

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0832.02 Bob Lackner x4350

HOUSE BILL 16-1434

HOUSE SPONSORSHIP

Becker K. and Kagan,

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING DISCLOSURE UNDER THE "FAIR CAMPAIGN PRACTICES
102 ACT" OF POLITICAL COMMUNICATION THAT REFERS TO A
103 POLITICAL PARTY.

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://www.leg.state.co.us/bills summaries>.)

Section 1 of the bill adds a definition in the "Fair Campaign Practices Act" of "party communication activity", which means a type of electioneering communication that mentions a political party.

Section 2 requires that any party communication activity made by any person that is controlled by or coordinated with a state political party

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

be reported by both the person undertaking the party communication activity and the coordinating state political party.

Section 3 makes large party expenditures on party communication activity subject to the same disclosure requirements as standard electioneering communications.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-45-103, **add** (12.9)
3 as follows:

4 **1-45-103. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (12.9) (a) "PARTY COMMUNICATION ACTIVITY" MEANS ANY
7 COMMUNICATION MADE BY A PERSON OTHER THAN A POLITICAL PARTY
8 THAT:

9 (I) IS BROADCASTED BY TELEVISION OR RADIO, PRINTED IN A
10 NEWSPAPER OR ON A BILLBOARD, DIRECTLY MAILED OR DELIVERED BY
11 HAND TO PERSONAL RESIDENCES, OR OTHERWISE DISTRIBUTED THAT:

12 (A) UNAMBIGUOUSLY REFERS TO A POLITICAL PARTY OR ANY
13 CANDIDATE WHO IS AFFILIATED WITH THE POLITICAL PARTY;

14 (B) IS BROADCASTED, PRINTED, MAILED, DELIVERED, OR
15 DISTRIBUTED WITHIN THIRTY DAYS OF A PRIMARY ELECTION OR SIXTY
16 DAYS BEFORE A GENERAL ELECTION; AND

17 (C) IS BROADCASTED TO, PRINTED IN A NEWSPAPER FOR,
18 DISTRIBUTED TO, MAILED TO, DELIVERED BY HAND TO, OR OTHERWISE
19 DISTRIBUTED TO AN AUDIENCE THAT INCLUDES MEMBERS OF THE
20 ELECTORATE IN THAT PRIMARY OR GENERAL ELECTION; OR

21 (II) EXPRESSLY ADVOCATES FOR THE ELECTION OR DEFEAT OF A
22 POLITICAL PARTY.

23 (b) A PARTY COMMUNICATION ACTIVITY IS MADE WHEN THE

1 ACTUAL SPENDING OCCURS OR WHEN THERE IS A CONTRACTUAL
2 AGREEMENT REQUIRING SUCH SPENDING AND THE AMOUNT IS
3 DETERMINED.

4 (c) "PARTY COMMUNICATION ACTIVITY" DOES NOT INCLUDE:

5 (I) ANY NEWS ARTICLES, EDITORIAL ENDORSEMENTS, OPINION OR
6 COMMENTARY WRITINGS, OR LETTERS TO THE EDITOR PRINTED IN A
7 NEWSPAPER, MAGAZINE, OR OTHER PERIODICAL NOT OWNED OR
8 CONTROLLED BY A CANDIDATE OR POLITICAL PARTY;

9 (II) ANY EDITORIAL ENDORSEMENTS OR OPINIONS AIRED BY A
10 BROADCAST FACILITY NOT OWNED OR CONTROLLED BY A CANDIDATE OR
11 POLITICAL PARTY; OR

12 (III) SPENDING BY PERSONS, OTHER THAN POLITICAL PARTIES,
13 POLITICAL COMMITTEES, SMALL DONOR COMMITTEES, INDEPENDENT
14 EXPENDITURE COMMITTEES, OR POLITICAL ORGANIZATIONS IN THE
15 REGULAR COURSE AND SCOPE OF THEIR BUSINESS OR PAYMENTS BY A
16 MEMBERSHIP ORGANIZATION FOR ANY COMMUNICATION SOLELY TO
17 MEMBERS AND THEIR FAMILIES.

18 **SECTION 2.** In Colorado Revised Statutes, **add** 1-45-104.5 as
19 follows:

20 **1-45-104.5. Treatment of coordinated party communication**
21 **activity.** ANY PARTY COMMUNICATION ACTIVITY MADE BY ANY PERSON
22 THAT IS CONTROLLED BY OR COORDINATED WITH A STATE POLITICAL
23 PARTY SHALL BE REPORTED BY BOTH THE PERSON UNDERTAKING THE
24 PARTY COMMUNICATION ACTIVITY AND THE COORDINATING STATE
25 POLITICAL PARTY IN ACCORDANCE WITH SECTION 1-45-108.

26 **SECTION 3.** In Colorado Revised Statutes, 1-45-108, **amend** (1)
27 (a) (III) as follows:

1 **1-45-108. Disclosure - definition.** (1) (a) (III) Any person who
2 expends one thousand dollars or more per calendar year on EITHER
3 electioneering communications OR PARTY COMMUNICATION ACTIVITY
4 shall report to the secretary of state, in accordance with the disclosure
5 required by this section, the amount expended on the communications and
6 the name and address of any person that contributes more than two
7 hundred fifty dollars per year to the person expending one thousand
8 dollars or more on the communications. If the person making a
9 contribution of more than two hundred fifty dollars is a natural person,
10 the disclosure required by this section shall MUST also include the person's
11 occupation and employer.

12 **SECTION 4. Applicability.** This act applies to the portion of any
13 election cycle or for the portion of the calendar year remaining after the
14 effective date of this act and for any election cycle or calendar year
15 commencing after such effective date, whichever is applicable.

16 **SECTION 5. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.