

NOTICE OF TEMPORARY ADOPTION

Office of the Secretary of State
Campaign and Political Finance Rules
8 CCR 1505-6
Rule 4.21.3.1

July 28, 2008

Pursuant to Article XXVIII, Section 9(1)(b) of the Colorado Constitution and Section 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 of the temporary adoption this 28th day of July, 2008, of new rule 4.21.3.1 of the 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~~).

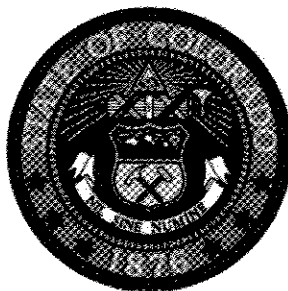
4.21.3.1 NOTWITHSTANDING ANYTHING IN RULE 4.21.3 TO THE CONTRARY, A COMMITTEE THAT RECEIVES A CONTRIBUTION FROM AN LLC SHALL REPORT AS SEPARATE CONTRIBUTIONS THE AMOUNT ATTRIBUTED TO EACH MEMBER. FOR EACH SUCH CONTRIBUTION, THE CONTRIBUTOR SHALL BE IDENTIFIED BY THE NAME OF THE MEMBER, TOGETHER WITH THE NAME OF THE LLC.

Such new rule is effective immediately. In accordance with section 24-4-103(6), C.R.S (2007), attached is a statement of the findings of the Secretary of State justifying the adoption of this rule on an emergency basis.

Dated this 28th day of July, 2008.

Handwritten signature of Mike Coffman in black ink.

Mike Coffman
Colorado Secretary of State



Statement of Justification and Reasons for the Adoption of Temporary Rule

New Rule: 4.21.3.1

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

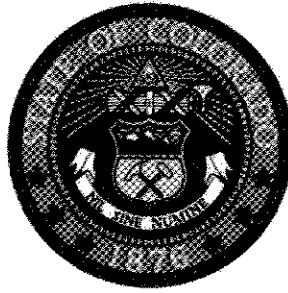
July 28, 2008

Under Article XXVIII, Section 9(1)(b), Colorado Constitution, the Secretary of State has the power to “[p]romulgate 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 XXVIII of the Colorado Constitution].” In addition, section 1-45-111.5(1), C.R.S. (2007), authorizes the Secretary of State to “promulgate such rules . . . as may be necessary to administer and enforce any provision of [Article 45 of Title 1 of the Colorado Revised Statutes].”

The adoption of a new rule in the Rules Concerning Campaign and Political Finance is immediately necessary for the uniform and proper administration and enforcement of the campaign and political finance laws of the State of Colorado. The Secretary of State finds that the adoption and enactment of new rule 4.21.3.1 is necessary specifically because various questions have arisen from interested parties about the reporting of contributions from limited liability companies after the passage of House Bill No 08-1233. Further, the 2008 General Election cycle is well underway and committees, candidates and other interested parties are in need of guidance and clarification concerning campaign and political finance laws.

The Secretary of State finds that in order to ensure the uniform and proper administration and enforcement of the campaign and political finance laws, the adoption of this rule 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. (2007), the Secretary of State finds that the addition of Rule 4.21.3.1 to existing Rules Concerning Campaign and Political Finance 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.”



Statement of Basis, Purpose and Specific Statutory Authority

Office of the Secretary of State
Campaign and Political Finance Rules
8 CCR 1505-6
Rule 4.21.3.1

July 28, 2008

1. Basis and Purpose

This statement pertains to the temporary adoption of new Rule 4.21.3.1 of the Colorado Secretary of State's "Rules Concerning Campaign and Political Finance".

The new rule is adopted to achieve the uniform and proper administration and enforcement of the election laws and campaign finance laws of the State of Colorado, including Article XXVIII of the Colorado Constitution and Article 45, Title 1 of the Colorado Revised Statutes. In particular, new Rule 4.21.3.1 is necessary to address questions from interested parties about the reporting of contributions from limited liability companies after the passage of House Bill No. 08-1233.

2. Statutory Authority

New Rule 4.21.3.1 of the Secretary of State's "Rules Concerning Campaign and Political Finance" is 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 XXVIII 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.]."