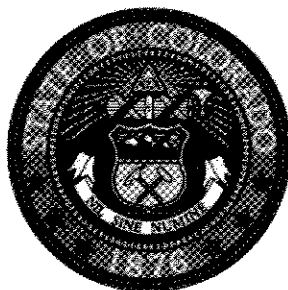


STATE OF COLORADO
Department of State
1700 Broadway
Suite 250
Denver, CO 80290



Mike Coffman
Secretary of State

Holly Z. Lowder
Director, Elections Division

NOTICE OF ADOPTION

Pursuant to sections 1-1-107(2)(a) and 1-1.5-104(1)(e), C.R.S. (2006) and the rulemaking provisions of the State Administrative Procedure Act, section 24-4-103, C.R.S. (2006), I, Mike Coffman, Colorado Secretary of State, do hereby adopt and give NOTICE of the permanent rule adoption this 19th day of September, 2007, of the amendments and revisions to the attached Secretary of State Campaign and Political Finance Rules (8 CCR 1505-6).

The permanent adoption of these rules shall take effect twenty (20) days after publication in the Colorado Register in accordance with the State Administrative Procedures Act.

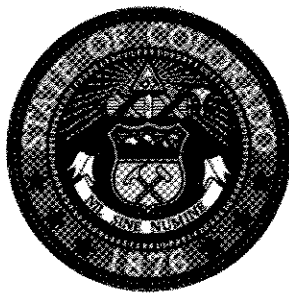
Dated this 19th Day of September, 2007.

A handwritten signature in cursive script that reads "William A. Hobbs".

William A. Hobbs
Deputy Secretary of State

For

Mike Coffman
Colorado Secretary of State



Statements of Basis, Purpose and Specific Statutory Authority

Office of the Secretary of State
Colorado Secretary of State Rules Concerning Campaign and Political Finance

September 19, 2007

1. Basis and Purpose

This statement pertains to the amendments and revisions to the Colorado Secretary of State Rules Concerning Campaign and Political Finance for the administration of Colorado State Constitution Article XXVIII, and Article 45, Title 1 of the Colorado Revised Statutes. The amendments are implemented to achieve the uniform and proper administration and enforcement of the campaign and political finance laws of the State of Colorado.

The amendments and revisions to these rules are necessary for the implementation of Article XXVIII of the Colorado Constitution and Article 45, Title 1 of the Colorado Revised Statutes. The Secretary of State finds that the adoption and enactment of these amendments is necessary to answer questions arising under Article XXVIII of the Colorado Constitution and Article 45 of Title 1 of the Colorado Revised Statutes, and to implement amendments to the campaign and political finance laws made during the 2007 regular session of the 66th General Assembly.

The adoption of specific amendments to the Election Rules is necessary as follows:

- Revisions to Rule 1.4 and new Rule 4.21 are necessary to implement the amendments to Article 45 of Title 1, C.R.S., made by HB07-1323. Specifically, these amendments clarify definitions and disclosure requirements for limited liability companies under the Fair Campaign Practices Act.
- The adoption of new Rule 1.6 and the amendments to Rule 2.5 are necessary to clarify when a ballot question or ballot issue is considered an "issue" for the purposes of Article XXVIII, Section 2(10) of the Colorado Constitution, and to clarify when issue committees must register and disclose the specific issues being supported or opposed.
- The amendments to Rule 2.2 are necessary to clarify who may sign registration forms and disclosure reports for issue committees, political committees, small donor committees, and political parties.
- The amendments to Rules 2.8, 5.6, 5.10, 5.11, and 11.3 are necessary to make technical corrections, repeal expired provisions, and to correct statutory citations. Existing Rule 9.4 is repealed and re-adopted as Rule 4.17 to provide clarity.

- The amendments to Rule 2.10 are necessary to clarify the process by which the Secretary of State may administratively close a committee because of inactivity.
- The amendments to Rule 2.11 are necessary to clarify who the appropriate filing officer is for political committees supporting or opposing school board candidates and issue committees supporting or opposing school district issues, where the district is shared by one or more counties.
- The adoption of new Rule 3.10 is necessary to clarify the definition of “contribution” as it applies to commercial debt accumulated by a candidate committee, and to clarify how the committee may dispose of such debt.
- The repeal of Rule 4.7 is necessary to implement amendments to the Colorado election laws made by SB07-083 in accordance with *Buckley v. American Constitutional Law Foundation*, 520 U.S. 182 (1999), regarding disclosure requirements for proponents who pay petition circulators.
- The amendments to Rule 4.10 are necessary to clarify that the occupation and employer disclosure requirement in Article XXVIII, Section 7 and section 1-45-108, C.R.S., do not apply to aggregate contributions of \$100 or more. Rather, the requirement applies to any single contribution of \$100 or more.
- The adoption of new Rules 4.18 and 4.19 are necessary to address questions that have arisen regarding whether a committee may deposit funds into more than one financial institution and whether a committee may invest its funds. Specifically, Rule 4.18 clarifies that the provision in Article XXVIII, Section 3(9) of the Colorado Constitution that committee funds be deposited into “a financial institution” does not require that the funds be deposited into one, single financial institution. Rule 4.19 establishes that committees may invest their funds and that while interest and periodic fees must be disclosed, they are not considered to be contributions or expenditures.
- The adoption of new Rules 4.20 and 6.4, and the amendments to Rule 11.4 are necessary to implement the amendments to Article 45 of Title 1, C.R.S., made by HB07-1074. Specifically, new Rule 4.20 clarifies the disclosure requirements and filing schedule for “Political Organizations” as defined in section 1-45-103(14.5), C.R.S. New Rule 6.4 provides a complaint procedure for violations of the provisions of section 1-45-108.5, C.R.S. The amendments to Rule 11.4 clarify what constitutes an “entry” with regard to disclosure reports filed by “Political Organizations.”
- The adoption of new Rule 4.22 is necessary to clarify that corporations and labor organizations shall not make Independent Expenditures in accordance with Article XXVIII, Section 3 (4) (a) and Section 5.
- The adoption of new Rule 4.23 is necessary to provide a mechanism by which a person may apply to the Secretary of State to redact sensitive from online versions of campaign finance disclosure reports if such person’s safety or that of an immediate family member’s may be jeopardized by sensitive information contained in the report. The Rule further requires that the original, unredacted version remain a public record pursuant to Title 24, Article 72, C.R.S.

- The adoption of new Rule 5.12 is necessary to clarify that once a committee has declared that they are active, the committee must file according to that filing schedule for the remainder of the calendar year.
- The amendments to Rules 8.1 and 8.4 are necessary to clarify the campaign finance disclosure filing requirements for special district director candidates. Specifically, the amendments to Rule 8.1 would require that the special district provide copies of the candidates' self-nomination and acceptance forms and letters, and affidavits of intent to be a write-in candidate no later than the time of ballot certification. Rule 8.4 would allow a special district candidate to file a written affirmation notifying the county clerk that he or she will not receive contributions or make expenditures more of more than \$20.
- The adoption of new Rule 9.4 is necessary to make Electioneering Communication requirements consistent with the decisions of the Colorado Court of Appeals in *Harwood v. Senate Majority Fund, LLC*, 141 P.3d 962 (2006), and of the United States Supreme Court in the case of *FEC v. Wisconsin Right to Life*, 127 S. Ct. 2652 (2007).
- The amendments to Rule 11.1 are necessary to clarify that personal financial disclosure statements filed pursuant to section 1-45-110(2), C.R.S., are exempt from mandatory electronic filing.

The Secretary of State therefore finds that in order to ensure the uniform and proper administration and enforcement of the election laws, the permanent adoption of the amendments and revisions to the Campaign and Political Finance Rules is necessary both to comply with law and to preserve the public welfare generally.

2. Statutory Authority

Amendments and revisions to the "Secretary of State Rules Concerning Campaign and Political Finance" are adopted pursuant to the following statutory and constitutional provisions:

1. Article XXVIII, Section 9(1)(b) of the Colorado Constitution, which authorizes the Secretary of State to:

"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 [Article XVIII of the Colorado State Constitution]."
2. Section 1-1-107(2)(a), C.R.S., (2006), which authorizes the Secretary of State:

"To promulgate, publish, and distribute . . . such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws."
3. Section 1-45-111.5(1), C.R.S., (2006), which authorizes the Secretary of State to:

"[P]romulgate such rules in accordance with article 4 of title 24, C.R.S., as may be necessary to enforce and administer any provision of [Article 45 of Title 1, C.R.S.]."

Amendments Adopted September 19, 2007

SECRETARY OF STATE

[8 CCR 1505-6]

RULES CONCERNING CAMPAIGN AND POLITICAL FINANCE

Proposed additions to the current rules are reflected in small caps. Proposed deletions from current rules are shown in stricken type. Annotations are included.

1 Rule 1.4 is amended as follows:

2 1.4 “Corporation”, as used in Article XXVIII ~~only~~, SHALL HAVE THE SAME MEANING AS SET
3 FORTH IN SECTION 1-45-103(7), C.R.S. ~~means a domestic corporation incorporated under~~
4 ~~and subject to the “Colorado Business Corporation Act”, Articles 101 to 117 of Title 7,~~
5 ~~C.R.S., a domestic nonprofit corporation incorporated under and subject to Articles 121~~
6 ~~to 137 of Title 7, C.R.S., or any corporation incorporated under and subject to the laws of~~
7 ~~another state or foreign country.~~

8 New Rule 1.6 is adopted as follows:

9
10 1.6 “ISSUE”, AS USED IN ARTICLE XXVIII OF THE COLORADO CONSTITUTION AND ARTICLE 45
11 OF TITLE 1, C.R.S., SHALL MEAN A “BALLOT ISSUE” OR “BALLOT QUESTION” AS SUCH
12 TERMS ARE DEFINED IN SECTION 1-1-104(2.3) AND (2.7), C.R.S. FOR THE PURPOSES
13 ARTICLE XXVIII, SECTION 2(10) OF THE COLORADO CONSTITUTION, A MATTER SHALL BE
14 CONSIDERED AN “ISSUE” AT THE EARLIEST OF THE FOLLOWING:

- 15
16 A. IT HAS HAD A TITLE DESIGNATED AND FIXED IN ACCORDANCE WITH LAW;
17
18 B. IT HAS BEEN REFERRED TO THE VOTERS BY A GOVERNING BOARD OR THE GENERAL
19 ASSEMBLY;
20
21 C. IN THE CASE OF A CITIZEN REFERENDUM PETITION, IT HAS BEEN SUBMITTED FOR
22 FORMAT APPROVAL IN ACCORDANCE WITH LAW;
23
24 D. A PETITION HAS BEEN CIRCULATED AND SIGNED BY AT LEAST ONE PERSON; EXCEPT
25 THAT, WHERE A MATTER BECOMES AN “ISSUE” UPON SUCH SIGNING, A PERSON OR
26 PERSONS OPPOSING SUCH ISSUE SHALL NOT BE CONSIDERED AN “ISSUE COMMITTEE”
27 UNTIL ONE SUCH PERSON KNOWS OR HAS REASON TO KNOW OF THE CIRCULATION;
28 OR
29

1 E. A SIGNED PETITION HAS BEEN SUBMITTED TO THE APPROPRIATE ELECTION OFFICIAL
2 IN ACCORDANCE WITH LAW.

3 Succeeding subsections of Rule 1 are renumbered accordingly

4
5 Rule 2.2 is amended as follows:

6 2.2 A candidate may serve as the candidate committee's registered agent or appoint someone
7 to be the registered agent. The candidate and the registered agent shall sign the candidate
8 committee registration form, and only the registered agent or the candidate may sign the
9 contribution and expenditure report. THE REGISTERED AGENT FOR ANY ISSUE COMMITTEE,
10 POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR POLITICAL PARTY SHALL SIGN THE
11 COMMITTEE'S REGISTRATION FORM AND ALL DISCLOSURE REPORTS. [1-45-108(3)(b)]

12
13 Rule 2.5 is amended as follows:

14 2.5 An issue committee may support or oppose more than one issue without having to open
15 numerous campaign accounts and file numerous committee registration forms if the
16 following conditions are met: the specific issues are included on the committee
17 registration form AT SUCH TIME AS AN ISSUE MEETS THE PROVISIONS OF RULE 1.5; no
18 generic phraseology ~~is~~ MAY BE USED ONCE SUCH AN ISSUE IS KNOWN (i.e.: Support or
19 oppose issues affecting the basic rights of cattle); and the registration form states whether
20 the committee will be supporting or opposing said issues. [Article XXVIII, Section
21 2(10)(a)(I) and (2)(10)(a)(II)]

22
23 Rule 2.8 is amended as follows:

24 2.8 A political committee that is subject to reporting pursuant to both section 1-45-108,
25 C.R.S., and the "Federal Election Commission Act of 1971" may file with the appropriate
26 officer a copy of the registration filed with the federal election commission and, insofar
27 as such registration contains substantially the same information required by subsection
28 (3) of ~~C.R.S.~~ SECTION 1-45-108, C.R.S., the political committee shall be considered to
29 have registered with the appropriate officer for purposes of subsection (3) of ~~C.R.S.~~
30 SECTION ~~1-45-103~~ 1-45-108, C.R.S.. The political committee shall not be required to file
31 disclosure reports if copies of the reports required to be filed with the Federal Election
32 Commission pursuant to the "Federal Election Commission Act of 1971", as amended,
33 are filed with the appropriate officer or are electronically available in the office of the
34 appropriate officer and if such reports include the information required by ~~C.R.S.~~
35 SECTION 1-45-108, C.R.S.

1 Rule 2.10 is amended as follows:

2 2.10 In accordance with the procedures set out in the "State Administrative Procedures Act"
3 (~~Article 10~~ ARTICLE 4 OF Title 24, Colorado Revised Statutes), the secretary of state may
4 close an inactive committee after two years of non-reporting. A COMMITTEE SHALL BE
5 DEEMED INACTIVE FOR THE PURPOSE OF THIS RULE AFTER SUCH COMMITTEE HAS FAILED TO
6 FILE ANY REPORTS WITH THE APPROPRIATE FILING OFFICER FOR TWO CONSECUTIVE YEARS.
7 [Article XXVIII, Section 2(3), and 24-4-105]

8 2.10.1 A COUNTY CLERK AND RECORDER OR MUNICIPAL CLERK DESIGNATED AS A
9 COMMITTEE'S APPROPRIATE FILING OFFICER PURSUANT TO SECTION 1-45-109,
10 C.R.S., MAY REQUEST THE SECRETARY OF STATE TO CLOSE A COMMITTEE
11 PURSUANT TO THIS RULE. SUCH REQUEST SHALL BE SUBMITTED IN WRITING AND
12 CONTAIN A STATEMENT FROM THE COUNTY CLERK AND RECORDER OR MUNICIPAL
13 CLERK THAT NO DISCLOSURE REPORTS HAVE BEEN RECEIVED FOR AT LEAST TWO
14 YEARS EITHER MANUALLY OR ELECTRONICALLY FROM SUCH COMMITTEE, AND ANY
15 OTHER INFORMATION THAT IS RELEVANT.

16
17 New Rule 2.11 is adopted as follows:

18
19 2.11 THE "APPROPRIATE FILING OFFICER" FOR A POLITICAL COMMITTEE WHOSE PURPOSE IS TO
20 SUPPORT SCHOOL BOARD CANDIDATES OR AN ISSUE COMMITTEE WHOSE PURPOSE IS TO
21 SUPPORT OR OPPOSE A BALLOT ISSUE, QUESTION, OR MEASURE FOR A SCHOOL DISTRICT NOT
22 WHOLLY CONTAINED WITHIN A SINGLE COUNTY SHALL BE THE COUNTY CLERK AND
23 RECORDER OF THE COUNTY WHERE THE SCHOOL DISTRICT ADMINISTRATIVE OFFICES ARE
24 LOCATED.

25

26 New Rule 3.10 is adopted as follows:

27 3.10 DISPOSITION OF DEBT IN ANTICIPATION OF COMMITTEE TERMINATION

28 A. NOTWITHSTANDING ANY NEGATIVE BALANCE FOR A PRIOR ELECTION CYCLE, ALL
29 CONTRIBUTIONS RECEIVED BY A CANDIDATE COMMITTEE IN THE CURRENT
30 ELECTION CYCLE SHALL BE SUBJECT TO THE LIMITS ON CONTRIBUTIONS SET FORTH
31 IN SECTION 3 OF ARTICLE XXVIII OF THE COLORADO CONSTITUTION AND SHALL
32 BE REPORTED ACCORDINGLY.

33 B. ANY FINANCIAL OBLIGATIONS INCURRED BY A CANDIDATE COMMITTEE IN AN
34 ELECTION CYCLE THAT ARE NOT PAID WITHIN A COMMERCIALY REASONABLE
35 PERIOD OF TIME, NOT TO EXCEED SIX (6) MONTHS AFTER THE CLOSE OF THAT
36 ELECTION CYCLE, SHALL BE TREATED AS "CONTRIBUTIONS" FROM THE SERVICE
37 PROVIDER OR VENDOR EXTENDING CREDIT.

38 C. IN ACCORDANCE WITH ARTICLE XXVIII, SECTION 10(1) OF THE COLORADO
39 CONSTITUTION, WHERE THE TREATMENT OF SUCH FINANCIAL OBLIGATIONS AS

1 "CONTRIBUTIONS" RESULTS IN A VIOLATION OF ANY LIMIT ON CONTRIBUTIONS, A
2 CANDIDATE SHALL BE PERSONALLY LIABLE FOR ANY PENALTIES IMPOSED UPON THE
3 COMMITTEE.

4 D. ANY SERVICE PROVIDER OR VENDOR EXTENDING CREDIT WHO HAS MADE A
5 COMMERCIALY REASONABLE ATTEMPT TO COLLECT SUCH DEBT SHALL NOT BE
6 CONSIDERED TO HAVE MADE A "CONTRIBUTION." AN ATTEMPT TO COLLECT SUCH
7 DEBT SHALL BE CONSIDERED COMMERCIALY REASONABLE IF THE SERVICE
8 PROVIDER OR VENDOR HAS PURSUED ITS REMEDIES AS VIGOROUSLY AS IT WOULD
9 PURSUE ITS REMEDIES AGAINST A NONPOLITICAL DEBTOR IN SIMILAR
10 CIRCUMSTANCES.

11
12 Rule 4.7 is repealed as follows:

13 ~~4.7 Pursuant to the decision of the United States Supreme Court in the case of Buckley v.~~
14 ~~American Constitutional Law Foundation, Inc., 520 U.S. 182, 119 S.Ct., 636 (1999), an~~
15 ~~issue committee that makes an expenditure of \$20 or more in payment to a petition~~
16 ~~circulator is not required to disclose the name of the paid circulator. Instead, it is~~
17 ~~sufficient to list "payment to petition circulator" and the date and amount of the payment.~~
18 ~~{1-40-121(1)}~~

19 Succeeding subsections of Rule 4 are renumbered accordingly

20
21 Rule 4.10 is amended as follows:

22
23 ~~4.409~~ DISCLOSURE OF OCCUPATION AND EMPLOYER

24
25 4.9.1 THE REQUIREMENT TO DISCLOSE THE OCCUPATION AND EMPLOYER OF A
26 CONTRIBUTOR IN ARTICLE XXVIII, SECTION 7 OF THE COLORADO CONSTITUTION
27 AND SECTION 1-45-108, C.R.S., APPLIES TO ANY ONE-TIME CONTRIBUTION OF \$100
28 OR MORE, AND NOT TO AGGREGATE CONTRIBUTIONS TOTALING \$100 OR MORE.

29
30 4.9.2 If occupation and employer information as required by Article XXVIII, Section 7
31 is not provided, and the committee is unable to gather the information within 30
32 days after receipt of the contribution, the contribution shall be returned to the
33 contributor no later than the 31st day after receipt.
34

35 New Rule 4.17 is adopted as follows:

36
37 4.17 THE UNEXPENDED BALANCE SHALL BE REPORTED AS THE ENDING BALANCE THROUGHOUT
38 THE ELECTION CYCLE. UNEXPENDED BALANCES FROM THE FINAL REPORT FILED THIRTY
39 DAYS AFTER THE APPLICABLE ELECTION SHALL BE REPORTED AS THE BEGINNING BALANCE
40 IN THE NEXT ELECTION CYCLE.

1 [Note: New Rule 4.17 is moved from Rule 9.4 for clarity]

2
3 New Rule 4.18 is adopted as follows:

4
5 4.18 IN ACCORDANCE WITH ARTICLE XXVIII, SECTION 3(9) OF THE COLORADO CONSTITUTION,
6 THE REQUIREMENT THAT COMMITTEE FUNDS BE DEPOSITED INTO "A FINANCIAL
7 INSTITUTION" SHALL NOT MEAN THAT ALL COMMITTEE FUNDS MUST BE DEPOSITED INTO
8 ONE SINGLE BANK, CREDIT UNION, OR OTHER COMMERCIAL FINANCIAL INSTITUTION.
9

10 New Rule 4.19 is adopted as follows:

11 4.19 INVESTMENT OF FUNDS

12 4.19.1 A CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL
13 DONOR COMMITTEE, OR POLITICAL PARTY MAY INVEST THE COMMITTEE'S FUNDS IN
14 ANY TYPE OF ACCOUNT OR INSTRUMENT OF A GOVERNMENT REGULATED FINANCIAL
15 INSTITUTION.

16 4.19.2 ANY CHANGE IN THE BALANCE OF FUNDS RESULTING SOLELY FROM THE ACCRUAL
17 OF INTEREST OR DIVIDENDS TO THE ACCOUNT AND/OR THE AUTOMATIC DEDUCTION
18 OF PERIODIC SERVICE FEES IS NOT A CONTRIBUTION OR AN EXPENDITURE AND SHALL
19 NOT BE SUBJECT TO CONTRIBUTION LIMITS, BUT SHALL BE DISCLOSED AS
20 MISCELLANEOUS INCOME OR EXPENSE ON ANY DISCLOSURE REPORT FOR WHICH THE
21 INTEREST, DIVIDEND, OR SERVICE FEE WAS RECEIVED OR CHARGED.
22

23 New Rule 4.20 is adopted as follows:

24 4.20 POLITICAL ORGANIZATIONS. IN THE CASE OF POLITICAL ORGANIZATIONS AS DEFINED IN
25 SECTION 1-45-103(14.5), C.R.S.:

26
27 4.20.1 THE POLITICAL ORGANIZATION SHALL REPORT ANY CONTRIBUTIONS ACCEPTED OF
28 TWENTY DOLLARS (\$20) OR MORE DURING A REPORTING PERIOD AND FUNDS
29 EXPENDED OF TWENTY DOLLARS (\$20) OR MORE DURING A REPORTING PERIOD FOR
30 THE PURPOSE OF "INFLUENCING OR ATTEMPTING TO INFLUENCE THE SELECTION,
31 NOMINATION, ELECTION, OR APPOINTMENT OF ANY INDIVIDUAL TO ANY STATE OR
32 LOCAL PUBLIC OFFICE."
33

34 4.20.2 POLITICAL ORGANIZATIONS SHALL FILE ACCORDING TO THE FILING SCHEDULES SET
35 FORTH IN SECTION 1-45-108(2), C.R.S.

36
37 A. FOR THE PURPOSES OF THIS RULE, "OFF-ELECTION YEAR" FOR A POLITICAL
38 ORGANIZATION SHALL MEAN EVERY ODD NUMBERED YEAR.
39

1 B. FOR THE PURPOSES OF THIS RULE, "MAJOR ELECTION" SHALL MEAN AN
2 ELECTION HELD IN NOVEMBER OF AN EVEN NUMBERED YEAR.
3

4 4.20.3 POLITICAL ORGANIZATIONS SHALL NOT BE REQUIRED TO FILE DISCLOSURE REPORTS
5 FOR REPORTING PERIODS WHEN NO CONTRIBUTIONS OF TWENTY DOLLARS (\$20) OR
6 MORE WERE RECEIVED AND SPENDING WAS LESS THAN TWENTY DOLLARS (\$20).
7

8 4.20.4 POLITICAL ORGANIZATIONS SHALL FILE ALL APPLICABLE DISCLOSURE REPORTS
9 REQUIRED BY SECTION 1-45-103(14.5), C.R.S., WITH THE APPROPRIATE FILING
10 OFFICER. FOR THE PURPOSES OF THIS RULE, THE APPROPRIATE FILING OFFICER
11 SHALL BE THE SAME FOR POLITICAL ORGANIZATIONS AS FOR POLITICAL
12 COMMITTEES AS OUTLINED IN SECTION 1-45-109, C.R.S.
13 [1-45-108.5]
14

15 New Rule 4.21 is adopted as follows:

16
17 4.21 DISCLOSURE OF CONTRIBUTIONS BY LIMITED LIABILITY COMPANIES (LLCs). [1-45-
18 103.7(5), (6), (7), AND (8)]
19

20 4.21.1 THE WRITTEN AFFIRMATION PROVIDED BY AN LLC IN ACCORDANCE WITH SECTION
21 1-45-103.7, C.R.S., SHALL INCLUDE THE NAMES AND ADDRESSES OF THE LLC'S
22 MEMBERS AND DESCRIBE HOW THE CONTRIBUTION IS TO BE ATTRIBUTED TO THE
23 LLC'S MEMBERS.
24

25 4.21.2 THE AFFIRMATION SHALL INCLUDE THE OCCUPATION AND EMPLOYER OF ANY
26 MEMBER TO WHOM A CONTRIBUTION OF ONE HUNDRED DOLLARS (\$100) OR MORE IS
27 ATTRIBUTED.
28

29 4.21.3 A COMMITTEE THAT RECEIVES A PERMISSIBLE CONTRIBUTION FROM AN LLC THAT
30 IS ATTRIBUTED TO ONE OR MORE OF THE LLC'S MEMBERS SHALL REPORT THE
31 CONTRIBUTOR AS THE MEMBER OR MEMBERS TO WHOM THE CONTRIBUTION WAS
32 ATTRIBUTED. THE CONTRIBUTOR SHALL NOT BE REPORTED AS THE LLC IF THE
33 CONTRIBUTION IS ATTRIBUTED TO ONE OR MORE OF THE LLC'S MEMBERS.
34

35 4.21.4 ANY CONTRIBUTIONS RECEIVED BY A COMMITTEE FROM AN LLC THAT DOES NOT
36 COMPLY WITH THE AFFIRMATION REQUIREMENTS SET FORTH IN SECTION 1-45-
37 103.7, C.R.S., AND THIS RULE 4.21 SHALL BE RETURNED TO THE CONTRIBUTOR
38 WITHIN THIRTY (30) DAYS.
39

40 New Rule 4.22 is adopted as follows:

41 4.22 IN ACCORDANCE WITH ARTICLE XXVIII, SECTIONS 2(8), 2(9), AND 3(4)(A) OF THE
42 COLORADO CONSTITUTION, CORPORATIONS OR LABOR ORGANIZATIONS SHALL NOT MAKE

1 EXPENDITURES, INCLUDING INDEPENDENT EXPENDITURES, THAT EXPRESSLY ADVOCATE
2 THE ELECTION OR DEFEAT OF A CANDIDATE.

3
4 New Rule 4.23 is adopted as follows:

5
6 4.23 REDACTION OF PERSONAL SENSITIVE INFORMATION FROM DISCLOSURE REPORTS

7
8 4.23.1 ANY PERSON WHO BELIEVES THEIR SAFETY OR THE SAFETY OF AN IMMEDIATE
9 FAMILY MEMBER MAY BE IN JEOPARDY AS A RESULT OF INFORMATION DISCLOSED
10 ON ANY CAMPAIGN FINANCE REPORT FILED WITH THE SECRETARY OF STATE
11 PURSUANT TO TITLE 1, ARTICLE 45, C.R.S., MAY APPLY TO THE SECRETARY OF
12 STATE TO REDACT SENSITIVE PERSONAL INFORMATION FROM THE ONLINE VERSIONS
13 OF SUCH REPORT(S). THE SECRETARY OF STATE, UPON A SHOWING OF GOOD CAUSE,
14 MAY REDACT THE MINIMUM AMOUNT OF SENSITIVE INFORMATION NECESSARY TO
15 PROTECT THE SAFETY OF SUCH PERSON OR HIS OR HER IMMEDIATE FAMILY. IF THE
16 SECRETARY OF STATE REDACTS SENSITIVE INFORMATION DISCLOSED ON A
17 CAMPAIGN FINANCE REPORT, THE ORIGINAL UNREDACTED REPORT SHALL REMAIN A
18 PUBLIC RECORD PURSUANT TO TITLE 24, ARTICLE 72, C.R.S.

19
20 4.23.2 APPLICATIONS FOR REDACTION OF SENSITIVE INFORMATION SHALL BE SUBMITTED
21 IN WRITING AND SHALL INCLUDE THE REQUESTOR'S NAME, THE IDENTIFIED
22 ENTRY(S) OF CONCERN, A JUSTIFICATION FOR THE APPLICATION, AND THE
23 COMMITTEE TO WHOM THE CONTRIBUTION(S) WAS MADE OR EXPENDITURE(S)
24 RECEIVED.

25
26 Rule 5.6 is amended as follows:

27 5.6 Reports filed electronically.

28 ~~a. Reports filed electronically are due two days after the due date for reports filed~~
29 ~~manually, after taking into account any extension of the due date of a manually~~
30 ~~filed report because the filing deadline falls on a Saturday, Sunday, or legal~~
31 ~~holiday. If the filing deadline for a report filed electronically falls on a Saturday,~~
32 ~~Sunday, or legal holiday, the deadline is not extended to the next business day.~~
33 ~~Reports filed electronically before midnight shall be considered filed on that day.~~
34 ~~This paragraph a. is repealed effective January 1, 2007.~~

35 ~~ba. On and after January 1, 2007, reports~~ REPORTS filed electronically are due on the
36 same date as manually filed reports and are due no later than close of business
37 pursuant to ~~C.R.S.~~ SECTION 1-45-109(2), C.R.S. CLOSE OF BUSINESS FOR THE
38 PURPOSE OF ELECTRONIC FILING SHALL MEAN 11:59 P.M.

1 eB. If the electronic filing system is unavailable for filing for a total of more than one
2 hour after 4:00 p.m. on the due date for filing a report, the secretary of state may
3 extend the due date for an additional day for electronically filed reports. [1-45-
4 108(2.3), 1-45-109(6)]

5
6 Rule 5.10 is amended as follows:

7 5.10 For purposes of section 1-45-108(2)(d), which exempts a candidate committee for a
8 former officeholder or person not elected to office from reporting if there is no change in
9 the balance of funds maintained by such committee and if certain other conditions are
10 met, a change in the balance of funds resulting solely from the accrual of interest or
11 dividends to the account and/or the automatic deduction of periodic service fees does not
12 subject such candidate committee to the reporting requirements of section 1-45-108,
13 C.R.S., except that such candidate committee shall file an annual report for each calendar
14 year. State candidate committees shall file such report not later than January 15th of the
15 following year, and county AND MUNICIPAL candidate committees shall file such report in
16 accordance with section ~~1-45-108(2)(A)(ii)~~ 45-108(2)(A)(II), C.R.S. Candidate
17 committees that choose this option must notify, in writing, the appropriate filing officer
18 of their intent. [1-45-108(2)(c) and (2)(d)]

19
20 Rule 5.11 is repealed as follows:

21 ~~5.11 If a required report is not filed by 11:59 PM on the due date for electronic filing, then the~~
22 ~~daily penalty imposed pursuant to Article XXVIII, Section 10(2)(a) shall begin on the~~
23 ~~day following the due date for reports filed manually. This rule is repealed effective~~
24 ~~January 1, 2007.~~

25 Succeeding subsections of Rule 5 are renumbered accordingly

26
27 New Rule 5.12 is adopted as follows:

28 5.12 ONCE A COMMITTEE HAS DECLARED ITS COMMITTEE STATUS AS ACTIVE OR INACTIVE IN A
29 PARTICULAR YEAR, THE COMMITTEE SHALL FOLLOW THE APPROPRIATE FILING SCHEDULE
30 FOR THE REMAINDER OF THAT CALENDAR YEAR, EXCEPT THAT AN INACTIVE COMMITTEE
31 MAY CHANGE ITS STATUS TO ACTIVE AT ANY TIME.

32
33 New Rule 6.4 is adopted as follows:

34
35 6.4 POLITICAL ORGANIZATIONS.
36

1 6.4.1 IF ANY PERSON BELIEVES THAT A POLITICAL ORGANIZATION HAS VIOLATED THE
2 PROVISIONS OF SECTION 1-45-108.5, C.R.S., THE PERSON MAY FILE A WRITTEN
3 COMPLAINT WITH THE SECRETARY OF STATE.
4

5 A. THE COMPLAINT SHALL INCLUDE THE INFORMATION REQUIRED BY, AND
6 SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 6.3.
7

8 B. IF THE COMPLAINT IS COMPLETE, THE SECRETARY OF STATE SHALL
9 PROMPTLY TRANSMIT THE COMPLAINT TO THE DIVISION OF
10 ADMINISTRATIVE HEARINGS IN THE DEPARTMENT OF PERSONNEL AND
11 ADMINISTRATION FOR CONSIDERATION BY AN ADMINISTRATIVE LAW JUDGE
12 IN ACCORDANCE WITH RULE 6.3.
13

14 C. A POLITICAL ORGANIZATION THAT HAS VIOLATED SECTION 1-45-108.5,
15 C.R.S. SHALL NOT BE SUBJECT TO FINES, BUT SHALL BE ORDERED TO
16 COMPLY WITH THE REQUIREMENTS OF SECTION 1-45-108.5, C.R.S.
17

18 Rule 8.1 is amended as follows:

19 8.1 The special district designated election official or, as applicable, the presiding officer or
20 the secretary of the board of directors, under section 32-1-804.3(5), C.R.S., shall provide
21 to the county clerk and recorder of the county in which the district court having
22 jurisdiction over the special district pursuant to section 32-1-303, C.R.S., is located,
23 ~~either a list of the board of director candidates, or the self-nomination and acceptance~~
24 ~~forms and letters, and affidavits of intent to be a write-in candidate, within ten days of~~
25 ~~their filing with the designated election official, presiding officer, or secretary as~~
26 ~~applicable~~ NO LATER THAN THE DATE ESTABLISHED FOR CERTIFICATION OF THE SPECIAL
27 DISTRICT'S BALLOT PURSUANT TO SECTION 1-5-203(3)(A), C.R.S.
28

29 New Rule 8.4 is adopted as follows:

30 8.4 IF THE SPECIAL DISTRICT CANDIDATE AFFIDAVIT, THE FILED SELF-NOMINATION AND
31 ACCEPTANCE FORM OR LETTER, OR THE AFFIDAVIT OF INTENT TO BE A WRITE-IN CANDIDATE
32 CONTAINS A STATEMENT SUBSTANTIALLY STATING, "I SHALL NOT, IN MY CAMPAIGN FOR
33 THIS OFFICE, RECEIVE CONTRIBUTIONS OR MAKE EXPENDITURES EXCEEDING TWENTY
34 DOLLARS (\$20) IN THE AGGREGATE, HOWEVER, IF I DO SO, I SHALL THEREAFTER FILE ALL
35 DISCLOSURE REPORTS REQUIRED UNDER THE FAIR CAMPAIGN PRACTICES ACT," THEN NO
36 FILING OF DISCLOSURE REPORTS IS REQUIRED UNLESS AND UNTIL THE TWENTY DOLLAR
37 (\$20) THRESHOLD HAS BEEN MET. [ARTICLE XXVIII, SECTION 2(2) AND 1-45-108(1)]
38

39 Rule 9.4 is repealed as follows:

1 ~~9.4 The unexpended balance shall be reported as the ending balance throughout the election~~
2 ~~cycle. Unexpended balances from the final report filed thirty days after the applicable~~
3 ~~election shall be reported as the beginning balance in the next election cycle.~~

4 New Rule 9.4 is adopted as follows:

5 9.4 PURSUANT TO THE DECISIONS OF THE COLORADO COURT OF APPEALS IN THE CASE OF
6 HARWOOD V. SENATE MAJORITY FUND, LLC, 141 P.3D 962 (2006), AND OF THE UNITED
7 STATES SUPREME COURT IN THE CASE OF FEC V. WISCONSIN RIGHT TO LIFE, 127 S. CT.
8 2652 (2007), A COMMUNICATION SHALL BE DEEMED AN ELECTIONEERING COMMUNICATION
9 ONLY IF IT IS SUSCEPTIBLE TO NO REASONABLE INTERPRETATION OTHER THAN AS AN
10 APPEAL TO VOTE FOR OR AGAINST A SPECIFIC CANDIDATE. IN MAKING THIS
11 DETERMINATION, (1) THERE CAN BE NO FREE-RANGING INTENT-AND-EFFECT TEST; (2)
12 THERE GENERALLY SHOULD BE NO DISCOVERY OR INQUIRY INTO CONTEXTUAL FACTORS;
13 (3) DISCUSSION OF ISSUES CANNOT BE BANNED MERELY BECAUSE THE ISSUES MIGHT BE
14 RELEVANT TO AN ELECTION; (4) IN A DEBATABLE CASE, THE TIE IS RESOLVED IN FAVOR OF
15 NOT DEEMING A MATTER TO BE AN ELECTIONEERING COMMUNICATION.

16
17 Rule 11.1 is amended as follows:

18 11.1 ~~Effective October 1, 2007, all~~ ALL disclosure reports filed with the secretary of state
19 pursuant to Article XXVIII of the Colorado Constitution and Article 45 of ~~File~~ TITLE 1 of
20 the Colorado Revised Statutes shall be filed electronically. Reports required to be filed
21 electronically with the secretary of state under this rule that are presented for manual
22 filing shall not be accepted. THIS RULE SHALL NOT APPLY TO PERSONAL FINANCIAL
23 DISCLOSURE REPORTS REQUIRED BY SECTION 1-45-110, C.R.S.

24
25 Rule 11.3 is amended as follows:

26 11.3 For the purposes of this rule 11, "electronic filing" is defined as the filing of reports
27 required by Article XXVIII of the Colorado Constitution and Article 45 of ~~File~~ TITLE 1
28 of the Colorado Revised Statutes utilizing the internet system created by the secretary of
29 state pursuant to section 1-45-109(6), C.R.S.

30
31 Rule 11.4 is amended as follows:

32 11.4 For the purposes of this rule 11, "entry" is defined as any contribution, expenditure,
33 returned contribution, ~~or~~ RETURNED expenditure, loan, ~~or~~ loan repayment, OR IN
34 CONNECTION WITH A POLITICAL ORGANIZATION, SPENDING.