

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0833.01 Bob Lackner x4350

HOUSE BILL 16-1282

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HOUSE SPONSORSHIP

Becker K. and Pettersen,

SENATE SPONSORSHIP

(None),

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House Committees

State, Veterans, & Military Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE ALIGNMENT OF REGULAR BIENNIAL SCHOOL  
102 ELECTIONS WITH DISCLOSURE REQUIREMENTS GOVERNING  
103 OTHER ELECTION RACES UNDER THE "FAIR CAMPAIGN  
104 PRACTICES ACT".

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill aligns regular biennial school elections with disclosure requirements governing other election races under 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.*

- ! **Section 1** of the bill adds a definition to the FCPA of "regular biennial school electioneering communication", which is the same as an "electioneering communication" with modifications adapted to a candidate in a regular biennial school election.
- ! **Section 2** extends existing disclosure requirements applicable to a person making an independent expenditure in excess of \$1,000 to include such expenditures made in connection with a regular biennial school election.
- ! **Section 3** makes large regular biennial school electioneering communications subject to the same disclosure requirements as electioneering communications.
- ! Modifies the definitions of "election year" and "major election" so the terms are applicable to regular biennial school elections.
- ! Requires various committees or political organizations that participate in elections in odd-numbered years to begin filing quarterly disclosure reports as of the date they commence various forms of political activity in connection with the election.
- ! Extends the existing requirement that various committees or political parties must disclose a contribution in excess of \$1,000 30 days before a general or primary election to include 30 days before a regular biennial school election.

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

2           **SECTION 1.** In Colorado Revised Statutes, 1-45-103, **add** (15.5)  
 3 as follows:

4           **1-45-103. Definitions.** As used in this article, unless the context  
 5 otherwise requires:

6           (15.5) (a) "REGULAR BIENNIAL SCHOOL ELECTIONEERING  
 7 COMMUNICATION" MEANS ANY COMMUNICATION BROADCASTED BY  
 8 TELEVISION OR RADIO, PRINTED IN A NEWSPAPER OR ON A BILLBOARD,  
 9 DIRECTLY MAILED OR DELIVERED BY HAND TO PERSONAL RESIDENCES OR  
 10 OTHERWISE DISTRIBUTED THAT:

11           (I) UNAMBIGUOUSLY REFERS TO ANY CANDIDATE IN A REGULAR

- 1 BIENNIAL SCHOOL ELECTION;
- 2 (II) IS BROADCASTED, PRINTED, MAILED, DELIVERED, OR  
3 DISTRIBUTED WITHIN SIXTY DAYS BEFORE A REGULAR BIENNIAL SCHOOL  
4 ELECTION; OR
- 5 (III) IS BROADCASTED TO, PRINTED IN A NEWSPAPER DISTRIBUTED  
6 TO, MAILED TO, DELIVERED BY HAND TO, OR OTHERWISE DISTRIBUTED TO  
7 AN AUDIENCE THAT INCLUDES MEMBERS OF THE ELECTORATE FOR SUCH  
8 REGULAR BIENNIAL SCHOOL ELECTION.
- 9 (b) "REGULAR BIENNIAL SCHOOL ELECTIONEERING  
10 COMMUNICATION" DOES NOT INCLUDE:
- 11 (I) ANY NEWS ARTICLES, EDITORIAL ENDORSEMENTS, OPINION OR  
12 COMMENTARY WRITINGS, OR LETTERS TO THE EDITOR PRINTED IN A  
13 NEWSPAPER, MAGAZINE, OR OTHER PERIODICAL NOT OWNED OR  
14 CONTROLLED BY A CANDIDATE OR POLITICAL PARTY;
- 15 (II) ANY EDITORIAL ENDORSEMENTS OR OPINIONS AIRED BY A  
16 BROADCAST FACILITY NOT OWNED OR CONTROLLED BY A CANDIDATE OR  
17 POLITICAL PARTY;
- 18 (III) ANY COMMUNICATION BY PERSONS MADE IN THE REGULAR  
19 COURSE AND SCOPE OF THEIR BUSINESS OR ANY COMMUNICATION MADE BY  
20 A MEMBERSHIP ORGANIZATION SOLELY TO MEMBERS OF SUCH  
21 ORGANIZATION AND THEIR FAMILIES; OR
- 22 (IV) ANY COMMUNICATION THAT REFERS TO ANY CANDIDATE  
23 ONLY AS PART OF THE POPULAR NAME OF A BILL OR STATUTE.

24 **SECTION 2.** In Colorado Revised Statutes, 1-45-107.5, **amend**  
25 (4) (c) and (6) as follows:

26 **1-45-107.5. Independent expenditures - restrictions on foreign**  
27 **corporations - registration - disclosure - disclaimer requirements.**

1 (4) (c) The information required to be disclosed pursuant to paragraph (a)  
2 of this subsection (4) ~~shall~~ MUST be reported in accordance with the  
3 schedule specified in section 1-45-108 (2) for political committees;  
4 except that any person making an independent expenditure in excess of  
5 one thousand dollars within thirty days before a primary, ~~or~~ general, OR  
6 REGULAR BIENNIAL SCHOOL election shall provide such report within  
7 forty-eight hours after obligating moneys for the independent expenditure.

8 (6) Any person that expends an aggregate amount in excess of one  
9 thousand dollars on an independent expenditure in any one calendar year  
10 shall deliver written notice to the appropriate officer that shall list with  
11 specificity the name of the candidate whom the independent expenditure  
12 is intended to support or oppose. Where the independent expenditure is  
13 made within thirty days before a primary, ~~or~~ general, OR REGULAR  
14 BIENNIAL SCHOOL election, the notice required by this subsection (6) ~~shall~~  
15 MUST be delivered within forty-eight hours after the person obligates  
16 moneys for the independent expenditure.

17 **SECTION 3.** In Colorado Revised Statutes, 1-45-108, **amend** (1)  
18 (a) (III), (2) (a) (I) introductory portion, (2) (a) (III), and (2.5); and **add**  
19 (2) (a) (V) as follows:

20 **1-45-108. Disclosure - definition.** (1) (a) (III) Any person who  
21 expends one thousand dollars or more per calendar year on electioneering  
22 communications OR REGULAR BIENNIAL SCHOOL ELECTIONEERING  
23 COMMUNICATIONS shall report to the secretary of state, in accordance with  
24 the disclosure required by this section, the amount expended on the  
25 communications and the name and address of any person that contributes  
26 more than two hundred fifty dollars per year to the person expending one  
27 thousand dollars or more on the communications. If the person making a

1 contribution of more than two hundred fifty dollars is a natural person,  
2 the disclosure required by this section ~~shall~~ MUST also include the person's  
3 occupation and employer.

4 (2) (a) (I) Except as provided in SUBPARAGRAPH (V) OF THIS  
5 PARAGRAPH (a) AND subsections (2.5), (2.7), and (6) of this section, such  
6 reports that are required to be filed with the secretary of state ~~shall~~ MUST  
7 be filed:

8 (III) For purposes of this section, "election year" means every  
9 even-numbered year for political parties and political committees and  
10 each year in which the particular candidate committee's candidate, or  
11 issue committee's issue, appears on the ballot, INCLUDING A REGULAR  
12 BIENNIAL SCHOOL ELECTION; and "major election" means the election that  
13 decides an issue committee's issue, ~~and~~ the election that elects a person  
14 to the public office sought by the candidate committee's candidate, AND  
15 A REGULAR BIENNIAL SCHOOL ELECTION.

16 (V) ANY POLITICAL COMMITTEE, SMALL DONOR COMMITTEE,  
17 INDEPENDENT EXPENDITURE COMMITTEE, OR POLITICAL ORGANIZATION  
18 THAT IS PARTICIPATING IN AN ELECTION THAT TAKES PLACE IN AN  
19 ODD-NUMBERED YEAR SHALL FILE ITS DISCLOSURE REPORTS IN  
20 ACCORDANCE WITH THE FILING SCHEDULE SPECIFIED IN  
21 SUB-SUBPARAGRAPHS (C) TO (E) OF SUBPARAGRAPH (I) OF THIS  
22 PARAGRAPH (a) AS OF THE DATE THE COMMITTEE OR ORGANIZATION, AS  
23 APPLICABLE, MAKES AN EXPENDITURE OR UNDERTAKES SPENDING IN  
24 CONNECTION WITH THAT ELECTION.

25 (2.5) In addition to any report required to be filed with the  
26 secretary of state or municipal clerk under this section, all candidate  
27 committees, political committees, issue committees, and political parties

1 shall file a report with the secretary of state of any contribution of one  
2 thousand dollars or more at any time within thirty days preceding the date  
3 of the primary election, ~~or~~ general election, OR REGULAR BIENNIAL  
4 SCHOOLELECTION. This report shall be filed with the secretary of state no  
5 later than twenty-four hours after receipt of said contribution.

6 **SECTION 4. Act subject to petition - effective date -**  
7 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
8 the expiration of the ninety-day period after final adjournment of the  
9 general assembly (August 10, 2016, if adjournment sine die is on May 11,  
10 2016); except that, if a referendum petition is filed pursuant to section 1  
11 (3) of article V of the state constitution against this act or an item, section,  
12 or part of this act within such period, then the act, item, section, or part  
13 will not take effect unless approved by the people at the general election  
14 to be held in November 2016 and, in such case, will take effect on the  
15 date of the official declaration of the vote thereon by the governor.

16 (2) This act applies to the portion of any election cycle or for the  
17 portion of the calendar year remaining after the effective date of this act  
18 and for any election cycle or calendar year commencing after such  
19 effective date, whichever is applicable.