



Notice of Temporary Adoption

Office of the Secretary of State
Rules Concerning Campaign and Political Finance
8 CCR 1505-6

May 4, 2018

I. Adopted Rule Amendments

As authorized by the Colorado Constitution¹, Colorado campaign finance law², and the State Administrative Procedure Act³, the Colorado Secretary of State gives notice that the following rule concerning campaign and political finance⁴ is adopted on a temporary basis and immediately effective. (SMALL CAPS indicate proposed additions to the current rules. ~~Stricken type~~ indicates proposed deletions from current rules. *Annotations* may be included):

[Amendments to Rule 18.2.4, temporarily adopted on 1/5/18, will expire on 5/5/18. Rule 18.2.4 is adopted on a temporary basis as follows until permanent adoption is possible. The Secretary of State will issue a notice of permanent rulemaking by 5/25/18].

18.2.4 In determining whether an entity registered or disclosed in “Good faith” as that term is used in section 1-45-109(4), C.R.S., the appropriate officer must determine whether ten percent or less of the entity’s disclosures or reported dollar amounts on the report or reports at issue in the complaint are OUT OF compliance. If so, the entity is deemed to have attempted to comply in good faith.

II. Basis, Purpose, and Specific Statutory Authority

A Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

III. Statement of Justification and Reasons for Adoption of Temporary Rules

A statement of the Secretary of State’s findings to justify the immediate adoption of the amended rules on a temporary basis follows this notice and is incorporated by reference.⁵

¹ Article XXVIII, Section 9(1)(b) of the Colorado Constitution.

² Article 45 of Title 1, C.R.S. (2017).

³ Section 24-4-103, C.R.S. (2017).

⁴ 8 CCR 1505-6.

⁵ Section 24-4-103(6), C.R.S. (2017).

IV. Effective Date of Adopted Rules

The amended rules are immediately effective on a temporary basis.

Dated this 4th day of May, 2018,



Suzanne Staiert
Deputy Secretary of State

For

Wayne W. Williams
Colorado Secretary of State



Statement of Basis, Purpose, and Specific Statutory Authority

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May 4, 2018

I. Basis and Purpose

This statement explains amendments to the Colorado Secretary of State rules concerning campaign and political finance.¹ The amendments are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado campaign finance law² as follows:

Temporary adoption of Rule 18.2.4 is necessary to rectify a drafting error in a previous version of the rule and to continue the rule until permanent adoption is possible. The Secretary of State plans to issue a notice of permanent rulemaking by 5/25/18.

II. Rulemaking Authority

- Article XXVIII, Section 8 of the Colorado Constitution, which requires the Secretary of State to “promulgate rules related to filing in accordance with article 4 of title 24, C.R.S.”
- Article XXVIII, Section 9(1)(b) of the Colorado Constitution, which requires the Secretary of State to “[p]romulgate such rules, in accordance with article 4 of title 24, C.R.S., or any successor section, as may be necessary to administer and enforce any provision of [Article XVIII of the Colorado State Constitution].”
- Section 1-1-107(2)(a), C.R.S., (2017), which authorizes the Secretary of State “[t]o promulgate, publish, and distribute...such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws.”

¹ 8 CCR 1505-CCR 6.

² Article 45 of Title 1, C.R.S. (2017).



Statement of Justification and Reasons for Adoption of Temporary Rules

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Rule: 18.2.4

In accordance with Colorado campaign and political finance laws,¹ the Secretary of State finds that certain amendments to the existing campaign and political finance rules must be adopted and effective immediately to ensure the uniform and proper administration and enforcement of Colorado campaign and political finance laws during the 2018 election cycle. Temporary adoption is necessary both to comply with law and to preserve the public welfare generally.

Adoption of these rules on a temporary basis is necessary to provide clear guidance to interested parties, including, but not limited to: candidates, political parties, political organizations, and committees, given the close proximity of the June 26, 2018 Primary Election.

For these reasons, and in accordance with the State Administrative Procedure Act, the Secretary of State finds that adoption and immediate effect of the amendments to existing campaign and political finance rules is imperatively necessary to comply with state and federal law and to promote public interests.²

¹ Article XXVIII, Section 9(1)(b), of the Colorado Constitution and section 1-45-111.5(1), C.R.S. (2017).

² Section 24-4-103(3)(6), C.R.S. (2017).