

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

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

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
Appropriations

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 - disclaimer requirements.** (1) ANY PARTY COMMUNICATION
22 ACTIVITY MADE BY ANY PERSON THAT IS CONTROLLED BY OR
23 COORDINATED WITH A STATE POLITICAL PARTY SHALL BE REPORTED BY
24 BOTH THE PERSON UNDERTAKING THE PARTY COMMUNICATION ACTIVITY
25 AND THE COORDINATING STATE POLITICAL PARTY IN ACCORDANCE WITH
26 SECTION 1-45-108.

27 (2) (a) IN ADDITION TO ANY OTHER APPLICABLE REQUIREMENTS

1 PROVIDED BY LAW, AND SUBJECT TO THE PROVISIONS OF THIS SECTION,
2 ANY COMMUNICATION THAT IS BROADCAST, PRINTED, MAILED, DELIVERED,
3 OR OTHERWISE CIRCULATED THAT CONSTITUTES PARTY COMMUNICATION
4 ACTIVITY FOR WHICH THE PERSON UNDERTAKING THE PARTY
5 COMMUNICATION ACTIVITY EXPENDS IN EXCESS OF ONE THOUSAND
6 DOLLARS ON THE COMMUNICATION MUST INCLUDE IN THE
7 COMMUNICATION A STATEMENT THAT:

8 (I) THE COMMUNICATION HAS BEEN "PAID FOR BY (FULL NAME OF
9 THE PERSON PAYING FOR THE COMMUNICATION)"; AND

10 (II) IDENTIFIES A NATURAL PERSON WHO IS THE REGISTERED AGENT
11 IF THE PERSON IDENTIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a)
12 IS NOT A NATURAL PERSON.

13 (b) IN THE CASE OF A BROADCAST COMMUNICATION, THE
14 STATEMENT REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (2) MUST
15 SATISFY ALL APPLICABLE REQUIREMENTS PROMULGATED BY THE FEDERAL
16 COMMUNICATIONS COMMISSION FOR SIZE, DURATION, AND PLACEMENT.

17 (c) IN THE CASE OF A NONBROADCAST COMMUNICATION, THE
18 SECRETARY OF STATE SHALL, BY RULE, ESTABLISH SIZE AND PLACEMENT
19 REQUIREMENTS FOR THE DISCLAIMER.

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

22 **1-45-108. Disclosure - definition.** (1) (a) (III) Any person who
23 expends one thousand dollars or more per calendar year on EITHER
24 electioneering communications OR PARTY COMMUNICATION ACTIVITY
25 shall report to the secretary of state, in accordance with the disclosure
26 required by this section, the amount expended on the communications and
27 the name and address of any person that contributes more than two

1 hundred fifty dollars per year to the person expending one thousand
2 dollars or more on the communications. If the person making a
3 contribution of more than two hundred fifty dollars is a natural person,
4 the disclosure required by this section ~~shall~~ MUST also include the person's
5 occupation and employer.

6 **SECTION 4. Applicability.** This act applies to the portion of any
7 election cycle or for the portion of the calendar year remaining after the
8 effective date of this act and for any election cycle or calendar year
9 commencing after such effective date, whichever is applicable.

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