

CHAPTER 174

ELECTIONS

HOUSE BILL 09-1153

BY REPRESENTATIVE(S) May, Court, Gardner B., Kerr J., Labuda, Lambert, Looper, Murray, Nikkel, Stephens, Waller, Gerou;
also SENATOR(S) Harvey.

AN ACT

**CONCERNING THE REQUIREMENTS APPLICABLE TO THE FORMATION OF AN ISSUE COMMITTEE
UNDER COLORADO LAW GOVERNING CAMPAIGN FINANCE.**

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

SECTION 1. 1-45-103, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

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

(1.3) "BALLOT ISSUE" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 1-1-104 (2.3); EXCEPT THAT, FOR PURPOSES OF SECTION 1-45-117, "BALLOT ISSUE" SHALL MEAN BOTH A BALLOT ISSUE AS DEFINED IN THIS SUBSECTION (1.3) AND A BALLOT QUESTION.

(1.5) "BALLOT QUESTION" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 1-1-104 (2.7).

SECTION 2. The introductory portion to 1-45-108 (3) and 1-45-108 (3) (f), Colorado Revised Statutes, are amended, and the said 1-45-108 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

1-45-108. Disclosure. (3) Except as otherwise provided in subsection (3.5) of this section, all candidate committees, political committees, ~~issue committees~~, small donor committees, and political parties shall register with the appropriate officer before accepting or making any contributions. Registration shall include a statement listing:

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

(f) Any intent of the candidate committee, political committee, ~~issue committee~~, small donor committee, or political party to electronically file reports required by this article that may be filed electronically on a web site operated and maintained by the secretary of state pursuant to section 1-45-109.

(3.3) SUBJECT TO THE PROVISIONS OF SUBSECTION (7) OF THIS SECTION, EACH ISSUE COMMITTEE SHALL REGISTER WITH THE APPROPRIATE OFFICER WITHIN TEN CALENDAR DAYS OF ACCEPTING OR MAKING CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF TWO HUNDRED DOLLARS TO SUPPORT OR OPPOSE ANY BALLOT ISSUE OR BALLOT QUESTION. IF REQUIRED TO REGISTER UNDER THE REQUIREMENTS OF THIS SUBSECTION (3.3), THE REGISTRATION OF THE ISSUE COMMITTEE SHALL INCLUDE A STATEMENT CONTAINING THE ITEMS LISTED IN PARAGRAPHS (a) TO (f) OF SUBSECTION (3) OF THIS SECTION IN CONNECTION WITH OTHER COMMITTEES AND A POLITICAL PARTY.

(7) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND SUBJECT TO THE PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (7), A MATTER SHALL BE CONSIDERED TO BE A BALLOT ISSUE OR BALLOT QUESTION FOR THE PURPOSE OF DETERMINING WHETHER AN ISSUE COMMITTEE HAS BEEN FORMALLY ESTABLISHED, THEREBY NECESSITATING COMPLIANCE WITH ANY DISCLOSURE AND REPORTING REQUIREMENTS OF THIS ARTICLE AND ARTICLE XXVIII OF THE STATE CONSTITUTION, AT THE EARLIEST OF THE FOLLOWING:

(I) A TITLE FOR THE MATTER HAS BEEN DESIGNATED AND FIXED IN ACCORDANCE WITH LAW;

(II) THE MATTER HAS BEEN REFERRED TO THE VOTERS BY THE GENERAL ASSEMBLY OR THE GOVERNING BODY OF ANY POLITICAL SUBDIVISION OF THE STATE WITH AUTHORIZATION TO REFER MATTERS TO THE VOTERS;

(III) IN THE CASE OF A CITIZEN REFERENDUM PETITION, THE MATTER HAS BEEN SUBMITTED FOR FORMAT APPROVAL IN ACCORDANCE WITH LAW;

(IV) A PETITION CONCERNING THE MATTER HAS BEEN CIRCULATED AND SIGNED BY AT LEAST ONE PERSON; EXCEPT THAT, WHERE A MATTER BECOMES A BALLOT ISSUE OR BALLOT QUESTION UPON SUCH SIGNING, ANY PERSON OPPOSING THE MATTER SHALL NOT BE CONSIDERED TO BE AN ISSUE COMMITTEE FOR PURPOSES OF THIS ARTICLE AND ARTICLE XXVIII OF THE STATE CONSTITUTION UNTIL ONE SUCH PERSON KNOWS OR HAS REASON TO KNOW OF THE CIRCULATION; OR

(V) A SIGNED PETITION HAS BEEN SUBMITTED TO THE APPROPRIATE OFFICER IN ACCORDANCE WITH LAW.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (7), WHERE A MATTER CONCERNS A MUNICIPAL ANNEXATION BROUGHT PURSUANT TO ARTICLE 12 OF TITLE 31, C.R.S., THE MATTER SHALL NOT BE CONSIDERED TO BE A BALLOT ISSUE OR BALLOT QUESTION FOR THE PURPOSE OF DETERMINING WHETHER AN ISSUE COMMITTEE HAS BEEN FORMALLY ESTABLISHED, THEREBY NECESSITATING COMPLIANCE WITH ANY DISCLOSURE AND REPORTING REQUIREMENTS OF THIS ARTICLE AND ARTICLE XXVIII OF THE STATE CONSTITUTION, UNLESS AND UNTIL THE FIRST NOTICE OF THE ANNEXATION ELECTION HAS BEEN PUBLISHED IN ACCORDANCE

WITH THE REQUIREMENTS OF SECTION 31-12-112 (6), C.R.S.

SECTION 3. 31-12-112 (6), Colorado Revised Statutes, is amended to read:

31-12-112. Election - annexation pursuant to election. (6) Notice of such election shall be given by publication once a week for four weeks in some newspaper of general circulation in the area and published in the county in which such area is located or, if there is no such newspaper in the county, in some newspaper of general circulation published in an adjacent county. Additional notice shall be given by posting a notice at each polling place. The said posting and first newspaper publication shall be not less than four weeks preceding such election. Such notice shall specify the time and place of such election, shall contain a description of the boundaries of the area proposed to be annexed, and shall state that a map or plat thereof is on file in the office of the clerk of the district court in which such area, or a part thereof, is located. ~~and it~~ SUCH NOTICE shall ALSO set forth the conditions and requirements proposed by the governing body for annexation of the area, AND IT SHALL INFORM THE PUBLIC THAT AN ISSUE COMMITTEE IS REQUIRED BY LAW TO REGISTER WITH THE APPROPRIATE OFFICER PURSUANT TO SECTION 1-45-108, C.R.S., WITHIN TEN CALENDAR DAYS OF ACCEPTING OR MAKING CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF TWO HUNDRED DOLLARS TO SUPPORT OR OPPOSE THE ANNEXATION QUESTION.

SECTION 4. Act subject to petition - effective date. (1) This act shall take effect September 1, 2009.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

Approved: April 22, 2009