

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. 16-0832.02 Bob Lackner x4350

HOUSE BILL 16-1434

HOUSE SPONSORSHIP

Becker K. and Kagan,

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING DISCLOSURE UNDER THE "FAIR CAMPAIGN PRACTICES**
102 **ACT" OF POLITICAL COMMUNICATION THAT REFERS TO A**
103 **POLITICAL PARTY, AND, IN CONNECTION THEREWITH, MAKING**
104 **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>.)

Section 1 of the bill adds a definition in the "Fair Campaign Practices Act" of "party communication activity", which means a type of electioneering communication that mentions a political party.

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 22, 2016

Section 2 requires that any party communication activity made by any person that is controlled by or coordinated with a state political party be reported by both the person undertaking the party communication activity and the coordinating state political party.

Section 3 makes large party expenditures on party communication activity subject to the same disclosure requirements as standard electioneering communications.

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

SECTION 1. In Colorado Revised Statutes, 1-45-103, **add** (12.9) as follows:

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

(12.9) (a) "PARTY COMMUNICATION ACTIVITY" MEANS ANY COMMUNICATION MADE BY A PERSON OTHER THAN A POLITICAL PARTY THAT:

(I) IS 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:

(A) UNAMBIGUOUSLY REFERS TO A POLITICAL PARTY OR ANY CANDIDATE WHO IS AFFILIATED WITH THE POLITICAL PARTY;

(B) IS BROADCASTED, PRINTED, MAILED, DELIVERED, OR DISTRIBUTED WITHIN THIRTY DAYS OF A PRIMARY ELECTION OR SIXTY DAYS BEFORE A GENERAL ELECTION; AND

(C) IS BROADCASTED TO, PRINTED IN A NEWSPAPER FOR, DISTRIBUTED TO, MAILED TO, DELIVERED BY HAND TO, OR OTHERWISE DISTRIBUTED TO AN AUDIENCE THAT INCLUDES MEMBERS OF THE ELECTORATE IN THAT PRIMARY OR GENERAL ELECTION; OR

(II) EXPRESSLY ADVOCATES FOR THE ELECTION OR DEFEAT OF A POLITICAL PARTY.

1 (b) A PARTY COMMUNICATION ACTIVITY IS MADE WHEN THE
2 ACTUAL SPENDING OCCURS OR WHEN THERE IS A CONTRACTUAL
3 AGREEMENT REQUIRING SUCH SPENDING AND THE AMOUNT IS
4 DETERMINED.

5 (c) "PARTY COMMUNICATION ACTIVITY" DOES NOT INCLUDE:

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

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

13 (III) SPENDING BY PERSONS, OTHER THAN POLITICAL PARTIES,
14 POLITICAL COMMITTEES, SMALL DONOR COMMITTEES, INDEPENDENT
15 EXPENDITURE COMMITTEES, OR POLITICAL ORGANIZATIONS IN THE
16 REGULAR COURSE AND SCOPE OF THEIR BUSINESS OR PAYMENTS BY A
17 MEMBERSHIP ORGANIZATION FOR ANY COMMUNICATION SOLELY TO
18 MEMBERS AND THEIR FAMILIES.

19 **SECTION 2.** In Colorado Revised Statutes, **add** 1-45-104.5 as
20 follows:

21 **1-45-104.5. Treatment of coordinated party communication**
22 **activity - disclaimer requirements.** (1) ANY PARTY COMMUNICATION
23 ACTIVITY MADE BY ANY PERSON THAT IS CONTROLLED BY OR
24 COORDINATED WITH A STATE POLITICAL PARTY SHALL BE REPORTED BY
25 BOTH THE PERSON UNDERTAKING THE PARTY COMMUNICATION ACTIVITY
26 AND THE COORDINATING STATE POLITICAL PARTY IN ACCORDANCE WITH
27 SECTION 1-45-108.

1 (2) (a) IN ADDITION TO ANY OTHER APPLICABLE REQUIREMENTS
2 PROVIDED BY LAW, AND SUBJECT TO THE PROVISIONS OF THIS SECTION,
3 ANY COMMUNICATION THAT IS BROADCAST, PRINTED, MAILED, DELIVERED,
4 OR OTHERWISE CIRCULATED THAT CONSTITUTES PARTY COMMUNICATION
5 ACTIVITY FOR WHICH THE PERSON UNDERTAKING THE PARTY
6 COMMUNICATION ACTIVITY EXPENDS IN EXCESS OF ONE THOUSAND
7 DOLLARS ON THE COMMUNICATION MUST INCLUDE IN THE
8 COMMUNICATION A STATEMENT THAT:

9 (I) THE COMMUNICATION HAS BEEN "PAID FOR BY (FULL NAME OF
10 THE PERSON PAYING FOR THE COMMUNICATION)"; AND

11 (II) IDENTIFIES A NATURAL PERSON WHO IS THE REGISTERED AGENT
12 IF THE PERSON IDENTIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a)
13 IS NOT A NATURAL PERSON.

14 (b) IN THE CASE OF A BROADCAST COMMUNICATION, THE
15 STATEMENT REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (2) MUST
16 SATISFY ALL APPLICABLE REQUIREMENTS PROMULGATED BY THE FEDERAL
17 COMMUNICATIONS COMMISSION FOR SIZE, DURATION, AND PLACEMENT.

18 (c) IN THE CASE OF A NONBROADCAST COMMUNICATION, THE
19 SECRETARY OF STATE SHALL, BY RULE, ESTABLISH SIZE AND PLACEMENT
20 REQUIREMENTS FOR THE DISCLAIMER.

21 **SECTION 3.** In Colorado Revised Statutes, 1-45-108, **amend** (1)

22 (a) (III) as follows:

23 **1-45-108. Disclosure - definition.** (1) (a) (III) Any person who
24 expends one thousand dollars or more per calendar year on EITHER
25 electioneering communications OR PARTY COMMUNICATION ACTIVITY
26 shall report to the secretary of state, in accordance with the disclosure
27 required by this section, the amount expended on the communications and

1 the name and address of any person that contributes more than two
2 hundred fifty dollars per year to the person expending one thousand
3 dollars or more on the communications. If the person making a
4 contribution of more than two hundred fifty dollars is a natural person,
5 the disclosure required by this section shall MUST also include the person's
6 occupation and employer.

7 **SECTION 4. Appropriation.** For the 2016-17 state fiscal year,
8 \$9,991 is appropriated to the department of state. This appropriation is
9 from the department of state cash fund created in section 24-21-104 (3)
10 (b), C.R.S. To implement this act, the department may use this
11 appropriation for personal services related to information technology
12 services.

13 **SECTION 5. Applicability.** This act applies to the portion of any
14 election cycle or for the portion of the calendar year remaining after the
15 effective date of this act and for any election cycle or calendar year
16 commencing after such effective date, whichever is applicable.

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