



**Colorado
Legislative
Council
Staff**

HB17-1261

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-1031

Date: March 30, 2017

Prime Sponsor(s): Rep. Bridges; Becker K.

Bill Status: House SVMA

Fiscal Analyst: Chris Creighton (303-866-5834)

BILL TOPIC: DISCLAIMERS LARGE ELECTIONEERING COMMUNICATIONS

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue Cash Funds	Potential increase.	
State Expenditures Cash Funds	Potential increase.	
TABOR Impact	Potential increase.	
Appropriation Required: None.		
Future Year Impacts: Ongoing potential revenue and expenditure increase.		

Summary of Legislation

This bill requires any person expending \$1,000 or more per year on electioneering communications or regular biennial school electioneering to state in the communication the name of the person making the communication in accordance with current independent expenditure communication requirements. Under current law, such communication is defined as communication broadcast, printed, mailed, delivered, or distributed within 30 days of the primary election and 60 days of the general election. This bill expands this time frame to include communications that are broadcast, printed, mailed, delivered, or distributed at any point between the primary and general election.

State Revenue

This bill potentially increases fine revenue from violations relating to electioneering communications. Specifically, the Department of State may assess a fine for the failure to properly identify the name of the person making the communication or to properly disclose electioneering communications made between the primary election and the General Election in a timely manner. Fine revenue is deposited in the Department of State Cash Fund. This analysis assumes a high level of compliance by individuals making electioneering communications, therefore any fine revenue collected will be minimal.

TABOR Impact

This bill potentially increases state cash revenue from fines by a minimal amount, which may increase the amount of money required to be refunded under TABOR for FY 2017-18 and FY 2018-19. TABOR refunds are paid out of the General Fund. Since the bill potentially increases the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget may decrease by an identical amount.

State Expenditures

Beginning in FY 2017-18, this bill potentially increases costs in the Department of State. To the extent that this bill results in additional electioneering communication litigation, legal services costs will increase. Also to the extent that complaints of electioneering communication campaign finance violations are received, workload and costs will increase. Workload is also increased in the Office of Administrative Courts for an Administrative Law Judge hearing. Costs will increase to pay for the hearing from funds reappropriated from the Department of State Cash Fund. Any increase in workload and costs is expected to be minimal and can be accomplished within existing appropriations.

Effective Date

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed. This applies to any election cycle, the portion of the calendar year remaining after the effective date, or any election cycle or calendar year commencing after this effective date.

State and Local Government Contacts

Secretary of State