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ELECTIONS/LICENSING
SECRETARY OF STATE

Final Text
#122

REVISED

Be it Enacted by the People of the State of Colorado:

SECTION 1. Part 1 of article 45, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

SECTION 1-45-119. PROHIBITION ON WAGE DEDUCTIONS BY STATE AND LOCAL GOVERNMENTS FOR POLITICAL PURPOSES.

(1) THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT STATE AND LOCAL GOVERNMENTS MUST SCRUPULOUSLY AVOID INVOLVEMENT IN POLITICAL ACTIVITIES. FURTHER, STATE AND LOCAL GOVERNMENTS MUST NOT BE USED AS A VEHICLE FOR COLLECTING OR DISTRIBUTING MONEYS THAT ARE USED FOR POLITICAL PURPOSES. STATE AND LOCAL GOVERNMENTS MUST THEREFORE REFRAIN FROM TRANSFERRING ANY EMPLOYEE WAGES TO AN ORGANIZATION OR PERSON THAT MAY USE SUCH MONEYS FOR POLITICAL PURPOSES.

(2) A STATE OR LOCAL GOVERNMENT SHALL NOT DEDUCT FROM ANY EMPLOYEE WAGES ANY AMOUNTS TO BE PAID, DIRECTLY OR INDIRECTLY, TO:

- (a) A CANDIDATE;
- (b) A CANDIDATE COMMITTEE;
- (c) AN ISSUE COMMITTEE;
- (d) A POLITICAL COMMITTEE;
- (e) A POLITICAL PARTY;
- (f) A SMALL DONOR COMMITTEE;
- (g) A PERSON OR ORGANIZATION THAT SPENDS OR COLLECTS MONEY FOR A POLITICAL PURPOSE; OR
- (h) A CONDUIT FOR ANY OF THE ABOVE.

(3) A STATE OR LOCAL GOVERNMENT SHALL NOT DEDUCT FROM THE WAGES OF ANY OF ITS EMPLOYEES ANY PORTION OF DUES OR OTHER MONEYS TO BE TRANSFERRED TO A LABOR ORGANIZATION THAT ARE TO BE USED FOR A POLITICAL PURPOSE. A STATE OR LOCAL GOVERNMENT MAY DEDUCT FROM THE WAGES OF ITS EMPLOYEES DUES OR OTHER MONEYS THAT ARE NOT TO BE USED FOR A POLITICAL PURPOSE.

(4) NO ORGANIZATION DESCRIBED IN SUBSECTION (2) OF THIS SECTION MAY ACCEPT EMPLOYEE WAGES THAT HAVE BEEN DEDUCTED BY A STATE OR LOCAL GOVERNMENT. NO LABOR ORGANIZATION MAY ACCEPT EMPLOYEE WAGES THAT HAVE BEEN DEDUCTED BY A STATE OR LOCAL GOVERNMENT, IF SUCH WAGES ARE USED FOR A POLITICAL PURPOSE.

(5) AS USED IN THIS SECTION:

- (a) "CANDIDATE", "CANDIDATE COMMITTEE", "CONTRIBUTION", "ELECTIONEERING COMMUNICATIONS", "EXPENDITURE", "INDEPENDENT EXPENDITURE", "ISSUE COMMITTEE", "PERSON", "POLITICAL COMMITTEE", "POLITICAL PARTY", AND "SMALL DONOR COMMITTEE"

SHALL HAVE THE MEANINGS SET FORTH IN ARTICLE XXVIII, SECTION 2, OF THE COLORADO CONSTITUTION.

(b) "CONDUIT" MEANS A PERSON WHO TRANSMITS MONEYS FROM ANY PERSON OR ENTITY TO ANOTHER PERSON OR ENTITY.

(c) "ELECTION ACTIVITY" MEANS:

(I) VOTER REGISTRATION ACTIVITY DURING THE PERIOD THAT BEGINS ON THE DATE THAT IS ONE HUNDRED TWENTY DAYS BEFORE THE DATE A REGULARLY SCHEDULED STATE OR LOCAL ELECTION IS HELD AND ENDS ON THE DATE OF THE ELECTION;

(II) VOTER IDENTIFICATION, GET-OUT-THE-VOTE ACTIVITY, OR GENERIC CAMPAIGN ACTIVITY CONDUCTED IN CONNECTION WITH A FEDERAL, STATE, OR LOCAL ELECTION;

(III) A PUBLIC COMMUNICATION THAT PROMOTES, ATTACKS, SUPPORTS OR OPPOSES A FEDERAL, STATE OR LOCAL CANDIDATE OR BALLOT MEASURE.

(d) "EMPLOYEE WAGES" MEANS MONEYS DUE TO OR HELD ON BEHALF OF AN EMPLOYEE OR CONSULTANT.

(e) "POLITICAL PURPOSE" MEANS ANY ACTIVITY THAT:

(I) HAS THE PURPOSE OF INFLUENCING OR ATTEMPTING TO INFLUENCE THE SELECTION, NOMINATION, ELECTION, OR APPOINTMENT OF ANY INDIVIDUAL TO ANY FEDERAL, STATE, OR LOCAL PUBLIC OFFICE OR OFFICE IN A POLITICAL ORGANIZATION, OR THE ELECTION OF PRESIDENTIAL OR VICE-PRESIDENTIAL ELECTORS, WHETHER OR NOT SUCH INDIVIDUAL OR ELECTORS ARE SELECTED, NOMINATED, ELECTED, OR APPOINTED;

(II) INVOLVES EXPENDITURES RELATING TO AN OFFICE DESCRIBED IN SUBSECTION (e)(I) WHICH, IF INCURRED BY THE INDIVIDUAL, WOULD BE ALLOWABLE AS ORDINARY AND NECESSARY BUSINESS EXPENSES PAID OR INCURRED IN CARRYING ON ANY TRADE OR BUSINESS;

(III) HAS THE PURPOSE OF INFLUENCING OR ATTEMPTING TO INFLUENCE THE PASSAGE OR DEFEAT OF A BALLOT MEASURE;

(IV) HAS THE PURPOSE OF PROPOSING A BALLOT INITIATIVE, SEEKING TO QUALIFY A PROPOSED BALLOT INITIATIVE FOR THE BALLOT, OR OPPOSING A PROPOSED BALLOT INITIATIVE; OR

(V) CONSTITUTES A CONTRIBUTION, EXPENDITURE, INDEPENDENT EXPENDITURE, ELECTIONEERING COMMUNICATION OR ELECTION ACTIVITY.

(f) "STATE AND LOCAL GOVERNMENT" MEANS THE STATE OF COLORADO OR ANY AGENCY, DEPARTMENT, BOARD, DIVISION, BUREAU, COMMISSION, OR COUNCIL OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF, TO INCLUDE WITHOUT LIMITATION COUNTIES, MUNICIPALITIES, DISTRICTS, AND ENTERPRISES.

(6) **ENFORCEMENT PROVISIONS.** (a) ANY PERSON OR ORGANIZATION THAT VIOLATES ANY PROVISION OF THIS SECTION AND THAT RECEIVES MONEYS DEDUCTED FROM EMPLOYEE WAGES MUST REFUND ALL MONEYS IMPROPERLY DEDUCTED.

(b) ANY STATE OR LOCAL GOVERNMENT OR ANY LABOR ORGANIZATION THAT KNOWINGLY OR INTENTIONALLY VIOLATES ANY PROVISION OF THIS SECTION SHALL BE SUBJECT TO A FINE EQUAL TO THE AMOUNT DEDUCTED FROM ALL EMPLOYEES' WAGES. ALL FINES SHALL BE PAID TO THE SECRETARY OF STATE AND SHALL NOT BE INCLUDED IN OVERALL REVENUE AND SPENDING FIGURES FOR PURPOSES OF ART. X, SECTIONS 20(7) AND 20(8) OF THE COLORADO CONSTITUTION.

(c) THE ATTORNEY GENERAL, SECRETARY OF STATE, OR ANY REGISTERED ELECTOR MAY BRING AN ENFORCEMENT ACTION IN A COURT OF RECORD SEEKING FINES, RESTITUTION OR

INJUNCTIVE RELIEF.

(d) NO ENFORCEMENT ACTION MAY BE BROUGHT MORE THAN TWO YEARS AFTER ANY VIOLATION OF THIS SECTION.

SECTION 2. Section 8-9-106, Colorado Revised Statutes, is amended to read:

§ 8-9-106. Deductions for union dues

EXCEPT AS PROVIDED IN SECTION 1-45-119, C.R.S., Nothing in this article shall prevent or prohibit the use of the check-off between employers or employees in the custom or practice of the deduction of union dues by an employer for his employees where such an arrangement has been entered into between the parties.

The two ballot proponents for this measure remain:

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