

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0639.01 Bob Lackner

SENATE BILL 10-105

SENATE SPONSORSHIP

Cadman, Kester, Kopp, Penry

HOUSE SPONSORSHIP

(None),

Senate Committees
State, Veterans & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING A PROHIBITION ON THE EXPENDITURE OF STATE MONEYS
102 TO DISSEMINATE INFORMATION IN THE MASS MEDIA THAT
103 FEATURES SPECIFIED ELECTED STATE OFFICIALS.

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>.)

The bill prohibits the elected state officials subject to the campaign contribution limits under the campaign finance provisions of the state constitution from expending public moneys, or from authorizing the expenditure of any public moneys, on any print or visual media

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.

announcement, broadcast media announcement, web site communication, or similar type of general public communication that refers to the elected state official or any person employed by or serving under the elected state official by either personal name or by audio or visual likeness, subject only to the following exceptions:

- ! An elected state official or the state agency that employs the official may publish and make available a single publication on a yearly basis listing the official along with other persons employed by or serving under the official for contact and basic informational purposes only;
- ! Reference to the name or likeness of an elected state official or any person employed by or serving under the official may be made in an announcement or other communication that is required by law in order for the official or such person to undertake his or her official duties; or
- ! Reference may be made to the elected state official or persons employed by or serving under the official by personal name or likeness in broadcasts or records of public meetings and other official proceedings.

The bill permits any person alleging a violation of its provisions to file a written complaint. The bill further specifies that any person who commits a violation of its provisions shall be subject to and personally liable for a civil penalty of at least double and up to 5 times the amount of the expenditure of public moneys constituting the violation.

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

2 **SECTION 1.** Article 45 of title 1, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **1-45-117.5. Public announcements or communication -**
5 **prohibited expenditures - penalties - definitions.** (1) NO ELECTED
6 STATE OFFICIAL, WHETHER HOLDING OFFICE BY MEANS OF ELECTION OR
7 APPOINTMENT, SHALL EXPEND PUBLIC MONEYS, OR AUTHORIZE THE
8 EXPENDITURE OF ANY PUBLIC MONEYS, ON ANY PRINT OR VISUAL MEDIA
9 ANNOUNCEMENT, BROADCAST MEDIA ANNOUNCEMENT, WEB SITE
10 COMMUNICATION, OR SIMILAR TYPE OF GENERAL PUBLIC COMMUNICATION
11 THAT REFERS TO THE ELECTED STATE OFFICIAL OR ANY PERSON EMPLOYED

1 BY OR SERVING UNDER THE ELECTED STATE OFFICIAL BY EITHER PERSONAL
2 NAME OR BY AUDIO OR VISUAL LIKENESS, SUBJECT ONLY TO THE
3 FOLLOWING EXCEPTIONS:

4 (a) AN ELECTED STATE OFFICIAL OR THE STATE AGENCY THAT
5 EMPLOYS THE OFFICIAL MAY PUBLISH AND MAKE AVAILABLE A SINGLE
6 PUBLICATION ON A YEARLY BASIS LISTING THE OFFICIAL ALONG WITH
7 OTHER PERSONS EMPLOYED BY OR SERVING UNDER THE OFFICIAL FOR
8 CONTACT AND BASIC INFORMATIONAL PURPOSES ONLY;

9 (b) REFERENCE TO THE NAME OR LIKENESS OF AN ELECTED STATE
10 OFFICIAL OR ANY PERSON EMPLOYED BY OR SERVING UNDER THE OFFICIAL
11 MAY BE MADE IN AN ANNOUNCEMENT OR OTHER COMMUNICATION THAT
12 IS REQUIRED BY LAW IN ORDER FOR THE OFFICIAL OR SUCH PERSON TO
13 UNDERTAKE HIS OR HER OFFICIAL DUTIES; OR

14 (c) REFERENCE MAY BE MADE TO THE ELECTED STATE OFFICIAL OR
15 PERSONS EMPLOYED BY OR SERVING UNDER THE OFFICIAL BY PERSONAL
16 NAME OR LIKENESS IN BROADCASTS OR RECORDS OF PUBLIC MEETINGS AND
17 OTHER OFFICIAL PROCEEDINGS.

18 (2) ANY PERSON ALLEGING A VIOLATION OF THIS SECTION MAY
19 FILE A WRITTEN COMPLAINT PURSUANT TO SECTION 1-45-111.5 (1.5) (a).
20 ANY PERSON WHO COMMITS A VIOLATION OF THIS SECTION SHALL BE
21 SUBJECT TO AND PERSONALLY LIABLE FOR A CIVIL PENALTY OF AT LEAST
22 DOUBLE AND UP TO FIVE TIMES THE AMOUNT OF THE EXPENDITURE OF
23 PUBLIC MONEYS MADE IN VIOLATION OF THIS SECTION.

24 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
25 REQUIRES:

26 (a) "ELECTED STATE OFFICIAL" MEANS THE GOVERNOR,
27 LIEUTENANT GOVERNOR, SECRETARY OF STATE, STATE TREASURER,

1 ATTORNEY GENERAL, A MEMBER OF THE GENERAL ASSEMBLY, A MEMBER
2 OF THE STATE BOARD OF EDUCATION, OR A MEMBER OF THE BOARD OF
3 REGENTS OF THE UNIVERSITY OF COLORADO.

4 (b) "STATE AGENCY" MEANS ANY BOARD, BUREAU, COMMISSION,
5 DEPARTMENT, INSTITUTION, DIVISION, SECTION, OR OFFICER OF THE STATE,
6 EXCEPT THOSE IN THE JUDICIAL BRANCH AND EXCEPT STATE-SUPPORTED
7 INSTITUTIONS OF HIGHER EDUCATION OR OTHER INSTRUMENTALITY
8 THEREOF.

9 **SECTION 2. Specified effective date.** This act shall take effect
10 July 1, 2010.

11 **SECTION 3. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.