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Donetta Davidson
Secretary of State

William C. (Billy) Compton
Director, Elections Division

January 26, 2004

Mr. Scott T. Russell
Political Director
Colorado Republican Party
1777 S. Harrison Street
Denver, CO 80210

Re: Advisory Opinion concerning organizations associated with political parties that are social in nature and whether they are considered “affiliates” for single-entity purposes of Amendment 27.

Dear Mr. Russell:

I am writing in response to your inquiry dated January 14, 2004 in which you requested an opinion concerning organizations such as the Colorado Federation of Republican Women, that are social in nature, and whether they are considered “affiliated party organizations” for reporting purposes under Amendment 27, Article XXVIII, Section 2(13) of the Colorado Constitution. Please be advised that this opinion is advisory only, and that it is limited to the facts presented.

Questions presented:

Whether organizations, such as the Colorado Federation of Republican Women, which are social in nature, are considered part of the Colorado Republican Party for reporting purposes? If not, under what circumstances are affiliates considered part of the Colorado Republican Party for purposes of Amendment 27?

Answer:

For the reasons that follow, it is my opinion that the answer is “No” if the organizations are solely social in nature and not part of the party’s formal nominating process. Such social organizations associated with a particular political party are not considered “affiliates” of the party for reporting purposes under Amendment 27, Article XXVIII, Section 2(13) of the Colorado Constitution. There may be other provisions, however, of Article XXVIII of the Colorado Constitution that may apply depending on the activities of the organizations.

Discussion

These questions are factually specific questions that are difficult to answer, primarily because the answer is dependent on the actual activities of the associated or affiliated organizations. Article XXVIII, Section 2(13), of the Colorado Constitution defines “political party” as follows:

(13) “Political Party” means any group of registered electors who, by petition or assembly, nominate candidates for the official general election ballot. “Political party” includes affiliated party organizations at the state, county and election district levels, and all such affiliates are considered to be a single entity for the purposes of this article, except as otherwise provided in section 7.

Furthermore, C.R.S. 1-45-103(15) defines “political party” as follows:

(15) “Political party” shall have the same meaning as set forth in section 2(13) of article XXVIII of the state constitution.

Both Article XXVIII, Section 2(13) of the Colorado Constitution and, by reference, Title 1, Article 45, Section 103(15) of the Colorado Revised Statutes define a political party as a group of registered electors who are engaged in the nomination of candidates for the general election ballot through the assembly or petition process. The reference to “affiliated party organizations at the state, county and election district levels” would include the state political party, the county political parties affiliated with the state party and district-level affiliates associated with the state party that are active, formal and necessary participants in the nomination of candidates to the general election ballot. In other words, if the affiliate is formally involved in the nomination of candidates in the party’s nomination structure, as opposed to being solely a social organization associated with the particular political party, then the affiliate is considered to be an affiliate of the political party and, thus, a single entity for the purposes of Article XXVIII of the Colorado Constitution.

It is, however, difficult to judge, based on the information in your request, what the purpose or purposes of the Colorado Federation of Republican Women actually are, and whether other provisions of Article XXVIII and Title 1, Article 45 of the Colorado Revised Statutes might apply, such as whether the organization should form a political committee, for example. This is a factual question that you are in a better position to answer than this office based on the actual activities of the organization.

Conclusion

It is my opinion that an organization that is not part of the formal nominating structure of the political party and is purely social in nature does not come under the “single entity” provisions for political parties and affiliated organizations found in Article XXVIII, Section 2(13). Those organizations that are part of the formal nominating structure of the political party on the county or election district level are considered affiliated party organizations and, thus, subject to the “single entity” provisions of Article XXVIII, Section 2(13). However, other provisions of

Article XXVIII of the Colorado Constitution and Title 1, Article 45 of the Colorado Revised Statutes, may apply depending on the actual purpose and activity of the organization.

I hope that you will find this response helpful. If we can be of further assistance, please do not hesitate to contact this office.

Sincerely,

Donetta Davidson
Secretary of State