

**First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 11-0268.01 Bob Lackner

**HOUSE BILL 11-1065**

---

**HOUSE SPONSORSHIP**

**Balmer**, Ferrandino, Priola

**SENATE SPONSORSHIP**

**(None)**,

---

**House Committees**  
Finance

**Senate Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING RESTRICTIONS ON THE APPEARANCE BY PUBLIC**  
102 **OFFICIALS IN COMMUNICATIONS PAID FOR WITH STATE MONEYS.**

---

**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 prohibits state moneys from being used in whole or in part for the payment of the cost of any advertisement or other form of communication containing the proper name or visual or audio likeness of any person who is either currently serving as a public official, which the bill defines to mean an elected state official or an elected official of the

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.*

federal or a local government, but excluding an employee of such government. These requirements do not apply to any advertisement or other form of communication that is required by law in order for the public official to undertake his or her official duties or functions, including:

- ! A legal notice in which the name of the public official is required to appear; and
- ! Any communication that is disseminated or distributed by means of a web site owned, operated, or maintained by the state or the federal or any local government.

The bill permits a person alleging a violation of the prohibition to file a written complaint. Any person who commits a violation of the prohibition is subject to and personally liable for a civil penalty of either an amount that is at least double and up to 5 times the sum total of state moneys expended in violation of the bill's requirements or in the amount of \$20,000 for each such violation, whichever is greater.

---

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

2 **SECTION 1.** Article 45 of title 1, Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **1-45-117.7. Public service advertising - prohibited**  
5 **expenditures - penalties - definitions.** (1) AS USED IN THIS SECTION,  
6 UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "ADVERTISEMENT OR OTHER FORM OF COMMUNICATION"  
8 MEANS, WITHOUT LIMITATION, ANY PRINT OR VISUAL MEDIA  
9 ANNOUNCEMENT, INCLUDING AN ADVERTISEMENT PLACED BY THE STATE  
10 LOTTERY DIVISION PURSUANT TO PART 2 OF ARTICLE 35 OF TITLE 24,  
11 C.R.S., BROADCAST MEDIA ANNOUNCEMENT, ELECTRONIC MEDIA, WEB  
12 SITE, OR INTERNET COMMUNICATION, BILLBOARD, BUS BENCH  
13 ADVERTISEMENT, OR SIMILAR TYPES OF PUBLIC COMMUNICATION  
14 SPECIFICALLY DESIGNED TO REACH A LARGE AUDIENCE.

15 (b) "ELECTED STATE OFFICIAL" MEANS THE GOVERNOR,  
16 LIEUTENANT GOVERNOR, SECRETARY OF STATE, STATE TREASURER,

1 ATTORNEY GENERAL, A MEMBER OF THE GENERAL ASSEMBLY, A MEMBER  
2 OF THE STATE BOARD OF EDUCATION, A MEMBER OF THE BOARD OF  
3 REGENTS OF THE UNIVERSITY OF COLORADO, OR A DISTRICT ATTORNEY.

4 (c) "LOCAL GOVERNMENT" SHALL HAVE THE SAME MEANING AS  
5 SET FORTH IN SECTION 24-18-102 (5), C.R.S.

6 (d) "PUBLIC OFFICIAL" MEANS AN ELECTED STATE OFFICIAL OR AN  
7 ELECTED OFFICIAL OF THE FEDERAL OR A LOCAL GOVERNMENT, AS  
8 APPLICABLE, BUT DOES NOT INCLUDE AN EMPLOYEE OF SUCH  
9 GOVERNMENT.

10 (2) NO STATE MONEYS MAY BE USED IN WHOLE OR IN PART FOR  
11 THE PAYMENT OF THE COST OF ANY ADVERTISEMENT OR OTHER FORM OF  
12 COMMUNICATION CONTAINING THE PROPER NAME OR VISUAL OR AUDIO  
13 LIKENESS OF ANY PERSON WHO IS CURRENTLY SERVING AS A PUBLIC  
14 OFFICIAL; EXCEPT THAT THIS SUBSECTION (2) SHALL NOT APPLY TO ANY  
15 ADVERTISEMENT OR OTHER FORM OF COMMUNICATION THAT IS REQUIRED  
16 BY LAW IN ORDER FOR THE PUBLIC OFFICIAL TO UNDERTAKE HIS OR HER  
17 OFFICIAL DUTIES OR FUNCTIONS, INCLUDING:

18 (a) A LEGAL NOTICE IN WHICH THE NAME OF THE PUBLIC OFFICIAL  
19 IS REQUIRED TO APPEAR; AND

20 (b) ANY COMMUNICATION THAT IS DISSEMINATED OR DISTRIBUTED  
21 BY MEANS OF A WEB SITE OWNED, OPERATED, OR MAINTAINED BY THE  
22 STATE OR THE FEDERAL OR ANY LOCAL GOVERNMENT.

23 (3) ANY PERSON ALLEGING A VIOLATION OF SUBSECTION (2) OF  
24 THIS SECTION MAY FILE A WRITTEN COMPLAINT PURSUANT TO SECTION  
25 1-45-111.5 (1.5) (a). ANY PERSON WHO COMMITS A VIOLATION OF THIS  
26 SECTION SHALL BE SUBJECT TO AND PERSONALLY LIABLE FOR A CIVIL  
27 PENALTY OF EITHER AN AMOUNT THAT IS AT LEAST DOUBLE AND UP TO

1 FIVE TIMES THE SUM TOTAL OF STATE MONEYS EXPENDED IN VIOLATION OF  
2 THIS SECTION OR IN THE AMOUNT OF TWENTY THOUSAND DOLLARS FOR  
3 EACH SUCH VIOLATION, WHICHEVER IS GREATER.

4 **SECTION 2. Effective date.** This act shall take effect July 1,  
5 2011.

6 **SECTION 3. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, and safety.