

STATE OF COLORADO
Department of State

1700 Broadway
Suite 250
Denver, CO 80290



Mike Coffman
Secretary of State

J. Wayne Munster
Acting Director, Elections Division

NOTICE OF ADOPTION

Office of the Secretary of State
Rules Concerning Conflict of Interest Disclosures
8 CCR 1505-14

November 13, 2008

Pursuant to sections 1-1-107(2)(a) and 1-1.5-104(1)(e), C.R.S. (2008) and the rulemaking provisions of the State Administrative Procedure Act, section 24-4-103 C.R.S. (2008), I, Mike Coffman, Colorado Secretary of State, do hereby adopt and give **NOTICE** of the permanent rule adoption this 13th day of November, 2008, of the Secretary of State Rules Concerning Conflict of Interest Disclosures (8 CCR 1505-14) as follows.

New Rule 1 is adopted as follows:

RULE 1. ELECTRONIC FILING

1.1 BEGINNING JANUARY 1, 2009, ALL DISCLOSURES FILED WITH THE SECRETARY OF STATE PURSUANT TO SECTION 24-18-110, C.R.S., SHALL BE FILED ELECTRONICALLY. DISCLOSURES PRESENTED FOR MANUAL FILING SHALL NOT BE ACCEPTED.

1.1.1 DISCLOSURES SHALL BE FILED SEPARATELY FOR EACH INDIVIDUAL OF A BOARD, COMMISSION, COUNCIL, COMMITTEE, OR OTHER ENTITY. HOWEVER, INDIVIDUALS MAY DISCLOSE MORE THAN ONE CONFLICT OF INTEREST FOR THE SAME POSITION ON A SINGLE DISCLOSURE.

1.2 IN ACCORDANCE WITH SECTION 24-21-111, C.R.S., REPORTS ARE NOT REQUIRED TO BE FILED ELECTRONICALLY IF THE SECRETARY OF STATE HAS GRANTED AN EXCEPTION TO THE ELECTRONIC FILING REQUIREMENT AFTER WRITTEN APPLICATION BASED ON HARDSHIP OR OTHER GOOD CAUSE SHOWN. ALL APPLICATIONS FOR AN EXCEPTION SHALL INCLUDE A BRIEF STATEMENT OF THE HARDSHIP OR GOOD CAUSE FOR WHICH THE EXCEPTION IS SOUGHT. APPLICATIONS MUST BE RECEIVED BY THE SECRETARY OF STATE AT LEAST FIFTEEN (15) CALENDAR DAYS PRIOR TO FILING THE FIRST DISCLOSURE UNLESS THE EXCEPTION IS BASED ON EMERGENCY CIRCUMSTANCES, IN WHICH CASE THE NATURE OF THE EMERGENCY SHALL BE DESCRIBED IN THE APPLICATION. THE SECRETARY OF STATE SHALL REVIEW AND RESPOND IN WRITING TO ALL APPLICATIONS FOR AN EXCEPTION WITHIN THREE (3) BUSINESS DAYS.

1.3 FOR THE PURPOSES OF THIS RULE, "ELECTRONIC FILING" IS DEFINED AS THE FILING OF DISCLOSURES PURSUANT TO SECTION 24-18-110, C.R.S., UTILIZING THE INTERNET SYSTEM

CREATED AND MAINTAINED BY THE SECRETARY OF STATE FOR SUCH PURPOSE. SUBMISSION OF DISCLOSURES BY FACSIMILE OR EMAIL SHALL NOT BE CONSIDERED "ELECTRONIC FILING."

New rule 2 is adopted as follows:

RULE 2. FEES

2.1 IN ACCORDANCE WITH SECTION 24-21-104 (3)(B), C.R.S., BEGINNING JANUARY 1, 2009, THE FEE FOR FILING A DISCLOSURE SHALL BE THREE DOLLARS (\$3.00). FEES SHALL BE PAID AT THE TIME OF FILING SUCH DISCLOSURE AND SHALL BE SUBMITTED UTILIZING THE ELECTRONIC FILING SYSTEM MAINTAINED BY THE SECRETARY OF STATE.

These new rules shall take effect on January 1, 2009.

A written Statement of Basis, Purpose and Specific Statutory Authority is attached and hereby incorporated herein by reference.

Dated this 13th Day of November, 2008.



William A. Hobbs
William A. Hobbs
Deputy Secretary of State

For

Mike Coffman
Colorado Secretary of State

STATE OF COLORADO
Department of State

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Mike Coffman
Secretary of State

J. Wayne Munster
Acting Director, Elections Division

Statement of Basis, Purpose and Specific Statutory Authority

Office of the Secretary of State
Rules Concerning Conflict of Interest Disclosures

November 13, 2008

1. Basis and Purpose

This statement pertains to the new Colorado Secretary of State Rules Concerning Conflict of Interest Disclosures as necessary to improve the administration of standards of conduct laws regarding voluntary disclosure in accordance with section 24-18-110, C.R.S. (2008).

The adoption of new rules concerning voluntary disclosure of conflicts of interest is necessary as follows:

- New rule 1 requires mandatory electronic filing of all voluntary disclosures.
- New Rule 2 establishes fees for filing voluntary disclosures. Fees are intended to offset the costs of developing and maintaining an electronic filing system and the costs of carrying out other duties of the Secretary of State's Office relating to the filing of voluntary disclosures.

The Secretary of State therefore finds that in order to ensure the uniform and proper administration and enforcement of the standards of conduct laws, the permanent adoption of the new rules is necessary both to comply with law and to preserve the public welfare generally.

2. Statutory Authority

New rules of the Colorado Secretary of State concerning Conflict of Interest Disclosure, 8 CCR 1505-14, are adopted pursuant to the following statutes:

1. Section 24-18-110, C.R.S., which allows public officials and employees to voluntarily disclose potential conflicts of interest in writing to the Secretary of State, and section 24-18-111 (1) (c), C.R.S. (2008), which authorizes the Secretary of State to "Make rules for the conduct of his affairs under" sections 24-18-101 through 24-18-113, C.R.S.

2. Section 24-21-104, C.R.S. (2008), which requires the Secretary of State “to charge fees...for filing...papers officially executed and other official work that may be done in the secretary of state’s office.”
3. Section 24-21-111, C.R.S. (2008), which authorizes the Secretary of State to: “require any filing to be made by electronic means as determined by the secretary of state.”