

**CONSTITUTION OF THE STATE OF COLORADO**  
**Article XXVIII. Campaign and Political Finance**

*Current through November 2017 election*

Original (black) text is language approved by 10<sup>th</sup> Circuit in *Williams* decision

Language in Blue from the Denver ordinance

**§ 2. Definitions**

- (7) (a) "Electioneering communication" means any communication broadcasted by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, **PLACED ON A WEBSITE, STREAMING MEDIA SERVICE, OR ONLINE FORUM FOR A FEE, OR A PRE-RECORDED AUDIO MESSAGE DELIVERED BY TELEPHONE** or otherwise distributed that:
- (I) Unambiguously refers to any candidate; and
  - (II) Is broadcasted, printed, mailed, delivered, or **OTHERWISE distributed IN THE PERIOD BEGINNING SIXTY (60) DAYS BEFORE A GENERAL MUNICIPAL ELECTION, UNTIL THE RUN-OFF ELECTION OR WITHIN THIRTY (30) DAYS OF A SPECIAL OR VACANCY ELECTION; ~~within thirty days before a primary election or sixty days before a general election;~~** and
  - (III) Is broadcasted to, printed in a newspaper distributed to, mailed to, delivered by hand to, **TARGETED ONLINE TO, OR POSTED ON A BILLBOARD** or otherwise distributed to an audience that includes members of the electorate for **THE CANDIDATE, BALLOT ISSUE OR BALLOT QUESTION**~~such public office.~~
- (b) Electioneering communication does not include:
- (I) Any news articles, editorial endorsements, opinion or commentary writings, or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate or political party;
  - (II) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party; or
  - (III) Any communication by persons, other than committees, made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;
  - (IV) Any communication that refers to a candidate only as part of the popular name of a bill or statute
- (c) An electioneering communication is made when the actual spending occurs or when there is a contractual agreement requiring such spending and the amount is determined.

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**§ 6. Electioneering communications**

- (1) Any person who expends one thousand dollars or more per calendar year on electioneering communications shall submit reports to the secretary of state in accordance with the schedule currently set forth in 1-45-108 (2), C.R.S., or any successor section. Such reports shall include spending on such electioneering communications, and the name, and address, of any person that contributes more than two hundred and fifty dollars per year to such person described in this section for an electioneering communication. In the case where the person is a natural person, such reports shall also include the occupation and employer of such natural person. The last such report shall be filed thirty days after the applicable election.
- (2) Notwithstanding any section to the contrary, it shall be unlawful for a corporation or labor organization to provide funding for an electioneering communication; except that any political committee or small donor committee established by such corporation or labor organization may provide funding for an electioneering communication.

**[SUBSECTION (2) UNCONSTITUTIONAL, PER CITIZENS UNITED]**

Sec 15-13.5 Denver Revised Municipal Code

**Reporting requirements for electioneering communications.**

- (a) Once any person spends an aggregate of one thousand dollars (\$1,000.00) or more on either electioneering communications or independent expenditures in an election cycle, the person shall file an initial report that accounts for the first one thousand dollars (\$1,000.00) of spending. The person shall then be required to file a report for each subsequent electioneering communication or independent expenditure, regardless of the amount. The report shall be filed within forty-eight (48) hours after obligating moneys for the independent expenditure or electioneering communication.
- (b) For the purposes of this subsection, the term "election cycle" shall have the same meaning as set forth in section 15-32(h).
- (c) The report shall include the following:
  - (1) The name of the person making the communication;
  - (2) The occupation and employer of the person making the communication, if such person is a natural person;

- (3) Whether each communication is an independent expenditure or electioneering ~~is~~ communication;
  - (4) The date of each communication;
  - (5) The method of communication;
  - (6) The name of the candidates, ballot issues, or ballot questions referred to in the communication;
  - (7) Whether the communication supports or opposes the named candidates, ballot issues or ballot questions; and
  - (8) The amount spent on each communication.
    - a. If the person used donor funds for the communication, the report shall include the name and address of any person that donated more than twenty-five dollars (\$25.00) for the purposes of making the communication.
    - b. If the person used non-donor funds for the communication, whether whole or in part, the person shall briefly describe the source of the non-donor funds. For the purposes of this section, "non-donor funds" include investment income, capital gains, regular membership dues, income earned from providing goods, services or facilities, sales of assets, or other receipts that are not donations.
- (d) Any report filed under this section shall include a statement certifying that the reported communications were not controlled by or coordinated with any candidate or issue committee.
- (e) A committee registered under section 15-34 does not need to file an additional report under this subsection separate from regularly filed disclosure reports listing all contributions, disbursements, and expenditures under section 15-35.
- (f) Any communications under this section that are controlled by or coordinated with a candidate or issue committee or their agents are deemed to be contributions to the candidate or issue committee. Such communications are subject to all contribution limits, prohibitions, and reporting requirements.

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**Colorado Statutes**

**Title 1. ELECTIONS**

**ELECTION CAMPAIGN REGULATIONS**

**Article 45. Fair Campaign Practices Act**

*Current through Chapter 113 of the 2018 Legislative Session*

**§ 1-45-108. Disclosure - definition - repeal**

- (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 must also include the person's occupation and employer.