

**First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 11-0410.01 Bob Lackner

**SENATE BILL 11-059**

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**SENATE SPONSORSHIP**

**Cadman, Kopp, Brophy**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**  
State, Veterans & Military Affairs

**House Committees**

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**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.**

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**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 certain elected state officials from expending public moneys or from authorizing the expenditure of any public moneys on any print or visual media announcement, broadcast media announcement, web site communication, or similar type of general public

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.*

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 personal name or audio or visual 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 audio or visual 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.

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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 **1-45-117.7. 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 PERSONAL NAME OR AUDIO OR VISUAL  
10 LIKENESS OF AN ELECTED STATE OFFICIAL OR ANY PERSON EMPLOYED BY  
11 OR SERVING UNDER THE OFFICIAL MAY BE MADE IN AN ANNOUNCEMENT OR  
12 OTHER COMMUNICATION THAT IS REQUIRED BY LAW IN ORDER FOR THE  
13 OFFICIAL OR SUCH PERSON TO 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 AUDIO OR VISUAL LIKENESS IN BROADCASTS OR RECORDS OF  
17 PUBLIC MEETINGS AND 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. Effective date.** This act shall take effect July 1,  
10 2011.

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.