAL VOLUNTEERING HIS OR HER TIME ON BEHALF OF A CANDIDATE OR CANDIDATE COMMITTEE SHALL BE IMMUNE FROM CRIMINAL PROSECUTION OF A CLASS 2 MISDEMEANOR DESCRIBED IN SUBSECTION (1) OF THIS SECTION AND FROM ANY LIABILITY FOR A FINE OR PENALTY IMPOSED PURSUANT TO THIS SECTION IN ANY PROCEEDING THAT IS BASED ON AN ACT OR OMISSION OF SUCH VOLUNTEER IF:

(I) THE VOLUNTEER WAS ACTING IN GOOD FAITH AND WITHIN THE SCOPE OF SUCH VOLUNTEER'S OFFICIAL FUNCTIONS AND DUTIES FOR THE CANDIDATE OR CANDIDATE COMMITTEE; AND

(II) THE VIOLATION WAS NOT CAUSED BY WILLFUL AND INTENTIONAL MISCONDUCT BY SUCH VOLUNTEER.

(b) PARAGRAPH (a) OF THIS SUBSECTION (6) SHALL BE ADMINISTERED IN A MANNER THAT IS CONSISTENT WITH THE LEGISLATIVE DECLARATION SET FORTH IN SECTION 1-45-102.

**SECTION 5.** 24-6-203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-6-203. Reporting by incumbents and elected candidates - gifts, honoraria, and other benefits - penalty.** (3) The report required by subsection (2) of this section shall include the following:

(g) ANY GIFT OF A MEAL TO A FUND-RAISING EVENT OF A POLITICAL PARTY.

**SECTION 6.** 24-6-203 (4) (b), Colorado Revised Statutes, is amended to read:

**24-6-203. Reporting by incumbents and elected candidates - gifts, honoraria, and other benefits - penalty.** (4) The report required by subsection (2) of this section need not include the following:

(b) Any item of perishable or nonpermanent value, including but not limited to meals, unless such item is required to be reported under paragraph (e) OR (g) of subsection (3) of this section;

**SECTION 7.** 24-6-301 (1.9) (a) (IV), Colorado Revised Statutes, is amended to read:

**24-6-301. Definitions.** As used in this part 3, unless the context otherwise requires:

(1.9) (a) "Disclosure statement" means a written statement which contains:

(IV) The name of any covered official to or for whom expenditures of fifty dollars or more have been made by or on behalf of the disclosing person for gift or entertainment purposes in connection with lobbying OR FOR WHOM AN EXPENDITURE WAS MADE BY OR ON BEHALF OF THE DISCLOSING PERSON FOR A GIFT OF A MEAL AT

A FUND-RAISING EVENT OF A POLITICAL PARTY DESCRIBED IN SECTION 1-45-104 (13) (c) (IV), C.R.S., during either the first six months or the second six months of a calendar year and the amount, date, and principal purpose of the gift or entertainment, if the covered official or a member of his OR HER family actually received such gift or entertainment, but expenditures of one dollar or less shall be reported under subparagraph (V) of this paragraph (a). All amounts spent by a professional lobbyist on a covered official for which the lobbyist is reimbursed, or the source of which is a contribution, shall be deemed to be for gift or entertainment purposes.

**SECTION 8. 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: May 27, 1998