

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0514.01 Bob Lackner x4350

HOUSE BILL 19-1318

HOUSE SPONSORSHIP

Weissman, Kennedy, Arndt, Bird, Buckner, Buentello, Cutter, Duran, Exum, Galindo, Gonzales-Gutierrez, Herod, Hooton, Jackson, Jaquez Lewis, Kipp, McCluskie, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Titone, Valdez A.

SENATE SPONSORSHIP

Bridges and Foote,

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING INCREASED TRANSPARENCY OF MONEY IN ELECTIONS**
102 **CONSISTENT WITH THE FIRST AMENDMENT TO THE UNITED**
103 **STATES CONSTITUTION, AND, IN CONNECTION THEREWITH,**
104 **MAKING AN APPROPRIATION.**

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://leg.colorado.gov>.)

Section 2 of the bill prohibits an issue committee or small-scale issue committee from knowingly accepting contributions from:

! Any natural person who is not a citizen of the United

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

SENATE
Amended 2nd Reading
May 1, 2019

HOUSE
3rd Reading Unamended
April 22, 2019

HOUSE
Amended 2nd Reading
April 19, 2019

States;

- ! A foreign government; or
- ! Any foreign corporation that does not have the authority to transact business in this state.

Under the bill, a natural person who is not a citizen of the United States, a foreign government, or a foreign corporation is prohibited from establishing, registering, or maintaining a political committee, small donor committee, political party, issue committee, or small-scale issue committee, or making an electioneering communication or regular biennial school electioneering communication.

If, within the 6 months before becoming a candidate for public office, a person actively solicits funds for an independent expenditure committee with the intent of benefitting his or her future candidacy, any expenditure made by that independent expenditure committee in that candidate's race is presumed to be controlled by or coordinated with that candidate and deemed to constitute both a contribution by the maker of the expenditures, and an expenditure by the candidate committee.

Section 3 extends existing restrictions barring a foreign corporation from expending money on an independent expenditure to include a natural person who is not a citizen of the United States, or a foreign government. The bill also prohibits an independent expenditure committee from knowingly accepting a donation from any natural person who is not a citizen of the United States, any foreign government, or any foreign corporation.

The bill expands existing requirements requiring a disclaimer to include communication placed on a website, streaming media service, or an online forum for a fee, or that is otherwise distributed. Existing requirements pertaining to the nature of the disclaimer are expanded to include online video or audio communications.

Any corporation, labor organization, or independent expenditure committee (covered organization) that contributes, donates, or transfers \$10,000 or more to any person during any one calendar year earmarked for the purpose of making an independent expenditure or electioneering communication must provide to the recipient of the contribution, donation, or transfer a written affirmation.

Any covered organization that transfers \$10,000 or more to any person, earmarked for the purpose of that person making a contribution, donation, or transfer to pay for an independent expenditure or electioneering communication, during any one calendar year, must provide to the recipient of the transfer a written affirmation.

Particular disclosure requirements are made applicable to a covered organization that is not a for-profit organization.

The bill prohibits any person from accepting a contribution, donation, or transfer from a covered organization unless the covered organization provides a written affirmation. The bill describes the

required contents of the affirmation.

Section 4 repeals and reenacts existing statutory provisions addressing small-scale issue committees and, in particular, specifies requirements governing when such committees are required to disclose and file reports of their contributions or expenditures.

Under existing law, an issue committee making an expenditure in excess of \$1,000 on a communication is required to disclose in the communication the name of the issue committee making the expenditure. **Section 5** expands these requirements so they apply to a candidate committee, political committee, small donor committee, political organization, political party, or other person, as well as an issue committee, making or spending more than \$1,000 per calendar year on a communication. The bill also extends these requirements to communication placed on a website, streaming media service, or online forum for a fee. Instead of requiring that the communication disclose certain information, the bill requires that the responsible person include in the communication a disclaimer statement. The bill specifies the contents of the disclaimer statement.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-45-103, **amend** the
3 introductory portion and (7.5); and **repeal and reenact, with**
4 **amendments**, (16.3) as follows:

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

7 (7.5) "Earmark" means a designation, instruction, or encumbrance
8 that directs the transmission AND USE by the recipient of all or part of a
9 donation to a third party for the purpose of making one or more
10 independent expenditures OR ELECTIONEERING COMMUNICATIONS in
11 excess of one thousand dollars.

12 (16.3) (a) "SMALL-SCALE ISSUE COMMITTEE" MEANS AN ISSUE
13 COMMITTEE THAT HAS ACCEPTED OR MADE CONTRIBUTIONS OR
14 EXPENDITURES IN AN AMOUNT THAT DOES NOT EXCEED FIVE THOUSAND
15 DOLLARS DURING AN APPLICABLE ELECTION CYCLE FOR THE MAJOR

1 PURPOSE OF SUPPORTING OR OPPOSING ANY BALLOT ISSUE OR BALLOT
2 QUESTION.

3 (b) THE FOLLOWING ARE TREATED AS A SINGLE SMALL-SCALE
4 ISSUE COMMITTEE:

5 (I) ALL SMALL-SCALE ISSUE COMMITTEES THAT SUPPORT OR
6 OPPOSE A COMMON BALLOT MEASURE IF THE COMMITTEES ARE
7 ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A SINGLE
8 CORPORATION OR ITS SUBSIDIARIES;

9 (II) ALL SMALL-SCALE ISSUE COMMITTEES THAT SUPPORT OR
10 OPPOSE A COMMON BALLOT MEASURE IF THE COMMITTEES ARE
11 ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A SINGLE
12 LABOR ORGANIZATION OR THE AFFILIATED LOCAL UNITS IT DIRECTS; OR

13 (III) ALL SMALL-SCALE ISSUE COMMITTEES THAT SUPPORT OR
14 OPPOSE A COMMON BALLOT MEASURE IF THE COMMITTEES ARE
15 ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY
16 SUBSTANTIALLY THE SAME PERSON, GROUP OF PERSONS, OR OTHER
17 ORGANIZATIONS.

18 **SECTION 2.** In Colorado Revised Statutes, 1-45-103.7, **add**
19 (5.3), (5.5), and (11) as follows:

20 **1-45-103.7. Contribution limits - treatment of independent**
21 **expenditure committees - contributions from limited liability**
22 **companies - voter instructions on spending limits - definitions.**

23 (5.3) AN ISSUE COMMITTEE OR SMALL-SCALE ISSUE COMMITTEE SHALL
24 NOT KNOWINGLY ACCEPT CONTRIBUTIONS FROM:

25 (a) ANY NATURAL PERSON WHO IS NOT A CITIZEN OF THE UNITED
26 STATES;

27 (b) A FOREIGN GOVERNMENT; OR

1 (c) ANY FOREIGN CORPORATION THAT DOES NOT HAVE THE
2 AUTHORITY TO TRANSACT BUSINESS IN THIS STATE PURSUANT TO ARTICLE
3 115 OF TITLE 7 OR ANY SUCCESSOR SECTION.

4 (5.5) A NATURAL PERSON WHO IS NOT A CITIZEN OF THE UNITED
5 STATES, A FOREIGN GOVERNMENT, OR A FOREIGN CORPORATION SHALL
6 NOT ESTABLISH, REGISTER, OR MAINTAIN A POLITICAL COMMITTEE, SMALL
7 DONOR COMMITTEE, POLITICAL PARTY, ISSUE COMMITTEE, OR
8 SMALL-SCALE ISSUE COMMITTEE, OR MAKE AN ELECTIONEERING
9 COMMUNICATION OR REGULAR BIENNIAL SCHOOL ELECTIONEERING
10 COMMUNICATION.

11 (11) (a) IF, WITHIN THE SIX MONTHS BEFORE BECOMING A
12 CANDIDATE FOR PUBLIC OFFICE, A PERSON ACTIVELY SOLICITS FUNDS FOR
13 AN INDEPENDENT EXPENDITURE COMMITTEE WITH THE INTENT OF
14 BENEFITING HIS OR HER FUTURE CANDIDACY, ANY EXPENDITURE MADE BY
15 THAT INDEPENDENT EXPENDITURE COMMITTEE IN THAT CANDIDATE'S RACE
16 IS PRESUMED TO BE CONTROLLED BY OR COORDINATED WITH THAT
17 CANDIDATE AND DEEMED TO CONSTITUTE BOTH A CONTRIBUTION BY THE
18 MAKER OF THE EXPENDITURES, AND AN EXPENDITURE BY THE CANDIDATE
19 COMMITTEE.

20 (b) IF ANY COMPLAINT FILED UNDER SECTION 1-45-111.7 FOR A
21 VIOLATION OF THIS SUBSECTION (11) FAILS TO STATE SUFFICIENT FACTS TO
22 SUPPORT THE ALLEGATIONS OF THE COMPLAINT, UPON A FINAL AGENCY
23 ACTION, THE RESPONDENT TO SUCH A COMPLAINT MAY APPLY TO THE
24 STATE DISTRICT COURT FOR AN AWARD OF THE PERSON'S ATTORNEYS FEES
25 AND COSTS IN CONNECTION WITH DEFENDING AGAINST THE COMPLAINT IF
26 THE DISTRICT COURT DETERMINES THAT THE COMPLAINT WAS FRIVOLOUS,
27 VEXATIOUS, OR FOR THE PURPOSE OF HARASSMENT.

1 **SECTION 3.** In Colorado Revised Statutes, 1-45-107.5, **amend**
2 (1) and (5); and **add** (14) as follows:

3 **1-45-107.5. Independent expenditures - restrictions on foreign**
4 **corporations - registration - disclosure - disclaimer requirements -**
5 **definitions.** (1) Notwithstanding any other provision of law, no NATURAL
6 PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES, FOREIGN
7 GOVERNMENT, OR foreign corporation may expend moneys on an
8 independent expenditure in connection with an election in the state, AND
9 NO INDEPENDENT EXPENDITURE COMMITTEE MAY KNOWINGLY ACCEPT A
10 DONATION FROM ANY NATURAL PERSON WHO IS NOT A CITIZEN OF THE
11 UNITED STATES, ANY FOREIGN GOVERNMENT, OR ANY FOREIGN
12 CORPORATION.

13 (5) (a) In addition to any other applicable requirements provided
14 by law, and subject to the provisions of this section, any communication
15 that is broadcast, printed, mailed, delivered; PLACED ON A WEBSITE,
16 STREAMING MEDIA SERVICE, OR ONLINE FORUM FOR A FEE; or THAT IS
17 otherwise ~~circulated~~ DISTRIBUTED that constitutes an independent
18 expenditure for which the person making the independent expenditure
19 expends in excess of one thousand dollars on the communication shall
20 include in the communication a statement that:

21 (I) The communication has been "paid for by (full name of the
22 person paying for the communication)"; and

23 (II) Identifies a natural person who is the registered agent if the
24 person identified in ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION
25 (5)(a)(I) OF THIS SECTION is not a natural person.

26 (b) In the case of a broadcast OR ONLINE VIDEO OR AUDIO
27 communication, the statement required by ~~paragraph (a) of this subsection~~

1 ~~(5)~~ SUBSECTION (5)(a) OF THIS SECTION shall satisfy all applicable
2 requirements promulgated by the federal communications commission for
3 size, duration, and placement.

4 (c) In the case of a nonbroadcast communication, INCLUDING AN
5 ONLINE COMMUNICATION, the secretary of state shall, by rule, establish
6 size and placement requirements for the disclaimer STATEMENT. IF THE
7 SIZE, FORMAT, OR DISPLAY REQUIREMENTS OF THE COMMUNICATION MAKE
8 IT IMPRACTICABLE TO INCLUDE A DISCLAIMER STATEMENT ON THE
9 COMMUNICATION, THE RULES MUST REQUIRE THAT THE DISCLAIMER
10 STATEMENT BE AVAILABLE BY MEANS OF A DIRECT LINK FROM THE
11 COMMUNICATION TO THE WEB PAGE OR APPLICATION SCREEN CONTAINING
12 THE STATEMENT.

13 (14) (a) ANY COVERED ORGANIZATION THAT CONTRIBUTES,
14 DONATES, OR TRANSFERS TEN THOUSAND DOLLARS OR MORE TO ANY
15 PERSON, EARMARKED FOR THE PURPOSE OF MAKING AN INDEPENDENT
16 EXPENDITURE OR ELECTIONEERING COMMUNICATION, DURING ANY ONE
17 CALENDAR YEAR, SHALL PROVIDE TO THE RECIPIENT OF THE
18 CONTRIBUTION, DONATION, OR TRANSFER AN AFFIRMATION, IN WRITING,
19 THAT INCLUDES THE INFORMATION LISTED IN SUBSECTION (14)(d) OF THIS
20 SECTION. AFTER REACHING THE TEN THOUSAND DOLLAR THRESHOLD, THE
21 COVERED ORGANIZATION SHALL PROVIDE A NEW AFFIRMATION
22 STATEMENT FOR EACH QUALIFYING SUBSEQUENT CONTRIBUTION,
23 DONATION, OR TRANSFER DURING THAT CALENDAR YEAR.

24 (b) ANY COVERED ORGANIZATION THAT TRANSFERS TEN
25 THOUSAND DOLLARS OR MORE TO ANY PERSON, EARMARKED FOR THE
26 PURPOSE OF THAT PERSON MAKING A CONTRIBUTION, DONATION, OR
27 TRANSFER TO PAY FOR AN INDEPENDENT EXPENDITURE OR

1 ELECTIONEERING COMMUNICATION, DURING ANY ONE CALENDAR YEAR,
2 SHALL PROVIDE TO THE RECIPIENT OF THE TRANSFER AN AFFIRMATION, IN
3 WRITING, THAT INCLUDES THE INFORMATION LISTED IN SUBSECTION
4 (14)(d) OF THIS SECTION. AFTER REACHING THE TEN THOUSAND DOLLAR
5 THRESHOLD, THE COVERED ORGANIZATION SHALL PROVIDE A NEW
6 AFFIRMATION STATEMENT FOR EACH QUALIFYING SUBSEQUENT TRANSFER
7 DURING THAT CALENDAR YEAR.

8 (c) A PERSON SHALL NOT ACCEPT A CONTRIBUTION, DONATION, OR
9 TRANSFER AS DESCRIBED IN SUBSECTION (14)(a) OR (14)(b) OF THIS
10 SECTION FROM A COVERED ORGANIZATION UNLESS THE COVERED
11 ORGANIZATION PROVIDES A WRITTEN AFFIRMATION TO THE RECIPIENT
12 SATISFYING THE REQUIREMENTS OF SUBSECTION (14)(d) OF THIS SECTION.
13 THE RECIPIENT SHALL INCLUDE THE WRITTEN AFFIRMATION WHEN
14 REPORTING THE INDEPENDENT EXPENDITURE OR ELECTIONEERING
15 COMMUNICATION TO THE APPROPRIATE FILING OFFICER AND SHALL RETAIN
16 THE WRITTEN AFFIRMATION FOR NOT LESS THAN ONE YEAR FOLLOWING
17 THE DATE OF THE END OF THE ELECTION CYCLE DURING WHICH THE
18 AFFIRMATION WAS RECEIVED.

19 (d) THE AFFIRMATION REQUIRED BY THIS SUBSECTION (14) MUST
20 INCLUDE:

21 (I) THE NAME OF THE COVERED ORGANIZATION AND ITS PRINCIPAL
22 PLACE OF BUSINESS;

23 (II) THE AMOUNT OF THE CONTRIBUTION, DONATION, OR TRANSFER
24 AND THE NAME OF THE PERSON WHO RECEIVED THE CONTRIBUTION,
25 DONATION, OR TRANSFER;

26 (III) (A) IF THE COVERED ORGANIZATION IS A FOR-PROFIT
27 CORPORATION, EACH BENEFICIAL OWNER'S NAME AND CURRENT

1 RESIDENCE OR BUSINESS ADDRESS AND, IF A LISTED BENEFICIAL OWNER
2 EXERCISES CONTROL OVER THE ENTITY THROUGH ANOTHER LEGAL ENTITY,
3 SUCH AS A CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, OR
4 TRUST, EACH SUCH OTHER LEGAL ENTITY AND EACH SUCH BENEFICIAL
5 OWNER WHO WILL USE THAT OTHER ENTITY TO EXERCISE CONTROL OVER
6 THE ENTITY.

7 (B) FOR PURPOSES OF THIS SUBSECTION (14)(d)(III), "BENEFICIAL
8 OWNER" MEANS A CORPORATION'S OFFICERS, DIRECTORS, AND OWNERS OF
9 MORE THAN FIVE PERCENT OF THE CORPORATION.

10 (IV) (A) IF THE COVERED ORGANIZATION IS NOT A FOR-PROFIT
11 CORPORATION BUT IS SUBJECT TO DISCLOSURE UNDER SUBSECTION (14)(a)
12 OR (14)(b) OF THIS SECTION, A LIST OF ANY PERSON WHO TRANSFERRED
13 FIVE THOUSAND DOLLARS OR MORE TO THE COVERED ORGANIZATION AND
14 WHO EARMARKED THAT TRANSFER OF FUNDS FOR THE PURPOSE OF MAKING
15 AN INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION AS
16 DETERMINED BY THE EARLIER OF EITHER THE PRECEDING TWELVE-MONTH
17 PERIOD THAT ENDS ON THE DATE OF THE TRANSMISSION OF THE
18 INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION OR
19 THAT ENDS ON THE DATE OF THE TRANSFER.

20 (B) A COVERED ORGANIZATION IS NOT REQUIRED TO INCLUDE A
21 NATURAL PERSON'S NAME IF DISCLOSURE OF THAT PERSON WOULD LEAD
22 TO A REASONABLE PROBABILITY OF HARM, THREATS, HARASSMENT, OR
23 REPRISALS TO THE PERSON OR TO INDIVIDUALS AFFILIATED WITH THAT
24 PERSON.

25 (C) A COVERED ORGANIZATION MAY ONLY REDACT A PERSON'S
26 NAME FROM ITS REPORT UNDER SUBSECTION (14)(d)(IV)(B) OF THIS
27 SECTION IF THE PERSON HAS AFFIRMED ON A FORM PROVIDED BY THE

1 SECRETARY OF STATE, UNDER OATH, THAT THE PERSON BELIEVES THERE
2 IS A REASONABLE PROBABILITY THAT THEY WILL BE SUBJECT TO HARM,
3 THREATS, HARASSMENT, OR REPRISAL IF DISCLOSED. THE COVERED
4 ORGANIZATION SHALL RETAIN THE AFFIRMATION FOR NOT LESS THAN ONE
5 YEAR AND SHALL PRODUCE THE AFFIRMATION TO THE SECRETARY OF
6 STATE'S OFFICE IN RESPONSE TO A REQUEST FOR INFORMATION RELATED
7 TO ANY INVESTIGATION OF A CAMPAIGN FINANCE VIOLATION. THE
8 AFFIRMATION MUST REMAIN CONFIDENTIAL DURING THE PENDENCY OF
9 ANY INVESTIGATION AND COMPLAINT WITH A HEARING OFFICER UNDER
10 SECTION 1-45-117.5. FOLLOWING A FINAL AGENCY DECISION FINDING
11 THAT THE INDIVIDUAL WHOSE NAME WAS REDACTED DOES NOT MEET THE
12 REQUIREMENTS OF THIS SUBSECTION (14)(d)(IV)(C), INCLUDING THE
13 APPLICABLE PERIOD FOR APPEAL, THE AFFIRMATION IS NO LONGER
14 CONFIDENTIAL AND IS SUBJECT TO PUBLIC REVIEW.

15 (D) IF THE CONTRIBUTION, DONATION, OR TRANSFER UNDER
16 SUBSECTION (14)(a) OR (14)(b) OF THIS SECTION IS FROM ANOTHER
17 COVERED ORGANIZATION, THE COVERED ORGANIZATION SHALL PROVIDE
18 A LIST OF PERSONS WHO TRANSFERRED TO THAT COVERED ORGANIZATION
19 CONSISTENT WITH SUBSECTIONS (14)(d)(IV)(B) AND (14)(d)(IV)(C) OF
20 THIS SECTION.

21 (V) A COVERED ORGANIZATION NEED NOT INCLUDE A TRANSFER
22 MADE FOR A COMMERCIAL TRANSACTION IN THE ORDINARY COURSE OF
23 ANY TRADE OR BUSINESS CONDUCTING BY THE COVERED ORGANIZATION.

24 (VI) A CERTIFICATION BY THE CHIEF EXECUTIVE OFFICER OR
25 PERSON WHO IS THE HEAD OF THE COVERED ORGANIZATION STATING THAT
26 THE CONTRIBUTION, DONATION, OR TRANSFER IS NOT MADE IN
27 COOPERATION, CONSULTATION, OR CONCERT WITH OR AT THE REQUEST OR

1 SUGGESTION OF A CANDIDATE, AUTHORIZED COMMITTEE, OR AGENT OF A
2 CANDIDATE, POLITICAL PARTY, OR AGENT OF A POLITICAL PARTY.

3 (e) FOR PURPOSES OF THIS SUBSECTION (14), "COVERED
4 ORGANIZATION" MEANS A CORPORATION, INCLUDING AN ENTITY
5 ORGANIZED UNDER SECTION 501(c) OR 527 OF THE INTERNAL REVENUE
6 CODE, A LABOR ORGANIZATION, OR AN INDEPENDENT EXPENDITURE
7 COMMITTEE. IT DOES NOT INCLUDE A SMALL DONOR COMMITTEE,
8 POLITICAL PARTY COMMITTEE, OR CANDIDATE COMMITTEE.

9 (f) FOR PURPOSES OF THIS SUBSECTION (14), "TRANSFER",
10 "DONATE", OR "CONTRIBUTE" DOES NOT INCLUDE THE PROVISION OF FUNDS
11 TO A VENDOR OR IN PAYMENT OF A CONTRACT FOR GOODS OR SERVICES.

12 **SECTION 4.** In Colorado Revised Statutes, 1-45-108, **repeal and**
13 **reenact, with amendments,** (1.5); and **add** (8) as follows:

14 **1-45-108. Disclosure - definition - repeal.**
15 (1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN LIGHT OF THE
16 OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE TENTH
17 CIRCUIT IN THE CASE OF *COALITION FOR SECULAR GOVERNMENT V.*
18 *WILLIAMS*, NO. 14-1469 (10TH CIRCUIT MARCH 2, 2016), THAT AFFIRMED
19 THE ORDER OF THE FEDERAL DISTRICT COURT IN THE CASE OF *COALITION*
20 *FOR SECULAR GOV'T V. GESSLER*, CASE NO. 12 CV 1708, THE DISCLOSURE
21 REQUIREMENTS SPECIFIED IN SUBSECTION (1)(a)(I) OR (1)(a)(II) OF THIS
22 SECTION AND THE REPORTING REQUIREMENTS SPECIFIED IN SUBSECTION
23 (3.3) OR (6) OF THIS SECTION SHALL NOT APPLY TO A SMALL-SCALE ISSUE
24 COMMITTEE. A SMALL-SCALE ISSUE COMMITTEE SHALL DISCLOSE OR FILE
25 REPORTS ABOUT THE CONTRIBUTIONS OR EXPENDITURES IT HAS MADE OR
26 RECEIVED OR OTHERWISE REGISTER AS AN ISSUE COMMITTEE IN
27 CONNECTION WITH ACCEPTING OR MAKING SUCH CONTRIBUTIONS OR

1 EXPENDITURES IN ACCORDANCE WITH THE FOLLOWING ALTERNATIVE
2 REQUIREMENTS:

3 (a) A SMALL-SCALE ISSUE COMMITTEE THAT ACCEPTS OR MAKES
4 CONTRIBUTIONS OR EXPENDITURES IN AN AGGREGATE AMOUNT DURING
5 ANY APPLICABLE ELECTION CYCLE THAT DOES NOT EXCEED TWO HUNDRED
6 DOLLARS IS NOT REQUIRED TO DISCLOSE OR FILE REPORTS ABOUT THE
7 CONTRIBUTIONS OR EXPENDITURES IT HAS MADE OR RECEIVED OR
8 OTHERWISE REGISTER AS AN ISSUE COMMITTEE IN CONNECTION WITH
9 ACCEPTING OR MAKING SUCH CONTRIBUTIONS OR EXPENDITURES.

10 (b) (I) A SMALL-SCALE ISSUE COMMITTEE THAT ACCEPTS OR
11 MAKES CONTRIBUTIONS OR EXPENDITURES IN AN AGGREGATE AMOUNT
12 DURING ANY APPLICABLE ELECTION CYCLE OF BETWEEN TWO HUNDRED
13 DOLLARS AND FIVE THOUSAND DOLLARS SHALL REGISTER WITH THE
14 APPROPRIATE OFFICER WITHIN TEN BUSINESS DAYS OF THE DATE ON WHICH
15 THE AGGREGATE AMOUNT OF CONTRIBUTIONS OR EXPENDITURES EXCEEDS
16 TWO HUNDRED DOLLARS. THE REGISTRATION REQUIRED BY THIS
17 SUBSECTION (1.5)(b)(I) MUST INCLUDE A STATEMENT LISTING:

18 (A) THE COMMITTEE'S FULL NAME, SPELLING OUT ANY ACRONYMS
19 USED IN THE NAME;

20 (B) THE NAME OF A NATURAL PERSON AUTHORIZED TO ACT AS A
21 REGISTERED AGENT OF THE COMMITTEE;

22 (C) A STREET ADDRESS FOR THE PRINCIPAL PLACE OF BUSINESS OF
23 THE COMMITTEE;

24 (D) THE PURPOSE OR NATURE OF INTEREST OF THE COMMITTEE;

25 AND

26 (E) THE NAME OF THE FINANCIAL INSTITUTION IN WHICH, IN A
27 SEPARATE ACCOUNT BEARING THE NAME OF THE COMMITTEE, ALL

1 CONTRIBUTIONS RECEIVED BY THE COMMITTEE ARE DEPOSITED.

2 (II) A SMALL-SCALE ISSUE COMMITTEE DESCRIBED IN SUBSECTION
3 (1.5)(b)(I) OF THIS SECTION IS NOT REQUIRED TO MAKE ANY DISCLOSURE
4 ABOUT ANY CONTRIBUTIONS OR EXPENDITURES IT HAS MADE OR RECEIVED.

5 (c) (I) AT SUCH TIME AS AN ISSUE COMMITTEE THAT BEGAN AS A
6 SMALL-SCALE ISSUE COMMITTEE ACCEPTS OR MAKES CONTRIBUTIONS OR
7 EXPENDITURES IN AN AGGREGATE AMOUNT DURING ANY APPLICABLE
8 ELECTION CYCLE THAT EXCEEDS FIVE THOUSAND DOLLARS, THE
9 COMMITTEE SHALL REPORT TO THE APPROPRIATE OFFICER, FOR EACH
10 PARTICULAR CONTRIBUTION OR EXPENDITURE ACCEPTED OR MADE, THE
11 NAME AND ADDRESS OF EACH PERSON WHO HAS MADE SUCH
12 CONTRIBUTION AND THE AMOUNT OF EACH SPECIFIC CONTRIBUTION AND
13 EXPENDITURE ACCEPTED OR MADE BY THE COMMITTEE.

14 (II) AT SUCH TIME AS ANY ISSUE COMMITTEE THAT BEGAN AS A
15 SMALL-SCALE ISSUE COMMITTEE ACCEPTS OR MAKES CONTRIBUTIONS OR
16 EXPENDITURES IN AN AGGREGATE AMOUNT DURING ANY APPLICABLE
17 ELECTION CYCLE THAT EXCEEDS FIVE THOUSAND DOLLARS, THE
18 COMMITTEE SHALL MAKE DISCLOSURE OF ANY CONTRIBUTIONS OR
19 EXPENDITURES IT ACCEPTS OR MAKES ON OR AFTER THE DATE ON WHICH
20 SUCH AGGREGATE AMOUNT EXCEEDS FIVE THOUSAND DOLLARS IN
21 COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS UNDER THIS ARTICLE
22 45 PERTAINING TO THE DISCLOSURE BY AN ISSUE COMMITTEE OF ITS
23 CONTRIBUTIONS OR EXPENDITURES ACCEPTED OR MADE.

24 (III) WITHIN FIFTEEN DAYS OF A SMALL-SCALE ISSUE COMMITTEE
25 BECOMING SUBJECT TO THE APPLICABLE REQUIREMENTS GOVERNING AN
26 ISSUE COMMITTEE UNDER THIS ARTICLE 45, THE COMMITTEE THROUGH ITS
27 REGISTERED AGENT SHALL REPORT THIS CHANGE IN THE COMMITTEE'S

1 STATUS TO THE SECRETARY OF STATE.

2 (8) (a) ANY EXPENDITURE OR SPENDING ON A COVERED
3 COMMUNICATION THAT IS CONTROLLED BY OR COORDINATED WITH A
4 CANDIDATE OR CANDIDATE'S AGENT OR A POLITICAL PARTY IS CONSIDERED
5 BOTH A CONTRIBUTION BY THE MAKER OF THE EXPENDITURE OR SPENDING,
6 AND AN EXPENDITURE BY THE CANDIDATE COMMITTEE.

7 (b) FOR PURPOSES OF THIS SUBSECTION (8), "COVERED
8 COMMUNICATION" INCLUDES:

9 (I) A COMMUNICATION THAT EXPRESSLY ADVOCATES FOR THE
10 ELECTION OR DEFEAT OF A CANDIDATE;

11 (II) AN ELECTIONEERING COMMUNICATION AS DEFINED IN SECTION
12 2 (7) OF ARTICLE XXVIII OF THE STATE CONSTITUTION AND SECTION
13 1-45-103 (9), OR REGULAR BIENNIAL ELECTIONEERING COMMUNICATION
14 AS DEFINED IN SECTION 1-45-103 (15.5); AND

15 (III) A COMMUNICATION BY A POLITICAL ORGANIZATION THAT
16 INFLUENCES OR ATTEMPTS TO INFLUENCE THE SELECTION, NOMINATION,
17 ELECTION, OR APPOINTMENT OF A CANDIDATE TO PUBLIC OFFICE.

18 **SECTION 5.** In Colorado Revised Statutes, **amend 1-45-108.3**
19 as follows:

20 **1-45-108.3. Issue committees - disclaimer.** (1) ~~An issue~~
21 ~~committee~~ A CANDIDATE COMMITTEE, POLITICAL COMMITTEE, ISSUE
22 COMMITTEE, SMALL DONOR COMMITTEE, POLITICAL ORGANIZATION,
23 POLITICAL PARTY, OR OTHER PERSON making an expenditure in excess of
24 OR SPENDING MORE THAN one thousand dollars PER CALENDAR YEAR on
25 a communication that ~~supports or opposes a statewide ballot issue or~~
26 ~~ballot question~~ MUST BE DISCLOSED UNDER ARTICLE XXVIII OF THE STATE
27 CONSTITUTION OR UNDER THIS ARTICLE 45 OR SUPPORTS OR OPPOSES A

1 BALLOT ISSUE OR BALLOT QUESTION, and that is broadcast, ~~by television~~
2 ~~or radio~~, printed, ~~in a newspaper or on a billboard~~, directly mailed, or
3 delivered; ~~by hand to personal residences~~, PLACED ON A WEBSITE,
4 STREAMING MEDIA SERVICE, OR ONLINE FORUM FOR A FEE; or THAT IS
5 otherwise distributed shall ~~disclose~~ INCLUDE in the communication
6 ~~produced by the expenditure, the name of the issue committee making the~~
7 ~~expenditure~~ A DISCLAIMER STATEMENT IN ACCORDANCE WITH SUBSECTION
8 (2) OF THIS SECTION.

9 (2) ~~(a)~~ The disclaimer STATEMENT required by subsection (1) of
10 this section ~~shall be printed on the communication clearly and legibly in~~
11 ~~a conspicuous manner~~ MUST CONFORM TO THE REQUIREMENTS SPECIFIED
12 IN SECTION 1-45-107.5 (5) FOR CONTENT, SIZE, DURATION, AND
13 PLACEMENT.

14 ~~(b)~~ ~~If the communication is broadcast on radio, the disclaimer~~
15 ~~shall be spoken at the beginning or end of the communication.~~

16 ~~(c) (I)~~ ~~If the communication is broadcast on television, the~~
17 ~~disclaimer shall be written or spoken at the beginning or end of the~~
18 ~~communication. If the disclaimer is written, it shall appear for at least~~
19 ~~four seconds of any communication broadcast on television.~~

20 ~~(H)~~ ~~The written disclaimer required by subparagraph (I) of this~~
21 ~~paragraph (c) shall appear in the communication in a conspicuous~~
22 ~~manner.~~

23 **SECTION 6. Appropriation.** For the 2019-20 state fiscal year,
24 \$42,650 is appropriated to the department of state for use by the
25 information technology division. This appropriation is from the
26 department of state cash fund created in section 24-21-104 (3)(b), C.R.S.
27 To implement this act, the division may use this appropriation for

1 personal services.

2 **SECTION 7. Act subject to petition - effective date -**

3 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
4 the expiration of the ninety-day period after final adjournment of the
5 general assembly (August 2, 2019, if adjournment sine die is on May 3,
6 2019); except that, if a referendum petition is filed pursuant to section 1
7 (3) of article V of the state constitution against this act or an item, section,
8 or part of this act within such period, then the act, item, section, or part
9 will not take effect unless approved by the people at the general election
10 to be held in November 2020 and, in such case, will take effect on the
11 date of the official declaration of the vote thereon by the governor.

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