



NOTICE OF ADOPTION

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

September 17, 2009

Pursuant to Article XXVIII, Section 9(1)(b) of the Colorado Constitution and section 1-45-111.5(1), C.R.S. (2008), and the rulemaking provisions of the State Administrative Procedure Act, section 24-4-103 C.R.S. (2008), I, Bernie Buescher, Colorado Secretary of State, do hereby adopt and give NOTICE of the permanent rule adoption this 17th day of September, 2009, 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~~):

Rule 1.6 is amended as follows:

Rule 1.6 is repealed as follows:

- 1.6 ~~“Issue”, as used in Article XXVIII of the Colorado Constitution and Article 45 of Title 1, C.R.S., shall mean a “ballot issue” or “ballot question” as such terms are defined in section 1-1-104(2.3) and (2.7), C.R.S. For the purposes Article XXVIII, section 2(10) of the Colorado Constitution, a matter shall be considered an “issue” at the earliest of the following:~~
- ~~a. — It has had a title designated and fixed in accordance with law;~~
 - ~~b. — It has been referred to the voters by a governing board or the general assembly;~~
 - ~~c. — In the case of a citizen referendum petition, it has been submitted for format approval in accordance with law;~~
 - ~~d. — A petition has been circulated and signed by at least one person; except that, where a matter becomes an “issue” upon such signing, a person or persons opposing such issue shall not be considered an “issue committee” until one such person knows or has reason to know of the circulation; or~~
 - ~~e. — A signed petition has been submitted to the appropriate election official in accordance with law. REPEALED.~~

Rule 1.14 is amended as follows:

1.14 ~~“Signature”, for purposes of any report filed electronically with the secretary of state, means the committee’s identification number, and “signing”, means the electronic transmission of the committee’s identification number to the secretary of state with the report being filed~~ THE DESIGNATED REPRESENTATIVE HAS ELECTRONICALLY SUBMITTED THE REPORT THROUGH THE ONLINE FILING SYSTEM.

Rules 2.1, 2.3, 2.4, and 2.5 are amended as follows

- 2.1 When a committee registration form is received AND DEEMED COMPLETE by the appropriate filing officer, an identification number will be assigned and a letter OR EMAIL of acknowledgement will be sent by the appropriate filing officer to the registered agent on file ~~informing him/her of the identification number.~~ The registered agent for any issue committee, political committee, small donor committee, or political party shall sign the committee’s registration form and all disclosure reports. [1-45-108(3) through (6)]
- 2.3 A registered agent resigning from a political committee, issue committee, small donor committee, or political party shall file a letter of resignation with the appropriate filing officer and the committee or party via certified mail. A REGISTERED AGENT FOR A CANDIDATE COMMITTEE, WHO IS NOT THE CANDIDATE, SHALL FILE A LETTER OF RESIGNATION WITH THE APPROPRIATE FILING OFFICER AND THE CANDIDATE OF THE CANDIDATE COMMITTEE VIA CERTIFIED MAIL. The letter of resignation to the appropriate filing officer shall BE FILED WITHIN SEVEN BUSINESS DAYS OF RESIGNATION AND SHALL include the certified mail receipt number sent to the committee or party and the contact information for the committee or party. In accordance with Rule 3.1, the committee or party shall file an amended committee registration form within five days of ~~such change~~ RECEIPT OF THE LETTER OF RESIGNATION. IF THE REGISTERED AGENT DOES NOT PROVIDE THE COMMITTEE NOTICE OF RESIGNATION AS REQUIRED BY THIS RULE, THE COMMITTEE SHALL FILE THE AMENDED COMMITTEE REGISTRATION FORM WITHIN FIVE DAYS OF BECOMING AWARE THAT THE AGENT HAS RESIGNED. [1-45-108(3)(b)]
- 2.4 The purpose or nature of interest of the committee or party shall be included. A candidate committee shall identify the NAME OF THE CANDIDATE AND THE specific elective office sought upon registration. A political committee or small donor committee shall identify the types of candidates being supported or opposed, such as party affiliation or public policy position, and if known, the specific candidates being supported or opposed. TERMS DESCRIBING TYPES OF CANDIDATES SHALL BE DESCRIPTIVE IN PROVIDING DISCLOSURE OF THE COMMITTEE’S PURPOSE. IT IS NOT SUFFICIENT TO IDENTIFY CANDIDATE TYPES BY LISTING THE JURISDICTION OR OFFICE SOUGHT, SUCH AS “LEGISLATIVE CANDIDATES” OR “STATEWIDE CANDIDATES.”
- 2.5 An issue committee may support or oppose more than one issue without having to open numerous campaign accounts and file numerous committee registration forms if the following conditions are met: the specific issues are included on the committee registration form at such time as an issue meets the provisions of ~~Rule 1.6~~ SECTION 1-45-108(7), C.R.S.; no generic phraseology may be used once such an issue is known (i.e.: Support or oppose issues affecting the basic rights of cattle); and the registration form states whether the committee will be supporting or opposing said issues. [Article XXVIII, Section 2(10)(a)(I) and (2)(10)(a)(II)]

Effective January 1, 2010, Rules 2.10 are amended and Rule 2.11 is repealed as follows:

2.10 In accordance with the procedures set out in the “State Administrative Procedure Act” (Article 4 of Title 24, Colorado Revised Statutes), the secretary of state may close an inactive committee after two years of non-reporting. A committee shall be deemed inactive for the purpose of this rule after such committee has failed to file any reports with the appropriate filing officer for two consecutive years. [Article XXVIII, Section 2(3), and C.R.S. 24-4-105]

2.10.1 ~~A county clerk and recorder or municipal clerk designated as a committee’s appropriate filing officer pursuant to section 1-45-109, C.R.S., may request the secretary of state to close a committee pursuant to this Rule. Such request shall be submitted in writing and contain a statement from the county clerk and recorder or municipal clerk that no disclosure reports have been received for at least two years either manually or electronically from such committee, and any other information that is relevant.~~

2.11 ~~The “appropriate filing officer” for a political committee whose purpose is to support or oppose school board candidates or an issue committee whose purpose is to support or oppose a ballot issue, question, or measure for a school district not wholly contained within a single county shall be the county clerk and recorder of the county where the school district administrative offices are located. REPEALED.~~

Rule 3.4 is amended as follows:

3.4 A committee may terminate if the following conditions are met: the candidate or committee no longer intends to receive contributions or make expenditures; a zero balance is achieved by having no cash OR ASSETS on hand and no outstanding debts or obligations; and the candidate or committee files a termination statement of contributions and expenditures. ASSETS REMAINING IN POSSESSION OF A COMMITTEE PRIOR TO TERMINATION MAY BE DISPOSED OF IN THE SAME MANNER AS ALLOWED FOR UNEXPENDED CONTRIBUTIONS. A termination statement may be filed at any time. [Article XXVIII, Section 2(3) and 1-45-106]

Rule 3.7 is amended as follows:

3.7 Unexpended campaign contributions to ~~local~~ candidate committees NOT SUBJECT TO THE LIMITS SET FORTH IN ARTICLE XXVIII, SECTION 3 may not be contributed to a ~~state~~ candidate committee THAT IS SUBJECT TO SUCH LIMITS.

Rule 4.11 is repealed as follows:

4.11 ~~For purposes of complying with the requirement of Article XXVIII, Section 5, that a notice of independent expenditure include “a detailed description of the use of such independent expenditure”, such notice is sufficient if it includes an identification of the payee of the expenditure, the medium used for the communication, the date or dates for broadcast, delivery, or publication of the communication, and either the complete written text or~~

~~transcript of the communication produced by the expenditure or a summary of the major points contained within the communication. REPEALED~~

[Relocated verbatim to new Rule 14.]

Rule 4.3 is amended as follows:

4.3 Contributions – when counted.

- a. A contribution is considered made or received as of the date that it is accepted by the committee or party. In the case of a contribution by check or credit card, the date accepted is the date that the contribution is deposited into the committee's or party's account. ANY CONTRIBUTION IN THE FORM OF A CHECK RECEIVED BY A COMMITTEE OR 527 POLITICAL ORGANIZATION AT LEAST FIVE BUSINESS DAYS PRIOR TO THE END OF A REPORTING PERIOD MUST BE DEPOSITED OR RETURNED TO THE CONTRIBUTOR BY THE CLOSE OF THAT REPORTING PERIOD.
- b. However, for purposes of section 1-45-105.5, concerning contributions by lobbyists to certain state officers and candidates when legislation is under consideration, a contribution is considered made or promised when possession of the check is transferred to any person not under the control of the issuer.

Rule 4.5 is amended as follows:

4.5 Loans received by a committee or party

- a. All loans received by a committee or party must be reported continuously until repaid. [Article XXVIII, Section 3(8)]
- b. Notwithstanding Article XXVIII, Section 3(8), a candidate may make a loan to his or her candidate committee. Such loan shall be at no interest. In accordance with the definition of "contribution" in Article XXVIII, section 2(5), the amount of the loan is a contribution from the candidate to the committee, but the interest-free use of such loan by the committee is not a contribution to the committee.
- c. Any repayment of a loan shall be considered a returned contribution, except that interest repaid for a loan made pursuant to Article XXVIII, Section 3(8) shall be reported as an expenditure by the ~~candidate~~ committee.
- d. A loan made by a candidate to the candidate's own committee may be forgiven by the candidate. The amount of unpaid debt forgiven by the candidate shall remain a contribution and shall not be considered a returned contribution.
- e. Loans made from a financial institution to a candidate committee pursuant to Article XXVIII, Section 3(8) shall not be forgiven.

Rule 4.8 is amended as follows:

4.8 FOR ANY ~~Any contributions~~ CONTRIBUTION received in excess of contribution limits, NEITHER THE CONTRIBUTOR NOR THE RECEIVING COMMITTEE SHALL BE LIABLE FOR EXCEEDING THE CONTRIBUTION LIMIT IF THE EXCESS AMOUNT IS ~~shall be returned~~ to the contributor within thirty (30) days.

New Rule 4.24 is adopted as follows:

4.24 IF A PRIMARY ELECTION IS CANCELLED IN ACCORDANCE WITH SECTION 1-4-104.5(1), A CANDIDATE COMMITTEE MAY ACCEPT THE CONTRIBUTION LIMIT SPECIFIED IN ARTICLE XXVIII, SECTION 3(1) FOR THE PRIMARY ELECTION IN WHICH THE CANDIDATE WHOSE NAME THE CANDIDATE COMMITTEE IS ACCEPTING CONTRIBUTIONS FOR IS ELIGIBLE TO BE ON THE PRIMARY ELECTION BALLOT. IN ACCORDANCE WITH SECTION 1-45-103.7(3) SUCH CONTRIBUTIONS MAY BE ACCEPTED AT ANY TIME BEFORE OR AFTER THE PRIMARY ELECTION WAS CANCELLED.

Effective January 1, 2010, Rules 5.7, 5.8, 5.9, and 5.10 are amended as follows:

5.7 The reporting period for any ~~quarterly, monthly, or biweekly~~ report begins on the first day following the last day of the reporting period for the previous report filed with the ~~secretary of state~~ APPROPRIATE OFFICER. [1-45-108(2)(c)]

5.8 Special district elections.

a. ~~For r~~Reports relating to special district elections that are required to be filed with the county clerk and recorder shall be required ~~only~~ on the 21st day prior to, and on the Friday prior to, and on the 30th day after the date of the regular election. [1-45-109(1)(A)(II) AND (1)(C)]

b. ~~Reports relating to special district elections that are required to be filed with the secretary of state shall be subject to quarterly, monthly, and biweekly reporting as provided in section 1-45-108(2)(a)(I) if the major elections for such special district occur on the date of the general election. If the major elections for such special district occur at any other time, then reports shall be required only on the 21st day prior to, on the Friday prior to, and on the 30th day after the date of the regular election. REPEALED.~~

5.9 The reporting period for any report that is required to be filed ~~with the county clerk and recorder~~ PURSUANT TO SECTIONS 1-45-109(1)(A)(II) AND (1)(C) shall close five calendar days prior to the date that the report is due.

5.10 For purposes of section 1-45-108(2)(d), which exempts a candidate committee for a former officeholder or person not elected to office from reporting if there is no change in the balance of funds maintained by such committee and if certain other conditions are met, a change in the balance of funds resulting solely from the accrual of interest or dividends to the account and/or the automatic deduction of periodic service fees does not subject such candidate committee to the reporting requirements of section 1-45-108, C.R.S., except that such candidate committee shall file an annual report for each calendar year. ~~State candidate committees shall file such report not later than January 15th of the following year, and~~

~~county and municipal candidate committees shall file such report in accordance with section 1-45-108(2)(a)(II), C.R.S.~~ Candidate committees that choose this option must notify, in writing, the appropriate filing officer of their intent. [1-45-108(2)(c) and (2)(d)]

- A. STATE CANDIDATE COMMITTEES SHALL FILE SUCH REPORT NOT LATER THAN JANUARY 15TH OF THE FOLLOWING YEAR.
- B. ALL OTHER CANDIDATE COMMITTEES SHALL FILE SUCH REPORT ON THE FIRST DAY OF THE MONTH IN WHICH THE ANNIVERSARY OF THE MAJOR ELECTION OCCURS, IN ACCORDANCE WITH SECTION 1-45-108(2)(A)(II), C.R.S.

Effective January 1, 2010, Rule 5.11 is repealed as follows:

- 5.11 ~~County political party organizations shall file required reports pursuant to section 1-45-108 (2)(a)(II) with the county clerk and recorder for their jurisdiction. State political party organizations shall file required reports pursuant to section 1-45-108 with the secretary of state.~~ REPEALED.

Rule 6.1 is amended as follows:

- 6.1 If the appropriate officer, as defined in Section 2(1) of Article XXVIII, discovers IN THE ORDINARY COURSE OF HIS OR HER DUTIES IN MAINTAINING A CAMPAIGN FINANCE FILING SYSTEM a possible violation of Article XXVIII or Title 1, Article 45, and no complaint alleging such violation has been filed with the secretary of state pursuant to Article XXVIII, Section 9(2)(a), then the appropriate officer shall:
 - a. Provide the person believed to have committed the violation with written notice of the facts or conduct that constitute the possible violation, and
 - b. Allow seven business days to correct the violation or to submit written statements explaining the reasons that support a conclusion that a violation was not committed.

Effective January 1, 2010, Rules 8.1, 8.2, and 8.3 are amended as follows:

- 8.1 The special district designated election official or, as applicable, the presiding officer or the secretary of the board of directors, under section 32-1-804.3(5), C.R.S., shall provide to the SECRETARY OF STATE ~~county clerk and recorder of the county in which the district court having jurisdiction over the special district pursuant to section 32-1-303, C.R.S., is located,~~ the self-nomination and acceptance forms and letters, and affidavits of intent to be a write-in candidate no later than the date established for certification of the special district's ballot pursuant to section 1-5-203(3)(a), C.R.S.
- 8.2 If a candidate for a special district office fails to file a candidate affidavit, or the filed self-nomination and acceptance form or letter, or the affidavit of intent to be a write-in candidate does not contain the statement required by section 1-45-110(1), C.R.S., the ~~county clerk and recorder~~ SECRETARY OF STATE shall mail the special district a copy of the notification to the candidate regarding pending disqualification sent pursuant to section 1-45-110(3).

8.3 ~~The clerk and recorder's~~ SECRETARY OF STATE'S receipt of the self-nomination and acceptance form or letter or the affidavit of intent to be a write-in candidate shall be deemed to be filed by the candidate; ~~provided, however, that.~~ Nothing in this rule shall be deemed or construed to impose any duty on a designated election official, presiding officer, or secretary to file any document on behalf of any candidate or to relieve any candidate of any obligation to file any document required by the fair campaign practices act, article XXVIII, or other law.

The title to Rule 10 is amended as follows:

10. Recall Elections ~~for State Office~~

Rule 10.2 is amended as follows:

10.2 The reporting period for committees participating in the recall election shall BEGIN ON THE DATE THE RECALL PETITION IS APPROVED BY THE DESIGNATED ELECTION OFFICIAL FOR CIRCULATION PURSUANT TO SECTION 1-12-108, C.R.S. REPORTING PERIODS FOR ALL REPORTS RELATING TO THE RECALL ELECTION SHALL close five calendar days prior to the date that the report is due.

Rule 10.5 would be amended as follows:

10.5 NOTWITHSTANDING SECTION 1-45-108(6), C.R.S., ANY ~~Any~~ issue committee whose purpose is to support or oppose the recall of any elected official shall REGISTER WITHIN TEN CALENDAR DAYS OF ACCEPTING OR MAKING CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF TWO HUNDRED DOLLARS IN ACCORDANCE WITH SECTION 1-45-108(3.3), C.R.S. SUCH COMMITTEE SHALL OTHERWISE follow the filing calendar established in section 1-45-108 (6), C.R.S.

Rule 11.2 is amended as follows:

11.2 In accordance with section 24-21-111, C.R.S., reports are not required to be filed electronically in ~~any~~ EITHER of the following circumstances:

~~11.2.1 An individual report contains fewer than thirty (30) entries.~~

11.2.2.1 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 the first applicable filing deadline in the election cycle, unless the exception is based on emergency circumstances arising after such deadline, in which case the nature of the emergency shall be described in the application. The filing of an application for exception based on emergency circumstances does not delay any reporting deadlines, however, if a penalty is imposed for failure to file a report on the date due, the penalty may be set aside or reduced in accordance with section 10(2) of Article XXVIII. The

Secretary of State shall review and respond in writing to all applications for an exception within three (3) business days.

11.2-3.2 The report is filed using the secretary of state's Electronic Data Interface (EDI) upon approval of the secretary of state.

New Rule 11.5 is adopted as follows:

11.5 THE TRANSPARENCY IN CONTRIBUTION AND EXPENDITURE REPORTING ELECTRONIC FILING SYSTEM, KNOWN AS "TRACER", WILL ATTEMPT TO IDENTIFY POTENTIAL VIOLATIONS AS AN AID TO FILING BY DISPLAYING WARNING MESSAGES WHEN CONTRIBUTIONS OR EXPENDITURES APPEAR TO VIOLATE ARTICLE XXVIII OF THE COLORADO CONSTITUTION OR ARTICLE 45 OF TITLE 1, C.R.S. HOWEVER, FILERS ARE ULTIMATELY RESPONSIBLE FOR COMPLIANCE WITH THE LAW AND THESE RULES REGARDLESS OF WHETHER THE SYSTEM IDENTIFIES OR FAILS TO IDENTIFY A POTENTIAL VIOLATION.

New rule 14 is adopted as follows:

Rule 14. Independent Expenditures

14.1 FOR PURPOSES OF COMPLYING WITH THE REQUIREMENT OF ARTICLE XXVIII, SECTION 5, THAT A NOTICE OF INDEPENDENT EXPENDITURE INCLUDE "A DETAILED DESCRIPTION OF THE USE OF SUCH INDEPENDENT EXPENDITURE", SUCH NOTICE IS SUFFICIENT IF IT INCLUDES AN IDENTIFICATION OF THE PAYEE OF THE EXPENDITURE, THE MEDIUM USED FOR THE COMMUNICATION, THE DATE OR DATES FOR BROADCAST, DELIVERY, OR PUBLICATION OF THE COMMUNICATION, AND EITHER THE COMPLETE WRITTEN TEXT OR TRANSCRIPT OF THE COMMUNICATION PRODUCED BY THE EXPENDITURE OR A SUMMARY OF THE MAJOR POINTS CONTAINED WITHIN THE COMMUNICATION.

[RELOCATED VERBATIM FROM RULE 4.11]

14.2 FOR THE PURPOSES OF SECTION 5, ARTICLE XXVIII, A CANDIDATE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, POLITICAL PARTY, OR 527 POLITICAL ORGANIZATION THAT IS REGISTERED WITH THE SECRETARY OF STATE OR A COUNTY CLERK AND RECORDER THAT OBLIGATES FUNDS EXCEEDING \$1,000 FOR ANY SINGLE INDEPENDENT EXPENDITURE MORE THAN 30 DAYS PRIOR TO A PRIMARY OR GENERAL ELECTION SHALL NOTIFY THE SECRETARY OF STATE BY DISCLOSING SUCH EXPENDITURE ON THE COMMITTEE'S OR ORGANIZATION'S REGULARLY SCHEDULED DISCLOSURE REPORT FOR THAT REPORTING PERIOD.

14.3 FOR THE PURPOSES OF SECTION 5, ARTICLE XXVIII, ANY PERSON WHO IS OTHERWISE NOT REQUIRED TO FILE REPORTS WITH THE SECRETARY OF STATE OR COUNTY CLERK AND WHO OBLIGATES FUNDS EXCEEDING \$1,000 FOR ANY SINGLE INDEPENDENT EXPENDITURE MORE THAN 30 DAYS PRIOR TO A PRIMARY OR GENERAL ELECTION SHALL DELIVER NOTICE TO THE SECRETARY OF STATE IN ACCORDANCE WITH THE REPORTING SCHEDULE ESTABLISHED FOR POLITICAL PARTIES IN SECTION 1-45-108 (2), C.R.S.

14.4 NOTWITHSTANDING RULES 14.1 AND 14.2, ANY PERSON (INCLUDING A NATURAL PERSON, ENTITY, CANDIDATE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, POLITICAL PARTY, OR 527 POLITICAL ORGANIZATION) WHO OBLIGATES FUNDS IN ANY AMOUNT

FOR AN INDEPENDENT EXPENDITURE, FEWER THAN 31 DAYS BEFORE A PRIMARY OR GENERAL ELECTION, SHALL DELIVER NOTICE TO THE SECRETARY OF STATE WITHIN 48 HOURS OF OBLIGATING FUNDS FOR SUCH EXPENDITURE.

Unless otherwise stated, 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 17th day of September, 2009,



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

For

Bernie Buescher
Colorado Secretary of State



Statement of Basis, Purpose and Specific Statutory Authority

Office of the Secretary of State Campaign and Political Finance Rules

September 17, 2009

1. Basis and Purpose

This statement pertains to the amendments to the Colorado Secretary of State "Rules Concerning Campaign and Political Finance." The amendments and revisions to these rules are necessary to achieve the uniform and proper administration and enforcement of the campaign and political finance laws of the State of Colorado, including 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 rules is necessary to answer questions arising under Article XXVIII of the Colorado Constitution and Article 45 of Title 1, Colorado Revised Statutes, and to implement amendments to the campaign and political finance laws made during the 2009 first regular session of the 67th General Assembly.

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

- Rule 1.6 is repealed as a result of the statutory amendments implemented by House Bill 09-1153 that codified in statute the definition of an "issue." As a result, the rule is no longer necessary. The revision to Rule 2.5 is a corresponding amendment to provide a correct citation.
- Amendments to Rule 1.14 clarify that placing an agent or candidate's signature on an electronically filed report is accomplished by using the Secretary of State's Transparency in Contribution and Expenditure Reporting electronic filing system, known as "TRACER."
- The amendments to Rule 2.1 ensure that a committee registration form must be complete before the appropriate filing officer accepts the registration. The amendment further clarifies that the appropriate officer may send acknowledgement of receipt by email if the committee provides an email address for such communication.
- The amendments to Rule 2.3 establish a process and associated timeframe for notifying a committee and the appropriate filing officer that a registered agent has resigned from his or her duties. These amendments also clarify the filing process when an agent fails to notify the committee of his or her resignation.
- The amendments to Rule 2.4 are necessary to provide additional transparency regarding the nature and purpose of a candidate committee. In particular, the rule requires the candidate committee to specifically describe its purpose including providing the candidate name if known.
- In accordance with House Bill 09-1357 and effective January 1, 2010, the amendments to Rules 2.10, 2.11, 5.7, 5.8, 5.9, 5.10, 5.11, 8.1, 8.2, and 8.3 require centralization of disclosure reports. Specifically, reports required to be filed with the County Clerk and Recorder must be filed instead with the Secretary of State.

- The revisions to Rule 3.4 are necessary to provide an approved means for a committee to dispose of accumulated assets in anticipation of a committee's termination.
- The amendments to Rule 3.7 clarify that funds raised by a candidate committee that is subject to contribution limits may not be contributed to a committee for a different office formed by the same individual, if the new committee would be subject to contribution limits.
- The amendments to Rule 4.3 are necessary to establish a timeframe for depositing or returning contributions received by committees and 527 political organizations. The revisions increase transparency and ensure that contributions are reported within a reasonable timeframe
- The amendment to Rule 4.5 is a technical amendment that clarifies that the requirements of paragraph (c) apply to all committees.
- The amendments to Rule 4.8 clarify that a committee that receives a contribution in excess of established limits is not liable for exceeding the contribution limits if the committee returns the excess amount within 30 days.
- The adoption of Rule 4.24 clarifies that candidates participating in primary elections may accept contributions for the primary and general elections, even if the primary election is cancelled in accordance with section 1-4-104.5 (1), C.R.S., because there are no contested races for any office on the primary election ballot.
- The amendments to Rule 6.1 are necessary to clarify the manner in which the appropriate officer "discovers" a violation for the purpose of inquiring and providing the possible violator an opportunity to explain and resolve the possible violation. The rule clarifies that the appropriate officer may act if he/she discovers the apparent violation in the normal course of conducting his or her duties of receiving and accepting campaign finance filings, as required by law. The Secretary of State has consistently implemented this rule, in accordance with the November 1999 original stated purpose of the rule, to provide clarification regarding what action the Secretary of State may take alternative to filing a formal complaint when he or she discovers a possible violation in the ordinary course of receiving and accepting committee reports.
- The amendments to Rule 10.2 are necessary to clarify the beginning of the initial reporting period for committees participating in a recall election.
- The amendments to Rule 10.5 harmonize conflicting provisions found in section 1-45-108, C.R.S., regarding when an issue committee participating in a recall election must register. The amendment provides clarification until the conflicting provision may be resolved legislatively.
- The amendments to Rule 11.2 enhance transparency and provide efficiencies in disclosure by requiring that all campaign finance disclosure filings submitted to the Secretary of State be filed electronically.
- The adoption of Rule 11.5 clarifies that, while the Secretary of State's TRACER disclosure system will attempt to assist filers by identifying potential violations of law, the registered agent or candidate, as appropriate, is ultimately responsible for compliance.
- The adoption of new Rule 14 provides clarification regarding applicability and filing deadlines for Notices of Independent Expenditures. Correspondingly, Rule 4.11 is repealed and relocated verbatim to new Rule 14 to consolidate all rules regarding independent expenditures.

2. Rulemaking Authority

Amendments to the Colorado 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., (2008), 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., (2008), 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.].”