

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0677.01 Bob Lackner x4350

HOUSE BILL 21-1240

HOUSE SPONSORSHIP

Baisley, Titone

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING DISCLAIMER REQUIREMENTS FOR COMMUNICATIONS**

102 **PAID FOR WITH LARGE INDEPENDENT EXPENDITURES.**

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://leg.colorado.gov>.)

The bill modifies existing disclaimer statement requirements that must accompany any communication that is broadcast, printed, mailed, or delivered; placed on a website, streaming media service, or online forum for a fee; or that is otherwise distributed, that constitutes an independent expenditure made in excess of \$1,000.

Under current law, the disclaimer statement must identify a natural

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

person who is the registered agent of the person paying for the communication if the person paying is not a natural person. The bill eliminates the requirement that this information be included in the disclaimer statement and instead requires that the information be provided to the appropriate officer as part of an existing written notice to be submitted by the person expending money for the independent expenditure.

In the case of a nonbroadcast communication, including an online communication, such as campaign yard signs, campaign poster signs, and campaign billboard signs, the bill requires the secretary of state, by rule, to establish size and placement requirements for the disclaimer statement. The rules must allow a disclaimer statement to be of a sufficient type size to be clearly readable by the recipient of the communication. In addition, the rules must also specify that the maximum font size of the disclaimer must not exceed the requirements applicable to such disclaimers in campaigns for federal elected office as promulgated by the federal election commission.

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

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

4 **1-45-107.5. Independent expenditures - restrictions on foreign**
5 **corporations - registration - disclosure - disclaimer requirements -**
6 **definitions.** (5) (a) In addition to any other applicable requirements
7 provided by law, and subject to the provisions of this section, any
8 communication that is broadcast, printed, mailed, delivered; placed on a
9 website, streaming media service, or online forum for a fee; or that is
10 otherwise distributed that constitutes an independent expenditure for
11 which the person making the independent expenditure expends in excess
12 of one thousand dollars on the communication shall include in the
13 communication a statement that THE COMMUNICATION HAS BEEN "PAID
14 FOR BY (FULL NAME OF THE PERSON PAYING FOR THE COMMUNICATION)".

15 ~~(f) The communication has been "paid for by (full name of the~~
16 ~~person paying for the communication)"; and~~

1 ~~(H) Identifies a natural person who is the registered agent if the~~
2 ~~person identified in subsection (5)(a)(I) of this section is not a natural~~
3 ~~person.~~

4 (b) In the case of a broadcast or online video or audio
5 communication, the statement required by subsection (5)(a) of this section
6 shall satisfy all applicable requirements promulgated by the federal
7 communications commission for size, duration, and placement.

8 (c) (I) In the case of a nonbroadcast communication, including an
9 online communication, the secretary of state shall, by rule, establish size
10 and placement requirements for the disclaimer statement. THE RULES
11 MUST ALLOW A DISCLAIMER STATEMENT TO BE OF A SUFFICIENT TYPE SIZE
12 TO BE CLEARLY READABLE BY THE RECIPIENT OF THE COMMUNICATION. IN
13 ADDITION, THE RULES MUST ALSO SPECIFY THAT THE MAXIMUM FONT SIZE
14 OF THE DISCLAIMER SHALL NOT EXCEED THE REQUIREMENTS APPLICABLE
15 TO SUCH DISCLAIMERS IN CAMPAIGNS FOR FEDERAL ELECTED OFFICE AS
16 PROMULGATED BY THE FEDERAL ELECTION COMMISSION.

17 (II) If the size, format, or display requirements of the
18 communication make it impracticable to include a disclaimer statement
19 on the communication, the rules must require that the disclaimer
20 statement be available by means of a direct link from the communication
21 to the web page or application screen containing the statement.

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. THE NOTICE MUST ALSO IDENTIFY A
27 NATURAL PERSON WHO IS THE REGISTERED AGENT OF THE PERSON

1 IDENTIFIED IN SUBSECTION (5)(a) OF THIS SECTION IF THE PERSON
2 IDENTIFIED IN SUBSECTION (5)(a) OF THIS SECTION IS NOT A NATURAL
3 PERSON. Where the independent expenditure is made within thirty days
4 before a primary, general, or regular biennial school election, the notice
5 required by this subsection (6) must be delivered within forty-eight hours
6 after the person obligates moneys for the independent expenditure.

7 **SECTION 2. Act subject to petition - effective date -**
8 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
9 the expiration of the ninety-day period after final adjournment of the
10 general assembly; except that, if a referendum petition is filed pursuant
11 to section 1 (3) of article V of the state constitution against this act or an
12 item, section, or part of this act within such period, then the act, item,
13 section, or part will not take effect unless approved by the people at the
14 general election to be held in November 2022 and, in such case, will take
15 effect on the date of the official declaration of the vote thereon by the
16 governor.

17 (2) This act applies to an independent expenditure subject to the
18 requirements of section 1-45-107.5 (5), Colorado Revised Statutes, as
19 amended in section 1 of this act, that is made on or after the applicable
20 effective date of this act.