

# OFFICE OF LEGISLATIVE LEGAL SERVICES

COLORADO GENERAL ASSEMBLY

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June 27, 2022

Mr. Hart Wood  
American Oversight  
1030 15th Street NW, Suite B255  
Washington, DC 20005  
E-mail address: records@americanoversight.org

**Re: June 10, 2022, Colorado Open Records Act request to Representative Ron Hanks.**

Dear Mr. Wood:

On behalf of Representative Ron Hanks, I am responding to your Colorado Open Records Act (CORA) request dated June 10, 2022, and received by Representative Ron Hanks on that same day. On June 15, I advised you that due to extenuating circumstances, the time to respond would be extended to June 27.

Representative Hanks has now reviewed the records in his custody and does not have any public records responsive to the request.

Please note that section 24-72-202 (6)(a)(I), Colorado Revised Statutes, defines "public records" as writings "made, maintained, or kept by the state, any agency, ...or political subdivision of the state ...for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds." Section 24-72-202 (6)(a)(II)(B), Colorado Revised Statutes, further provides that the term "public records" includes the correspondence of elected officials, except to the extent that the correspondence is "without a demonstrable connection to the exercise of functions required or authorized by law or administrative rules and does not involve the receipt or expenditure of public funds." CORA does not cover records or information made or held by

a public official in his or her private capacity, even if those records are created during the official's term of office.<sup>1</sup>

In addition, correspondence relating to campaigns is not public record, as that term is defined in section 24-72-202 (6), Colorado Revised Statutes, and is not subject to an open records request. The campaign correspondence is not made, maintained, or kept by the state of Colorado or any state agency or political subdivision of the state in connection with the exercise of a legislator's official functions as a member of the General Assembly, and does not involve the receipt or expenditure of public funds.

Sincerely,



Sharon Eubanks  
Director

cc: Representative Ron Hanks

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<sup>1</sup> See *Wick Communications Company v. Montrose County Board of County Commissioners*, 81 P.3d 360, 364 (Colo. 2003).