

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0338.02 Rebecca Bayetti x4348

HOUSE BILL 26-1137

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A BILL FOR AN ACT

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

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.

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.

1 (2) "CAMPAIGN CONSULTING" MEANS PROFESSIONAL SERVICES TO
2 PROMOTE THE ELECTION, RETENTION, RECALL, OR DEFEAT OF A
3 CANDIDATE, INCLUDING:

- 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

1 (d) SEEK ANY OTHER JUST AND APPROPRIATE RELIEF NECESSARY
2 TO ENFORCE THIS SECTION AND REMEDY THE HARM CAUSED BY THE
3 ALLEGED VIOLATION.

4 **SECTION 3. Act subject to petition - effective date -**
5 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
6 the expiration of the ninety-day period after final adjournment of the
7 general assembly (August 12, 2026, if adjournment sine die is on May 13,
8 2026); except that, if a referendum petition is filed pursuant to section 1
9 (3) of article V of the state constitution against this act or an item, section,
10 or part of this act within such period, then the act, item, section, or part
11 will not take effect unless approved by the people at the general election
12 to be held in November 2026 and, in such case, will take effect on the
13 date of the official declaration of the vote thereon by the governor.

14 (2) This act applies to campaign consulting and campaign
15 consultants on or after January 1, 2027.