

## **NOTICE OF ADOPTION**

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

**July 16, 2008**

Pursuant to sections Article XXVIII, Section 9(1)(b) of the Colorado Constitution and 1-45-111.5(1), C.R.S. (2007) and the rulemaking provisions of the State Administrative Procedure Act, section 24-4-103, C.R.S. (2007), I, Mike Coffman, Colorado Secretary of State, do hereby adopt and give NOTICE of the permanent rule adoption this 16th day of July, 2008, of the amendments and revisions to the following Secretary of State Campaign and Political Finance Rules (8 CCR 1505-6), as follows (additions to the current rules are reflected in SMALL CAPS and deletions from current rules are shown in ~~stricken type~~).

Rule 4.21 is amended as follows:

- 4.21 Disclosure of contributions by Limited Liability Companies (LLCs). [1-45-103.7(5), (6), (7), and (8)]
- 4.21.1 The written affirmation provided by an LLC in accordance with section 1-45-103.7, C.R.S., shall include the names and addresses of the LLC's members and describe how the contribution is to be attributed to the LLC's members.
- 4.21.2 The affirmation shall include the occupation and employer of any member to whom a contribution of one hundred dollars (\$100) or more is attributed.
- 4.21.3 A committee that receives a permissible contribution from an LLC that is attributed to ~~one or more of the~~ AN LLC's member(s) shall report the contributor as the ~~member or members to whom the contribution was attributed~~ LLC. The contributor shall not be reported as the ~~LLC if the contribution is attributed to one or more of the LLC's members~~ MEMBER(S) TO WHOM THE CONTRIBUTION WAS ATTRIBUTED.
- 4.21.4 Any contributions received by a committee from an LLC that does not comply with the affirmation requirements set forth in section 1-45-103.7, C.R.S., and this Rule 4.21 shall be returned to the contributor within thirty (30) days.

4.21.5 NOTWITHSTANDING THE PROVISIONS OF RULE 4.1, EACH CONTRIBUTION RECEIVED FROM AN LLC SHALL BE LISTED INDIVIDUALLY ON DISCLOSURE REPORTS, REGARDLESS OF THE DOLLAR AMOUNT. DISCLOSURE SHALL INCLUDE THE NAME AND ADDRESS OF THE LLC.

4.21.6 PURSUANT TO SECTION 1-45-103.7(5)(D)(II), C.R.S., ANY CONTRIBUTION FROM AN LLC THAT IS ATTRIBUTED TO ITS INDIVIDUAL MEMBER(S) SHALL BE SUBJECT TO THE CONTRIBUTION LIMITS ESTABLISHED IN SECTION 3 OF ARTICLE XXVIII OF THE COLORADO CONSTITUTION, AS ADJUSTED BY RULE 12, FOR THE LLC AND FOR THE INDIVIDUAL MEMBER(S) THAT THE CONTRIBUTION IS ATTRIBUTED TO.

4.21.6.1 NOTWITHSTANDING THE AMOUNTS ATTRIBUTED TO EACH INDIVIDUAL MEMBER OF AN LLC, NO LLC SHALL BE PERMITTED TO MAKE A CONTRIBUTION THAT EXCEEDS THE LIMIT FOR A "PERSON" ESTABLISHED IN SECTION 3 OF ARTICLE XXVIII OF THE COLORADO CONSTITUTION, AS ADJUSTED BY RULE 12.

Rule 6.4 is repealed as follows:

6.4 REPEALED. ~~Political organizations.~~

~~6.4.1 If any person believes that a political organization has violated the provisions of section 1-45-108.5, C.R.S., the person may file a written complaint with the Secretary of State.~~

~~a. The complaint shall include the information required by, and shall be submitted in accordance with Rule 6.3.~~

~~b. If the complaint is complete, the secretary of state shall promptly transmit the complaint to the Division of Administrative Hearings in the Department of Personnel and Administration for consideration by an administrative law judge in accordance with Rule 6.3.~~

~~e. A political organization that has violated section 1-45-108.5, C.R.S. shall not be subject to fines, but shall be ordered to comply with the requirements of section 1-45-108.5, C.R.S.~~

Rule 10 is amended as follows:

## 10. Recall Elections for State Office

New rules 10.5 and 10.6 are adopted as follows:

10.5 ANY ISSUE COMMITTEE WHOSE PURPOSE IS TO SUPPORT OR OPPOSE THE RECALL OF ANY ELECTED OFFICIAL SHALL FOLLOW THE FILING CALENDAR ESTABLISHED IN SECTION 1-45-108 (6), C.R.S.

10.6 ANY POLITICAL COMMITTEE SUPPORTING OR OPPOSING ANY CANDIDATE, IN A RECALL ELECTION, SHALL FOLLOW THE FILING CALENDAR ESTABLISHED IN SECTION 1-45-108 (2.7), C.R.S.

New rule 13 is adopted as follows:

**13. PERSONAL FINANCIAL DISCLOSURES [C.R.S. 1-45-110, C.R.S. 24-6-202, COLORADO CONSTITUTION ARTICLE XXVIII, SECTION 10 (2)]**

13.1 IN ACCORDANCE WITH THE DISCLOSURE REQUIREMENTS SET FORTH IN SECTION 1-45-110 (2)(A) AND (B), C.R.S., A CANDIDATE SHALL NOT BE REQUIRED TO FILE A DISCLOSURE STATEMENT IF THE CANDIDATE FILED EITHER A COMPLETE OR AMENDED DISCLOSURE STATEMENT LESS THAN NINETY DAYS PRIOR TO FILING A CANDIDATE AFFIDAVIT.


13.2 IF A CANDIDATE AFFIDAVIT IS FILED NINETY DAYS OR MORE AFTER FILING A DISCLOSURE STATEMENT, AN AMENDED DISCLOSURE STATEMENT SHALL SATISFY THE DISCLOSURE REQUIREMENTS.

13.3 IF A CANDIDATE WITHDRAWS FROM CANDIDACY BY SUBMITTING APPROPRIATE DOCUMENTATION BEFORE FILING THE DISCLOSURE STATEMENT REQUIRED IN SECTION 1-45-110 (2)(A), C.R.S., SUCH CANDIDATE SHALL NOT BE REQUIRED TO FILE A DISCLOSURE STATEMENT, BUT ANY FINES THAT THE CANDIDATE ACCRUED FOR FAILURE TO FILE A DISCLOSURE STATEMENT PRIOR TO WITHDRAWING SHALL REMAIN IN EFFECT.

These new and amended rules shall take effect twenty (20) days after publication in the Colorado Register in accordance with the State Administrative Procedures Act.

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

Dated this 16th Day of July, 2008.

  
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William A. Hobbs  
Deputy Secretary of State

For

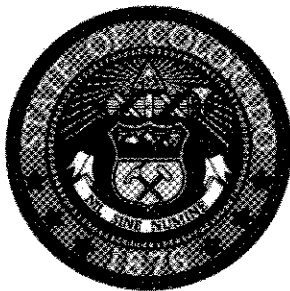
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**Mike Coffman**

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**Statement of Basis, Purpose and Specific Statutory Authority**

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

**July 16, 2008**

**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 2008 regular session of the 66<sup>th</sup> General Assembly.

The adoption of specific amendments to the Campaign and Political Finance Rules is necessary as follows:

- The amendments to rule 4 implement amendments made by House Bill 08-1233 concerning disclosure of contributions by Limited Liability Companies (LLCs).
- The repeal of rule 6.4 implements amendments made by House Bill 08-1041 concerning the enforcement of legal requirements pertaining to campaign finance.
- The amendments to rule 10 clarify filing deadlines for any issue committee whose purpose is to support or oppose the recall of any elected official and any political committee supporting or opposing any candidate in a recall election.
- New rule 13 clarifies filing requirements relating to personal financial disclosure statements.

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 requires 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 requires 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.].”