

**STATE OF COLORADO**  
**Department of State**

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## **Proposed Statements of Basis, Purpose and Specific Statutory Authority**

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

**November 21, 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 election laws of the State of Colorado.

The amendments and revisions to these rules are necessary for the administration and enforcement 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 66<sup>th</sup> General Assembly.

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

- The amendments to Rules 1.1, 2.11, 3.10, 4.2 and 9.2 make technical corrections and clarifications.
- The amendments to Rule 2.4 clarify that, upon registration, a committee may identify the types of candidate being supported or opposed, in lieu of identifying the specific candidates being supported or opposed.
- The amendments to Rule 4.20 clarify that a political organization shall disclose any contributions of any amount during a reporting period.
- New Rule 9.5 clarifies that a committee need not file a separate electioneering communication disclosure report so long as the appropriate information, including the candidate's name, is included in regularly scheduled filings.

[Note: This is Alternative 1 as proposed in the Notice of Rulemaking]

- New Rule 9.5 clarifies that committees need not file separate electioneering reports, since their regular disclosure reports provide contribution and expenditure information and the types of candidates supported or opposed are sufficiently known.  
[Note: This is Alternative 2 as proposed in the Notice of Rulemaking]
- The repeal of Rule 9.3 eliminates the requirement that an electioneering communication report must disclose the name of the candidate referred to in the electioneering communication. Consequently, committees or political organizations would not be required to file separate electioneering communication disclosure reports.  
[Note: This is Alternative 3 as proposed in the Notice of Rulemaking]
- The amendments to Rule 2.8 interpret section 1-45-108 (3.5) to require that a federal political committee who chooses not to register and file separate disclosure reports in Colorado is subject to: itemization at the twenty dollars (\$20) threshold on reports filed with the Federal Election Commission; disclosure of occupation and employer for contributions from natural persons of one hundred dollars (\$100) or more; contribution limits established by Colorado law; and the requirement to deposit the committee's funds into a separate account.

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., (2007), 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., (2007), 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.].”