A BILL FOR AN ACT

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

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.

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

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

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

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

(I) UNAMBIGUOUSLY REFERS TO ANY CANDIDATE IN A REGULAR
BIENNIAL SCHOOL ELECTION;

(II) IS BROADCASTED, PRINTED, MAILED, DELIVERED, OR DISTRIBUTED WITHIN SIXTY DAYS BEFORE A REGULAR BIENNIAL SCHOOL ELECTION; OR

(III) IS BROADCASTED TO, PRINTED IN A NEWSPAPER DISTRIBUTED TO, MAILED TO, DELIVERED BY HAND TO, OR OTHERWISE DISTRIBUTED TO AN AUDIENCE THAT INCLUDES MEMBERS OF THE ELECTORATE FOR SUCH REGULAR BIENNIAL SCHOOL ELECTION.

(b) "REGULAR BIENNIAL SCHOOL ELECTIONEERING COMMUNICATION" DOES NOT INCLUDE:

(I) ANY NEWS ARTICLES, EDITORIAL ENDORSEMENTS, OPINION OR COMMENTARY WRITINGS, OR LETTERS TO THE EDITOR PRINTED IN A NEWSPAPER, MAGAZINE, OR OTHER PERIODICAL NOT OWNED OR CONTROLLED BY A CANDIDATE OR POLITICAL PARTY;

(II) ANY EDITORIAL ENDORSEMENTS OR OPINIONS AIRED BY A BROADCAST FACILITY NOT OWNED OR CONTROLLED BY A CANDIDATE OR POLITICAL PARTY;

(III) ANY COMMUNICATION BY PERSONS MADE IN THE REGULAR COURSE AND SCOPE OF THEIR BUSINESS OR ANY COMMUNICATION MADE BY A MEMBERSHIP ORGANIZATION SOLELY TO MEMBERS OF SUCH ORGANIZATION AND THEIR FAMILIES; OR

(IV) ANY COMMUNICATION THAT REFERS TO ANY CANDIDATE ONLY AS PART OF THE POPULAR NAME OF A BILL OR STATUTE.

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

1-45-107.5. Independent expenditures - restrictions on foreign corporations - registration - disclosure - disclaimer requirements.
(4)(c) The information required to be disclosed pursuant to paragraph (a)
of this subsection (4) shall be reported in accordance with the
schedule specified in section 1-45-108 (2) for political committees;
except that any person making an independent expenditure in excess of
one thousand dollars within thirty days before a primary, or general, or
REGULAR BIENNIAL SCHOOL election shall provide such report within
forty-eight hours after obligating moneys for the independent expenditure.

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

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

expends one thousand dollars or more per calendar year on electioneering
communications OR REGULAR BIENNIAL SCHOOL ELECTIONEERING
COMMUNICATIONS shall report to the secretary of state, in accordance with
the disclosure required by this section, the amount expended on the
communications and the name and address of any person that contributes
more than two hundred fifty dollars per year to the person expending one
thousand dollars or more on the communications. If the person making a
contribution of more than two hundred fifty dollars is a natural person, the disclosure required by this section shall MUST also include the person's occupation and employer.

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

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

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

(2.5) In addition to any report required to be filed with the secretary of state or municipal clerk under this section, all candidate committees, political committees, issue committees, and political parties
shall file a report with the secretary of state of any contribution of one thousand dollars or more at any time within thirty days preceding the date of the primary election, or general election, or REGULAR BIENNIAL SCHOOL ELECTION. This report shall be filed with the secretary of state no later than twenty-four hours after receipt of said contribution.

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 110 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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