



NOTICE OF EMERGENCY ADOPTION

Pursuant to Section 9(1)(b) of Article XXVIII of the Colorado Constitution, C.R.S. 1-1-107(2)(a), C.R.S. 1-45-108(2)(c), C.R.S. 1-45-111.5(1), and the rulemaking provisions of the State Administrative Procedure Act, C.R.S. 24-4-103, I, Ginette Dennis, Colorado Secretary of State, do hereby adopt and give **NOTICE** of the emergency adoption this 31st day of October, 2005, of the following new Rule 10 of the Rules Concerning Campaign and Political Finance of the Colorado Secretary of State, 8 CCR 1505-6. Such new rule is effective October 31, 2005.

Rule 10 of the Campaign and Political Finance Rules of the Colorado Secretary of State is added as follows:

10. RECALL ELECTIONS FOR STATE OFFICE

- 10.1 THE ELECTION CYCLE FOR A RECALL ELECTION SHALL BE FROM THE DATE THE RECALL PETITION IS APPROVED FOR CIRCULATION BY THE APPROPRIATE OFFICER THROUGH THIRTY DAYS FOLLOWING DATE OF THE RECALL ELECTION.
- 10.2 THE REPORTING PERIOD FOR COMMITTEES PARTICIPATING IN THE RECALL ELECTION SHALL CLOSE FIVE CALENDAR DAYS PRIOR TO THE DATE THAT THE REPORT IS DUE.
- 10.3 THE INCUMBENT IN A RECALL ELECTION IS NOT A CANDIDATE FOR THE SUCCESSOR ELECTION ACCORDING TO C.R.S. 1-12-117; THEREFORE, THE INCUMBENT MAY OPEN AN ISSUE COMMITTEE TO OPPOSE THE RECALL.
- 10.4 THE AGGREGATE CONTRIBUTION LIMITS SPECIFIED FOR A GENERAL ELECTION IN SECTION 3 OF ARTICLE XXVIII SHALL APPLY TO THE RECALL ELECTION WITH RESPECT TO EACH SUCCESSOR CANDIDATE.

In accordance with C.R.S. Section 24-4-103 (6), attached is a statement of the findings of the Secretary of State justifying the adoption of this addition on an emergency basis.

Ginette Dennis
Secretary of State

Statement of Justification and Reasons for the Adoption of Emergency Rules

New Rule 10 – State Recall Elections
Secretary of State’s Rules Concerning Campaign and Political Finance
October 31, 2005

Under section 1-45-111.5 C.R.S., the Secretary of State has the duty to “promulgate such rules, in accordance with article 4 of title 24, C.R.S., as may be necessary to enforce and administer any provision of this article. Under Article XXVIII, Section 9(1)(b) “The secretary of state shall: Promulgate 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 this Article”.

A recall election has recently been scheduled for a state office (namely, district attorney for the 9th Judicial District). Current campaign and political finance rules, statutes, and constitutional provisions do not fully address the applicability of such laws and rules to recall elections. Therefore, Rule 10 is immediately necessary for the uniform and proper administration and enforcement of the campaign and political finance laws of the State of Colorado.

According to section 1-12-122, C.R.S., “Recall elections are subject to the appropriate sections of article 45 of this title” (the Fair Campaign Practices Act). There currently are no indications of the election cycle, report beginning and ending dates, or statewide limitations on contributions. There currently is no indication of what type of committee the incumbent candidate uses to oppose the recall.

The Secretary of State therefore finds that in order to ensure the uniform and proper administration and enforcement of the campaign and political finance laws, the immediate adoption of the emergency Rule 10 is necessary both to comply with law and to preserve the public welfare generally.

Therefore, in accordance with Section 24-4-103 (6), C.R.S., the Secretary of State finds that adoption Rule 10 to the Campaign and Political Finance Rules is “imperatively necessary to comply with a state or federal law or federal regulation or for the preservation of public health, safety, or welfare and compliance with the requirements of this section would be contrary to the public interest”.