

CHAPTER 173

ELECTIONS

HOUSE BILL 94-1247

BY REPRESENTATIVES George, Greenwood, Hagedorn, Knox, Nichol, and Pierson;
also SENATORS Bishop, Gallagher, Mares, Norton, Ruddick, and Weissmann.

AN ACT

**CONCERNING REPORTING REQUIREMENTS FOR INDEPENDENT EXPENDITURES UNDER THE
"CAMPAIGN REFORM ACT OF 1974".**

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

SECTION 1. Part 1 of article 45 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

1-45-110.5. Independent expenditures - reporting. (1) IN ADDITION TO THE REQUIREMENTS OF SECTION 1-13-108, ANY ADVERTISEMENT DISTRIBUTED, PUBLISHED, PRINTED, OR BROADCAST BY A PERSON OR CAMPAIGN TREASURER MAKING AN INDEPENDENT EXPENDITURE SHALL INCLUDE A DISCLAIMER IDENTIFYING THE PERSON MAKING THE INDEPENDENT EXPENDITURE. THE DISCLAIMER SHALL STATE: "PAID FOR BY (NAME OF PERSON MAKING THE INDEPENDENT EXPENDITURE). NOT AUTHORIZED BY (NAME OF THE CANDIDATE RUNNING IN THE ELECTION OR THE POLITICAL COMMITTEE SUPPORTING THE ISSUE TO BE SUBMITTED IN THE ELECTION FOR WHICH THE INDEPENDENT EXPENDITURE WAS MADE)". THE DISCLAIMER SHALL:

- (a) APPEAR CONTINUOUSLY ON THE TELEVISION SCREEN DURING ANY TELEVISION ADVERTISEMENT;
- (b) BE STATED AUDIBLY AT THE BEGINNING AND END OF ANY TELEVISION ADVERTISEMENT;
- (c) BE STATED AT THE BEGINNING AND END OF ANY RADIO ADVERTISEMENT; AND
- (d) APPEAR PROMINENTLY IN ANY ADVERTISEMENT CONVEYED THROUGH WRITTEN

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

OR PRINTED MATERIALS.

(2) AS USED IN THIS SECTION, "INDEPENDENT EXPENDITURE" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 1-45-103 (7.5).

(3) INVESTIGATIONS AND PROSECUTIONS OF AN ALLEGED VIOLATION OF THIS SECTION SHALL BE CONDUCTED BY THE DISTRICT ATTORNEY OR ATTORNEY GENERAL PURSUANT TO SECTION 1-13-101. ANY PERSON OR CAMPAIGN TREASURER WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 1-13-111.

SECTION 2. 1-45-103, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(7.5) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE BY A PERSON OR CAMPAIGN TREASURER:

(a) ADVOCATING THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE WHICH IS MADE WITHOUT THE COOPERATION OR AUTHORIZATION OF OR CONSULTATION WITH THE CANDIDATE, THE CANDIDATE'S POLITICAL COMMITTEE, OR AN AGENT OF THE CANDIDATE, AND WHICH IS NOT MADE IN CONCERT WITH, OR AT THE REQUEST OR SUGGESTION OF, THE CANDIDATE, THE CANDIDATE'S POLITICAL COMMITTEE, OR AN AGENT OF THE CANDIDATE; OR

(b) SEEKING TO INFLUENCE THE PASSAGE OR DEFEAT OF ANY ISSUE WHICH IS TO BE SUBMITTED TO THE ELECTORS WHICH IS MADE WITHOUT THE COOPERATION OR AUTHORIZATION OF OR CONSULTATION WITH THE POLITICAL COMMITTEE SUPPORTING SUCH ISSUE, AND WHICH IS NOT MADE IN CONCERT WITH, OR AT THE REQUEST OR SUGGESTION OF, SUCH POLITICAL COMMITTEE.

SECTION 3. 1-45-108, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1-45-108. Reports - certification and filing. (7) (a) ANY PERSON OR CAMPAIGN TREASURER MAKING AN INDEPENDENT EXPENDITURE OF FIVE HUNDRED DOLLARS, OR MORE, AT ANY TIME AFTER THE SIXTEENTH DAY BUT MORE THAN TWENTY-FOUR HOURS BEFORE THE DAY OF THE ELECTION SHALL FILE A REPORT OF SUCH AN EXPENDITURE. THIS REPORT SHALL BE FILED WITH THE APPROPRIATE OFFICER WITHIN TWENTY-FOUR HOURS AFTER THE INDEPENDENT EXPENDITURE IS MADE. THE REPORT SHALL INCLUDE THE IDENTIFICATION AND ADDRESS OF EACH PERSON WHO MADE A CONTRIBUTION TO THE CAMPAIGN TREASURER OR PERSON FILING SUCH REPORT WHICH WAS MADE FOR THE PURPOSE OF FURTHERING AN INDEPENDENT EXPENDITURE.

(b) ANY PERSON OR CAMPAIGN TREASURER FILING THE REPORT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7) SHALL PROVIDE, CONCURRENT WITH SUCH FILING, A COPY OF THAT REPORT TO THE CANDIDATE RUNNING IN THE ELECTION OR TO THE POLITICAL COMMITTEE SUPPORTING OR OPPOSING THE ISSUE TO BE SUBMITTED IN THE ELECTION FOR WHICH THE INDEPENDENT EXPENDITURE WAS MADE.

SECTION 4. Effective date. This act shall take effect July 1, 1994.

SECTION 5. 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: April 28, 1994