

CHAPTER 343

ELECTIONS

SENATE BILL 94-171

BY SENATORS Owens, Hopper, Johnson, Meiklejohn, Tebedo, and Weissmann;
also REPRESENTATIVES Reeser, Anderson, Jerke, Nichol, Pierson, Tucker, and Williams.

AN ACT

CONCERNING THE CAMPAIGN REFORM ACT, AND, IN CONNECTION THEREWITH, MAKING CHANGES RELATED TO CANDIDATES IN SCHOOL DISTRICT ELECTIONS AND THE AVAILABILITY OF AN EMPLOYEE OR A MEMBER OF A STATE OR POLITICAL SUBDIVISION TO RESPOND TO QUESTIONS ABOUT AN ISSUE.

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

SECTION 1. 1-45-103 (3) (a) and (11), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

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

(3) "Candidate" means any person who:

(a) Seeks election to any public office which is to be voted for in this state at any general election, SCHOOL DISTRICT ELECTION, special district election, or municipal election. "Candidate" also includes a judge or justice of any court of record who seeks to be retained in office pursuant to the provisions of section 25 of article VI of the state constitution. A person is a candidate for election if ~~he~~ **THE PERSON** has publicly announced ~~his~~ **AN** intention to seek election to public office, has filed nominating petitions for public office in a nonpartisan election, has been chosen as a candidate of a political party after having won a primary election, has filed with the appropriate officer a nominating petition as an independent candidate as provided in section 1-4-801, or has been chosen to fill any vacancy.

(11) (a) "Public office" means any office voted for in this state at any election.

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

(b) "Public office" does not include:

(I) The office of president or vice president of the United States;

(II) The office of senator or representative in the congress of the United States;

(III) Any office in a political party chosen pursuant to sections 1-3-103, 1-4-403, and 1-4-701;

(IV) Any political party office in an assembly or convention, including delegates thereto; ~~any office to be voted upon in a school election;~~ or

(V) Any elective office within a special district for which the annual compensation is less than twelve hundred dollars.

(c) "Public office" includes all of the statewide offices enumerated in subsection (12) of this section.

SECTION 2. 1-45-116 (1) (a) and (1) (b) (I), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-45-116. State and political subdivisions - limitations on contributions.

(1) (a) No agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof shall make any contribution or contribution in kind in campaigns involving the nomination, retention, or election of any person to any public office, nor shall any such entity expend any public moneys from any source, or make any contributions in kind, to urge electors to vote in favor of or against any issue before the electorate. However, a member or employee of any such agency, department, board, division, bureau, commission, or council ~~who has policy-making responsibilities may expend not more than fifty dollars of public moneys in the form of letters, telephone calls, or other activities incidental to making himself available to the press or the public for the purpose of responding~~ RESPOND to questions about any such issue, ~~or IF THE MEMBER, EMPLOYEE, OR PUBLIC ENTITY HAS NOT SOLICITED THE QUESTION. A MEMBER OR EMPLOYEE OF ANY SUCH AGENCY, DEPARTMENT, BOARD, DIVISION, BUREAU, COMMISSION, OR COUNCIL WHO HAS POLICY-MAKING RESPONSIBILITIES MAY EXPEND NOT MORE THAN FIFTY DOLLARS OF PUBLIC MONEYS IN THE FORM OF LETTERS, TELEPHONE CALLS, OR OTHER ACTIVITIES INCIDENTAL TO EXPRESS~~ EXPRESSING his OR HER opinion on any such issue.

(b) (I) Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from expending public moneys or making contributions in kind to dispense a factual summary, which shall include arguments both for and against the proposal, on any issue of official concern before the electorate ~~IN THE JURISDICTION. Such summary shall not contain a conclusion or opinion in favor of or against any particular issue. addressed by the summary. AS USED HEREIN, AN ISSUE OF OFFICIAL CONCERN SHALL BE LIMITED TO ISSUES THAT WILL APPEAR ON AN ELECTION BALLOT IN THE JURISDICTION.~~

SECTION 3. Effective date. This act shall take effect July 1, 1994.

SECTION 4. 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: June 3, 1994