

CHAPTER 267

ELECTIONS

HOUSE BILL 16-1282

BY REPRESENTATIVE(S) Becker K. and Pettersen, Court, Danielson, Fields, Hamner, Kraft-Tharp, Lontine, McCann, Mitsch Bush, Moreno, Pabon, Priola, Rankin, Ryden, Salazar, Winter, Young, Hullinghorst;
also SENATOR(S) Todd and Tate, Kefalas.

AN ACT

CONCERNING THE ALIGNMENT OF REGULAR BIENNIAL SCHOOL ELECTIONS WITH DISCLOSURE REQUIREMENTS GOVERNING OTHER ELECTION RACES UNDER THE "FAIR CAMPAIGN PRACTICES ACT", AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

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

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

(15.5) "REGULAR BIENNIAL SCHOOL ELECTIONEERING COMMUNICATION HAS THE SAME MEANING AS "ELECTIONEERING COMMUNICATION" AS DEFINED IN SECTION 2 (7) OF ARTICLE XXVIII OF THE STATE CONSTITUTION; EXCEPT THAT, FOR PURPOSE OF THE DEFINITION OF REGULAR BIENNIAL SCHOOL ELECTIONEERING COMMUNICATION ONLY, "CANDIDATE" AS REFERENCED IN SECTION 2 (7) (a) (I) OF SAID ARTICLE MEANS A CANDIDATE IN A REGULAR BIENNIAL SCHOOL ELECTION AND THE REQUIREMENTS SPECIFIED IN SECTION 2 (7) (a) (II) MEAN A COMMUNICATION THAT IS BROADCAST, PRINTED, MAILED, DELIVERED, OR DISTRIBUTED WITHIN SIXTY DAYS BEFORE A REGULAR BIENNIAL SCHOOL ELECTION. EXCEPT AS OTHERWISE SPECIFIED IN THIS SUBSECTION (15.5), THE DEFINITION OF "REGULAR BIENNIAL SCHOOL ELECTIONEERING COMMUNICATION" IS THE SAME AS THAT OF "ELECTIONEERING COMMUNICATION".

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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~~ MUST 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~~ MUST 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:

1-45-108. Disclosure - definition. (1) (a) (III) Any person who 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 A REGULAR BIENNIAL SCHOOL ELECTION 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. Appropriation. For the 2016-17 state fiscal year, \$5,047 is appropriated to the department of state. This appropriation is from the department of state cash fund created in section 24-21-104 (3) (b), C.R.S. To implement this act, the department may use this appropriation for personal services related to information technology services.

SECTION 5. 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 1 (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.

Approved: June 8, 2016