

SECRETARY OF STATE

[8 CCR 1505-6]

RULES CONCERNING CAMPAIGN AND POLITICAL FINANCE

Revised Draft of Proposed Rules

June 26, 2008

This draft supersedes the Preliminary Draft that was issued with the Notice of Proposed Rulemaking on May 29, 2008. This rulemaking hearing to be conducted on July 1, 2008 will use this Final Draft.

This draft copy of the proposed rule amendments is made available to the public and posted on the Department of State’s web site, in compliance with the requirement of section 24-4-103 (4) (a), C.R.S., that “Any proposed rule or revised proposed rule by an agency which is to be considered at the public hearing . . . shall be made available to any person at least five days prior to said hearing.”

Proposed additions to the current rules are reflected in SMALL CAPS or underlined. Proposed deletions from current rules are shown in ~~stricken type~~. Shading indicates revisions from the previous draft. Annotations may be included.

1 

2 Rule 4.21 would be amended as follows:

3 4.21 Disclosure of contributions by Limited Liability Companies (LLCs). [1-45-
4 103.7(5), (6), (7), and (8)]

5 4.21.1 The written affirmation provided by an LLC in accordance with section 1-
6 45-103.7, C.R.S., shall include the names and addresses of the LLC’s
7 members and describe how the contribution is to be attributed to the
8 LLC’s members.

9 4.21.2 The affirmation shall include the occupation and employer of any member
10 to whom a contribution of one hundred dollars (\$100) or more is
11 attributed.

12 4.21.3 A committee that receives a permissible contribution from an LLC that is
13 attributed to ~~one or more of the~~ AN LLC’s member(s) shall report the
14 contributor as the ~~member or members to whom the contribution was~~
15 ~~attributed~~ LLC. The contributor shall not be reported as the LLC if the

1 ~~contribution is attributed to one or more of the LLC's members~~
2 MEMBER(S) TO WHOM THE CONTRIBUTION WAS ATTRIBUTED.

3 4.21.4 Any contributions received by a committee from an LLC that does not
4 comply with the affirmation requirements set forth in section 1-45-103.7,
5 C.R.S., and this Rule 4.21 shall be returned to the contributor within thirty
6 (30) days.

7 4.21.5 NOTWITHSTANDING THE PROVISIONS OF RULE 4.1, EACH CONTRIBUTION
8 RECEIVED FROM AN LLC SHALL BE LISTED INDIVIDUALLY ON DISCLOSURE
9 REPORTS, REGARDLESS OF THE DOLLAR AMOUNT. DISCLOSURE SHALL
10 INCLUDE THE NAME AND ADDRESS OF THE LLC.

11 4.21.6 PURSUANT TO SECTION 1-45-103.7(5)(D)(II), C.R.S., ANY CONTRIBUTION
12 FROM AN LLC THAT IS ATTRIBUTED TO ITS INDIVIDUAL MEMBER(S) SHALL BE
13 SUBJECT TO THE CONTRIBUTION LIMITS ESTABLISHED IN SECTION 3 OF
14 ARTICLE XXVIII OF THE COLORADO CONSTITUTION, AS ADJUSTED BY
15 RULE 12, FOR THE LLC AND FOR THE INDIVIDUAL MEMBER(S) THAT THE
16 CONTRIBUTION IS ATTRIBUTED TO.

17 4.21.6.1 NOTWITHSTANDING THE AMOUNTS ATTRIBUTED TO EACH
18 INDIVIDUAL MEMBER OF AN LLC, NO LLC SHALL BE PERMITTED TO
19 MAKE A CONTRIBUTION THAT EXCEEDS THE LIMIT FOR A "PERSON"
20 ESTABLISHED IN SECTION 3 OF ARTICLE XXVIII OF THE COLORADO
21 CONSTITUTION, AS ADJUSTED BY RULE 12.

22 Rule 6.4 would be repealed as follows:

23 6.4 ~~REPEALED. Political organizations.~~

24 ~~6.4.1 If any person believes that a political organization has violated the~~
25 ~~provisions of section 1-45-108.5, C.R.S., the person may file a written~~
26 ~~complaint with the Secretary of State.~~

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

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

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

37 Rule 10 would be amended as follows:

1 **10. Recall Elections for State Office**

2 New rules 10.5 and 10.6 would be adopted as follows:

3 **10.5** ANY ISSUE COMMITTEE WHOSE PURPOSE IS TO SUPPORT OR OPPOSE THE RECALL OF
4 ANY ELECTED OFFICIAL SHALL FOLLOW THE FILING CALENDAR ESTABLISHED IN 1-
5 45-108 (6), C.R.S.

6 **10.6** ANY POLITICAL COMMITTEE SUPPORTING OR OPPOSING ANY CANDIDATE, IN A
7 RECALL ELECTION, SHALL FOLLOW THE FILING CALENDAR ESTABLISHED IN 1-45-
8 108 (2.7), C.R.S.

9 New rule 13 would be adopted as follows:

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

12 **13.1** IN ACCORDANCE WITH THE DISCLOSURE REQUIREMENTS SET FORTH IN 1-45-110
13 (2)(A) AND (B), C.R.S., A CANDIDATE SHALL NOT BE REQUIRED TO FILE A
14 DISCLOSURE STATEMENT IF THE CANDIDATE FILED EITHER A COMPLETE OR
15 AMENDED DISCLOSURE STATEMENT LESS THAN NINETY DAYS PRIOR TO FILING A
16 CANDIDATE AFFIDAVIT.

17 **13.2** IF A CANDIDATE AFFIDAVIT IS FILED NINETY DAYS OR MORE AFTER FILING A
18 DISCLOSURE STATEMENT, AN AMENDED DISCLOSURE STATEMENT SHALL SATISFY
19 THE DISCLOSURE REQUIREMENTS.

20 **13.3** IF A CANDIDATE WITHDRAWS FROM CANDIDACY BY SUBMITTING APPROPRIATE
21 DOCUMENTATION BEFORE FILING THE DISCLOSURE STATEMENT REQUIRED IN
22 SECTION 1-45-110 (2)(A), C.R.S., SUCH CANDIDATE SHALL NOT BE REQUIRED TO
23 FILE A DISCLOSURE STATEMENT, BUT ANY FINES THAT THE CANDIDATE ACCRUED,
24 FOR FAILURE TO FILE A DISCLOSURE STATEMENT PRIOR TO WITHDRAWING SHALL
25 REMAIN IN EFFECT.