

COLORADO SECRETARY OF STATE

[8 CCR 1505-6]

RULES CONCERNING CAMPAIGN AND POLITICAL FINANCE

Revised Draft of Proposed Rules

February 18, 2011

Disclaimer: This draft supersedes the Preliminary Draft that was issued with the Notice of Proposed Rulemaking on January 14, 2011. The rulemaking hearing to be conducted on February 24, 2011, will use this Revised 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. Proposed deletions from current rules are shown in ~~stricken type~~. **Shading** indicates revisions from the previous draft. Annotations may be included.*

1 Rule 6.3 would be amended as follows:

2 6.3 A written complaint filed with the ~~secretary of state~~ SECRETARY OF STATE pursuant to
3 Article XXVIII, Section 9(2)-(a) shall include the following: the name, address, and
4 signature of the complainant (if the complainant is represented by counsel, such counsel’s
5 name, address, and signature shall be included along with the name, address, and
6 signature of the complainant); the name and address of each respondent alleged to have
7 committed a violation; and the particulars of the violation. A complaint may be
8 submitted by fax or electronic mail if a signed original is received by the ~~secretary of~~
9 ~~state~~ SECRETARY OF STATE no later than five calendar days thereafter. If the complaint is
10 complete, the ~~secretary of state~~ SECRETARY OF STATE shall promptly transmit the
11 complaint to the ~~Division of Administrative Hearings~~ OFFICE OF ADMINISTRATIVE
12 COURTS in the Department of Personnel and Administration for the consideration by an
13 administrative law judge, which will notify the respondents of the filing of the complaint
14 and which will issue all other appropriate notices to the parties. [Article XXVIII, Section
15 9(2)(a)]

16 Rule 8.1 would be amended as follows:

17 8.1 The special district designated election official or, as applicable, the presiding officer or
18 the secretary of the board of directors, under section 32-1-804.3(5), C.R.S., shall provide
19 to the Secretary of State the self-nomination and acceptance forms and letters, and

1 affidavits of intent to be a write-in candidate no later than the date established for
2 certification of the special district's ballot pursuant to section 1-5-203(3)(a), C.R.S. THIS
3 RULE SHALL NOT APPLY IF THE SPECIAL DISTRICT CANCELS THE ELECTION.

4 Rule 12 would be amended as follows:

5 12.1 Calculation of adjustments.

6 ~~12.1.1~~A. In accordance with sections 3(13) and 4(7) of Article XXVIII of the Colorado
7 Constitution, limits on contributions set forth in section 2(14) and subsections (1),
8 (2), (3), and (5) of section 3, and the voluntary limits on spending set forth in
9 section 4(1), are adjusted ~~in the first quarter of 2007 and shall be adjusted~~ every
10 four years ~~thereafter~~, based on the percentage change in the consumer price index
11 for the Denver-Boulder-Greeley area, over the four year period immediately
12 preceding the adjustment.

13 ~~12.1.2~~B. In determining the adjusted amount, the percentage change in the consumer
14 price index is rounded to the nearest whole percentage point. In accordance with
15 sections 3(13) and 4(7), Article XXVIII of the Colorado Constitution, the adjusted
16 limits are rounded to the nearest, lowest ~~twenty-five dollars (\$25)~~.

17 12.2 ADJUSTED LIMITS MADE IN THE FIRST QUARTER OF 2007 AND EFFECTIVE THROUGH THE
18 FIRST QUARTER OF 2011:

19 ~~12.2~~A. There is no adjustment to the contribution limits on individual donations to small
20 donor committees outlined in section 2(14), Article XXVIII of the Colorado
21 Constitution.

22 ~~12.3~~B. The aggregate limits on contributions from any person for a primary or a general
23 election, described in section 3(1), Article XXVIII of the Colorado Constitution,
24 are adjusted as follows:

25 a. ~~(I)~~ ~~Five hundred twenty-five dollars (\$525)~~ to any one:

26 ~~(F)~~ 1. Governor candidate committee for the primary election, and
27 governor and lieutenant governor candidate committee, as joint
28 candidates under SECTION 1-1-104, C.R.S., or any successor
29 section, for the general election;

30 ~~(H)~~ 2. Secretary of state, state treasurer, or attorney general candidate
31 committee.

32 b. ~~(II)~~ There is no adjustment to the limits on contributions to any one state
33 senate, state house of representatives, state board of education, regent of
34 the university of Colorado, or any district attorney candidate committee.

- 1 ~~12.4~~—C. The aggregate limits on contributions from a small donor committee for a primary
2 or a general election, described in section 3(2), Article XXVIII of the Colorado
3 Constitution, are adjusted as follows:
- 4 a.—(I) ~~Five thousand three hundred dollars (\$5,300)~~ to any one:
- 5 (I)—1. Governor candidate committee for the primary election, and
6 governor and lieutenant governor candidate committee, as joint
7 candidates under SECTION 1-1-104, C.R.S., or any successor
8 section, for the general election;
- 9 (II)—2. Secretary of state, state treasurer, or attorney general candidate
10 committee; and
- 11 b.—(II) ~~Two thousand one hundred, twenty five dollars (\$2,125)~~ to any one state
12 senate, state house of representatives, state board of education, regent of
13 the university of Colorado, or any district attorney candidate committee.
- 14 ~~12.5~~—D. The aggregate limits on contributions from any person to a political party,
15 described in section 3(3)(a), Article XXVIII of the Colorado Constitution, are
16 adjusted as follows:
- 17 a.—(I) ~~Three thousand one hundred seventy five dollars (\$3,175)~~ per year at the
18 state, county, district, and local level combined; and
- 19 b.—(II) Of such, no more than ~~two thousand six hundred fifty dollars (\$2,650)~~ at
20 the state level.
- 21 ~~12.6~~—E. The aggregate limits on contributions from a small donor committee to a political
22 party, described in section 3(3)(b), Article XXVIII of the Colorado Constitution,
23 are adjusted as follows:
- 24 a.—(I) ~~Fifteen thousand nine hundred dollars (\$15,900)~~ per year at the state,
25 county, district, and local level combined; and
- 26 b.—(II) Of such, no more than ~~thirteen thousand two hundred fifty dollars~~
27 ~~(\$13,250)~~ at the state level.
- 28 ~~12.7~~—F. The aggregate limits on pro-rata contributions or dues made to political
29 committees, described in section 3(5), Article XXVIII of the Colorado
30 Constitution, are adjusted to ~~five hundred twenty five dollars (\$525)~~ per house of
31 representatives election cycle.
- 32 ~~12.8~~—G. The voluntary spending limits for a candidate described in section 4(1), Article
33 XXVIII of the Colorado Constitution are adjusted as follows:
- 34 a.—(I) The spending limit for governor, and governor and lieutenant governor as
35 joint candidates under SECTION 1-1-104, C.R.S., or any successor section

1 shall be adjusted to ~~two million six hundred fifty thousand dollars~~
2 (\$2,650,000).

3 b.——(II) The spending limit for a candidate for secretary of state, attorney general,
4 or treasurer shall be adjusted to ~~five hundred thirty thousand dollars~~
5 (\$530,000).

6 e.——(III) The spending limit for a candidate for state senate shall be adjusted to
7 ~~ninety five thousand four hundred dollars~~ (\$95,400).

8 d.——(IV) The spending limit for a candidate for state house of representatives, state
9 board of education, regent of the university of Colorado or district attorney
10 shall be adjusted to ~~sixty eight thousand, nine hundred dollars~~ (\$68,900).

11 12.3 ADJUSTED LIMITS MADE IN THE FIRST QUARTER OF 2011 AND EFFECTIVE UNTIL THE NEXT
12 ADJUSTMENT IS MADE IN 2015:

13 A. THERE IS NO ADJUSTMENT TO THE CONTRIBUTION LIMITS ON INDIVIDUAL
14 DONATIONS TO SMALL DONOR COMMITTEES OUTLINED IN SECTION 2(14), ARTICLE
15 XXVIII OF THE COLORADO CONSTITUTION.

16 B. THE AGGREGATE LIMITS ON CONTRIBUTIONS FROM ANY PERSON FOR A PRIMARY OR
17 A GENERAL ELECTION, DESCRIBED IN SECTION 3(1), ARTICLE XXVIII OF THE
18 COLORADO CONSTITUTION, ARE ADJUSTED AS FOLLOWS:

19 (I) ~~\$550XX~~ TO ANY ONE:

20 1. GOVERNOR CANDIDATE COMMITTEE FOR THE PRIMARY ELECTION,
21 AND GOVERNOR AND LIEUTENANT GOVERNOR CANDIDATE
22 COMMITTEE, AS JOINT CANDIDATES UNDER SECTION 1-1-104, C.R.S.,
23 OR ANY SUCCESSOR SECTION, FOR THE GENERAL ELECTION;

24 2. SECRETARY OF STATE, STATE TREASURER, OR ATTORNEY GENERAL
25 CANDIDATE COMMITTEE.

26 (II) THERE IS NO ADJUSTMENT TO THE LIMITS ON CONTRIBUTIONS TO ANY ONE
27 STATE SENATE, STATE HOUSE OF REPRESENTATIVES, STATE BOARD OF
28 EDUCATION, REGENT OF THE UNIVERSITY OF COLORADO, OR ANY DISTRICT
29 ATTORNEY CANDIDATE COMMITTEE.

30 C. THE AGGREGATE LIMITS ON CONTRIBUTIONS FROM A SMALL DONOR COMMITTEE
31 FOR A PRIMARY OR A GENERAL ELECTION, DESCRIBED IN SECTION 3(2), ARTICLE
32 XXVIII OF THE COLORADO CONSTITUTION, ARE ADJUSTED AS FOLLOWS:

33 (I) ~~\$5,675XX~~ TO ANY ONE:

34 1. GOVERNOR CANDIDATE COMMITTEE FOR THE PRIMARY ELECTION,
35 AND GOVERNOR AND LIEUTENANT GOVERNOR CANDIDATE

- 1 COMMITTEE, AS JOINT CANDIDATES UNDER SECTION 1-1-104, C.R.S.,
2 OR ANY SUCCESSOR SECTION, FOR THE GENERAL ELECTION;
- 3 2. SECRETARY OF STATE, STATE TREASURER, OR ATTORNEY GENERAL
4 CANDIDATE COMMITTEE; AND
- 5 (II) ~~\$2,250XX~~ TO ANY ONE STATE SENATE, STATE HOUSE OF REPRESENTATIVES,
6 STATE BOARD OF EDUCATION, REGENT OF THE UNIVERSITY OF COLORADO,
7 OR ANY DISTRICT ATTORNEY CANDIDATE COMMITTEE.
- 8 D. THE AGGREGATE LIMITS ON CONTRIBUTIONS FROM ANY PERSON TO A POLITICAL
9 PARTY, DESCRIBED IN SECTION 3(3)(A), ARTICLE XXVIII OF THE COLORADO
10 CONSTITUTION, ARE ADJUSTED AS FOLLOWS:
- 11 (I) ~~\$3,400XX~~ PER YEAR AT THE STATE, COUNTY, DISTRICT, AND LOCAL LEVEL
12 COMBINED; AND
- 13 (II) OF SUCH, NO MORE THAN ~~\$2,825XX~~ AT THE STATE LEVEL.
- 14 E. THE AGGREGATE LIMITS ON CONTRIBUTIONS FROM A SMALL DONOR COMMITTEE TO
15 A POLITICAL PARTY, DESCRIBED IN SECTION 3(3)(B), ARTICLE XXVIII OF THE
16 COLORADO CONSTITUTION, ARE ADJUSTED AS FOLLOWS:
- 17 (I) ~~\$17,075XX~~ PER YEAR AT THE STATE, COUNTY, DISTRICT, AND LOCAL LEVEL
18 COMBINED; AND
- 19 (II) OF SUCH, NO MORE THAN ~~\$14,225XX~~ AT THE STATE LEVEL.
- 20 F. THE AGGREGATE LIMITS ON PRO-RATA CONTRIBUTIONS OR DUES MADE TO
21 POLITICAL COMMITTEES, DESCRIBED IN SECTION 3(5), ARTICLE XXVIII OF THE
22 COLORADO CONSTITUTION, ARE ADJUSTED TO ~~\$550XX~~ PER HOUSE OF
23 REPRESENTATIVES ELECTION CYCLE.
- 24 G. THE VOLUNTARY SPENDING LIMITS FOR A CANDIDATE DESCRIBED IN SECTION 4(1),
25 ARTICLE XXVIII OF THE COLORADO CONSTITUTION ARE ADJUSTED AS FOLLOWS:
- 26 (I) THE SPENDING LIMIT FOR GOVERNOR, AND GOVERNOR AND LIEUTENANT
27 GOVERNOR AS JOINT CANDIDATES UNDER SECTION 1-1-104, C.R.S., OR ANY
28 SUCCESSOR SECTION SHALL BE ADJUSTED TO ~~\$2,847,650XX~~.
- 29 (II) THE SPENDING LIMIT FOR A CANDIDATE FOR SECRETARY OF STATE,
30 ATTORNEY GENERAL, OR TREASURER SHALL BE ADJUSTED TO ~~\$569,525XX~~.
- 31 C. (III) THE SPENDING LIMIT FOR A CANDIDATE FOR STATE SENATE SHALL BE
32 ADJUSTED TO ~~\$102,500XX~~.
- 33 (IV) THE SPENDING LIMIT FOR A CANDIDATE FOR STATE HOUSE OF
34 REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE

1 UNIVERSITY OF COLORADO OR DISTRICT ATTORNEY SHALL BE ADJUSTED TO
2 ~~\$74,025XX.~~

3 Rule 13 would be amended as follows:

4 13. Personal Financial Disclosures [~~C.R.S. 1-45-110, C.R.S. 24-6-202~~ SECTIONS 1-45-110
5 AND 24-6-202, C.R.S., Colorado Constitution Article XXVIII, Section 10-(2)]

6 ~~13.1~~ A. In accordance with the disclosure requirements set forth in section 1-45-110-(2)(a)
7 and (b), C.R.S., a candidate shall not be required to file a disclosure statement if
8 the candidate filed either a complete or amended disclosure statement less than
9 ~~ninety~~ 90 days prior to filing a candidate affidavit.

10 ~~13.2~~ B. If a candidate affidavit is filed ~~ninety~~ 90 days or more after filing a disclosure
11 statement, an amended disclosure statement shall satisfy the disclosure
12 requirements. AN AMENDED DISCLOSURE STATEMENT SHALL ALSO SATISFY THE
13 DISCLOSURE REQUIREMENTS IF AN INDIVIDUAL FILES A CANDIDATE AFFIDAVIT FOR
14 A SECOND OFFICE, AS LONG AS ALL NECESSARY AMENDED STATEMENTS HAVE BEEN
15 FILED SINCE THE FILING OF THE ORIGINAL DISCLOSURE STATEMENT.

16 ~~13.3~~ C. If a candidate withdraws from candidacy by submitting appropriate
17 documentation before filing the disclosure statement required in section 1-45-110
18 (2)(a), C.R.S., such candidate shall not be required to file a disclosure statement,
19 but any fines that the candidate accrued, for failure to file a disclosure statement
20 prior to withdrawing shall remain in effect.