

**Please Support SB19-068 (Reps. Weissman & Cutter):**  
**electioneering communications disclosure**

### The Problem

- Colorado's "electioneering communications" disclosure law is nearly 20 years old
  - Electioneering communications disclosures are required **30 days pre-primary**
  - And **60 days pre-general**
  - **But not during much of the late spring and summer**
- Campaigns have changed much since 2002 – more groups spend more money all year to influence the electorate

### The Solution

- Require disclosures from 30 days pre-primary until General Election
- Require electioneering communications to include name of person making expenditure

### What are Electioneering Communications?

- broadcast by TV or radio, printed in / billboard, mailed or delivered by hand or otherwise distributed to an audience that includes members of the relevant electorate
- unambiguously refers to any candidate
- within time parameters above
- NOT including news articles, editorials, opinion columns
- NOT including communications solely to members of an organization

### Strong U.S. Supreme Court support for disclosure requirements

- Disclaimer and disclosure requirements "impose no ceiling on campaign-related activities" – *Buckley v. Valeo*
- Disclaimer and disclosure requirements "do not prevent anyone from speaking" – *McConnell v. FEC*
- Disclaimers "'insure that the voters are fully informed' about the person or group who is speaking" – *Citizens United v. FEC* quoting *Buckley v. Valeo*
- "At the very least, the disclaimers avoid confusion by making clear that the ads are not funded by a candidate or political party." – *Citizens United v. FEC*
- "[T]he public has an interest in knowing who is speaking about a candidate shortly before an election." – *Citizens United v. FEC*
- "The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages." – *Citizens United v. FEC*

### What SB 068 does not change

- What individuals / entities may make a contribution
- Any contribution limit by any individual / entity
- What individuals / entities may make an expenditure