

First Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 03-0527.01 Bob Lackner

SENATE BILL 03-144

SENATE SPONSORSHIP

Isgar, and Keller

HOUSE SPONSORSHIP

Berry, and Larson

Senate Committees

State Veterans & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING ENHANCED REPORTING REQUIREMENTS UNDER THE
102 "FAIR CAMPAIGN PRACTICES ACT" PERTAINING TO CERTAIN
103 COMMUNICATIONS BY PERSONS IN ELECTION CAMPAIGNS THAT
104 RELATE TO A PUBLIC OFFICE THAT IS TO BE VOTED ON IN SUCH
105 ELECTION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

In accordance with certain constitutional provisions addressing campaign finance enacted as article XXVIII of the state constitution by a vote of the people at the 2002 general election, modifies the "Fair Campaign Practices Act" (FCPA) in the following respects:

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

- Specifies that, in the case of contributions made to a candidate committee, political committee, issue committee, and political party, required disclosure under the FCPA is also to include the occupation and employer of each person who has made a contribution of \$100 or more to such committee or party.
- Requires any person who expends \$1,000 or more per calendar year on electioneering communications to report to the secretary of state, in accordance with the disclosure required by existing statutory provisions, the name and address of the person expending the moneys, the amount expended on the communications, and the purposes for which the moneys were expended. Also requires the disclosure to include the name and address of any person that contributes more than \$250 per year to the person expending \$1,000 or more on the communications. If the person making such contribution of \$250 or more is a natural person, the required disclosure is to include the person's occupation and employer.
- Specifies that persons who expend \$1,000 or more per calendar year on electioneering communications are to file their mandatory disclosure with the secretary of state. Adds electronic reports received from persons who expend \$1,000 or more per calendar year on electioneering communications to the list of reports the secretary of state is required under existing statutory provisions to make available on the web site maintained by the secretary of state within 48 hours after receipt of the report.

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

2 **SECTION 1.** 1-45-108 (1) (a) and (2.3) (a), Colorado Revised
3 Statutes, are amended to read:

4 **1-45-108. Disclosure - repeal.** (1) (a) (I) All candidate
5 committees, political committees, issue committees, and political parties
6 shall report to the appropriate officer their contributions received,
7 including the name and address of each person who has contributed
8 twenty dollars or more; expenditures made, and obligations entered into
9 by the committee or party.

1 (II) IN THE CASE OF CONTRIBUTIONS MADE TO A CANDIDATE
2 COMMITTEE, POLITICAL COMMITTEE, ISSUE COMMITTEE, AND POLITICAL
3 PARTY, THE DISCLOSURE REQUIRED BY THIS SECTION SHALL ALSO INCLUDE
4 THE OCCUPATION AND EMPLOYER OF EACH PERSON WHO HAS MADE A
5 CONTRIBUTION OF ONE HUNDRED DOLLARS OR MORE TO SUCH COMMITTEE
6 OR PARTY.

7 (III) ANY PERSON WHO EXPENDS ONE THOUSAND DOLLARS OR
8 MORE PER CALENDAR YEAR ON ELECTIONEERING COMMUNICATIONS SHALL
9 REPORT TO THE SECRETARY OF STATE, IN ACCORDANCE WITH THE
10 DISCLOSURE REQUIRED BY THIS SECTION, THE NAME AND ADDRESS OF THE
11 PERSON EXPENDING THE MONEYS, THE AMOUNT EXPENDED ON THE
12 COMMUNICATIONS, AND THE PURPOSES FOR WHICH THE MONEYS WERE
13 EXPENDED. IN ADDITION, THE DISCLOSURE SHALL ALSO INCLUDE THE
14 NAME AND ADDRESS OF ANY PERSON THAT CONTRIBUTES MORE THAN TWO
15 HUNDRED FIFTY DOLLARS PER YEAR TO THE PERSON EXPENDING ONE
16 THOUSAND DOLLARS OR MORE ON THE COMMUNICATIONS. IF THE PERSON
17 MAKING THE CONTRIBUTION OF TWO HUNDRED FIFTY DOLLARS OR MORE
18 IS A NATURAL PERSON, THE DISCLOSURE REQUIRED BY THIS SECTION SHALL
19 ALSO INCLUDE THE PERSON'S OCCUPATION AND EMPLOYER.

20 (2.3) (a) A candidate committee, political committee, issue
21 committee, ~~or~~ political party, OR ANY OTHER PERSON that utilizes the
22 electronic filing system described in section 1-45-109 (6) to file reports
23 with the secretary of state shall have two additional days after each due
24 date prescribed in paragraph (a) of subsection (2) of this section in which
25 to file such reports.

26 **SECTION 2.** 1-45-109 (1) and (7) (b), Colorado Revised
27 Statutes, are amended to read:

1 **1-45-109. Filing - where to file - timeliness.** (1) For the purpose
2 of meeting the filing and reporting requirements of this article, candidates
3 for statewide office, the general assembly, district attorney, district court
4 judge, or any office representing more than one county, except candidates
5 for school district director; the candidate committees for such candidates;
6 political committees in support of or in opposition to such candidates; ~~and~~
7 issue committees in support of or in opposition to an issue on the ballot
8 in more than one county; AND PERSONS EXPENDING ONE THOUSAND
9 DOLLARS OR MORE PER CALENDAR YEAR ON ELECTIONEERING
10 COMMUNICATIONS shall file with the secretary of state. Candidates in
11 municipal elections, their candidate committees, any political committee
12 in support of or in opposition to such candidate, and an issue committee
13 supporting or opposing a municipal ballot issue shall file with the
14 municipal clerk. Candidates in special district elections, except
15 candidates for director of the regional transportation district; the
16 candidate committees of such candidates; political committees in support
17 of or in opposition to such candidates; and issue committees supporting
18 or opposing a special district ballot issue shall file with the clerk and
19 recorder of the county in which the district court having jurisdiction over
20 the special district pursuant to section 32-1-303, C.R.S., is located. All
21 other candidates, candidate committees, issue committees, and political
22 committees shall file with the county clerk and recorder of the county of
23 their residence. However, a report required to be filed with a county
24 clerk and recorder shall be deemed properly filed if filed electronically
25 pursuant to subsection (8) of this section.

26 (7) (b) Within forty-eight hours after receiving in electronic form
27 from a candidate, candidate committee, issue committee, political

1 committee, PERSON EXPENDING ONE THOUSAND DOLLARS OR MORE PER
2 CALENDAR YEAR ON ELECTIONEERING COMMUNICATIONS, or county clerk
3 and recorder any report required to be filed with a county clerk and
4 recorder pursuant to this article, the secretary of state shall make the
5 report available on the web site described in paragraph (a) of this
6 subsection (7). The web site shall enable a user to produce summary
7 reports based on search criteria that shall include, but not be limited to,
8 the reporting period, date, name of the person making a contribution or
9 expenditure, candidate, and committee. The secretary of state may
10 promulgate rules necessary for the implementation of this subsection (7).
11 The rules shall be promulgated in accordance with article 4 of title 24,
12 C.R.S.

13 **SECTION 3. Effective date - applicability.** This act shall take
14 effect on passage, and its requirements shall apply to the portion of any
15 election cycle or for the portion of the calendar year remaining after such
16 effective date, and for any election cycle or calendar year commencing
17 after such effective date, whichever is applicable.

18 **SECTION 4. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.