

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0338.02 Rebecca Bayetti x4348

HOUSE BILL 26-1137

HOUSE SPONSORSHIP

**Titone and Garcia**, Bacon, Bottoms, Bradfield, Froelich, Hamrick, Joseph, Keltie, Lindsay, Mabrey, Marshall, Nguyen, Soper, Story, Taggart, Velasco, Woodrow

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A BILL FOR AN ACT

101     **CONCERNING REQUIREMENTS FOR PERSONS ENGAGED IN CAMPAIGN  
102       CONSULTING.**

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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://leg.colorado.gov>.)*

The bill imposes certain requirements on persons engaged in campaign consulting services, which are professional services to promote the election, retention, recall, or defeat of a candidate. Campaign consultants and consulting firms are not allowed to knowingly:

- Represent an interest adverse to their client without first obtaining the written consent of the client after full

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

- disclosure;
- Provide campaign consulting services in support of opposing candidates in the same election without first obtaining the written consent of both candidates after full disclosure; or
- Disclose, to provide material benefit to an opposing candidate in the same election, confidential information that relates to a candidate on behalf of whom the consultant or consulting firm provided campaign consulting services and that was gained in the course of the campaign consulting for that candidate.

An aggrieved person may file a civil suit alleging a violation of these requirements.

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

2           **SECTION 1. Legislative declaration.**

3           (1) The general assembly finds and declares that:

4           (a) Campaign consultants provide an important service to  
5        individuals who wish to run for office. They support campaign logistics,  
6        messaging, planning, and implementation of the campaign plan. These  
7        consultants work for the best interest of the candidate to assist the  
8        candidate in winning at each milestone of the campaign. Much like  
9        attorneys and other professionals, campaign consultants and consulting  
10      firms should not take on competing clients without express consent and  
11      the necessary documentation to ensure that they can adequately provide  
12      services to all of their clients.

13           (b) Even under the most careful of situations for partitioning  
14      information, a campaign consultant or consulting firm that represents  
15      opposing candidates is forced to split resources, thereby hindering the  
16      progress of the candidates they represent; and

17           (c) Campaign consultants have and may continue to surprise their  
18      candidate clients by allowing the candidate's opponents to hire their

1 services, therefore being paid to split available resources for opposing  
2 clients, which is disruptive to the democratic process.

3 (2) Now, therefore, the general assembly declares that it is in the  
4 public interest to implement certain ethical requirements for the  
5 profession of campaign consulting to ensure that democratic elections are  
6 conducted fairly, without favor or detriment to any particular candidate  
7 based on who the candidate hires to provide professional campaign  
8 consulting services.

9 **SECTION 2.** In Colorado Revised Statutes, **add** part 6 to article  
10 6 of title 24 as follows:

11 **PART 6**

12 **REQUIREMENTS FOR CAMPAIGN CONSULTANTS**

13 **24-6-601. Definitions.**

14 AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE  
15 REQUIRES:

16 (1) (a) "CAMPAIGN CONSULTANT" OR "CONSULTANT" MEANS AN  
17 INDIVIDUAL WHO RECEIVES OR IS PROMISED MONEY FOR CAMPAIGN  
18 CONSULTING SERVICES.

19 (b) "CAMPAIGN CONSULTANT" DOES NOT INCLUDE:

20 (I) A VENDOR WHO PROVIDES TANGIBLE GOODS IN THE ORDINARY  
21 COURSE OF THE VENDOR'S BUSINESS;

22 (II) AN ATTORNEY WHO PROVIDES ONLY LEGAL SERVICES;

23 (III) AN ACCOUNTANT WHO PROVIDES ONLY ACCOUNTING  
24 SERVICES;

25 (IV) A POLLSTER WHO PROVIDES ONLY POLLING SERVICES; OR

26 (V) A TREASURER WHO PROVIDES ONLY THOSE SERVICES THAT ARE  
27 REQUIRED OF TREASURERS.

4 (a) DEVELOPING CAMPAIGN STRATEGIES;

5 (b) PARTICIPATING IN CAMPAIGN MANAGEMENT;

6 (c) COORDINATING CAMPAIGN STAFF;

7 (d) ORGANIZING MEETINGS AND EVENTS TO PUBLICIZE A

8 CANDIDATE OR CAUSE;

9 (e) CONDUCTING PUBLIC OPINION POLLING;

10 (f) PROVIDING RESEARCH ON ISSUES OR OPPOSITION BACKGROUND;

11 (g) COORDINATING OR PURCHASING PRINT OR BROADCAST MEDIA;

12 (h) FUNDRAISING; AND

13 (i) CONDUCTING OTHER POLITICAL ACTIVITIES.

14 (3) "CANDIDATE" HAS THE MEANING SET FORTH IN SECTION 2 (2)  
15 OF ARTICLE XXVIII OF THE STATE CONSTITUTION AND SECTION 1-45-103  
16 (2); EXCEPT THAT "CANDIDATE" ALSO INCLUDES AN INDIVIDUAL WHO  
17 SEEKS NOMINATION OR ELECTION TO ANY FEDERAL PUBLIC OFFICE IN THE  
18 STATE.

19 (4) "CLIENT" MEANS THE PERSON THAT ENGAGES, EMPLOYS, OR  
20 RETAINS THE PROFESSIONAL SERVICES OF ONE OR MORE CONSULTANTS TO  
21 UNDERTAKE CAMPAIGN CONSULTING.

22 (5) "CONFIDENTIAL INFORMATION" MEANS INFORMATION DEFINED  
23 AS CONFIDENTIAL IN AN AGREEMENT BETWEEN A CLIENT AND A  
24 CONSULTANT OR CONSULTING FIRM.

25 (6) "CONSULTING FIRM" MEANS A PERSON THAT EMPLOYS ONE OR  
26 MORE CONSULTANTS TO PROVIDE CAMPAIGN CONSULTING SERVICES ON  
27 BEHALF OF A CLIENT.

1                   **24-6-602. Prohibited practices - civil cause of action.**

2                   (1) A CAMPAIGN CONSULTANT OR CONSULTING FIRM SHALL NOT  
3 KNOWINGLY:

4                   (a) REPRESENT AN INTEREST ADVERSE TO THE CONSULTANT'S OR  
5 THE CONSULTING FIRM'S CLIENT WITHOUT FIRST OBTAINING THE WRITTEN  
6 CONSENT OF THE CLIENT AFTER FULL DISCLOSURE BY THE CONSULTANT OR  
7 CONSULTING FIRM OF THE ADVERSE INTEREST;

8                   (b) PROVIDE CAMPAIGN CONSULTING SERVICES IN SUPPORT OF  
9 OPPOSING CANDIDATES IN THE SAME ELECTION WITHOUT FIRST OBTAINING  
10 THE WRITTEN CONSENT OF BOTH CANDIDATES AFTER FULL DISCLOSURE BY  
11 THE CONSULTANT OR CONSULTING FIRM; OR

12                   (c) DISCLOSE, TO PROVIDE MATERIAL BENEFIT TO AN OPPOSING  
13 CANDIDATE IN THE SAME ELECTION, CONFIDENTIAL INFORMATION THAT  
14 RELATES TO A CANDIDATE ON BEHALF OF WHOM THE CONSULTANT OR  
15 CONSULTING FIRM PROVIDED CAMPAIGN CONSULTING SERVICES AND THAT  
16 WAS GAINED IN THE COURSE OF THE CAMPAIGN CONSULTING FOR THAT  
17 CANDIDATE.

18                   (2) AN AGGRIEVED PERSON MAY BRING A CIVIL ACTION ALLEGING  
19 A VIOLATION OF THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION.  
20 THE AGGRIEVED PERSON MAY FILE SUIT IN THE DISTRICT COURT FOR THE  
21 JUDICIAL DISTRICT WHERE THE ALLEGED VIOLATION OCCURRED. THE  
22 AGGRIEVED PERSON MAY:

23                   (a) SEEK INJUNCTIVE OR OTHER EQUITABLE RELIEF;  
24                   (b) BRING AN ACTION FOR COMPENSATORY AND PUNITIVE  
25 DAMAGES;  
26                   (c) SEEK REASONABLE ATTORNEY FEES, FILING FEES, AND COSTS;  
27 AND

