

Bond Case Briefs

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ELECTIONS - COLORADO

Keim v. Douglas County School District

Supreme Court of Colorado - July 3, 2017 - P.3d - 2017 WL 2836165 - 2017 CO 81

County school district appealed from an ALJ decision finding that it made a “contribution,” in violation of the Fair Campaign Practices Act (FCPA), when it commissioned and disseminated a third-party report touting the accomplishments and plans of the district and the county school board during an election year in which four county school board positions were open.

The Court of Appeals reversed and remanded. County school board candidate petitioned for a writ of certiorari.

The Supreme Court of Colorado held that:

- A contribution, for purposes of the state constitution and FCPA, requires that (1) something of value (2) be given to a candidate, directly or indirectly, (3) for the purpose of promoting the candidate’s nomination, retention, recall, or election, and
- Report was not “given to, directly or indirectly,” any candidate running for a school board position, and thus school district did not make a “contribution” to a campaign in violation of FCPA.

Third-party report, which touted the accomplishments and plans of county school district and county school board and which was commissioned and disseminated publicly by the school district during an election year in which four county school board positions were open, was not “given to, directly or indirectly,” any candidate running for a school board position, and thus school district did not make a “contribution” to a campaign, under the state constitution, in violation of Fair Campaign Practices Act (FCPA), even if candidates who benefited from the contents of the report received the report from school district’s public dissemination; plain language of definition of “contribution” was not so broad as to include anything that might indirectly benefit a candidate.