

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 16-0833.01 Bob Lackner x4350

HOUSE BILL 16-1282

HOUSE SPONSORSHIP

Becker K. and Pettersen,

SENATE SPONSORSHIP

Todd and Tate,

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

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", AND, IN CONNECTION THEREWITH, MAKING**
105 **AN APPROPRIATION.**

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

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.

HOUSE
Amended 2nd Reading
April 12, 2016

Practices Act" (FCPA) in the following respects:

- ! **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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-45-103, **add** (15.3)
3 and (15.5) as follows:

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

6 (15.3) "REGULAR BIENNIAL SCHOOL ELECTION" MEANS THE
7 ELECTION THAT IS DESCRIBED IN SECTION 22-31-104 (1), C.R.S.

8 (15.5) "REGULAR BIENNIAL SCHOOL ELECTIONEERING
9 COMMUNICATION HAS THE SAME MEANING AS "ELECTIONEERING
10 COMMUNICATION" AS DEFINED IN SECTION 2 (7) OF ARTICLE XXVIII OF
11 THE STATE CONSTITUTION; EXCEPT THAT, FOR PURPOSE OF THE DEFINITION

1 OF REGULAR BIENNIAL SCHOOL ELECTIONEERING COMMUNICATION ONLY,
2 "CANDIDATE" AS REFERENCED IN SECTION 2 (7) (a) (I) OF SAID ARTICLE
3 MEANS A CANDIDATE IN A REGULAR BIENNIAL SCHOOL ELECTION AND THE
4 REQUIREMENTS SPECIFIED IN SECTION 2 (7) (a) (II) MEAN A
5 COMMUNICATION THAT IS BROADCAST, PRINTED, MAILED, DELIVERED, OR
6 DISTRIBUTED WITHIN SIXTY DAYS BEFORE A REGULAR BIENNIAL SCHOOL
7 ELECTION. EXCEPT AS OTHERWISE SPECIFIED IN THIS SUBSECTION (15.5),
8 THE DEFINITION OF "REGULAR BIENNIAL SCHOOL ELECTIONEERING
9 COMMUNICATION" IS THE SAME AS THAT OF "ELECTIONEERING
10 COMMUNICATION."

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

13 **1-45-107.5. Independent expenditures - restrictions on foreign**
14 **corporations - registration - disclosure - disclaimer requirements.**

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

22 (6) Any person that expends an aggregate amount in excess of one
23 thousand dollars on an independent expenditure in any one calendar year
24 shall deliver written notice to the appropriate officer that shall list with
25 specificity the name of the candidate whom the independent expenditure
26 is intended to support or oppose. Where the independent expenditure is
27 made within thirty days before a primary, ~~or~~ general, OR REGULAR

1 BIENNIAL SCHOOL election, the notice required by this subsection (6) ~~shall~~
2 MUST be delivered within forty-eight hours after the person obligates
3 moneys for the independent expenditure.

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

7 **1-45-108. Disclosure - definition.** (1) (a) (III) Any person who
8 expends one thousand dollars or more per calendar year on electioneering
9 communications OR REGULAR BIENNIAL SCHOOL ELECTIONEERING
10 COMMUNICATIONS shall report to the secretary of state, in accordance with
11 the disclosure required by this section, the amount expended on the
12 communications and the name and address of any person that contributes
13 more than two hundred fifty dollars per year to the person expending one
14 thousand dollars or more on the communications. If the person making a
15 contribution of more than two hundred fifty dollars is a natural person,
16 the disclosure required by this section ~~shall~~ MUST also include the person's
17 occupation and employer.

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

22 (III) For purposes of this section, "election year" means every
23 even-numbered year for political parties and political committees and
24 each year in which the particular candidate committee's candidate, or
25 issue committee's issue, appears on the ballot, INCLUDING A REGULAR
26 BIENNIAL SCHOOL ELECTION; and "major election" means the election that
27 decides an issue committee's issue, ~~and~~ the election that elects a person

1 to the public office sought by the candidate committee's candidate, AND
2 A REGULAR BIENNIAL SCHOOL ELECTION.

3 (V) ANY POLITICAL COMMITTEE, SMALL DONOR COMMITTEE,
4 INDEPENDENT EXPENDITURE COMMITTEE, OR POLITICAL ORGANIZATION
5 THAT IS PARTICIPATING IN A REGULAR BIENNIAL SCHOOL ELECTION SHALL
6 FILE ITS DISCLOSURE REPORTS IN ACCORDANCE WITH THE FILING SCHEDULE
7 SPECIFIED IN SUB-SUBPARAGRAPHS (C) TO (E) OF SUBPARAGRAPH (I) OF
8 THIS PARAGRAPH (a) AS OF THE DATE THE COMMITTEE OR ORGANIZATION,
9 AS APPLICABLE, MAKES AN EXPENDITURE OR UNDERTAKES SPENDING IN
10 CONNECTION WITH THAT ELECTION.

11 (2.5) In addition to any report required to be filed with the
12 secretary of state or municipal clerk under this section, all candidate
13 committees, political committees, issue committees, and political parties
14 shall file a report with the secretary of state of any contribution of one
15 thousand dollars or more at any time within thirty days preceding the date
16 of the primary election, ~~or~~ general election, OR REGULAR BIENNIAL
17 SCHOOL ELECTION. This report shall be filed with the secretary of state no
18 later than twenty-four hours after receipt of said contribution.

19 **SECTION 4. Appropriation.** For the 2016-17 state fiscal year,
20 \$5,047 is appropriated to the department of state. This appropriation is
21 from the department of state cash fund created in section 24-21-104 (3)
22 (b), C.R.S. To implement this act, the department may use this
23 appropriation for personal services related to information technology
24 services.

25 **SECTION 5. Act subject to petition - effective date -**
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
27 the expiration of the ninety-day period after final adjournment of the

1 general assembly (August 10, 2016, if adjournment sine die is on May 11,
2 2016); except that, if a referendum petition is filed pursuant to section 1
3 (3) of article V of the state constitution against this act or an item, section,
4 or part of this act within such period, then the act, item, section, or part
5 will not take effect unless approved by the people at the general election
6 to be held in November 2016 and, in such case, will take effect on the
7 date of the official declaration of the vote thereon by the governor.

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