

Revised Draft of Proposed Rules

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

December 9, 2011

Disclaimer:

The proposed draft rules have changed. This draft supersedes the Preliminary Draft that was issued with the Notice of Proposed Rulemaking on November 15, 2011. These revised proposed rules will be considered at the December 15, 2011 rulemaking hearing.

In accordance with the State Administrative Procedure Act, this revised copy of the proposed rules is made available to the public and posted on the Department of State's website.¹

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 The current 8 CCR 1505-6, as amended 6/29/2011 would be stricken in its entirety and re-
2 codified as follows:

3 **RULE 1. DEFINITIONS**

4 1.1 "BUSINESS ACTIVITIES". FOR THE PURPOSES OF ARTICLE XXVIII:

5 1.1.1 "BUSINESS ACTIVITIES" MEANS ANY PROVISION OF GOODS OR SERVICES THAT
6 RESULTS IN INCOME OR ANY OTHER REVENUE-GENERATING ACTIVITY NOT
7 EXPRESSLY FOR POLITICAL PURPOSES.

8 1.1.2 "CANNOT ENGAGE IN BUSINESS ACTIVITIES," MEANS THAT THE ARTICLES OF
9 INCORPORATION AND BYLAWS, EITHER EXPRESSLY OR IMPLICITLY, PROHIBIT THE
10 CORPORATION FROM ENGAGING IN ANY BUSINESS ACTIVITIES.

11 [*McCONNELL v. FEDERAL ELECTIONS COMMISSION*, 540 U.S. 93 (2003)]

12 1.2 "COMMITTEE". UNLESS OTHERWISE SPECIFIED, THE TERM "COMMITTEE" AS USED IN THESE
13 RULES INCLUDES CANDIDATE COMMITTEES, POLITICAL COMMITTEES, SMALL DONOR
14 COMMITTEES, ISSUE COMMITTEES, INDEPENDENT EXPENDITURE COMMITTEES, POLITICAL
15 PARTIES, FEDERAL PACS, AND POLITICAL ORGANIZATIONS.

16 1.3 "CONTRIBUTION".

¹ Section 24-4-103(4)(a), C.R.S. (2011). "[A]ny 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."

1 1.3.1 “CONTRIBUTION” DOES NOT INCLUDE AN ENDORSEMENT OF A CANDIDATE OR AN
2 ISSUE BY ANY PERSON.

3 1.3.2 “CONTRIBUTION DOES NOT INCLUDE INTEREST EARNED IN AN INTEREST-BEARING
4 BANK ACCOUNT, DIVIDEND INCOME FROM INVESTED COMMITTEE FUNDS, EARNED
5 INCOME FROM COMMERCIALY REASONABLE TRANSACTIONS, OR TRANSFERS OF
6 MONEY WITHIN A POLITICAL PARTY.

7 1.3.3 THE EXCEPTION STATED IN ARTICLE XXVIII, SECTION 2(5)(B) THAT
8 “‘CONTRIBUTION’ DOES NOT INCLUDE SERVICES PROVIDED WITHOUT
9 COMPENSATION BY INDIVIDUALS VOLUNTEERING THEIR TIME”, INCLUDES TIME-
10 BASED SERVICES VOLUNTEERED BY AN INDIVIDUAL AS A MEMBER OF ANY FIRM,
11 ASSOCIATION, OR OTHER BUSINESS ENTITY, INCLUDING A CORPORATION, IF THE
12 INDIVIDUAL RECEIVES NO DIRECT OR INDIRECT COMPENSATION FOR THE TIME
13 VOLUNTEERED. ANY UNPAID SERVICES THAT CREATE A THING OF VALUE ARE
14 EXEMPTED. IF VOLUNTEER SERVICES YIELD A THING OF VALUE, “CONTRIBUTION”
15 ONLY INCLUDES THE REASONABLE VALUE OF THE MATERIALS INVOLVED, UNLESS
16 THE VALUE IS DE MINIMIS.

17 1.3.4 “CONTRIBUTION IN SUPPORT OF THE CANDIDACY” INCLUDES ALL CONTRIBUTIONS
18 GIVEN DIRECTLY TO, OR COORDINATED WITH, A CANDIDATE FOR A SPECIFIC PUBLIC
19 OFFICE, INCLUDING THOSE TO A PERSON WHO MAINTAINS A CANDIDATE COMMITTEE
20 AFTER AN ELECTION CYCLE. [ARTICLE XXVIII, SECTION 2(2)]

21 1.4 “COORDINATION”. EXPENDITURES OR SPENDING ARE COORDINATED WITH A CANDIDATE
22 COMMITTEE OR POLITICAL PARTY IF:

23 1.4.1 A PERSON MAKES AN EXPENDITURE OR ENGAGES IN SPENDING AT THE REQUEST,
24 SUGGESTION, OR DIRECTION OF, IN CONSULTATION WITH, OR UNDER THE CONTROL
25 OF THAT CANDIDATE COMMITTEE OR POLITICAL PARTY; OR:

26 ~~(A) THAT; CANDIDATE COMMITTEE OR POLITICAL PARTY OR~~

27 ~~(B) AN AGENT, EMPLOYEE, BOARD MEMBER, DIRECTOR, OR OFFICER OF THAT~~
28 ~~CANDIDATE COMMITTEE OR POLITICAL PARTY.; OR~~

29 ~~(C) A COMMON CONSULTANT WHO PROVIDES, OR HAS PROVIDED DURING THE~~
30 ~~ELECTION CYCLE, PROFESSIONAL SERVICES TO THAT CANDIDATE~~
31 ~~COMMITTEE OR POLITICAL PARTY AND THE PERSON MAKING THE~~
32 ~~EXPENDITURE OR ENGAGING IN THE SPENDING; OR~~

33 1.4.2 ~~THAT CANDIDATE'S OR POLITICAL PARTY'S NON PUBLIC INFORMATION IS USED BY:~~
34 ~~AN INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION IS~~
35 ~~CREATED, PRODUCED, OR DISTRIBUTED:~~

36 ~~(A) THE PERSON MAKING THE EXPENDITURE OR ENGAGING IN THE SPENDING;~~
37 ~~AFTER ONE OR MORE SUBSTANTIAL DISCUSSION(S) BETWEEN THE~~

1 CANDIDATE OR POLITICAL COMMITTEE AND THE PERSON MAKING THE
2 EXPENDITURE OR ENGAGING IN THE SPENDING,

3 (1) IN WHICH THE PERSON MAKING THE EXPENDITURE OR ENGAGING IN
4 THE SPENDING RECEIVED NON-PUBLIC INFORMATION ABOUT THE
5 CANDIDATE OR POLITICAL PARTY'S PLANS, PROJECTS, ACTIVITIES, OR
6 NEEDS; AND

7 (2) THE INFORMATION IS MATERIAL TO THE CREATION, PRODUCTION, OR
8 DISSEMINATION OF AN INDEPENDENT EXPENDITURE OR
9 ELECTIONEERING COMMUNICATION; OR

10 (B) ~~AN AGENT, EMPLOYEE, BOARD MEMBER, DIRECTOR, OR OFFICER OF THE~~
11 ~~PERSON MAKING THE EXPENDITURE OR ENGAGING IN THE SPENDING; OR BY~~
12 A COMMON CONSULTANT WHO PROVIDES, OR HAS PROVIDED DURING THE
13 ELECTION CYCLE, PROFESSIONAL SERVICES TO THE CANDIDATE COMMITTEE
14 OR POLITICAL PARTY AS WELL AS TO THE PERSON MAKING THE
15 EXPENDITURE OR ENGAGING IN THE SPENDING; AND

16 (1) IN WHICH THE PERSON MAKING THE EXPENDITURE OR ENGAGING IN
17 THE SPENDING RECEIVED NON-PUBLIC INFORMATION ABOUT THE
18 CANDIDATE OR POLITICAL PARTY'S PLANS, PROJECTS, ACTIVITIES, OR
19 NEEDS; AND

20 (2) THE INFORMATION IS MATERIAL TO THE CREATION, PRODUCTION, OR
21 DISSEMINATION OF AN INDEPENDENT EXPENDITURE OR
22 ELECTIONEERING COMMUNICATION.

23 ~~(C) A COMMON CONSULTANT WHO PROVIDES, OR HAS PROVIDED DURING THE~~
24 ~~ELECTION CYCLE, PROFESSIONAL SERVICES TO THE PERSON MAKING THE~~
25 ~~EXPENDITURE OR ENGAGING IN THE SPENDING, AS WELL AS THE CANDIDATE~~
26 ~~COMMITTEE OR POLITICAL PARTY;~~

27 ~~AND THE INFORMATION IS MATERIAL TO THE CREATION, PRODUCTION, OR~~
28 ~~DISSEMINATION OF AN INDEPENDENT EXPENDITURE OR ELECTIONEERING~~
29 ~~COMMUNICATION; OR~~

30 ~~1.4.3 ANY LISTS, RESEARCH, OR DATA ARE ACQUIRED FROM A COMMON VENDOR AND~~
31 ~~USED TO SUPPORT OR OPPOSE THE SAME CANDIDATE OR CANDIDATES, AND IN~~
32 ~~EXCHANGE FOR EACH PURCHASER'S PAYMENT REFLECTING THE PRODUCT'S FAIR~~
33 ~~MARKET VALUE;~~

34 1.4.43 THIS RULE DOES NOT APPLY TO AN ATTORNEY, ACCOUNTANT, BOOKKEEPER, OR
35 REGISTERED AGENT WHO PROVIDES SERVICES WITHIN THE SCOPE OF HIS OR HER
36 PROFESSION.

37 1.4.54 IF CANDIDATE COMMITTEE OR POLITICAL PARTY AND THE PERSON MAKING THE
38 EXPENDITURE OR ENGAGING IN SPENDING USE A COMMON CONSULTANT IS USED,

1 ~~A~~AN INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION IS NOT
2 COORDINATED IF THE CONSULTANT PLACES EFFECTIVE BARRIERS (I.E.,
3 “FIREWALLS”) TO THE TRANSMISSION OF NON-PUBLIC INFORMATION ~~ARE PLACED~~
4 BETWEEN:

5 (A) THE CANDIDATE COMMITTEE OR POLITICAL PARTY; AND

6 (B) THE PERSON MAKING AN INDEPENDENT EXPENDITURE OR ENGAGING IN
7 SPENDING.

8 SUCH FIREWALLS SHALL BE PHYSICAL OR TECHNOLOGICAL, OR BOTH, INCLUDE
9 APPROPRIATE SECURITY MEASURES, AND BE SET FORTH IN A WRITTEN POLICY THAT
10 IS DISTRIBUTED TO ALL AFFECTED AGENTS, EMPLOYEES, BOARD MEMBERS,
11 DIRECTORS, OFFICERS, AND CONSULTANTS. ~~THE EXISTENCE OF THE A~~ FIREWALLS
12 ~~DOES NOT MAKE AN EXPENDITURE INDEPENDENT IS NOT EFFECTIVE~~ IF NON-PUBLIC
13 MATERIAL INFORMATION IS NONETHELESS DIRECTLY OR INDIRECTLY TRANSMITTED
14 TO THE PERSON MAKING AN EXPENDITURE OR ENGAGING IN SPENDING.

15 **1.4.5 FOR THE PURPOSES OF THIS RULE:**

16 (A) CANDIDATE COMMITTEE OR POLITICAL PARTY INCLUDES ANY AGENT,
17 EMPLOYEE, BOARD MEMBER, DIRECTOR, OR OFFICER OF THAT CANDIDATE
18 COMMITTEE OR POLITICAL PARTY.

19 (B) THE PERSON MAKING THE EXPENDITURE OR ENGAGING IN THE SPENDING
20 INCLUDES ANY AGENT, EMPLOYEE, BOARD MEMBER, DIRECTOR, OR OFFICER
21 OF THE PERSON MAKING THE EXPENDITURE OR ENGAGING IN THE SPENDING.

22 1.5 “CORPORATION”, AS USED IN ARTICLE XXVIII, HAS THE SAME MEANING AS IN SECTION
23 1-45-103(7), C.R.S.

24 1.6 “DESIGNATED FILING AGENT”, FOR PURPOSES OF THESE RULES, MEANS ANY PERSON
25 APPOINTED BY A COMMITTEE WHO IS RESPONSIBLE FOR TIMELY FILING CAMPAIGN FINANCE
26 REPORTS.

27 1.7 “ELECTIONEERING COMMUNICATION” IS ANY COMMUNICATION THAT (1) MEETS THE
28 DEFINITION OF ELECTIONEERING COMMUNICATION IN ARTICLE XXVIII, SECTION 7, AND (2)
29 IS THE FUNCTIONAL EQUIVALENT OF EXPRESS ADVOCACY. WHEN DETERMINING WHETHER A
30 COMMUNICATION IS AN “ELECTIONEERING COMMUNICATION”:

31 1.7.1 A COMMUNICATION IS AN “ELECTIONEERING COMMUNICATION” ONLY IF IT IS
32 SUBJECT TO NO REASONABLE INTERPRETATION OTHER THAN AN APPEAL TO VOTE
33 FOR OR AGAINST A SPECIFIC CANDIDATE.

34 1.7.2 A COMMUNICATION SHALL BE JUDGED BY ITS PLAIN LANGUAGE, NOT BY AN
35 “INTENT AND EFFECT” TEST, OR OTHER CONTEXTUAL FACTORS.

1 1.7.3 A COMMUNICATION IS NOT AN ELECTIONEERING COMMUNICATION IF IT:

2 (A) DOES NOT MENTION ANY ELECTION, CANDIDACY, POLITICAL PARTY,
3 OPPOSING CANDIDATE, OR VOTING BY THE GENERAL PUBLIC,

4 (B) DOES NOT TAKE A POSITION ON ANY CANDIDATE'S OR OFFICEHOLDER'S
5 CHARACTER, QUALIFICATIONS, OR FITNESS FOR OFFICE, AND

6 (C) MERELY URGES A CANDIDATE TO TAKE A POSITION WITH RESPECT TO AN
7 ISSUE OR URGES THE PUBLIC TO ADOPT A POSITION AND CONTACT A
8 CANDIDATE WITH RESPECT TO AN ISSUE.

9 [*FEDERAL ELECTION COMMISSION V. WISCONSIN RIGHT TO LIFE*, 551 U.S. 449 (2007)]

10 1.8 "FOREIGN CORPORATION", AS USED IN ARTICLE XXVIII, SECTION 3(12)(C), MEANS A
11 CORPORATION ORGANIZED UNDER THE LAWS OF ANOTHER COUNTRY. THE TERM DOES NOT
12 APPLY TO A CORPORATION ORGANIZED UNDER THE LAWS OF ANOTHER STATE. "FOREIGN
13 CORPORATION," AS USED IN ARTICLE 45 OF TITLE 1, C.R.S., HAS THE SAME MEANING AS
14 SET FORTH IN SECTION 1-45-103(10.5), C.R.S.

15 1.9 "FREQUENT" AND "INFREQUENT".

16 1.9.1 A CANDIDATE COMMITTEE SHALL FILE ON:

17 (A) A "FREQUENT" FILING SCHEDULE DURING THE YEAR IN WHICH THE OFFICE
18 TO WHICH CANDIDATE SEEKS TO BE ELECTED IS UP FOR ELECTION.

19 (B) AN "INFREQUENT" FILING SCHEDULE DURING ANY YEAR IN WHICH THE
20 OFFICE TO WHICH CANDIDATE SEEKS TO BE ELECTED IS NOT UP FOR
21 ELECTION.

22 FOR PURPOSES OF THIS RULE, THE OFFICE TO WHICH THE CANDIDATE SEEKS TO BE
23 ELECTED IS THE OFFICE NAMED IN THE CANDIDATE'S MOST RECENT CANDIDATE
24 AFFIDAVIT.

25 1.9.2 A POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, POLITICAL PARTY,
26 INDEPENDENT EXPENDITURE COMMITTEE, FEDERAL PAC, OR POLITICAL
27 ORGANIZATION SHALL FILE ON:

28 (A) A "FREQUENT" FILING SCHEDULE DURING ANY YEAR IN WHICH A GENERAL
29 ELECTION OCCURS.

30 (B) AN "INFREQUENT" FILING SCHEDULE DURING ANY YEAR IN WHICH NO
31 GENERAL ELECTION OCCURS, NOTWITHSTANDING ANY ACTIVITY BY THE
32 COMMITTEE TO SUPPORT OR OPPOSE CANDIDATES.

- 1 1.9.3 AN ISSUE COMMITTEE SHALL FILE ON:
- 2 (A) A “FREQUENT” FILING SCHEDULE DURING ANY YEAR IN WHICH AN ISSUE
- 3 THAT THE COMMITTEE SUPPORTS OR OPPOSES APPEARS ON, OR SEEKS
- 4 ACCESS TO, THE BALLOT.
- 5 (B) AN “INFREQUENT” FILING SCHEDULE DURING ANY YEAR IN WHICH THE
- 6 COMMITTEE DOES NOT SUPPORT OR OPPOSE ANY ISSUES APPEARING ON, OR
- 7 WHICH SEEK ACCESS TO, ANY BALLOT.
- 8 1.9.4 AN ISSUE COMMITTEE SHALL NOTIFY THE SECRETARY OF STATE WITHIN TEN DAYS
- 9 AFTER DECIDING THAT IT WILL SUPPORT OR OPPOSE BALLOT ISSUES OR BALLOT
- 10 QUESTIONS, OR POTENTIAL BALLOT ISSUES OR BALLOT QUESTIONS ON AN UPCOMING
- 11 BALLOT. ONCE AN ISSUE COMMITTEE HAS NOTIFIED THE SECRETARY OF STATE AND
- 12 THE SECRETARY HAS PLACED THE COMMITTEE ON A FREQUENT FILING CALENDAR,
- 13 THE ISSUE COMMITTEE SHALL FOLLOW THE FREQUENT FILING CALENDAR FOR THE
- 14 REMAINDER OF THE YEAR.
- 15 1.10 “INFLUENCING OR ATTEMPTING TO INFLUENCE”, FOR PURPOSES OF POLITICAL
- 16 ORGANIZATIONS AS DEFINED IN SECTION 1-45-103(14.5), C.R.S., MEANS MAKING
- 17 EXPENDITURES FOR COMMUNICATIONS THAT EXPRESSLY ADVOCATE THE ELECTION OR
- 18 DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE OR CANDIDATES. [*BUCKLEY V. VALEO*, 424
- 19 U.S. 1 (1976)]
- 20 1.11 “INFREQUENT”. SEE RULE 1.9.
- 21 1.12 “ISSUE COMMITTEE”.
- 22 1.12.1 “ISSUE COMMITTEE” DOES NOT INCLUDE A MARRIED COUPLE.
- 23 1.12.2 A PERSON OR GROUP OF PERSONS IS AN ISSUE COMMITTEE ONLY IF IT MEETS BOTH
- 24 OF THE CONDITIONS IN ARTICLE XXVIII, SECTION 2(10)(A)(I) AND 2(10)(A)(II).
- 25 1.12.3 FOR PURPOSES OF DETERMINING WHETHER AN ISSUE COMMITTEE HAS “A MAJOR
- 26 PURPOSE” UNDER ARTICLE XXVIII, SECTION 2(10)(A)(I) AND SECTION
- 27 1-45-103(12)(B), C.R.S., A DEMONSTRATED PATTERN OF CONDUCT IS ESTABLISHED
- 28 BY:
- 29 (A) ANNUAL EXPENDITURES IN SUPPORT OF OR OPPOSITION TO BALLOT ISSUES
- 30 OR BALLOT QUESTIONS THAT EXCEED 30% OF THE ORGANIZATION’S TOTAL
- 31 SPENDING DURING THE SAME PERIOD; OR
- 32 (B) PRODUCTION OR FUNDING OF WRITTEN OR BROADCAST COMMUNICATIONS
- 33 IN SUPPORT OF OR OPPOSITION TO A BALLOT ISSUE OR BALLOT QUESTION,
- 34 WHERE THE PRODUCTION OR FUNDING COMPRISES MORE THAN 30% OF THE
- 35 ORGANIZATION’S TOTAL SPENDING DURING A CALENDAR YEAR.

1 [SECTION 1-45-103(12)(B), C.R.S.]

2 1.13 “MEMBER”, AS USED IN ARTICLE XXVIII, SECTIONS 2(5)(B), 2(8)(B)(IV), AND 2(14)(A)
3 ONLY, MEANS A PERSON WHO PAYS MEMBERSHIP DUES.

4 1.14 “NON-PUBLIC INFORMATION” MEANS CONFIDENTIAL MATERIAL IN ANY FORM THAT IS NOT
5 AVAILABLE TO THE GENERAL PUBLIC, INCLUDING A NON-PUBLIC CAMPAIGN PLAN,
6 COMMUNICATIONS PLAN, CAMPAIGN BUDGET, SPECIFICATION OF UNMET AND POTENTIALLY
7 UNMET CAMPAIGN NEEDS, PROPOSED OR ACTUAL MEDIA BUY, LIST OR DESCRIPTION OF
8 HOUSEHOLDS OR VOTERS WHO WILL RECEIVE OR HAVE RECEIVED MATERIALS UNDER A
9 MAILING OR OTHER DISTRIBUTION PROGRAM, POLLING OR FOCUS GROUP RESULTS, OR
10 OTHER PROPRIETARY MATERIAL.

11 1.14.1 “NON-PUBLIC INFORMATION,” HOWEVER, DOES NOT INCLUDE COMMUNICATIONS
12 DEALING SOLELY WITH CANDIDATE POSITIONS ON LEGISLATIVE OR POLICY ISSUES.

13 1.15 “PERSON”.

14 1.15.1 FOR THE PURPOSE OF ARTICLE XXVIII, SECTION 7, “PERSON” MEANS ANY
15 NATURAL PERSON.

16 1.15.2 A “NATURAL PERSON” IS A HUMAN BEING.

17 1.16 “PER DAY” MEANS “PER CALENDAR DAY” UNLESS OTHERWISE INDICATED.

18 1.17 “PER YEAR” MEANS “PER CALENDAR YEAR” UNLESS OTHERWISE INDICATED.

19 1.18 “POLITICAL COMMITTEE”.

20 1.18.1 “POLITICAL COMMITTEE” DOES NOT INCLUDE A MARRIED COUPLE.

21 1.18.2 “POLITICAL COMMITTEE” INCLUDES ONLY A PERSON OR GROUP OF PERSONS THAT
22 SUPPORT OR OPPOSE THE NOMINATION OR ELECTION OF ONE OR MORE CANDIDATES
23 AS ITS MAJOR PURPOSE. FOR PURPOSES OF THIS RULE, MAJOR PURPOSE MEANS:

24 (A) THE ORGANIZATION SPECIFICALLY IDENTIFIES SUPPORTING OR OPPOSING
25 THE NOMINATION OF ONE OR MORE CANDIDATES FOR STATE OR LOCAL
26 PUBLIC OFFICE AS A PRIMARY OBJECTIVE IN ITS ORGANIZING DOCUMENTS;
27 OR

28 (B) ANNUAL EXPENDITURES MADE TO SUPPORT OR OPPOSE THE NOMINATION OR
29 ELECTION OF ONE OR MORE CANDIDATES FOR STATE OR LOCAL PUBLIC
30 OFFICE EXCEED 50% OF THE ORGANIZATION’S TOTAL SPENDING DURING THE
31 SAME PERIOD.

32 [ALLIANCE FOR COLORADO’S FAMILIES V. GILBERT, 172 P.3D 964, 970 (COLO. APP.
33 2007)]

1 1.19 “PUBLIC OFFICE” MEANS ANY OFFICE VOTED FOR IN THIS STATE AT ANY ELECTION. “PUBLIC
2 OFFICE” DOES NOT INCLUDE THE OFFICE OF PRESIDENT OR VICE PRESIDENT OF THE UNITED
3 STATES, THE OFFICE OF SENATOR OR REPRESENTATIVE IN THE CONGRESS OF THE UNITED
4 STATES, OR ANY OFFICE IN A POLITICAL PARTY.

5 1.20 “PUBLICLY ANNOUNCED AN INTENTION TO SEEK ELECTION TO PUBLIC OFFICE OR
6 RETENTION OF A JUDICIAL OFFICE” MEANS:

7 1.20.1 A PERSON HAS MADE A STATEMENT SIGNIFYING AN INTEREST IN THE OFFICE;

8 1.20.2 THE STATEMENT IS MADE BY MEANS OF A SPEECH, ADVERTISEMENT, OR OTHER
9 COMMUNICATION REPORTED OR APPEARING IN PUBLIC MEDIA OR IN ANY PLACE
10 ACCESSIBLE TO THE PUBLIC;

11 1.20.3 A REASONABLE PERSON WOULD EXPECT THE STATEMENT TO BECOME PUBLIC; AND

12 1.20.4 THE STATEMENT INCLUDES A STATED INTENTION TO EXPLORE THE POSSIBILITY OF
13 SEEKING AN OFFICE.

14 THE REGISTRATION OF A CANDIDATE COMMITTEE ALSO CONSTITUTES A PUBLIC
15 ANNOUNCEMENT OF AN INTENTION TO SEEK ELECTION OR RETENTION.

16 [ARTICLE XXVIII, SECTION 2(2)]

17 1.21 “REGISTERED AGENT” FOR THE PURPOSES OF ARTICLE 45 OF TITLE 1, C.R.S., A
18 REGISTERED AGENT OR A COMMITTEE TREASURER, IS AN INDIVIDUAL OR CANDIDATE
19 DESIGNATED TO RECEIVE MAILINGS AND TO ADDRESS CONCERNS AND QUESTIONS
20 REGARDING THE COMMITTEE. [SECTIONS 1-45-108(3)(B) AND 1-45-109(4)(B), C.R.S.]

21 1.22 “SIGNATURE”. FOR PURPOSES OF ANY REPORT FILED ELECTRONICALLY WITH THE
22 SECRETARY OF STATE, “SIGNATURE” MEANS THE DESIGNATED REPRESENTATIVE HAS
23 ELECTRONICALLY SUBMITTED THE REPORT THROUGH THE ONLINE FILING SYSTEM.

24 1.23 “UNEXPENDED CAMPAIGN CONTRIBUTIONS”. FOR PURPOSES OF SECTION 1-45-106(1),
25 C.R.S., CONTRIBUTIONS TO A CANDIDATE COMMITTEE BECOME UNEXPENDED CAMPAIGN
26 CONTRIBUTIONS AT THE EARLIEST OF THE FOLLOWING:

27 1.23.1 THE END OF THE ELECTION CYCLE; OR

28 1.23.2 WHEN THE CANDIDATE WITHDRAWS FROM THE POLITICAL RACE AND INTENDS TO
29 TERMINATE HIS OR HER CANDIDATE COMMITTEE.

30 1.24 “UNEXPENDED CONTRIBUTIONS”.

31 1.24.1 FOR PURPOSES OF SECTION 1-45-106(3), C.R.S., CONTRIBUTIONS TO AN ISSUE
32 COMMITTEE BECOME UNEXPENDED CONTRIBUTIONS AT THE END OF THE ELECTION
33 CYCLE IN WHICH THE COMMITTEE SUPPORTED OR OPPOSED AN ISSUE ON THE
34 BALLOT, OR ONE THAT ATTEMPTED ACCESS TO THE BALLOT. FUNDS DO NOT

1 BECOME UNEXPENDED CONTRIBUTIONS IF THE ISSUE COMMITTEE SUPPORTS OR
2 OPPOSES, OR INTENDS TO SUPPORT OR OPPOSE, ANOTHER ISSUE OR ISSUES.

3 1.24.2 FUNDS HELD BY POLITICAL COMMITTEES, SMALL DONOR COMMITTEES,
4 INDEPENDENT EXPENDITURE COMMITTEES, AND POLITICAL PARTIES AT THE END OF
5 THE ELECTION CYCLE ARE NOT ADDRESSED BY STATUTE. [SECTION 1-45-106,
6 C.R.S.]

7 **RULE 2. CANDIDATES AND CANDIDATE COMMITTEES**

8 2.1 CANDIDATES WITHOUT COMMITTEES (STANDALONE CANDIDATES)

9 2.1.1 A CANDIDATE WHO DOES NOT ACCEPT CONTRIBUTIONS BUT WHO EXPENDS MONEY
10 FOR CAMPAIGN PURPOSES SHALL NOT BE REQUIRED TO FORM A CANDIDATE
11 COMMITTEE.

12 2.1.2 A CANDIDATE WITHOUT A COMMITTEE SHALL FILE DISCLOSURE REPORTS FOR ALL
13 REPORTING PERIODS DURING WHICH EXPENDITURES ARE MADE. [SECTIONS
14 1-45-108 AND 1-45-109, C.R.S.]

15 2.2 CANDIDATE COMMITTEES

16 2.2.1 A CANDIDATE MAY SERVE AS THE CANDIDATE COMMITTEE'S REGISTERED AGENT OR
17 APPOINT ANOTHER PERSON TO BE THE REGISTERED AGENT. THE CANDIDATE AND
18 THE REGISTERED AGENT SHALL SIGN THE CANDIDATE COMMITTEE REGISTRATION
19 FORM. ONLY THE REGISTERED AGENT, THE DESIGNATED FILING AGENT, OR THE
20 CANDIDATE MAY SIGN THE CONTRIBUTION AND EXPENDITURE REPORT. [SECTION
21 1-45-108(3)(B), C.R.S.]

22 2.2.2 ONCE A CANDIDATE HAS BEEN ASSIGNED A FREQUENT FILING SCHEDULE, THE
23 CANDIDATE SHALL FOLLOW THE FREQUENT FILING SCHEDULE FOR THE REMAINDER
24 OF THE YEAR.

25 2.2.3 IF A PRIMARY ELECTION IS CANCELLED IN ACCORDANCE WITH SECTION
26 1-4-104.5(1), C.R.S., A CANDIDATE COMMITTEE MAY ACCEPT THE CONTRIBUTION
27 LIMIT SPECIFIED IN ARTICLE XXVIII, SECTION 3(1) FOR THE PRIMARY ELECTION AS
28 LONG AS THE CANDIDATE WAS ELIGIBLE TO BE ON THE PRIMARY ELECTION BALLOT.
29 IN ACCORDANCE WITH SECTION 1-45-103.7(3), C.R.S., THESE CONTRIBUTIONS MAY
30 BE ACCEPTED AT ANY TIME BEFORE OR AFTER THE PRIMARY ELECTION WAS
31 CANCELLED.

32 2.2.4 MANAGING UNEXPENDED CAMPAIGN CONTRIBUTIONS

33 (A) THE UNEXPENDED BALANCE SHALL BE REPORTED AS THE ENDING BALANCE
34 THROUGHOUT THE ELECTION CYCLE. UNEXPENDED BALANCES FROM THE
35 FINAL REPORT FILED 30 DAYS AFTER THE APPLICABLE ELECTION SHALL BE
36 REPORTED AS THE BEGINNING BALANCE IN THE NEXT ELECTION CYCLE.

1 (B) CANDIDATES SEEKING RE-ELECTION TO THE SAME OFFICE

2 (1) CAMPAIGN CONTRIBUTIONS MAY BE RETAINED BY THE CANDIDATE
3 COMMITTEE FOR USE IN A SUBSEQUENT ELECTION CYCLE FOR THE
4 SAME PUBLIC OFFICE, IN AN AMOUNT NOT TO EXCEED THE LIMIT IN
5 ARTICLE XXVIII SECTION 3(3) (AS ADJUSTED BY RULE 10.14).

6 (2) A CANDIDATE COMMITTEE SHALL NOT LIST UNEXPENDED CAMPAIGN
7 CONTRIBUTIONS RETAINED FOR USE IN A SUBSEQUENT ELECTION
8 CYCLE EXPRESSLY ON DISCLOSURE REPORTS AS “CONTRIBUTIONS
9 FROM A POLITICAL PARTY” OR AS CONTRIBUTIONS FROM ANY
10 SPECIFIC POLITICAL PARTY. [ARTICLE XXVIII, SECTION 3(3)(E)]

11 (3) THE AMOUNT RETAINED BY A CANDIDATE FOR USE IN A SUBSEQUENT
12 ELECTION FOR THE SAME OFFICE COUNTS TOWARD THE LIMIT ON
13 CONTRIBUTIONS FROM A POLITICAL PARTY. IF THE AMOUNT
14 RETAINED PLUS ANY POLITICAL PARTY CONTRIBUTIONS TO THE
15 CANDIDATE COMMITTEE DURING THE SUBSEQUENT ELECTION CYCLE
16 EXCEEDS THE LIMIT ON POLITICAL PARTY CONTRIBUTIONS, ANY
17 AMOUNT IN EXCESS OF THE LIMIT ACCEPTED BY THE CANDIDATE
18 COMMITTEE SHALL CONSTITUTE A VIOLATION OF ARTICLE XXVIII,
19 SECTION 3(3)(D), UNLESS RETURNED TO THE CONTRIBUTOR WITHIN
20 30 DAYS.

21 (C) CANDIDATES SEEKING ELECTION TO A NEW OFFICE

22 (1) CAMPAIGN CONTRIBUTIONS TO A CANDIDATE COMMITTEE MAY BE
23 TRANSFERRED TO A CANDIDATE COMMITTEE ESTABLISHED BY THE
24 SAME CANDIDATE FOR A DIFFERENT PUBLIC OFFICE, SUBJECT TO THE
25 LIMITATIONS SET FORTH IN ARTICLE XXVIII, SECTION 3(3)(E) FOR
26 POLITICAL PARTY CONTRIBUTIONS, ONLY IF THE NEW OFFICE TO BE
27 SOUGHT HAS CONTRIBUTION LIMITS THAT ARE EQUAL TO OR
28 GREATER THAN THE CURRENT OFFICE, OR THE NEW OFFICE SOUGHT
29 HAS NO CONTRIBUTION LIMITS. [ARTICLE XXVIII, SECTION 3]

30 (2) IF A CANDIDATE COMMITTEE TRANSFERS MONEY TO A NEW
31 CANDIDATE COMMITTEE FOR A NEW OFFICE, THE EXISTING
32 CANDIDATE COMMITTEE SHALL BE AFFIRMATIVELY CLOSED BY THE
33 CANDIDATE WITHIN TEN DAYS OF REGISTERING THE NEW CANDIDATE
34 COMMITTEE.

35 (D) CANDIDATES NOT SEEKING RE-ELECTION OR ELECTION TO A NEW OFFICE

36 (1) CAMPAIGN CONTRIBUTIONS HELD BY A CANDIDATE COMMITTEE
37 THAT WISHES TO TERMINATE AND WILL NOT TRANSFER FUNDS TO A
38 NEW CANDIDATE COMMITTEE MAY BE:

- 1 (A) CONTRIBUTED TO A POLITICAL PARTY, IN AN AMOUNT NOT
2 TO EXCEED THE LIMIT IN ARTICLE XXVIII SECTION 3(3) (AS
3 ADJUSTED BY RULE 10.14);
- 4 (B) DONATED TO A CHARITABLE ORGANIZATION RECOGNIZED BY
5 THE I.R.S.;
- 6 (C) RETURNED TO CONTRIBUTORS; OR
- 7 (D) FOR CANDIDATES ELECTED TO OFFICE, FUNDS MAY BE USED
8 FOR VOTER REGISTRATION, POLITICAL ISSUE EDUCATION,
9 POSTSECONDARY EDUCATIONAL SCHOLARSHIPS, TO
10 COMMUNICATE WITH CONSTITUENTS, OR FOR EXPENSES
11 DIRECTLY RELATED TO THE OFFICEHOLDER'S OFFICIAL
12 DUTIES.

13 [SECTION 1-45-106(1)(A)(I) AND (B), C.R.S.]

14 2.2.5 DISPOSITION OF DEBT IN ANTICIPATION OF COMMITTEE TERMINATION

- 15 (A) ALL CONTRIBUTIONS RECEIVED BY A CANDIDATE COMMITTEE IN THE
16 CURRENT ELECTION CYCLE SHALL BE SUBJECT TO THE LIMITS ON
17 CONTRIBUTIONS FOR THE CURRENT ELECTION CYCLE AND SHALL BE
18 REPORTED AS CONTRIBUTIONS FOR THE CURRENT ELECTION CYCLE,
19 REGARDLESS OF ANY DEBT CARRIED OVER FROM A PRIOR ELECTION CYCLE.
20 A CANDIDATE COMMITTEE MAY NOT COUNT CONTRIBUTIONS THAT ARE
21 EARMARKED FOR DEBT RETIREMENT AGAINST CONTRIBUTION LIMITS FOR
22 THE PAST ELECTION CYCLE.
- 23 (B) ANY FINANCIAL OBLIGATIONS INCURRED BY A CANDIDATE COMMITTEE IN
24 AN ELECTION CYCLE THAT ARE NOT PAID WITHIN A COMMERCIALY
25 REASONABLE PERIOD OF TIME, NOT TO EXCEED SIX MONTHS AFTER THE
26 CLOSE OF THAT ELECTION CYCLE, SHALL BE TREATED AS "CONTRIBUTIONS"
27 FROM THE SERVICE PROVIDER OR VENDOR EXTENDING CREDIT.

28 2.3 CANDIDATE AFFIDAVITS

29 2.3.1 AN AFFIDAVIT THAT MUST BE FILED WITH THE SECRETARY OF STATE SHALL BE
30 FILED ELECTRONICALLY USING THE SECRETARY OF STATE'S ONLINE CAMPAIGN
31 FINANCE FILING SYSTEM. [SECTIONS 1-45-110(1) AND 24-21-111, C.R.S.]

32 2.3.2 CANDIDATES RUNNING FOR A JUNIOR COLLEGE BOARD OF TRUSTEES ARE NOT
33 REQUIRED TO FILE A CANDIDATE AFFIDAVIT. [ARTICLE XXVIII, SECTION 2(2) AND
34 SECTION 23-71-110, C.R.S. SEE ALSO RULE 14.]

35 2.4 PERSONAL FINANCIAL DISCLOSURES [ARTICLE XXVIII, SECTION 10(2); SECTIONS
36 1-45-110 AND 24-6-202, C.R.S.]

1 2.4.1 A CANDIDATE SHALL NOT BE REQUIRED TO FILE A DISCLOSURE STATEMENT IF THE
2 CANDIDATE FILED EITHER A COMPLETE OR AMENDED DISCLOSURE STATEMENT LESS
3 THAN 90 DAYS BEFORE FILING A CANDIDATE AFFIDAVIT. [SECTION 1-45-110(2)(A)
4 AND (B), C.R.S.]

5 2.4.2 PERSONAL FINANCIAL DISCLOSURE UPDATE FORMS (AMENDED STATEMENTS). AN
6 AMENDED DISCLOSURE STATEMENT WILL SATISFY THE DISCLOSURE REQUIREMENT
7 IF:

8 (A) A CANDIDATE FILES AN AFFIDAVIT 90 DAYS OR MORE AFTER FILING A
9 DISCLOSURE;

10 (B) AN INDIVIDUAL FILES A CANDIDATE AFFIDAVIT FOR A NEW OFFICE SOUGHT,
11 IF ALL NECESSARY AMENDED STATEMENTS HAVE BEEN FILED SINCE THE
12 FILING OF THE ORIGINAL DISCLOSURE STATEMENT; OR

13 (C) AN INCUMBENT HAS MAINTAINED CURRENT UPDATES ON FILE SINCE FILING
14 AN ORIGINAL, COMPLETE PERSONAL FINANCIAL DISCLOSURE.

15 2.4.3 IF A CANDIDATE WITHDRAWS FROM HIS OR HER CANDIDACY BY SUBMITTING
16 APPROPRIATE DOCUMENTATION BEFORE FILING THE DISCLOSURE STATEMENT
17 REQUIRED IN SECTION 1-45-110(2)(A), C.R.S., THE CANDIDATE IS NOT REQUIRED TO
18 FILE A DISCLOSURE STATEMENT, BUT ANY FINES THAT THE CANDIDATE ACCRUED
19 FOR FAILURE TO FILE A DISCLOSURE STATEMENT PRIOR TO WITHDRAWING SHALL
20 REMAIN IN EFFECT.

21 **RULE 3. POLITICAL COMMITTEES AND SMALL DONOR COMMITTEES**

22 3.1 POLITICAL COMMITTEES AND SMALL DONOR COMMITTEES SHALL NOT MAKE
23 CONTRIBUTIONS TO ISSUE COMMITTEES OR OTHER POLITICAL COMMITTEES, EXCEPT TO THE
24 EXTENT THAT A CONTRIBUTION IS FOR THE PURCHASE OF EVENT TICKETS, MERCHANDISE,
25 OR SERVICES. [ARTICLE XXVIII, SECTION 2(12)(A)]

26 3.2 A POLITICAL COMMITTEE MAY CHANGE STATUS TO A SMALL DONOR COMMITTEE WITHOUT
27 TERMINATING THE POLITICAL COMMITTEE IF IT HAS NEVER ACCEPTED CONTRIBUTIONS OF
28 MORE THAN \$50 PER NATURAL PERSON PER YEAR.

29 3.3 A COMMITTEE THAT RAISES MONEY SOLELY FOR THE PURPOSE OF MAKING INDEPENDENT
30 EXPENDITURES, AND WHICH DOES NOT MAKE CONTRIBUTIONS TO CANDIDATES FOR ANY
31 OFFICE, SHALL BE AN INDEPENDENT EXPENDITURE COMMITTEE AND SHALL NOT BE
32 CONSIDERED A POLITICAL COMMITTEE. AN INDEPENDENT EXPENDITURE COMMITTEE IS NOT
33 SUBJECT TO THE RESTRICTIONS IN ARTICLE XXVIII, SECTION 3(5). [SECTION
34 1-45-103.7(2.5)]

35 **RULE 4. ISSUE COMMITTEES**

36 4.1 AN ISSUE COMMITTEE SHALL NOT BE SUBJECT TO ANY OF THE REQUIREMENTS OF ARTICLE
37 XXVIII OR ARTICLE 45 OF TITLE 1, C.R.S., UNTIL THE ISSUE COMMITTEE HAS ACCEPTED

1 \$5,000 OR MORE IN CONTRIBUTIONS OR MADE EXPENDITURES OF \$5,000 OR MORE DURING
2 AN ELECTION CYCLE. AN ISSUE COMMITTEE THAT ACCEPTS \$5,000 OR MORE IN
3 CONTRIBUTIONS OR MAKES EXPENDITURES OF \$5,000 OR MORE DURING AN ELECTION
4 CYCLE SHALL REGISTER WITH THE APPROPRIATE OFFICER WITHIN TEN CALENDAR DAYS OF
5 ACCEPTING OR MAKING SUCH CONTRIBUTIONS AND EXPENDITURES.

6 4.1.1 CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE BEFORE REACHING THE
7 \$5,000 THRESHOLD ARE NOT REQUIRED TO BE REPORTED. CONTRIBUTIONS
8 RECEIVED AND EXPENDITURES MADE AFTER REACHING THE \$5,000 THRESHOLD
9 SHALL BE REPORTED IN ACCORDANCE WITH THE REPORTING SCHEDULE SPECIFIED IN
10 SECTION 1-45-108(2)(A), C.R.S.

11 4.1.2 AN ISSUE COMMITTEE SHALL PROVIDE THE COMMITTEE'S BALANCE ON THE DATE OF
12 COMMITTEE REGISTRATION AS A "BEGINNING BALANCE" ON THE COMMITTEE'S
13 INITIAL REPORT OF CONTRIBUTIONS AND EXPENDITURES.

14 4.1.3 FOR PURPOSES OF THIS RULE, AN ELECTION CYCLE IS THE TWO-YEAR HOUSE OF
15 REPRESENTATIVES ELECTION CYCLE.

16 [SAMPSON V. BUESCHER, 625 F.3D 1247 (10TH CIR. 2010)]

17 THE DENVER DISTRICT COURT DECLARED RULE 4.27, THE PREDECESSOR TO RULE 4.1,
18 INVALID IN *COMMON CAUSE ET. AL V. GESSLER*, 2011 CV 4164. THE SECRETARY HAS
19 APPEALED THE DECISION, AND ACCORDINGLY WILL NOT ENFORCE RULE 4.1 UNLESS OR
20 UNTIL THE COLORADO APPELLATE COURTS REVERSE THE DISTRICT COURT'S DECISION. THE
21 SECRETARY WILL REVIVE RULE 4.1 IF THE APPELLATE COURTS REVERSE THE DECISION.

22 4.2 AN ~~SINGLE~~ ISSUE COMMITTEE MAY SUPPORT OR OPPOSE MORE THAN ONE ISSUE IF THE
23 FOLLOWING CONDITIONS ARE MET:

24 4.2.1 THE SPECIFIC ISSUES ARE INCLUDED ON THE COMMITTEE REGISTRATION FORM
25 WHEN EACH ISSUE MEETS THE REQUIREMENTS OF SECTION 1-45-108(7), C.R.S.;

26 4.2.2 EACH ISSUE IS DESCRIBED ON THE COMMITTEE REGISTRATION FORM; AND

27 4.2.3 THE REGISTRATION FORM STATES WHETHER THE COMMITTEE WILL BE SUPPORTING
28 OR OPPOSING THOSE ISSUES.

29 [ARTICLE XXVIII, SECTION 2(10)(A)(I) AND (2)(10)(A)(II)]

30 4.3 AN ISSUE COMMITTEE SHALL FILE ON A FREQUENT FILING SCHEDULE ONCE IT HAS SPENT
31 MONEY TO SUPPORT OR OPPOSE BALLOT ISSUES OR BALLOT QUESTIONS, OR POTENTIAL
32 BALLOT ISSUES OR BALLOT QUESTIONS ON AN UPCOMING BALLOT. SEE RULE 1.9.3.

33 4.4 ~~MULTI-PURPOSE ISSUE COMMITTEES-DISCLOSURE.~~

1 ~~4.4.1 IN THE CASE OF AN ISSUE COMMITTEE WHOSE PURPOSES ARE NOT LIMITED TO~~
2 ~~SUPPORTING OR OPPOSING BALLOT ISSUES OR BALLOT QUESTIONS (A “MULTI-~~
3 ~~PURPOSE ISSUE COMMITTEE”):~~

4 ~~(A)4.4.1 AN MULTI-PURPOSE~~ ISSUE COMMITTEE IS ONLY REQUIRED TO REPORT THOSE
5 CONTRIBUTIONS ACCEPTED, EXPENDITURES MADE, AND OBLIGATIONS ENTERED
6 INTO FOR THE PURPOSE OF SUPPORTING OR OPPOSING BALLOT ISSUES OR BALLOT
7 QUESTIONS. ~~A MULTI-PURPOSE ISSUE COMMITTEE SHALL NOT BE REQUIRED TO~~
8 ~~REPORT DONATIONS, MEMBERSHIP DUES, OR ANY OTHER RECEIPTS EXCEPT TO THE~~
9 ~~EXTENT A CONTRIBUTOR EARMARKS CONTRIBUTIONS FOR THE PURPOSE OF~~
10 ~~SUPPORTING OR OPPOSING ONE OR MORE BALLOT ISSUES OR BALLOT QUESTIONS.~~

11 ~~(B)4.4.2~~ CONTRIBUTIONS ACCEPTED FOR THE PURPOSE OF SUPPORTING OR OPPOSING
12 BALLOT ISSUES OR BALLOT QUESTIONS SHALL BE DEPOSITED IN AN ACCOUNT
13 SEPARATE FROM OTHER FUNDS OF THE ISSUE COMMITTEE IN ACCORDANCE WITH
14 ARTICLE XXVIII, SECTION 3(9). ~~IF THE ISSUE COMMITTEE ACCEPTS~~
15 ~~CONTRIBUTIONS RELATING TO MORE THAN ONE BALLOT ISSUE OR BALLOT~~
16 ~~QUESTION, ADDITIONAL SEPARATE BANK ACCOUNTS ARE NOT REQUIRED.~~

17 ~~(C) IF AN MULTI-PURPOSE ISSUE COMMITTEE RECEIVES GENERAL, NON-~~
18 ~~EARMARKED DONATIONS, MEMBERSHIP DUES, OR OTHER PAYMENTS, AND~~
19 ~~LATER CHOOSES TO ALLOCATE SOME OR ALL OF SUCH NON EARMARKED~~
20 ~~CONTRIBUTIONS TO SUPPORT OR OPPOSE A BALLOT ISSUE OR BALLOT~~
21 ~~QUESTION, THEN IT MUST TRANSFER THE FUNDS INTO A SEPARATE~~
22 ~~CAMPAIGN ACCOUNT MAINTAINED IN ACCORDANCE WITH ARTICLE XXVIII,~~
23 ~~SECTION 3(9) AND REPORT THE TRANSFER AS A CONTRIBUTION FROM THE~~
24 ~~COMMITTEE ITSELF.~~

25 ~~4.4.25~~ TERMINATION. AN ~~MULTI-PURPOSE~~ ISSUE COMMITTEE MAY TERMINATE ~~ITS STATUS AS AN~~
26 ~~ISSUE COMMITTEE~~ BY FILING A TERMINATION REPORT WITH THE APPROPRIATE FILING
27 OFFICER. IN ACCORDANCE WITH RULE 12.3, A TERMINATION REPORT MAY BE FILED AT ANY
28 TIME IF THE FOLLOWING CONDITIONS ARE MET:

29 ~~(A)4.5.1~~ THE ~~MULTI-PURPOSE ISSUE~~ COMMITTEE NO LONGER HAS A MAJOR PURPOSE
30 OF SUPPORTING OR OPPOSING ANY BALLOT ISSUE OR BALLOT QUESTION AND NO
31 LONGER INTENDS TO ACCEPT OR MAKE CONTRIBUTIONS OR EXPENDITURES TO
32 SUPPORT OR OPPOSE A BALLOT ISSUE OR BALLOT QUESTION; AND

33 ~~(B)4.5.2~~ THE COMMITTEE'S SEPARATE ACCOUNT MAINTAINED IN ACCORDANCE WITH
34 ARTICLE XXVIII, SECTION 3(9) ~~HAS A ZERO BALANCE, WHICH MEANS THE~~
35 ~~ACCOUNT~~ HAS NO CASH ON HAND AND NO OUTSTANDING DEBTS OR OBLIGATIONS.

36 **RULE 5. INDEPENDENT EXPENDITURES AND INDEPENDENT EXPENDITURE COMMITTEES**

37 5.1 DISCLAIMER REQUIREMENT FOR NONBROADCAST INDEPENDENT EXPENDITURE
38 COMMUNICATIONS.

1 5.1.1 ANY NONBROADCAST COMMUNICATION THAT CONSTITUTES AN INDEPENDENT
2 EXPENDITURE AND IS SUBJECT TO THE REQUIREMENTS OF SECTION 1-45-107.5(5),
3 C.R.S., SHALL CONTAIN A CLEAR AND CONSPICUOUS DISCLAIMER INCLUDING:

4 (A) THE NAME OF THE PERSON THAT PAID FOR THE COMMUNICATION; AND

5 (B) THE SPECIFIC STATEMENT THAT THE COMMUNICATION IS NOT AUTHORIZED
6 BY ANY CANDIDATE.

7 THE DISCLAIMER SHALL BE CLEARLY READABLE, AND SHALL BE PRINTED IN TEXT
8 THAT IS NO LESS THAN FIFTEEN PERCENT OF THE SIZE OF THE LARGEST FONT USED IN
9 THE COMMUNICATION, OR AT LEAST EIGHT-POINT FONT.

10 5.1.2 THE REQUIREMENTS OF PARAGRAPH (A) DO NOT APPLY TO BUMPER STICKERS, PINS,
11 BUTTONS, PENS, AND SIMILAR SMALL ITEMS UPON WHICH THE DISCLAIMER CANNOT
12 BE REASONABLY PRINTED.

13 5.2 A COMMITTEE THAT RAISES MONEY SOLELY FOR THE PURPOSE OF MAKING INDEPENDENT
14 EXPENDITURES, AND WHICH DOES NOT MAKE CONTRIBUTIONS TO CANDIDATES, SHALL BE
15 AN INDEPENDENT EXPENDITURE COMMITTEE AND SHALL NOT BE CONSIDERED A POLITICAL
16 COMMITTEE. AN INDEPENDENT EXPENDITURE COMMITTEE IS NOT SUBJECT TO THE
17 POLITICAL COMMITTEE RESTRICTIONS IN ARTICLE XXVIII, SECTION 3(5). [SECTION
18 1-45-103.7(2.5), C.R.S.]

19 **RULE 6. POLITICAL PARTIES**

20 6.1 THE APPROPRIATE FILING OFFICER FOR A STATE OR COUNTY POLITICAL PARTY IS THE
21 SECRETARY OF STATE. THEREFORE, STATE AND COUNTY POLITICAL PARTIES ARE SUBJECT
22 TO THE REQUIREMENTS OF SECTION 1-45-109(1)(C), C.R.S., AND MUST FILE REPORTS WITH
23 THE SECRETARY OF STATE. [ARTICLE XXVIII SECTION 2(1); SECTION 1-45-109(1)(C),
24 C.R.S.]

25 6.1.1 THIS RULE SHALL NOT APPLY TO A POLITICAL PARTY IN A HOME RULE JURISDICTION
26 REPORTING IN ACCORDANCE WITH RULE 14.4.

27 6.2 TRANSFERS OF MONEY WITHIN A PARTY

28 6.2.1 A PARTY MAY TRANSFER MONEY FROM ONE LEVEL OF THE ORGANIZATION TO
29 ANOTHER WITHOUT LIMIT.

30 6.2.2 TRANSFERS OF MONEY WITHIN A PARTY SHALL BE DISCLOSED AS "OTHER INCOME"
31 IN ACCORDANCE WITH RULE 10.12.

32 **RULE 7. FEDERAL PACS AND 527 POLITICAL ORGANIZATIONS**

33 7.1 FEDERAL PACS

1 7.1.1 A POLITICAL COMMITTEE THAT IS SUBJECT TO REPORTING UNDER BOTH SECTION
2 1-45-108, C.R.S., AND THE “FEDERAL ELECTION COMMISSION ACT OF 1971” (A
3 “FEDERAL PAC”) SHALL REGISTER WITH THE SECRETARY OF STATE’S OFFICE AS A
4 “FEDERAL PAC.” A FEDERAL PAC SHALL FILE DISCLOSURE REPORTS
5 ELECTRONICALLY WITH THE SECRETARY OF STATE. IN ACCORDANCE WITH THE
6 REQUIREMENT OF SECTION 1-45-108 (3.5), C.R.S., THAT FEDERAL PACS ARE
7 SUBJECT TO “ALL OTHER LEGAL REQUIREMENTS”, A FEDERAL PAC MUST:

8 (A) IDENTIFY THE CONTRIBUTIONS THE FEDERAL PAC RECEIVED THAT WERE
9 USED TO SUPPORT OR OPPOSE CANDIDATES IN COLORADO AND DISCLOSE
10 ALL SUCH CONTRIBUTIONS ON REPORTS FILED WITH THE SECRETARY OF
11 STATE.

12 (B) ITEMIZE ON THE COLORADO REPORT ALL CONTRIBUTIONS OF \$20 OR MORE
13 IDENTIFIED BY THE FEDERAL PAC AS MAKING UP THE FUNDS USED TO
14 SUPPORT OR OPPOSE CANDIDATES IN COLORADO, AND LIST THE
15 OCCUPATION AND EMPLOYER OF ANY PERSON WHO HAS MADE A
16 CONTRIBUTION OF \$100 OR MORE.

17 (C) USE ONLY CONTRIBUTIONS RECEIVED BY THE FEDERAL PAC THAT ARE
18 WITHIN SOURCE AND CONTRIBUTION LIMITS ESTABLISHED BY COLORADO
19 LAW TO SUPPORT OR OPPOSE STATE OR LOCAL CANDIDATES.
20 CONTRIBUTIONS RECEIVED BY THE PAC THAT THE ORGANIZATION HAS NOT
21 DESIGNATED FOR USE TO SUPPORT OR OPPOSE CANDIDATES IN COLORADO
22 DO NOT HAVE TO BE DISCLOSED ON REPORTS FILED IN COLORADO AND ARE
23 NOT SUBJECT TO THE COLORADO SOURCE AND AMOUNT LIMITS AND
24 PROHIBITIONS.

25 (D) ITEMIZE ALL EXPENDITURES IN THE STATE OF \$20 OR MORE, AND LIST ANY
26 EXPENDITURES OF LESS THAN \$20 MADE IN COLORADO AS NON-ITEMIZED
27 EXPENDITURES.

28 (E) DEPOSIT FEDERAL PAC FUNDS INTO A SEPARATE ACCOUNT THAT IS USED
29 FOR THE FEDERAL PAC EXCLUSIVELY, IN ACCORDANCE WITH ARTICLE
30 XXVIII, SECTION 3(9) AND RULE 4.18. THE FEDERAL PAC MAY, BUT IS
31 NOT REQUIRED TO, SEGREGATE FUNDS INTENDED TO SUPPORT OR OPPOSE
32 STATE OR LOCAL CANDIDATES IN COLORADO.

33 7.1.2 FEDERAL PACS SHALL FILE REPORTS IN EVERY REPORTING PERIOD AS LONG AS THE
34 FEDERAL PAC REMAINS IN “ACTIVE” STATUS WITH THE SECRETARY OF STATE’S
35 OFFICE. REPORTS FILED BY A FEDERAL PAC ARE FILED ON THE SCHEDULE
36 OUTLINED FOR POLITICAL COMMITTEES IN SECTION 1-45-108(2)(A)(I), C.R.S.

37 7.1.3 IF THE FEDERAL PAC IS REGISTERED AS A COLORADO POLITICAL COMMITTEE
38 RATHER THAN AS A FEDERAL PAC, THE COMMITTEE MUST FOLLOW THE
39 REQUIREMENTS APPLICABLE TO STATE POLITICAL COMMITTEES, AND NOT THOSE
40 OUTLINED IN THIS RULE.

1 7.1.4 ANY FEDERAL PAC REGISTERED WITH THE SECRETARY OF STATE MAY TERMINATE
2 ITS ACTIVE STATUS BY FILING A TERMINATION REPORT.

3 7.2 POLITICAL ORGANIZATIONS. IN THE CASE OF POLITICAL ORGANIZATIONS AS DEFINED IN
4 SECTION 1-45-103(14.5), C.R.S.:

5 7.2.1 FOR PURPOSES OF SECTION 1-45-108.5, C.R.S., AN ENTITY IS CONSIDERED A
6 POLITICAL ORGANIZATION ONLY IF:

7 (A) IT ENGAGES IN EXPRESS ADVOCACY;

8 (B) RAISES OR SPENDS MORE THAN \$25,000 IN A CALENDAR YEAR;

9 (C) HAS AS ITS MAJOR PURPOSE INFLUENCING OR ATTEMPTING TO INFLUENCE
10 ELECTIONS; AND

11 (D) IS EXEMPT, OR INTENDS TO SEEK EXEMPTION, FROM TAXATION BY THE
12 INTERNAL REVENUE SERVICE.

13 [*BUCKLEY V. VALEO*, 424 U.S. 1 (1976); I.R.C. § 527(i)(5)(B) (2010)]

14 7.2.2 POLITICAL ORGANIZATIONS SHALL FILE ON THE “FREQUENT” FILING SCHEDULE FOR
15 A POLITICAL COMMITTEE IN AN EVEN-NUMBERED YEAR, AND ON THE “INFREQUENT”
16 FILING SCHEDULE IN AN ODD-NUMBERED YEAR, ACCORDING TO THE FILING
17 SCHEDULES SET FORTH IN SECTION 1-45-108(2), C.R.S.

18 (A) FOR THE PURPOSES OF THIS RULE, “OFF-ELECTION YEAR” FOR A POLITICAL
19 ORGANIZATION SHALL MEAN EVERY ODD-NUMBERED YEAR.

20 (B) FOR THE PURPOSES OF THIS RULE, “MAJOR ELECTION” SHALL MEAN AN
21 ELECTION HELD IN NOVEMBER OF AN EVEN-NUMBERED YEAR.

22 7.2.3 AFTER REACHING THE \$25,000 THRESHOLD, POLITICAL ORGANIZATIONS ARE NOT
23 REQUIRED TO FILE DISCLOSURE REPORTS FOR REPORTING PERIODS WHEN NO
24 CONTRIBUTIONS WERE RECEIVED AND SPENDING WAS LESS THAN \$20. [SECTION
25 1-45-108.5(1)(B), C.R.S.]

26 7.2.4 POLITICAL ORGANIZATIONS SHALL FILE ALL APPLICABLE DISCLOSURE REPORTS
27 REQUIRED BY SECTION 1-45-108.5, C.R.S., WITH THE APPROPRIATE FILING OFFICER.
28 FOR THE PURPOSES OF THIS RULE, THE APPROPRIATE FILING OFFICER SHALL BE THE
29 SAME FOR POLITICAL ORGANIZATIONS AS FOR POLITICAL COMMITTEES AS OUTLINED
30 IN SECTION 1-45-109, C.R.S.

31 **RULE 8. REGISTERING A COMMITTEE**

32 8.1 THE PURPOSE OR NATURE OF INTEREST OF THE COMMITTEE OR PARTY SHALL BE INCLUDED
33 IN THE COMMITTEE REGISTRATION.

1 8.1.1 A CANDIDATE COMMITTEE SHALL IDENTIFY THE NAME OF THE CANDIDATE AND THE
2 SPECIFIC OFFICE SOUGHT.

3 8.1.2 A POLITICAL COMMITTEE, INDEPENDENT EXPENDITURE COMMITTEE, SMALL DONOR
4 COMMITTEE, FEDERAL PAC, OR POLITICAL ORGANIZATION SHALL IDENTIFY THE
5 TYPES OF CANDIDATES BEING SUPPORTED OR OPPOSED, INCLUDING PARTY
6 AFFILIATION AND OFFICE(S) SOUGHT OR PUBLIC POLICY POSITION(S).

7 8.1.3 AN ISSUE COMMITTEE MUST IDENTIFY THE BALLOT MEASURES TO BE SUPPORTED OR
8 OPPOSED, IF KNOWN. IF PARTICULAR BALLOT MEASURES ARE NOT KNOWN, AN ISSUE
9 COMMITTEE MUST IDENTIFY POLICY POSITIONS TO BE SUPPORTED OR OPPOSED.

10 8.2 WHEN A COMMITTEE REGISTRATION FORM IS RECEIVED AND DEEMED COMPLETE BY THE
11 APPROPRIATE FILING OFFICER, AN IDENTIFICATION NUMBER WILL BE ASSIGNED AND A
12 LETTER OR EMAIL OF ACKNOWLEDGEMENT WILL BE SENT BY THE APPROPRIATE FILING
13 OFFICER TO THE REGISTERED AGENT ON FILE.

14 **RULE 9. REGISTERED AGENTS**

15 9.1 THE REGISTERED AGENT OR A DESIGNATED FILING AGENT FOR ANY COMMITTEE SHALL SIGN
16 THE COMMITTEE'S REGISTRATION FORM AND ALL DISCLOSURE REPORTS. FOR
17 REGISTRATION FORMS AND REPORTS FILED BY A CANDIDATE OR CANDIDATE COMMITTEE,
18 THE CANDIDATE MAY SIGN. [SECTIONS 1-45-108(3), (5), AND (6), C.R.S.]

19 9.2 FOR A CANDIDATE COMMITTEE, THE CANDIDATE MAY SERVE AS THE REGISTERED AGENT,
20 OR THE CANDIDATE MAY APPOINT ANOTHER PERSON.

21 9.3 RESIGNATION OF REGISTERED AGENT

22 9.3.1 A COMMITTEE MAY ASSIGN A NEW REGISTERED AGENT BY FILING AN AMENDED
23 COMMITTEE REGISTRATION USING THE ONLINE CAMPAIGN FINANCE FILING SYSTEM.
24 THE SECRETARY OF STATE'S OFFICE WILL MAINTAIN A REGISTERED AGENT'S NAME
25 ON FILE UNTIL THE COMMITTEE ASSIGNS A NEW REGISTERED AGENT.

26 9.3.2 IN ACCORDANCE WITH RULE 12.1, THE COMMITTEE OR PARTY SHALL FILE AN
27 AMENDED COMMITTEE REGISTRATION FORM WITHIN FIVE DAYS AFTER THE
28 RESIGNATION OF A REGISTERED AGENT OR THE APPOINTMENT OF A NEW
29 REGISTERED AGENT. THE COMMITTEE OR PARTY MUST HAVE AN ACTIVE
30 REGISTERED AGENT AT ALL TIMES. [SECTION 1-45-108(3)(B), C.R.S.]

31 **RULE 10. MANAGING CONTRIBUTIONS AND EXPENDITURES**

32 10.1 CONTRIBUTIONS – HOW REPORTED

33 10.1.1 ALL CONTRIBUTIONS RECEIVED OF \$20 OR MORE DURING A REPORTING PERIOD
34 SHALL BE LISTED INDIVIDUALLY ON THE CONTRIBUTION AND EXPENDITURE REPORT,
35 INCLUDING NAMES AND ADDRESSES OF THE CONTRIBUTORS. IF A CONTRIBUTOR
36 GIVES \$20 OR MORE IN THE AGGREGATE DURING THE REPORTING PERIOD, THE

1 CONTRIBUTOR MUST BE LISTED INDIVIDUALLY ON THE REPORT, REGARDLESS OF THE
2 AMOUNT OF EACH CONTRIBUTION. [SECTION 1-45-108(1), C.R.S.]

3 10.1.2 ALL OTHER RECEIPTS AND CONTRIBUTIONS LESS THAN \$20 MAY BE REPORTED IN
4 TOTAL AS NON-ITEMIZED CONTRIBUTIONS FOR THE REPORTING PERIOD, EXCEPT FOR
5 CONTRIBUTIONS FROM AN LLC.

6 10.1.3 CONTRIBUTIONS FROM AN LLC MUST BE ITEMIZED REGARDLESS OF AMOUNT.
7 [SECTION 1-45-103.7(5)(D), C.R.S.]

8 10.1.4 DISCLOSURE OF OCCUPATION AND EMPLOYER

9 (A) THE REQUIREMENT TO DISCLOSE THE OCCUPATION AND EMPLOYER OF A
10 CONTRIBUTOR IN ARTICLE XXVIII, SECTION 7 AND SECTION 1-45-108,
11 C.R.S., APPLIES TO ANY ONE-TIME CONTRIBUTION OF \$100 OR MORE, AND
12 NOT TO AGGREGATE CONTRIBUTIONS TOTALING \$100 OR MORE.

13 (B) IF OCCUPATION AND EMPLOYER INFORMATION IS NOT PROVIDED FOR
14 CONTRIBUTIONS OF \$100 OR MORE, AND THE COMMITTEE IS UNABLE TO
15 GATHER THE INFORMATION WITHIN 30 DAYS AFTER RECEIPT FROM THE
16 CONTRIBUTION, THE CONTRIBUTION SHALL BE RETURNED TO THE
17 CONTRIBUTOR NO LATER THAN THE 31ST DAY AFTER RECEIPT. [ARTICLE
18 XXVIII, SECTION 7]

19 10.2 EXPENDITURES – HOW REPORTED

20 10.2.1 ALL EXPENDITURES MADE BY A COMMITTEE OF \$20 OR MORE DURING A REPORTING
21 PERIOD SHALL BE LISTED INDIVIDUALLY ON THE CONTRIBUTION AND EXPENDITURE
22 REPORT, INCLUDING NAMES AND ADDRESSES OF PAYEES.

23 10.2.2 INDIVIDUAL EXPENDITURES IN AMOUNTS LESS THAN \$20 THAT AGGREGATE TO
24 TOTAL \$20 OR MORE TO THE SAME PAYEE DURING THE REPORTING PERIOD SHALL BE
25 LISTED INDIVIDUALLY ON THE CONTRIBUTION AND EXPENDITURE REPORT.

26 10.2.3 ALL OTHER EXPENDITURES LESS THAN \$20 DURING A REPORTING PERIOD MAY BE
27 REPORTED IN TOTAL AS NON-ITEMIZED EXPENDITURES.

28 [SECTION 1-45-108(1), C.R.S.]

29 10.3 CONTRIBUTIONS AND DONATIONS – WHEN COUNTED.

30 10.3.1 A CONTRIBUTION OR DONATION IS CONSIDERED MADE OR RECEIVED AS OF THE
31 DATE THAT IT IS ACCEPTED BY THE COMMITTEE OR PARTY.

32 (A) A CONTRIBUTION OR DONATION BY CHECK IS CONSIDERED ACCEPTED, AT
33 THE LATEST, ON THE DATE THAT THE CONTRIBUTION OR DONATION IS
34 DEPOSITED BY THE COMMITTEE INTO ITS ACCOUNT. ANY CONTRIBUTION OR
35 DONATION IN THE FORM OF A CHECK RECEIVED BY A COMMITTEE AT LEAST

1 FIVE BUSINESS DAYS BEFORE THE END OF A REPORTING PERIOD MUST BE
2 DEPOSITED OR RETURNED TO THE CONTRIBUTOR BY THE CLOSE OF THAT
3 REPORTING PERIOD.

4 (B) A CASH CONTRIBUTION OR DONATION IS RECEIVED AS OF THE DATE THE
5 CASH IS TRANSFERRED TO THE COMMITTEE'S POSSESSION.

6 (C) A CONTRIBUTION OR DONATION MADE BY CREDIT CARD, PAYPAL, OR OTHER
7 PAYMENT INTERMEDIARY SERVICE IS RECEIVED AS OF THE DATE THE
8 CONTRIBUTOR OR DONOR AUTHORIZES THE PAYMENT TO BE MADE.

9 (D) A NON-MONETARY (IN-KIND) CONTRIBUTION OR DONATION IS RECEIVED AS
10 OF THE DATE ON WHICH THE COMMITTEE TAKES POSSESSION OF THE ITEM,
11 OR HAS THE RIGHT TO POSSESS OR USE THE ITEM.

12 10.3.2 FOR PURPOSES OF SECTION 1-45-105.5, C.R.S., CONCERNING CONTRIBUTIONS BY
13 LOBBYISTS TO CERTAIN STATE OFFICERS AND CANDIDATES WHEN LEGISLATION IS
14 UNDER CONSIDERATION, A CONTRIBUTION IS CONSIDERED MADE OR PROMISED
15 WHEN THE PLEDGE IS MADE OR POSSESSION OF THE CHECK IS TRANSFERRED TO ANY
16 PERSON NOT UNDER THE CONTROL OF THE ISSUER, WHICHEVER IS SOONER.

17 10.4 ALL COMMITTEES SHALL MAINTAIN ALL FINANCIAL RECORDS FOR 180 DAYS AFTER ANY
18 GENERAL ELECTION IN WHICH THE COMMITTEE RECEIVED CONTRIBUTIONS. IF A COMPLAINT
19 IS FILED AGAINST THE COMMITTEE, THE COMMITTEE SHALL MAINTAIN FINANCIAL RECORDS
20 UNTIL FINAL DISPOSITION OF THE COMPLAINT AND ANY CONSEQUENT LITIGATION. LLC
21 AFFIRMATIONS MUST BE MAINTAINED FOR ONE YEAR AFTER THE END OF THE ELECTION
22 CYCLE. [ARTICLE XXVIII, SECTION 3(9)]

23 10.5 FOR ANY CONTRIBUTION RECEIVED IN EXCESS OF CONTRIBUTION LIMITS, NEITHER THE
24 CONTRIBUTOR NOR THE RECEIVING COMMITTEE SHALL BE LIABLE FOR EXCEEDING THE
25 CONTRIBUTION LIMIT IF THE EXCESS AMOUNT IS RETURNED TO THE CONTRIBUTOR WITHIN
26 TEN DAYS OF RECEIPT OR WITHIN THREE DAYS AFTER RECEIVING NOTIFICATION FROM THE
27 SECRETARY OF STATE THAT THE CONTRIBUTION VIOLATES THE LIMITS, WHICHEVER IS
28 SOONER.

29 10.6 CONTRIBUTIONS WHERE THE IDENTITY OF THE CONTRIBUTOR IS UNKNOWN (ANONYMOUS
30 CONTRIBUTIONS OR DONATIONS)

31 10.6.1 COMMITTEES CANNOT KEEP ANONYMOUS CONTRIBUTIONS OR DONATIONS OF \$20
32 OR MORE. AN ANONYMOUS CONTRIBUTION OR DONATION IS ONE WHERE THE
33 IDENTITY OF THE CONTRIBUTOR OR DONOR IS UNKNOWN. ANONYMOUS
34 CONTRIBUTIONS OR DONATIONS OF \$20 OR MORE MUST BE DONATED TO ANY
35 CHARITABLE ORGANIZATION RECOGNIZED BY THE INTERNAL REVENUE SERVICE, OR
36 TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT INTO THE UNCLAIMED
37 PROPERTY FUND OR SUCH OTHER FUND AS THE STATE TREASURER MAY DIRECT,
38 WITHIN 30 DAYS AFTER RECEIPT. [SECTION 1-45-108(1)(A), C.R.S.]

39 10.7 CONTRIBUTIONS BY CANDIDATE – VOLUNTARY SPENDING LIMITS – LOANS.

- 1 10.7.1 IF A CANDIDATE DOES NOT ACCEPT VOLUNTARY SPENDING LIMITS, THE CANDIDATE
2 MAY MAKE UNLIMITED CONTRIBUTIONS FROM HIS OR HER PERSONAL FUNDS TO HIS
3 OR HER CANDIDATE COMMITTEE.
- 4 10.7.2 CONTRIBUTIONS TO A CANDIDATE’S OWN COMMITTEE BY A CANDIDATE WHO DOES
5 ACCEPT VOLUNTARY SPENDING LIMITS SHALL BE COUNTED TOWARD THE LIMIT ON
6 POLITICAL PARTY CONTRIBUTIONS IN ARTICLE XXVIII, SECTION 3(3)(D), AND
7 SECTION 4(2).
- 8 10.7.3 A CANDIDATE WHO ACCEPTS VOLUNTARY SPENDING LIMITS MAY MAKE A LOAN TO
9 HIS OR HER CANDIDATE COMMITTEE IN ANY AMOUNT, SO LONG AS THE UNPAID
10 BALANCE OF ANY LOAN DOES NOT EXCEED THE CONTRIBUTION LIMIT IN ARTICLE
11 XXVIII, SECTIONS 3 AND 4(2) AT ANY TIME.
- 12 10.8 COST-SHARING BY CANDIDATES
- 13 10.8.1 CANDIDATE COMMITTEES MAY SHARE THE COST OF BROCHURES, OFFICES, OFFICE
14 EQUIPMENT, ETC. THAT ARE PRODUCED OR USED JOINTLY IF EACH CANDIDATE
15 COMMITTEE PAYS FOR ITS PROPORTIONATE SHARE OF THE EXPENSE.
- 16 10.8.2 ANY REIMBURSEMENT BY ONE CANDIDATE COMMITTEE TO ANOTHER FOR SHARED
17 COSTS MUST BE MADE WITHIN 30 DAYS OF THE ORIGINAL EXPENDITURE.
18 REIMBURSEMENT IS NOT A “CONTRIBUTION” FROM ONE COMMITTEE TO THE OTHER;
19 IT SHALL BE REPORTED AS AN EXPENDITURE BY THE REIMBURSING COMMITTEE AND
20 AS A RETURNED EXPENDITURE BY THE REIMBURSED COMMITTEE. IF SHARING
21 EXPENDITURES RESULTS IN A PRICE DISCOUNT BASED ON VOLUME OR QUANTITY,
22 THE DISCOUNT IS NOT CONSIDERED A “CONTRIBUTION” FROM THE VENDOR.
- 23 10.9 REIMBURSEMENT OF EXPENDITURES – PAYMENTS BY CREDIT CARD OR PAYMENT
24 INTERMEDIARY SERVICE
- 25 10.9.1 WHEN REPORTING A REIMBURSEMENT TO A CANDIDATE OR TO ANY OTHER PERSON,
26 THE COMMITTEE OR PARTY SHALL SEPARATELY DISCLOSE EACH EXPENDITURE OF
27 \$20 OR MORE, INCLUDING THE PURPOSE, PAYEE, AND AMOUNT OF EACH
28 EXPENDITURE AS OF THE DATE OF THE EXPENDITURE, REGARDLESS OF THE DATE OF
29 REIMBURSEMENT.
- 30 10.9.2 FOR THE PURPOSE OF REPORTING AN EXPENDITURE, SIMPLY DISCLOSING THAT A
31 PAYMENT WAS MADE TO A CREDIT CARD COMPANY OR A PAYMENT INTERMEDIARY
32 SERVICE SUCH AS PAYPAL IS NOT ADEQUATE. ALL EXPENDITURES OF \$20 OR MORE
33 MADE BY CREDIT CARD OR PAYMENT INTERMEDIARY SERVICE MUST BE ITEMIZED,
34 INCLUDING THE NAME AND ADDRESS OF THE ORIGINAL PAYEE, AMOUNT, ORIGINAL
35 DATE OF EXPENDITURE, AND PURPOSE OF THE EXPENDITURE.
- 36 10.9.3 NOTHING IN THIS RULE PERMITS CONTRIBUTIONS OR REIMBURSEMENTS OF
37 CONTRIBUTIONS PROHIBITED BY ARTICLE XXVIII, SECTION 3(11).

1 10.9.4 A REIMBURSEMENT NOT CONSIDERED A CONTRIBUTION TO THE PERSON BEING
2 REIMBURSED FOR PURPOSES OF ARTICLE XXVIII, SECTION 2(5).
3 [SECTION 1-45-108(1)(E), C.R.S.]
4 10.10 LOANS RECEIVED BY A CANDIDATE COMMITTEE
5 10.10.1 ALL LOANS RECEIVED BY A CANDIDATE COMMITTEE MUST BE REPORTED
6 CONTINUOUSLY UNTIL REPAYED. [ARTICLE XXVIII, SECTION 3(8)]
7 10.10.2 LOANS MADE FROM A FINANCIAL INSTITUTION TO A CANDIDATE COMMITTEE
8 UNDER ARTICLE XXVIII, SECTION 3(8) SHALL NOT BE FORGIVEN.
9 10.10.3 LOANS MADE BY A CANDIDATE TO HIS OR HER COMMITTEE
10 (A) A CANDIDATE MAY MAKE AN INTEREST-FREE LOAN TO HIS OR HER
11 CANDIDATE COMMITTEE. ANY FOREGONE INTEREST IS NOT A CONTRIBUTION
12 TO THE COMMITTEE.
13 (B) ANY REPAYMENT OF A LOAN SHALL BE CONSIDERED A LOAN PAYMENT,
14 EXCEPT THAT INTEREST REPAYED FOR A LOAN MADE UNDER ARTICLE XXVIII,
15 SECTION 3(8) SHALL BE REPORTED AS AN EXPENDITURE BY THE COMMITTEE.
16 (C) A LOAN MADE BY A CANDIDATE TO THE CANDIDATE’S OWN COMMITTEE
17 MAY BE FORGIVEN BY THE CANDIDATE. THE AMOUNT OF UNPAID DEBT
18 FORGIVEN BY THE CANDIDATE REMAINS A CONTRIBUTION AND IS NOT
19 CONSIDERED A RETURNED CONTRIBUTION.
20 10.11 THE REQUIREMENT THAT COMMITTEE FUNDS BE DEPOSITED INTO “A FINANCIAL
21 INSTITUTION” DOES NOT REQUIRE THAT ALL COMMITTEE FUNDS MUST BE DEPOSITED IN ONE
22 SINGLE BANK, CREDIT UNION, OR OTHER COMMERCIAL FINANCIAL INSTITUTION. [ARTICLE
23 XXVIII, SECTION 3(9)]
24 10.12 OTHER INCOME
25 10.12.1 A COMMITTEE’S FUNDS MAY BE INVESTED IN ANY TYPE OF ACCOUNT OR
26 INSTRUMENT OF A GOVERNMENT REGULATED FINANCIAL INSTITUTION.
27 10.12.2 ANY INTEREST OR DIVIDENDS EARNED ON A COMMITTEE’S ACCOUNT,
28 EARNED INCOME FROM A COMMERCIALY REASONABLE TRANSACTION, OR
29 TRANSFERS OF MONEY WITHIN A POLITICAL PARTY SHALL BE DISCLOSED AS OTHER
30 INCOME ON THE COMMITTEE’S REPORTS. THIS “OTHER INCOME” IS NOT SUBJECT TO
31 CONTRIBUTION LIMITS.
32 10.13 DISCLOSURE OF CONTRIBUTIONS BY LIMITED LIABILITY COMPANIES (LLCs) [SECTION
33 1-45-103.7(5), (6), (7), AND (8), C.R.S.]

1 10.13.1 THE WRITTEN AFFIRMATION PROVIDED BY AN LLC IN ACCORDANCE WITH
2 SECTION 1-45-103.7, C.R.S., SHALL INCLUDE THE NAMES AND ADDRESSES OF ALL
3 LLC MEMBERS AND DESCRIBE HOW THE CONTRIBUTION IS TO BE ATTRIBUTED TO
4 THE LLC MEMBERS.

5 10.13.2 THE AFFIRMATION SHALL INCLUDE THE OCCUPATION AND EMPLOYER OF
6 ANY MEMBER TO WHOM A CONTRIBUTION OF \$100 OR MORE IS ATTRIBUTED.

7 10.13.3 A COMMITTEE THAT RECEIVES A CONTRIBUTION FROM AN LLC SHALL
8 REPORT THE CONTRIBUTION AS HAVING BEEN RECEIVED FROM CONTRIBUTOR TYPE
9 "LLC," AND SHALL THEN LIST EACH LLC MEMBER AND THE AMOUNT ATTRIBUTED
10 TO EACH MEMBER (AS DETERMINED BY THE PRO-RATA OWNERSHIP HELD BY EACH).
11 DISCLOSURE SHALL INCLUDE THE NAME AND ADDRESS OF THE LLC AND THE NAME
12 AND ADDRESS OF EACH MEMBER. [SECTION 1-45-108(1)(A)(IV), C.R.S.]

13 10.13.4 ANY CONTRIBUTION RECEIVED BY A COMMITTEE FROM AN LLC THAT DOES
14 NOT COMPLY WITH THE AFFIRMATION REQUIREMENTS IN SECTION 1-45-103.7,
15 C.R.S., AND THIS RULE SHALL BE RETURNED TO THE CONTRIBUTOR WITHIN 30
16 DAYS.

17 10.13.5 EACH CONTRIBUTION RECEIVED FROM AN LLC SHALL BE ITEMIZED ON
18 DISCLOSURE REPORTS, REGARDLESS OF THE DOLLAR AMOUNT.

19 10.13.6 ANY CONTRIBUTION FROM AN LLC IS COUNTED AGAINST CONTRIBUTION
20 LIMITS FOR BOTH THE INDIVIDUAL MEMBER(S) TO WHOM THE CONTRIBUTION IS
21 ATTRIBUTED AND THE LLC ITSELF. [ARTICLE XXVIII, SECTION 3(9)]

22 (A) NO LLC SHALL BE PERMITTED TO MAKE A CONTRIBUTION THAT EXCEEDS
23 THE LIMIT FOR A "PERSON" ESTABLISHED IN ARTICLE XXVIII, SECTION 3,
24 AS ADJUSTED BY RULE 10, REGARDLESS OF THE AMOUNT ATTRIBUTED TO
25 EACH INDIVIDUAL MEMBER.

26 10.14 INFLATIONARY ADJUSTMENTS TO CONTRIBUTION AND VOLUNTARY SPENDING LIMITS

27 10.14.1 CALCULATION OF ADJUSTMENTS

28 (A) IN ACCORDANCE WITH ARTICLE XXVIII, SECTIONS 3(13) AND 4(7), LIMITS
29 ON CONTRIBUTIONS IN SECTION 2(14) AND SECTION 3, SUBSECTIONS (1),
30 (2), (3), AND (5) AND THE VOLUNTARY LIMITS ON SPENDING IN SECTION
31 4(1), ARE ADJUSTED EVERY FOUR YEARS BASED ON THE PERCENTAGE
32 CHANGE IN THE CONSUMER PRICE INDEX FOR THE DENVER-BOULDER-
33 GREELEY AREA, OVER THE FOUR YEAR PERIOD IMMEDIATELY PRECEDING
34 THE ADJUSTMENT.

35 (B) IN DETERMINING THE ADJUSTED AMOUNT, THE PERCENTAGE CHANGE IN THE
36 CONSUMER PRICE INDEX IS ROUNDED TO THE NEAREST WHOLE PERCENTAGE
37 POINT. IN ACCORDANCE WITH ARTICLE XXVIII, SECTIONS 3(13) AND 4(7),
38 THE ADJUSTED LIMITS ARE ROUNDED TO THE NEAREST, LOWEST \$25.

1 10.14.2 ADJUSTED LIMITS MADE IN THE FIRST QUARTER OF 2011 AND EFFECTIVE
2 UNTIL THE NEXT ADJUSTMENT IS MADE IN 2015:

3 (A) THERE IS NO ADJUSTMENT TO THE CONTRIBUTION LIMITS ON INDIVIDUAL
4 DONATIONS TO SMALL DONOR COMMITTEES OUTLINED IN ARTICLE XXVIII,
5 SECTION 2(14).

6 (B) THE AGGREGATE LIMITS ON CONTRIBUTIONS FROM ANY PERSON FOR A
7 PRIMARY OR A GENERAL ELECTION, DESCRIBED IN ARTICLE XXVIII,
8 SECTION 3(1), ARE ADJUSTED AS FOLLOWS:

9 (1) \$550 TO ANY ONE:

10 (A) GOVERNOR CANDIDATE COMMITTEE FOR THE PRIMARY
11 ELECTION, AND GOVERNOR AND GOVERNOR AND
12 LIEUTENANT GOVERNOR CANDIDATE COMMITTEE, AS JOINT
13 CANDIDATES UNDER SECTION 1-1-104, C.R.S., OR ANY
14 SUCCESSOR SECTION, FOR THE GENERAL ELECTION;

15 (B) SECRETARY OF STATE, STATE TREASURER, OR ATTORNEY
16 GENERAL CANDIDATE COMMITTEE.

17 (2) THERE IS NO ADJUSTMENT TO THE LIMITS ON CONTRIBUTIONS TO
18 ANY ONE STATE SENATE, STATE HOUSE OF REPRESENTATIVES,
19 STATE BOARD OF EDUCATION, REGENT OF THE UNIVERSITY OF
20 COLORADO, OR ANY DISTRICT ATTORNEY CANDIDATE COMMITTEE.

21 (C) THE AGGREGATE LIMITS ON CONTRIBUTIONS FROM A SMALL DONOR
22 COMMITTEE FOR A PRIMARY OR A GENERAL ELECTION, DESCRIBED IN
23 ARTICLE XXVIII, SECTION 3(2), ARE ADJUSTED AS FOLLOWS:

24 (1) \$5,675 TO ANY ONE:

25 (A) GOVERNOR CANDIDATE COMMITTEE FOR THE PRIMARY
26 ELECTION, AND GOVERNOR AND LIEUTENANT GOVERNOR
27 CANDIDATE COMMITTEE, AS JOINT CANDIDATES UNDER
28 SECTION 1-1-104, C.R.S., OR ANY SUCCESSOR SECTION, FOR
29 THE GENERAL ELECTION;

30 (B) SECRETARY OF STATE, STATE TREASURER, OR ATTORNEY
31 GENERAL CANDIDATE COMMITTEE; AND

32 (2) \$2,250 TO ANY ONE STATE SENATE, STATE HOUSE OF
33 REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE
34 UNIVERSITY OF COLORADO, OR ANY DISTRICT ATTORNEY
35 CANDIDATE COMMITTEE.

(D) THE AGGREGATE LIMITS ON CONTRIBUTIONS FROM ANY PERSON TO A POLITICAL PARTY, DESCRIBED IN ARTICLE XXVIII, SECTION 3(3)(A), ARE ADJUSTED AS FOLLOWS:

(1) \$3,400 PER YEAR AT THE STATE, COUNTY, DISTRICT, AND LOCAL LEVEL COMBINED; AND

(2) OF SUCH, NO MORE THAN \$2,825 AT THE STATE LEVEL.

(E) THE AGGREGATE LIMITS ON CONTRIBUTIONS FROM A SMALL DONOR COMMITTEE TO A POLITICAL PARTY, DESCRIBED IN ARTICLE XXVIII, SECTION 3(3)(B), ARE ADJUSTED AS FOLLOWS:

(1) \$17,075 PER YEAR AT THE STATE, COUNTY, DISTRICT, AND LOCAL LEVEL COMBINED; AND

(2) OF SUCH, NO MORE THAN \$14,225 AT THE STATE LEVEL.

(F) THE AGGREGATE LIMITS ON PRO-RATA CONTRIBUTIONS OR DUES MADE TO POLITICAL COMMITTEES, DESCRIBED IN ARTICLE XXVIII, SECTION 3(5), ARE ADJUSTED TO \$550 PER HOUSE OF REPRESENTATIVES ELECTION CYCLE.

(G) THIS TABLE CONTAINS THE CONTRIBUTION LIMITS LISTED IN SUBSECTIONS I-VI.

CONTRIBUTOR:

RECIPIENT	NATURAL PERSON	PERSON, OTHER THAN A NATURAL PERSON	POLITICAL COMMITTEE	SMALL DONOR COMMITTEE	POLITICAL PARTY
POLITICAL COMMITTEE	\$550 PER ELECTION CYCLE	\$550 PER ELECTION CYCLE	\$550 PER ELECTION CYCLE	\$550 PER ELECTION CYCLE	\$550 PER ELECTION CYCLE
SMALL DONOR COMMITTEE	\$50 PER YEAR	PROHIBITED	PROHIBITED	PROHIBITED	PROHIBITED
GOVERNOR (GOVERNOR & LT. GOVERNOR)	\$550 PER ELECTION CYCLE*	\$550 PER ELECTION CYCLE*	\$550 PER ELECTION CYCLE*	\$5,675 PER ELECTION CYCLE*	\$569,530 PER ELECTION CYCLE
SECRETARY OF STATE, STATE TREASURER, ATTORNEY GENERAL	\$550 PER ELECTION CYCLE*	\$550 PER ELECTION CYCLE*	\$550 PER ELECTION CYCLE*	\$5,675 PER ELECTION CYCLE*	\$113,905 PER ELECTION CYCLE
STATE	\$200 PER	\$200 PER	\$200 PER	\$2,250 PER	\$20,500 PER

SENATE	ELECTION CYCLE*	ELECTION CYCLE*	ELECTION CYCLE*	ELECTION CYCLE*	ELECTION CYCLE
STATE HOUSE OF REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE UNIVERSITY OF COLORADO, DISTRICT ATTORNEY	\$200 PER ELECTION CYCLE*	\$200 PER ELECTION CYCLE*	\$200 PER ELECTION CYCLE*	\$2,250 PER ELECTION CYCLE*	\$14,805 PER ELECTION CYCLE
POLITICAL PARTY	\$3,400 (\$2,825 AT THE STATE LEVEL) PER YEAR	\$3,400 (\$2,825 AT THE STATE LEVEL) PER YEAR	\$3,400 (\$2,825 AT THE STATE LEVEL) PER YEAR	\$17,075 (\$14,225 AT THE STATE LEVEL) PER YEAR	TRANSFERS WITHIN A PARTY MAY BE MADE WITHOUT LIMITATION.

1 * ALL MAJOR PARTY CANDIDATES MAY ACCEPT THE CONTRIBUTION LIMIT FOR THE
2 PRIMARY ELECTION AND THE GENERAL ELECTION. MINOR PARTY CANDIDATES WHO APPEAR
3 ON A PRIMARY ELECTION BALLOT MAY ACCEPT CONTRIBUTIONS FOR THE PRIMARY AND
4 GENERAL ELECTIONS. UNAFFILIATED AND MINOR PARTY CANDIDATES WHO DO NOT APPEAR
5 ON A PRIMARY ELECTION BALLOT MAY ACCEPT CONTRIBUTIONS ONLY FOR THE GENERAL
6 ELECTION.

7 (H) THE VOLUNTARY SPENDING LIMITS FOR A CANDIDATE DESCRIBED IN
8 ARTICLE XXVIII, SECTION 4(1), ARE ADJUSTED AS FOLLOWS:

9 (1) THE SPENDING LIMIT FOR GOVERNOR, AND GOVERNOR AND
10 LIEUTENANT GOVERNOR AS JOINT CANDIDATES UNDER SECTION
11 1-1-104, C.R.S., OR ANY SUCCESSOR SECTION SHALL BE ADJUSTED
12 TO \$2,847,650.

13 (2) THE SPENDING LIMIT FOR A CANDIDATE FOR SECRETARY OF STATE,
14 ATTORNEY GENERAL, OR TREASURER SHALL BE ADJUSTED TO
15 \$569,525.

16 (3) THE SPENDING LIMIT FOR A CANDIDATE FOR STATE SENATE SHALL
17 BE ADJUSTED TO \$102,500.

18 (4) THE SPENDING LIMIT FOR A CANDIDATE FOR STATE HOUSE OF
19 REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE

UNIVERSITY OF COLORADO, OR ANY DISTRICT ATTORNEY SHALL BE ADJUSTED TO \$74,025.

CANDIDATE	VOLUNTARY SPENDING LIMIT
GOVERNOR, AND GOVERNOR AND LIEUTENANT GOVERNOR AS JOINT CANDIDATES	\$2,847,650
SECRETARY OF STATE, ATTORNEY GENERAL, OR STATE TREASURER	\$569,525
STATE SENATE	\$102,500
STATE HOUSE OF REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE UNIVERSITY OF COLORADO, OR DISTRICT ATTORNEY	\$74,025

10.14.3 ADJUSTED LIMITS MADE IN THE FIRST QUARTER OF 2007 AND EFFECTIVE THROUGH THE FIRST QUARTER OF 2011:

(A) THERE IS NO ADJUSTMENT TO THE CONTRIBUTION LIMIT ON INDIVIDUAL DONATIONS TO SMALL DONOR COMMITTEES OUTLINED IN ARTICLE XXVIII, SECTION 2(14).

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

(1) \$525 TO ANY ONE:

(A) GOVERNOR CANDIDATE COMMITTEE FOR THE PRIMARY ELECTION, AND GOVERNOR AND LIEUTENANT GOVERNOR CANDIDATE COMMITTEE, AS JOINT CANDIDATES UNDER SECTION 1-1-104, C.R.S., OR ANY SUCCESSOR SECTION, FOR THE GENERAL ELECTION;

(B) SECRETARY OF STATE, STATE TREASURER, OR ATTORNEY GENERAL, CANDIDATE COMMITTEE.

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

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

(1) \$5,300 TO ANY ONE:

- 1 (A) GOVERNOR CANDIDATE COMMITTEE FOR THE PRIMARY
2 ELECTION, AND GOVERNOR AND LIEUTENANT GOVERNOR
3 CANDIDATE COMMITTEE, AS JOINT CANDIDATES UNDER
4 SECTION 1-1-104, C.R.S., OR ANY SUCCESSOR SECTION, FOR
5 THE GENERAL ELECTION;
- 6 (B) SECRETARY OF STATE, STATE TREASURER, OR ATTORNEY
7 GENERAL, CANDIDATE COMMITTEE; AND
- 8 (2) \$2,125 TO ANY ONE STATE SENATE, STATE HOUSE OF
9 REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE
10 UNIVERSITY OF COLORADO, OR ANY DISTRICT ATTORNEY
11 CANDIDATE COMMITTEE.
- 12 (D) THE AGGREGATE LIMITS ON CONTRIBUTIONS FROM ANY PERSON TO A
13 POLITICAL PARTY, DESCRIBED IN ARTICLE XXVIII, SECTION 3(3)(A), ARE
14 ADJUSTED AS FOLLOWS:
- 15 (1) \$3,175 PER YEAR AT THE STATE, COUNTY, DISTRICT, AND LOCAL
16 LEVEL COMBINED; AND
- 17 (2) OF SUCH, NO MORE THAN \$2,650 AT THE STATE LEVEL.
- 18 (E) THE AGGREGATE LIMITS ON CONTRIBUTIONS FROM A SMALL DONOR
19 COMMITTEE TO A POLITICAL PARTY, DESCRIBED IN ARTICLE XXVIII,
20 SECTION 3(3)(B), ARE ADJUSTED AS FOLLOWS:
- 21 (1) \$15,900 PER YEAR AT THE STATE, COUNTY, DISTRICT, AND LOCAL
22 LEVEL COMBINED; AND
- 23 (2) OF SUCH, NO MORE THAN \$13,250 AT THE STATE LEVEL.
- 24 (F) THE AGGREGATE LIMITS ON PRO-RATA CONTRIBUTIONS OR DUES MADE TO
25 POLITICAL COMMITTEES, DESCRIBED IN SECTION 3(5), ARTICLE XXVIII OF
26 THE COLORADO CONSTITUTION, ARE ADJUSTED TO \$525 PER HOUSE OF
27 REPRESENTATIVES ELECTION CYCLE.
- 28 (G) THE VOLUNTARY SPENDING LIMITS FOR A CANDIDATE DESCRIBED IN
29 ARTICLE XXVIII, SECTION 4(1), ARE ADJUSTED AS FOLLOWS:
- 30 (1) THE SPENDING LIMIT FOR GOVERNOR, AND GOVERNOR AND
31 LIEUTENANT GOVERNOR AS JOINT CANDIDATES UNDER SECTION
32 1-1-104, C.R.S., OR ANY SUCCESSOR SECTION SHALL BE ADJUSTED
33 TO \$2,650,000.
- 34 (2) THE SPENDING LIMIT FOR A CANDIDATE FOR SECRETARY OF STATE,
35 ATTORNEY GENERAL, OR TREASURER SHALL BE ADJUSTED TO
36 \$530,000.

1 (3) THE SPENDING LIMIT FOR A CANDIDATE FOR STATE SENATE SHALL
2 BE ADJUSTED TO \$95,400.

3 (4) THE SPENDING LIMIT FOR A CANDIDATE FOR STATE HOUSE OF
4 REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE
5 UNIVERSITY OF COLORADO, OR ANY DISTRICT ATTORNEY SHALL BE
6 ADJUSTED TO \$68,900.

7 **RULE 11. ELECTIONEERING COMMUNICATIONS**

8 11.1 IF A PERSON SPENDING MONEY FOR ELECTIONEERING COMMUNICATIONS IS A CORPORATION
9 OR LABOR ORGANIZATION, DISCLOSURE OF THE NAMES AND ADDRESSES OF PERSONS
10 CONTRIBUTING \$250 OR MORE USED TO MAKE ELECTIONEERING COMMUNICATIONS SHALL
11 ONLY BE REQUIRED IF THE MONEY IS SPECIFICALLY EARMARKED FOR ELECTIONEERING
12 COMMUNICATIONS. [SECTION 1-45-108(1)(A)(III), C.R.S.]

13 11.2 ALL CONTRIBUTIONS OF \$250 OR MORE RECEIVED FOR ELECTIONEERING COMMUNICATIONS
14 DURING A REPORTING PERIOD, INCLUDING NON-MONETARY CONTRIBUTIONS, SHALL BE
15 LISTED INDIVIDUALLY ON THE ELECTIONEERING REPORT. [ARTICLE XXVIII, SECTION 6(1)]

16 11.3 ALL SPENDING OF \$1,000 OR MORE PER CALENDAR YEAR SHALL BE LISTED INDIVIDUALLY
17 ON THE ELECTIONEERING REPORT, INCLUDING NAME, ADDRESS, AND METHOD OF
18 COMMUNICATION. [ARTICLE XXVIII, SECTION 6(1)]

19 11.4 ENTITIES MAKING ELECTIONEERING COMMUNICATIONS SHALL MAINTAIN ALL FINANCIAL
20 RECORDS FOR 180 DAYS AFTER ANY GENERAL ELECTION IN WHICH THE ENTITY RECEIVED
21 CONTRIBUTIONS. IF A COMPLAINT IS FILED AGAINST THE ENTITY MAKING ELECTIONEERING
22 COMMUNICATIONS, THE ENTITY SHALL MAINTAIN FINANCIAL RECORDS UNTIL FINAL
23 DISPOSITION OF THE COMPLAINT AND ANY CONSEQUENT LITIGATION.

24 11.5 THE NAME OF THE CANDIDATE(S) UNAMBIGUOUSLY REFERRED TO IN THE ELECTIONEERING
25 COMMUNICATION SHALL BE INCLUDED IN THE ELECTIONEERING REPORT. [ARTICLE XXVIII,
26 SECTION 2(7)(I)]

27 11.6 SUBMISSION OF ELECTIONEERING COMMUNICATION DISCLOSURE REPORTS

28 11.6.1 COMMITTEES ARE NOT REQUIRED TO FILE ELECTIONEERING COMMUNICATION
29 REPORTS SEPARATE FROM REGULARLY FILED INDEPENDENT EXPENDITURE
30 DISCLOSURE REPORTS SO LONG AS ANY EXPENDITURE OR SPENDING SUBJECT TO
31 ARTICLE XXVIII, SECTION 6 AND RULE 11.5 IS IDENTIFIED AS AN ELECTIONEERING
32 COMMUNICATION. THE DISCLOSURE OF ELECTIONEERING EXPENDITURES OR
33 SPENDING ON A REGULARLY FILED REPORT SHALL INCLUDE THE NAME OF THE
34 CANDIDATE REFERRED TO IN THE ELECTIONEERING COMMUNICATION.

35 **RULE 12. CHANGING OR CLOSING A COMMITTEE**

- 1 12.1 CHANGES TO ANY INFORMATION DISCLOSED ON THE COMMITTEE REGISTRATION
2 STATEMENT MUST BE REPORTED TO THE APPROPRIATE FILING OFFICER WITHIN TEN DAYS.
3 [SECTION 1-45-108(3), C.R.S.]
- 4 12.2 A CANDIDATE THAT CHANGES OFFICE SOUGHT SHALL TERMINATE HIS OR HER EXISTING
5 CANDIDATE COMMITTEE AND REGISTER A NEW CANDIDATE COMMITTEE WITHIN TEN DAYS
6 OF THE CHANGE. SEE RULE 2.2.
- 7 12.3 A COMMITTEE MAY TERMINATE IF THE FOLLOWING CONDITIONS ARE MET:
- 8 12.3.1 THE COMMITTEE NO LONGER INTENDS TO RECEIVE CONTRIBUTIONS OR MAKE
9 EXPENDITURES;
- 10 12.3.2 THE COMMITTEE HAS A ZERO BALANCE BECAUSE IT HAS NO CASH OR ASSETS ON
11 HAND AND NO OUTSTANDING DEBTS OR OBLIGATIONS; AND
- 12 12.3.3 THE CANDIDATE OR COMMITTEE FILES A TERMINATION REPORT OF CONTRIBUTIONS
13 AND EXPENDITURES.
- 14 A COMMITTEE MAY DISPOSE OF ASSETS REMAINING IN ITS POSSESSION BEFORE
15 TERMINATION IN THE SAME MANNER AS ALLOWED FOR UNEXPENDED CONTRIBUTIONS. A
16 TERMINATION REPORT MAY BE FILED AT ANY TIME. [ARTICLE XXVIII, SECTION 2(3) AND
17 SECTION 1-45-106, C.R.S.]
- 18 12.4 UNEXPENDED CONTRIBUTIONS
- 19 12.4.1 UNEXPENDED CAMPAIGN CONTRIBUTIONS HELD BY A CANDIDATE COMMITTEE. SEE
20 RULE 2.2.
- 21 12.4.2 AN ISSUE COMMITTEE MAY DONATE UNEXPENDED CONTRIBUTIONS TO A
22 CHARITABLE ORGANIZATION RECOGNIZED BY THE I.R.S. OR RETURN UNEXPENDED
23 CONTRIBUTIONS TO THE CONTRIBUTOR. [SECTION 1-45-106(3), C.R.S.]
- 24 12.4.3 POLITICAL COMMITTEES, SMALL DONOR COMMITTEES, INDEPENDENT EXPENDITURE
25 COMMITTEES, POLITICAL PARTIES, FEDERAL PACS, AND POLITICAL ORGANIZATIONS
26 ARE NOT COVERED BY STATUTE. [SECTION 1-45-106, C.R.S.]
- 27 12.5 CLOSING A MULTI-PURPOSE ISSUE COMMITTEE – SEE RULE 4.4.2.
- 28 12.6 ADMINISTRATIVE COMMITTEE TERMINATIONS
- 29 12.6.1 IN ACCORDANCE WITH THE PROCEDURES SET OUT IN THE “STATE ADMINISTRATIVE
30 PROCEDURE ACT” (ARTICLE 4 OF TITLE 24, C.R.S.), THE SECRETARY OF STATE
31 MAY CLOSE AN INACTIVE COMMITTEE AFTER SIX MISSED REPORTS OR 18 MONTHS OF
32 NON-REPORTING, WHICHEVER HAPPENS FIRST.
- 33 12.6.2 A COMMITTEE SHALL BE DEEMED INACTIVE FOR THE PURPOSE OF THIS RULE AFTER
34 FAILING TO FILE ANY REPORTS WITH THE APPROPRIATE FILING OFFICER FOR SIX

1 CONSECUTIVE REPORTING PERIODS OR 18 MONTHS, WHICHEVER IS SHORTER.
2 [ARTICLE XXVIII, SECTION 2(3), AND SECTION 24-4-105, C.R.S.]

3 **RULE 13. CORPORATIONS AND MEMBERSHIP ORGANIZATIONS**

4 13.1 A CORPORATION OR LABOR ORGANIZATION MAY ESTABLISH A POLITICAL COMMITTEE, AN
5 INDEPENDENT EXPENDITURE COMMITTEE, AND A SMALL DONOR COMMITTEE. EACH
6 COMMITTEE IS SUBJECT TO THE APPLICABLE INDIVIDUAL CONTRIBUTION AND EXPENDITURE
7 LIMITS FOR THAT COMMITTEE. A CORPORATION OR LABOR ORGANIZATION MAY PAY FOR
8 THE COSTS OF ESTABLISHING, ADMINISTERING, AND SOLICITING FUNDS FROM ITS OWN
9 EMPLOYEES OR MEMBERS FOR A POLITICAL COMMITTEE, A SMALL DONOR COMMITTEE, OR
10 AN INDEPENDENT EXPENDITURE COMMITTEE. [ARTICLE XXVIII, SECTIONS 2(5)(B) AND
11 2(14)(B)]

12 13.2 MEMBERSHIP DUES TRANSFERRED TO SMALL DONOR COMMITTEES, INDEPENDENT
13 EXPENDITURE COMMITTEES, AND POLITICAL COMMITTEES.

14 13.2.1 MEMBERSHIP ORGANIZATIONS TRANSFERRING A PORTION OF A MEMBER’S DUES TO
15 A SMALL DONOR COMMITTEE, INDEPENDENT EXPENDITURE COMMITTEE, OR
16 POLITICAL COMMITTEE SHALL PROVIDE THE RESPECTIVE COMMITTEE WITH THE
17 MEMBER’S NAME, ADDRESS, AMOUNT OF DUES TRANSFERRED, AND THE DATE OF
18 THE DUES TRANSFER.

19 13.2.2 EACH SMALL DONOR COMMITTEE, INDEPENDENT EXPENDITURE COMMITTEE, AND
20 POLITICAL COMMITTEE SHALL KEEP RECORDS OF ALL CONTRIBUTIONS OR
21 DONATIONS RECEIVED IN THE FORM OF MEMBERSHIP DUES TRANSFERRED BY A
22 MEMBERSHIP ORGANIZATION TO THE COMMITTEE. THE RECORDS SHALL INCLUDE
23 EACH CONTRIBUTING OR DONATING MEMBER’S NAME, ADDRESS, AND AMOUNT OF
24 THE DUES TRANSFERRED. [SECTION 1-45-108(1)(A)(I), C.R.S.]

25 13.2.3 EACH SMALL DONOR COMMITTEE AND POLITICAL COMMITTEE SHALL ITEMIZE AND
26 REPORT THE NAME AND ADDRESS OF EACH PERSON WHO HAS CONTRIBUTED \$20 OR
27 MORE IN A REPORTING PERIOD, INCLUDING BUT NOT LIMITED TO CONTRIBUTIONS
28 RECEIVED IN THE FORM OF MEMBERSHIP DUES TRANSFERRED BY A MEMBERSHIP
29 ORGANIZATION TO THE COMMITTEE. [ARTICLE XXVIII, SECTION 2(14)(A); SECTION
30 1-45-108(1)(A), C.R.S.]

31 13.2.4 ON EACH DISCLOSURE REPORT, THE CANDIDATE OR REGISTERED AGENT OF A
32 COMMITTEE SHALL CERTIFY AND DECLARE, UNDER PENALTY OF PERJURY, THAT TO
33 THE BEST OF HIS OR HER KNOWLEDGE OR BELIEF ALL CONTRIBUTIONS OR
34 DONATIONS RECEIVED IN A REPORTING PERIOD, INCLUDING CONTRIBUTIONS OR
35 DONATIONS RECEIVED IN THE FORM OF MEMBERSHIP DUES TRANSFERRED BY A
36 MEMBERSHIP ORGANIZATION, ARE FROM PERMISSIBLE SOURCES. [ARTICLE XXVIII,
37 SECTION 3]

38 **RULE 14. LOCAL OFFICES AND HOME RULE**

- 1 14.1 THE REQUIREMENTS OF ARTICLE XXVIII AND OF ARTICLE 45 OF TITLE 1, C.R.S., DO NOT
2 APPLY TO HOME RULE COUNTIES OR HOME RULE MUNICIPALITIES THAT HAVE ADOPTED
3 CHARTERS, ORDINANCES, OR RESOLUTIONS THAT ADDRESS ANY OF THE MATTERS COVERED
4 BY ARTICLE XXVIII OR ARTICLE 45 OF TITLE 1.
- 5 14.2 THE PROVISIONS OF ARTICLE XXVIII, SECTION 3(4) RELATING TO CONTRIBUTIONS OF
6 CORPORATIONS AND LABOR UNIONS APPLY TO ELECTIONS TO EVERY STATE AND LOCAL
7 PUBLIC OFFICE, EXCEPT LOCAL PUBLIC OFFICES IN HOME RULE COUNTIES OR HOME RULE
8 MUNICIPALITIES THAT HAVE ADOPTED CHARTERS, ORDINANCES, OR RESOLUTIONS THAT
9 ADDRESS ANY OF THE MATTERS COVERED BY ARTICLE XXVIII OR TITLE 1, ARTICLE 45.
- 10 14.3 THE PROVISIONS OF SECTION 1-45-105.5, C.R.S., RELATING TO A PROHIBITION ON
11 LOBBYIST CONTRIBUTIONS TO MEMBERS OF THE GENERAL ASSEMBLY DURING LEGISLATIVE
12 SESSIONS, APPLY TO MEMBERS OF THE GENERAL ASSEMBLY WHO ARE CANDIDATES FOR
13 ANY STATE OR LOCAL OFFICE, INCLUDING ANY OFFICE IN HOME RULE MUNICIPALITIES THAT
14 HAVE ADOPTED CHARTERS, ORDINANCES, OR RESOLUTIONS THAT ADDRESS ANY OF THE
15 MATTERS COVERED BY ARTICLE XXVIII OR ARTICLE 45 OF TITLE 1.
- 16 14.4 A POLITICAL PARTY, AS DEFINED IN ARTICLE XXVIII, SECTION 2(13) AT THE LEVEL OF A
17 HOME RULE COUNTY OR HOME RULE MUNICIPALITY THAT HAS ADOPTED A CHARTER,
18 ORDINANCE, OR RESOLUTION THAT ADDRESSES ANY OF THE MATTERS COVERED BY
19 ARTICLE XXVIII OR ARTICLE 45 OF TITLE 1, MAY ESTABLISH A SEPARATE ACCOUNT THAT
20 IS USED SOLELY FOR CONTRIBUTIONS MADE TO THE PARTY, AND EXPENDITURES MADE BY
21 THE PARTY, FOR THE PURPOSE OF SUPPORTING THE PARTY'S COUNTY OR MUNICIPAL
22 CANDIDATES FOR OFFICES WITHIN THE COUNTY OR MUNICIPALITY. CONTRIBUTIONS TO AND
23 EXPENDITURES FROM SUCH ACCOUNT SHALL NOT BE INCLUDED FOR PURPOSES OF ANY
24 LIMITATIONS OR REPORTING CONTAINED IN ARTICLE XXVIII OR ARTICLE 45 OF TITLE 1,
25 C.R.S.
- 26 14.5 THE PROVISIONS OF SECTION 1-45-117, C.R.S., RELATING TO THE USE OF PUBLIC FUNDS
27 FOR POLITICAL PURPOSES, APPLY TO HOME RULE COUNTIES OR HOME RULE MUNICIPALITIES
28 THAT HAVE ADOPTED CHARTERS, ORDINANCES, OR RESOLUTIONS THAT ADDRESS ANY OF
29 THE MATTERS COVERED BY ARTICLE XXVIII OR TITLE 1, ARTICLE 45.
- 30 14.6 JUNIOR COLLEGE BOARDS OF TRUSTEES. A PERSON SEEKING ELECTION TO A JUNIOR
31 COLLEGE BOARD OF TRUSTEES IS NOT SUBJECT TO THE PROVISIONS OF ARTICLE XXVIII OR
32 ARTICLE 45 OF TITLE 1, C.R.S. [ARTICLE XXVIII, SECTION 2(2); SECTION 23-71-110,
33 C.R.S.]

34 **RULE 15. RECALL ELECTIONS**

- 35 15.1 THE ELECTION CYCLE FOR A RECALL ELECTION SHALL BE FROM THE DATE THE RECALL
36 PETITION IS APPROVED FOR CIRCULATION BY THE DESIGNATED ELECTION OFFICIAL
37 THROUGH 30 DAYS FOLLOWING THE DATE OF THE RECALL ELECTION.
- 38 15.1.1 IN THE EVENT THAT NO RECALL ELECTION IS HELD BECAUSE THE PETITION IS
39 DETERMINED TO BE INSUFFICIENT, THE RECALL ELECTION CYCLE ENDS 30 DAYS
40 AFTER THE FINAL DETERMINATION OF INSUFFICIENCY, INCLUDING PASSAGE OF THE

1 TIME FOR PROTEST AND FINAL DISPOSITION OF ANY PROTEST OR APPEAL OF SUCH
2 DETERMINATION.

3 15.2.2 IN THE EVENT THAT NO RECALL ELECTION IS HELD FOR ANY OTHER REASON, THE
4 RECALL ELECTION CYCLE ENDS 30 DAYS AFTER THE DEADLINE FOR FILING THE
5 RECALL ELECTION PETITION.

6 15.2 COMMITTEES PARTICIPATING IN A RECALL ELECTION SHALL FILE REPORTS ON THE FIFTH
7 DAY OF EVERY MONTH UNTIL DISCLOSURE AS SET FORTH IN SECTION 1-45-108(2.7), C.R.S.,
8 BEGINS.

9 15.2.1 THE INITIAL REPORTING PERIOD FOR COMMITTEES PARTICIPATING IN THE RECALL
10 ELECTION SHALL BEGIN ON THE DATE THE COMMITTEE REGISTERS WITH THE
11 APPROPRIATE FILING OFFICE.

12 15.2.2 SUBSEQUENT REPORTING PERIODS SHALL BEGIN ON THE FIRST DAY OF EACH
13 MONTH, AND END ON THE LAST DAY OF THAT MONTH.

14 15.3 THE INCUMBENT IN A RECALL ELECTION IS NOT A CANDIDATE FOR THE SUCCESSOR
15 ELECTION ACCORDING TO SECTION 1-12-117, C.R.S.; THEREFORE, THE INCUMBENT MAY
16 OPEN AN ISSUE COMMITTEE TO OPPOSE THE RECALL.

17 15.4 THE AGGREGATE CONTRIBUTION LIMITS SPECIFIED FOR A GENERAL ELECTION IN ARTICLE
18 XXVIII, SECTION 3, SHALL APPLY TO THE RECALL ELECTION WITH RESPECT TO EACH
19 SUCCESSOR CANDIDATE.

20 15.5 ANY POLITICAL COMMITTEE SUPPORTING OR OPPOSING ANY CANDIDATE IN A RECALL
21 ELECTION SHALL FILE DISCLOSURE REPORTS:

22 15.5.1 14 DAYS BEFORE THE RECALL ELECTION;

23 15.5.2 SEVEN DAYS BEFORE THE RECALL ELECTION; AND

24 15.5.3 30 DAYS AFTER THE RECALL ELECTION

25 [SECTION 1-45-108 (2.7), C.R.S.]

26 15.6 AN ISSUE COMMITTEE SUPPORTING OR OPPOSING A RECALL ELECTION IS NOT REQUIRED TO
27 REGISTER WITH THE APPROPRIATE OFFICER UNTIL THE COMMITTEE HAS ACCEPTED \$5,000
28 OR MORE IN CONTRIBUTIONS OR MADE EXPENDITURES OF \$5,000 OR MORE IN SUPPORT OF
29 OR OPPOSITION TO THE RECALL.

30 **RULE 16. SPECIAL DISTRICTS**

31 16.1 SEE RULE 17.5 FOR REPORTING PERIODS AND REPORT DUE DATES FOR SPECIAL DISTRICT
32 ELECTIONS.

33 16.2 ~~THE A SPECIAL DISTRICT DIRECTOR CANDIDATE DESIGNATED ELECTION OFFICIAL OR, AS~~
34 ~~APPLICABLE, THE PRESIDING OFFICER OR THE SECRETARY OF THE BOARD OF DIRECTORS,~~

1 ~~UNDER SECTION 32-1-804.3(5), C.R.S., SHALL FILE A COPY OF THE SELF-NOMINATION AND~~
2 ~~ACCEPTANCE FORM PROVIDE THE DOCUMENT DESCRIBED IN RULE 16.3 TO WITH THE~~
3 ~~SECRETARY OF STATE NO LATER THAN 60 DAYS BEFORE THE SPECIAL DISTRICT ELECTION~~
4 ~~THE DATE ESTABLISHED FOR CERTIFICATION OF THE SPECIAL DISTRICT'S BALLOT IN~~
5 ~~ACCORDANCE WITH SECTION 1-5-203(3)(A), C.R.S.~~ THIS RULE DOES NOT APPLY IF THE
6 SPECIAL DISTRICT CANCELS THE ELECTION.

7 16.3 SELF-NOMINATION AND ACCEPTANCE FORMS AND AFFIDAVITS OF INTENT TO BE A WRITE-IN
8 CANDIDATE.

9 16.3.1 THE SELF-NOMINATION AND ACCEPTANCE FORMS AND LETTERS, AND AFFIDAVITS
10 OF INTENT TO BE A WRITE-IN CANDIDATE MUST INCLUDE THE FOLLOWING
11 INFORMATION:

- 12 (A) THE CANDIDATE'S FULL NAME;
- 13 (B) THE NAME OF THE SPECIAL DISTRICT IN WHICH THE CANDIDATE IS SEEKING
14 TO BE ELECTED TO THE BOARD;
- 15 (C) THE YEAR IN WHICH THE ELECTION WILL OCCUR;
- 16 (D) THE COUNTY IN WHICH THE DISTRICT COURT THAT AUTHORIZED THE
17 CREATION OF THE SPECIAL DISTRICT IS LOCATED;
- 18 (E) THE CANDIDATE'S PHYSICAL AND MAILING ADDRESSES;
- 19 (F) A TELEPHONE NUMBER FOR THE CANDIDATE;
- 20 (G) THE CANDIDATE'S EMAIL ADDRESS;
- 21 (H) THE DATE ON WHICH THE FORM, LETTER, OR AFFIDAVIT WAS FILED BY THE
22 CANDIDATE;
- 23 (I) THE CANDIDATE'S SIGNATURE; AND
- 24 (J) THE SIGNATURE OF A REGISTERED ELECTOR ACTING AS A WITNESS.

25 [SECTIONS 1-45-110, 32-1-804.3(1), C.R.S.]

26 16.4 IF A CANDIDATE FOR A SPECIAL DISTRICT OFFICE FAILS TO FILE A CANDIDATE AFFIDAVIT, OR
27 THE FILED SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER, OR THE AFFIDAVIT OF
28 INTENT TO BE A WRITE-IN CANDIDATE DOES NOT CONTAIN THE STATEMENT REQUIRED BY
29 SECTION 1-45-110(1), C.R.S., THE SECRETARY OF STATE WILL MAIL THE SPECIAL DISTRICT
30 A COPY OF THE NOTIFICATION TO THE CANDIDATE REGARDING PENDING DISQUALIFICATION
31 SENT ACCORDING TO SECTION 1-45-110(3), C.R.S.

32 16.5 A DOCUMENT FILED ACCORDING TO RULE 16.3 IS CONSIDERED TO BE FILED WHEN
33 RECEIVED BY THE SECRETARY OF STATE. THIS RULE DOES NOT RELIEVE ANY CANDIDATE
34 OF ANY OBLIGATION TO FILE ANY DOCUMENT REQUIRED BY THE FAIR CAMPAIGN PRACTICES

1 ACT, ARTICLE XXVIII, OR OTHER LAW, NOR DOES IT IMPOSE A REQUIREMENT ON A
2 DESIGNATED ELECTION OFFICIAL, PRESIDING OFFICER, OR THE SECRETARY TO FILE ANY
3 DOCUMENT ON BEHALF OF ANY CANDIDATE.

4 16.6 A SPECIAL DISTRICT CANDIDATE IS NOT REQUIRED TO FILE DISCLOSURE REPORTS IF:

5 16.6.1 THE SPECIAL DISTRICT CANDIDATE AFFIDAVIT, THE FILED SELF-NOMINATION AND
6 ACCEPTANCE FORM OR LETTER, OR THE AFFIDAVIT OF INTENT TO BE A WRITE-IN
7 CANDIDATE CONTAINS A STATEMENT SUBSTANTIALLY STATING, "I WILL NOT, IN MY
8 CAMPAIGN FOR THIS OFFICE, RECEIVE CONTRIBUTIONS OR MAKE EXPENDITURES
9 EXCEEDING \$20 IN THE AGGREGATE, HOWEVER, IF I DO SO, I WILL THEREAFTER FILE
10 ALL DISCLOSURE REPORTS REQUIRED UNDER THE FAIR CAMPAIGN PRACTICES ACT;"
11 AND

12 16.6.2 THE CANDIDATE DOES NOT ACCEPT CONTRIBUTIONS OR MAKE EXPENDITURES
13 EXCEEDING \$20 IN THE AGGREGATE.

14 [ARTICLE XXVIII, SECTION 2(2) AND SECTION 1-45-108(1)]

15 **RULE 17. REPORTING PERIODS AND FILING SCHEDULES**

16 17.1 UNTIL TERMINATED IN ACCORDANCE WITH THESE RULES, A COMMITTEE OTHER THAN A
17 POLITICAL ORGANIZATION SHALL FILE A DISCLOSURE REPORT FOR EVERY REPORTING
18 PERIOD, EVEN IF THE COMMITTEE HAS NO ACTIVITY (CONTRIBUTIONS, DONATIONS, OR
19 EXPENDITURES) TO REPORT DURING THE REPORTING PERIOD.

20 17.2 REPORT PERIODS

21 17.2.1 THE REPORTING PERIOD FOR ANY REPORT BEGINS ON THE FIRST DAY FOLLOWING
22 THE LAST DAY OF THE REPORTING PERIOD FOR THE PREVIOUS REPORT FILED WITH
23 THE APPROPRIATE OFFICER. THE REPORTING PERIOD FOR ANY REPORT THAT IS
24 REQUIRED TO BE FILED UNDER SECTION 1-45-109(1)(A)(II) AND (1)(C), C.R.S.,
25 CLOSES FIVE CALENDAR DAYS BEFORE THE DATE THAT THE REPORT IS DUE.
26 [SECTION 1-45-108(2)(C), C.R.S.]

27 17.2.2 QUARTERLY REPORTING PERIODS CLOSE ON THE LAST DAY OF THE MONTH. THE
28 REPORT IS DUE ON OR BEFORE APRIL 15TH, JULY 15TH, OCTOBER 15TH, AND
29 JANUARY 15TH FOLLOWING EACH CALENDAR QUARTER. IF THE FILING DEADLINE
30 FALLS ON A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE FILING DEADLINE IS THE
31 NEXT BUSINESS DAY. [SECTION 1-45-108(2)(A), C.R.S.]

32 17.2.3 MONTHLY REPORTING PERIODS CLOSE FIVE CALENDAR DAYS BEFORE THE LAST DAY
33 OF THE MONTH. MONTHLY REPORTS ARE DUE ON OR BEFORE THE FIRST CALENDAR
34 DAY OF THE FOLLOWING MONTH. IF THE FILING DEADLINE FALLS ON A SATURDAY,
35 SUNDAY, OR LEGAL HOLIDAY, THE FILING DEADLINE IS THE NEXT BUSINESS DAY.
36 WHEN THE FILING DEADLINE FOR A MONTHLY REPORT APPROXIMATES THE FILING
37 DEADLINE FOR A BIWEEKLY REPORT, NO SEPARATE MONTHLY REPORT SHALL BE

1 FILED, AND THE BIWEEKLY REPORT SHALL SERVE AS THE MONTHLY REPORT.
2 [SECTION 1-45-108(2)(A) AND (C), C.R.S.]

3 17.2.4 THE REPORTING PERIOD FOR BIWEEKLY REPORTS REQUIRED BY SECTION
4 1-45-108(2)(A)(I)(B) AND (D) CLOSES ON THE WEDNESDAY BEFORE THE DUE DATE.
5 IF THE FILING DEADLINE FALLS ON A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE
6 FILING DEADLINE IS THE NEXT BUSINESS DAY. [SECTION 1-45-108(2)(A) C.R.S.]

7 17.2.5 THE POST-ELECTION REPORTING PERIOD CLOSSES ON THE LAST DAY OF THE
8 CALENDAR MONTH IN WHICH THE ELECTION WAS HELD. THE REPORT IS DUE ON OR
9 BEFORE THE 30TH DAY FOLLOWING THE ELECTION. IF THE FILING DEADLINE FALLS
10 ON A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE FILING DEADLINE IS THE NEXT
11 BUSINESS DAY. [SECTION 1-45-108(2)(A), C.R.S.]

12 17.2.6 EACH YEAR, THE SECRETARY OF STATE WILL PUBLISH A FILING CALENDAR FOR
13 EACH COMMITTEE TYPE, AND WILL MAKE THE CALENDARS AVAILABLE ON THE
14 SECRETARY OF STATE WEBSITE.

15 17.3 ONCE AN ISSUE COMMITTEE HAS DECLARED ITS COMMITTEE FILING STATUS AS FREQUENT
16 OR INFREQUENT IN A PARTICULAR YEAR, THE COMMITTEE SHALL FOLLOW THE APPROPRIATE
17 FILING SCHEDULE FOR THE REMAINDER OF THAT CALENDAR YEAR, EXCEPT THAT AN
18 INACTIVE COMMITTEE MAY CHANGE ITS STATUS TO ACTIVE AT ANY TIME.

19 17.4 THE REQUIREMENT OF SECTION 1-45-108(2)(A)(I)(B), C.R.S., TO FILE REPORTS OF
20 CONTRIBUTIONS AND EXPENDITURES BIWEEKLY RATHER THAN MONTHLY BEGINNING IN
21 JULY BEFORE THE PRIMARY ELECTION, WAS RENDERED INFEASIBLE BY THE ENACTMENT OF
22 SENATE BILL 11-189, WHICH MOVED THE DATE OF THE PRIMARY ELECTION FROM AUGUST
23 TO JUNE. THEREFORE, MONTHLY FILING AS REQUIRED BY SECTION 1-45-108(2)(A)(I)(C),
24 C.R.S., REMAINS APPLICABLE THROUGH THE PRIMARY ELECTION AND UNTIL BIWEEKLY
25 REPORTING BEGINS IN SEPTEMBER BEFORE THE NOVEMBER ELECTION AS REQUIRED BY
26 SECTION 1-45-108(2)(A)(I)(D), C.R.S.

27 17.5 SPECIAL DISTRICT REPORTING.

28 17.5.1 REPORTS RELATING TO SPECIAL DISTRICT ELECTIONS ARE DUE:

29 (A) ON THE 21ST DAY BEFORE;

30 (B) ON THE FRIDAY BEFORE; AND

31 (C) ON THE 30TH DAY AFTER THE DATE OF THE REGULAR ELECTION.

32 [SECTION 1-45-109(1)(A)(II) AND (1)(C), C.R.S.]

33 17.6 REPORTS FOR FORMER OFFICEHOLDERS OR PERSONS NOT ELECTED TO OFFICE

34 17.6.1 ANNUAL REPORTING

1 (A) A CANDIDATE COMMITTEE FOR A CANDIDATE NOT ELECTED TO OFFICE, OR
2 WHO WAS FORMERLY IN OFFICE, MAY ELECT TO FILE ONLY AN ANNUAL
3 REPORT FOR EACH CALENDAR YEAR.

4 (1) STATE CANDIDATE COMMITTEES SHALL FILE AN ANNUAL REPORT
5 NOT LATER THAN JANUARY 15TH OF THE FOLLOWING YEAR.

6 (2) ALL OTHER CANDIDATE COMMITTEES SHALL FILE AN ANNUAL
7 REPORT ON THE FIRST DAY OF THE MONTH IN WHICH THE
8 ANNIVERSARY OF THE MAJOR ELECTION OCCURS, IN ACCORDANCE
9 WITH SECTION 1-45-108(2)(A)(II), C.R.S.

10 (B) A CHANGE IN THE BALANCE OF FUNDS RESULTING SOLELY FROM THE
11 ACCRUAL OF INTEREST OR DIVIDENDS TO THE ACCOUNT AND/OR THE
12 AUTOMATIC DEDUCTION OF PERIODIC SERVICE FEES DOES NOT SUBJECT A
13 CANDIDATE COMMITTEE TO THE REPORTING REQUIREMENTS OF SECTION
14 1-45-108, C.R.S. AT A MINIMUM, A CANDIDATE COMMITTEE MUST FILE
15 ANNUAL REPORT AS SET FORTH IN SUBSECTION (A) OF THIS RULE.

16 [SECTIONS 1-45-108(2)(C) AND (2)(D), C.R.S.]

17 17.6.2 THE REPORTING EXEMPTION IN SECTION 1-45-108(2)(D), C.R.S., APPLIES ONLY TO
18 REPORTS FOR WHICH THE ENTIRE REPORTING PERIOD OCCURS AFTER THE ELECTION
19 IN WHICH THE CANDIDATE'S NAME APPEARED ON THE BALLOT.

20 **RULE 18. PENALTIES, VIOLATIONS, AND COMPLAINTS**

21 18.1 REQUESTS FOR WAIVER OR REDUCTION OF CAMPAIGN FINANCE PENALTIES

22 18.1.1 A REQUEST FOR WAIVER OR REDUCTION OF CAMPAIGN FINANCE PENALTIES
23 IMPOSED UNDER ARTICLE XXVIII, SECTION 10(2) MUST STATE THE REASON FOR
24 THE DELINQUENCY. THE FILER SHOULD PROVIDE AN EXPLANATION THAT INCLUDES
25 ALL RELEVANT FACTORS RELATING TO THE DELINQUENCY AND ANY MITIGATING
26 CIRCUMSTANCES, INCLUDING MEASURES TAKEN TO AVOID FUTURE DELINQUENCIES.
27 BEFORE THE SECRETARY OF STATE WILL CONSIDER A REQUEST, THE REPORT MUST
28 BE FILED, AND A REQUEST INCLUDING THE INFORMATION REQUIRED BY THIS
29 PARAGRAPH MUST BE SUBMITTED.

30 18.1.2 REQUESTS FOR WAIVER OR REDUCTION OF CAMPAIGN FINANCE PENALTIES IMPOSED
31 UNDER ARTICLE XXVIII, SECTIONS 9(2) OR 10(2) MUST BE CONSIDERED BY THE
32 SECRETARY OF STATE AND ADMINISTRATIVE LAW JUDGES ACCORDING TO THE
33 FOLLOWING RULES:
34

SCENARIO - APPLIED IN NUMERICAL ORDER (I.E. IF #1 DOESN'T APPLY, MOVE TO #2)	RESULT
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#1	<p>A WAIVER IS REQUESTED AND ESTABLISHES GOOD CAUSE THAT MADE TIMELY FILING IMPRACTICABLE (FOR EXAMPLE, WAS IN THE HOSPITAL, GOT IN A CAR ACCIDENT, WAS STRANDED BY A BLIZZARD, ETC.). THE EVENT OR EVENTS THAT MADE TIMELY FILING IMPRACTICABLE MUST OCCUR WITHIN A REASONABLE TIME OF THE DATE ON WHICH THE REPORT WAS FILED.</p>	<p>WAIVE PENALTY IN FULL. A WAIVER WILL BE GRANTED WITHOUT CONSIDERATION OF PREVIOUS DELINQUENCIES.</p>
#2	<p>A WAIVER IS REQUESTED BUT DOES NOT PRESENT CIRCUMSTANCES THAT MADE TIMELY FILING IMPRACTICABLE (FOR EXAMPLE, FORGOT, WAS OUT OF TOWN, ELECTRONIC CALENDAR CRASHED), AND:</p>	

	<p>(A) FILER HAD CONTRIBUTIONS AND/OR EXPENDITURES DURING THE REPORTING PERIOD. THE PENALTY IMPOSED IS \$100 OR MORE.</p>	<p>FIRST DELINQUENCY IN 24 MONTHS: THE PENALTY WILL BE REDUCED TO \$50.</p> <p>SECOND DELINQUENCY IN 24 MONTHS: THE PENALTY WILL BE REDUCED BY 50%.</p> <p>THIRD (OR SUBSEQUENT) DELINQUENCY IN 24 MONTHS: A REDUCTION IN PENALTY WILL NOT BE GRANTED.</p> <p>PENALTIES IMPOSED UNDER THIS SECTION ARE CAPPED AT THE HIGHER OF THE CONTRIBUTIONS OR EXPENDITURES MADE DURING THE REPORTING PERIOD. IF A DELINQUENCY IS FOUND TO BE WILLFUL, THE PENALTY CAP MAY BE INCREASED TO TWO TO FIVE TIMES THE HIGHER OF THE CONTRIBUTIONS OR EXPENDITURES MADE DURING THE REPORTING PERIOD.</p> <p>FOR PURPOSES OF THIS ANALYSIS, PREVIOUS DELINQUENCIES EXCLUDE THOSE FOR WHICH A WAIVER UNDER SCENARIO #1 WAS GRANTED.</p>
	<p>(B) FILER HAS NO ACTIVITY (CONTRIBUTIONS OR EXPENDITURES) DURING THE REPORTING PERIOD AND THE COMMITTEE BALANCE IS ZERO. THE PENALTY IMPOSED IS \$100 OR MORE.</p>	<p>THE PENALTY WILL BE REDUCED TO \$50.</p>

	<p>(C) FILER HAS A FUND BALANCE GREATER THAN ZERO AND FILER HAS NO ACTIVITY (CONTRIBUTIONS OR EXPENDITURES) DURING THE REPORTING PERIOD. THE PENALTY IMPOSED IS \$100 OR MORE.</p>	<p>FIRST DELINQUENCY IN 24 MONTHS: THE PENALTY WILL BE REDUCED TO \$50.</p> <p>SECOND DELINQUENCY IN 24 MONTHS: THE PENALTY WILL BE REDUCED BY 50%, SUBJECT TO A CAP OF 10% OF THE FUND BALANCE (BUT NOT LESS THAN \$100).</p> <p>THIRD (OR SUBSEQUENT) DELINQUENCY IN 24 MONTHS: THE PENALTY IS CAPPED AT 10% OF THE FUND BALANCE, AND A MINIMUM PENALTY OF \$100 WILL BE IMPOSED.</p> <p>IF A DELINQUENCY IS FOUND TO BE WILLFUL, THE PENALTY CAP MAY BE INCREASED TO 20% TO 50% OF THE FUND BALANCE.</p> <p>FOR PURPOSES OF THIS ANALYSIS, PREVIOUS DELINQUENCIES EXCLUDE THOSE FOR WHICH A WAIVER UNDER SCENARIO #1 WAS GRANTED.</p>
	<p>(D) FILER SEEKS TO TERMINATE ACTIVE STATUS, HAS A FUND BALANCE OF \$1,000 OR LESS, AND HAS NO ACTIVITY (CONTRIBUTIONS OR EXPENDITURES) DURING THE REPORTING PERIOD(S) IN QUESTION.</p>	<p>PENALTIES ARE SUBJECT TO A CAP EQUAL TO THE TOTAL AMOUNT OF THE FILER'S FUND BALANCE AS OF THE DATE ON WHICH THE DELINQUENT REPORT WAS FILED, IF THE COMMITTEE IS PROMPTLY TERMINATED.</p>

#3	A WAIVER IS REQUESTED, BUT SUBMITTED MORE THAN 30 DAYS AFTER THE DATE OF PENALTY IMPOSITION. FOR PURPOSES OF THIS ANALYSIS, A FILER HAS 30 DAYS AFTER THE DATE ON WHICH THE FINAL NOTICE OF PENALTY IMPOSITION IS ISSUED FOLLOWING THE FILING OF THE DELINQUENT REPORT. UNTIL AN OUTSTANDING REPORT IS FILED, PENALTIES SHALL CONTINUE TO ACCRUE AT A RATE OF \$50 PER DAY AND NO REQUEST FOR WAIVER WILL BE CONSIDERED.	A REQUEST WILL NOT BE CONSIDERED UNLESS GOOD CAUSE HAS BEEN SHOWN FOR FAILURE TO MEET THE 30-DAY WAIVER FILING REQUIREMENT.
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18.1.3 THE SECRETARY OF STATE OR ADMINISTRATIVE LAW JUDGE MAY CONSIDER ANY ADDITIONAL FACTORS THAT ESTABLISH GOOD CAUSE OR MAY OTHERWISE BE RELEVANT TO THE REQUEST FOR WAIVER OR REDUCTION OF CAMPAIGN FINANCE PENALTIES. IN CONSIDERING A REQUEST, THE SECRETARY OF STATE OR ADMINISTRATIVE LAW JUDGE MAY REQUEST ADDITIONAL INFORMATION, INCLUDING BUT NOT LIMITED TO FINANCIAL OR OTHER RECORDS MAINTAINED BY THE FILER.

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18.1.4 FOR WAIVER REQUESTS THAT APPLY TO MORE THAN ONE PENALTY, THE GUIDELINES WILL BE APPLIED SEPARATELY TO EACH PENALTY IN CHRONOLOGICAL ORDER USING THE SINGLE REQUEST AS THE BASIS FOR EACH.

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18.1.5 FILERS MAY REQUEST THAT THE SECRETARY OF STATE RECONSIDER A REQUEST FOR WAIVER OR REDUCTION OF CAMPAIGN FINANCE PENALTIES. ANY REQUEST FOR RECONSIDERATION MUST PRESENT ADDITIONAL MATERIAL FACTS THAT ARE SIGNIFICANTLY DIFFERENT THAN THOSE ALLEGED IN THE ORIGINAL REQUEST FOR REDUCTION OR WAIVER, AND MUST BE SUBMITTED TO THE SECRETARY OF STATE, IN WRITING, WITHIN 30 DAYS OF THE DATE ON WHICH THE WAIVER DECISION WAS MAILED.

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18.1.6 THE SECRETARY OF STATE WILL RESPOND TO REQUESTS FOR WAIVER OR REDUCTION OF CAMPAIGN FINANCE PENALTIES WITHIN 60 DAYS. FAILURE TO RESPOND WITHIN 60 DAYS, HOWEVER, WILL NOT CONSTITUTE AN APPROVAL OF THE REQUEST.

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18.1.7 WHEN REDUCED, PENALTIES ARE ROUNDED TO THE HIGHEST \$25. NO PENALTY WILL BE REDUCED TO AN AMOUNT LESS THAN \$25, UNLESS A FULL WAIVER HAS BEEN GRANTED.

1 18.1.8 MAJOR CONTRIBUTOR REPORTS

- 2 (A) PENALTIES ASSESSED FOR FAILURE TO TIMELY FILE A MAJOR CONTRIBUTOR
3 REPORT UNDER SECTION 1-45-108(2.5), C.R.S., STOP ACCRUING ON THE
4 DATE THAT THE CONTRIBUTION IS FIRST DISCLOSED, EITHER ON THE MAJOR
5 CONTRIBUTOR REPORT OR THE REGULARLY-SCHEDULED REPORT OF
6 CONTRIBUTIONS AND EXPENDITURES. PENALTIES WILL NOT ACCRUE
7 BEYOND THE DATE OF THE GENERAL ELECTION. [SECTION 1-45-108(2.5)
8 C.R.S.]
- 9 (B) THE DATE OF DEPOSIT IS CONSIDERED THE “RECEIVED” DATE FOR
10 CONTRIBUTIONS THAT REQUIRE A MAJOR CONTRIBUTOR REPORT. [SECTION
11 1-45-108(2.5), C.R.S.]
- 12 (C) FOR PURPOSES OF DETERMINING CONTRIBUTIONS AND EXPENDITURES
13 RECEIVED DURING THE REPORTING PERIOD, THE CONTRIBUTION THAT WAS
14 REQUIRED TO BE DISCLOSED ON THE MAJOR CONTRIBUTOR REPORT SHALL BE
15 THE AMOUNT CONSIDERED.

16 18.2 CURE PERIOD FOR VIOLATIONS DISCOVERED BY THE APPROPRIATE OFFICER

17 18.2.1 IF THE APPROPRIATE OFFICER, AS DEFINED IN ARTICLE XXVIII, SECTION 2(1),
18 DISCOVERS IN THE ORDINARY COURSE OF HIS OR HER DUTIES IN MAINTAINING A
19 CAMPAIGN FINANCE FILING SYSTEM A POSSIBLE VIOLATION OF ARTICLE XXVIII OR
20 ARTICLE 45 OF TITLE 1, C.R.S., AND NO COMPLAINT ALLEGING SUCH VIOLATION
21 HAS BEEN FILED WITH THE SECRETARY OF STATE UNDER ARTICLE XXVIII,
22 SECTION 9(2)(A), THEN THE APPROPRIATE OFFICER SHALL:

- 23 (A) PROVIDE THE PERSON BELIEVED TO HAVE COMMITTED THE VIOLATION WITH
24 WRITTEN NOTICE OF THE FACTS OR CONDUCT THAT CONSTITUTE THE
25 POSSIBLE VIOLATION, AND
- 26 (B) ALLOW 15 BUSINESS DAYS TO CORRECT THE VIOLATION OR TO SUBMIT
27 WRITTEN STATEMENTS EXPLAINING THE REASONS THAT SUPPORT A
28 CONCLUSION THAT A VIOLATION WAS NOT COMMITTED.

29 18.2.2 NO CURE PERIOD UNDER THIS RULE APPLIES TO LATE FILINGS OF CAMPAIGN
30 FINANCE REPORTS SUBJECT TO PENALTIES UNDER ARTICLE XXVIII, SECTION
31 10(2)(A).

32 18.3 IF, WITHIN THE TIME ALLOTTED UNDER RULE 18.2, THE PERSON FAILS TO CORRECT THE
33 VIOLATION OR TO OFFER A SATISFACTORY EXPLANATION, THEN THE APPROPRIATE OFFICER
34 MAY FILE A COMPLAINT UNDER ARTICLE XXVIII, SECTION 9(2)(A).

35 18.4 WRITTEN COMPLAINTS.

1 18.4.1 A WRITTEN COMPLAINT FILED WITH THE SECRETARY OF STATE UNDER ARTICLE
2 XXVIII, SECTION 9(2)(A) SHALL INCLUDE THE SECRETARY OF STATE'S COMPLAINT
3 COVER SHEET, WHICH MUST INCLUDE THE FOLLOWING INFORMATION:

4 (A) THE NAME, ADDRESS, AND SIGNATURE OF THE COMPLAINANT (IF THE
5 COMPLAINANT IS REPRESENTED BY COUNSEL, INCLUDE THE COUNSEL'S
6 NAME, ADDRESS, AND SIGNATURE ALONG WITH THE NAME, ADDRESS, AND
7 SIGNATURE OF THE COMPLAINANT);

8 (B) THE NAME AND ADDRESS OF EACH PERSON ALLEGED TO HAVE COMMITTED A
9 VIOLATION; AND

10 (C) THE PARTICULARS OF THE VIOLATION.

11 18.4.2 IF AN INCOMPLETE COMPLAINT IS RECEIVED, THE DATE ON WHICH THE ORIGINALLY
12 FILED COMPLAINT WAS RECEIVED IS CONSIDERED THE FILED DATE FOR PURPOSES OF
13 ARTICLE XXVIII, SECTION 9(2)(A), IF A COMPLETE COPY IS RECEIVED WITHIN TEN
14 DAYS OF NOTIFICATION FROM THE SECRETARY OF STATE THAT THE COMPLAINT
15 WAS INCOMPLETE.

16 18.4.3 A COMPLAINT MAY BE SUBMITTED BY FAX OR ELECTRONIC MAIL IF A SIGNED
17 ORIGINAL IS RECEIVED BY THE SECRETARY OF STATE NO LATER THAN FIVE
18 CALENDAR DAYS THEREAFTER. IF THE COMPLAINT IS COMPLETE, THE SECRETARY
19 OF STATE WILL PROMPTLY TRANSMIT THE COMPLAINT TO THE OFFICE OF
20 ADMINISTRATIVE COURTS IN THE DEPARTMENT OF PERSONNEL AND
21 ADMINISTRATION FOR CONSIDERATION BY AN ADMINISTRATIVE LAW JUDGE, WHICH
22 WILL NOTIFY THE RESPONDENTS OF THE FILING OF THE COMPLAINT AND WHICH
23 WILL ISSUE ALL OTHER APPROPRIATE NOTICES TO THE PARTIES. [ARTICLE XXVIII,
24 SECTION 9(2)(A)]

25 18.5 PENALTIES FOR LATE OR INCOMPLETE REPORTS SHALL NOT ACCRUE MORE THAN 180 DAYS
26 AFTER THE DATE OF THE VIOLATION.

27 18.6 NO REPORT SHALL BE SUBJECT TO PENALTIES OF MORE THAN \$50 PER DAY FOR ANY LATE
28 FILING OR INCOMPLETE REPORT VIOLATION(S).

29 18.7 PAYMENTS FOR PENALTIES IMPOSED BY AN ADMINISTRATIVE LAW JUDGE SHALL BE
30 REMITTED TO THE SECRETARY OF STATE'S OFFICE, TO THE ATTENTION OF CAMPAIGN
31 FINANCE.

32 **RULE 19. ELECTRONIC FILING**

33 19.1 ALL DISCLOSURE REPORTS FILED WITH THE SECRETARY OF STATE UNDER ARTICLE XXVIII
34 AND ARTICLE 45 OF TITLE 1 STATUTES, C.R.S., SHALL BE FILED ELECTRONICALLY, EXCEPT
35 AS PROVIDED BELOW. REPORTS REQUIRED TO BE FILED ELECTRONICALLY WITH THE
36 SECRETARY OF STATE UNDER THIS RULE THAT ARE PRESENTED FOR MANUAL FILING SHALL
37 NOT BE ACCEPTED. THIS RULE DOES NOT APPLY TO PERSONAL FINANCIAL DISCLOSURE
38 REPORTS REQUIRED BY SECTION 1-45-110, C.R.S.

1 19.2 IN ACCORDANCE WITH SECTION 24-21-111, C.R.S., REPORTS ARE NOT REQUIRED TO BE
2 FILED ELECTRONICALLY IN EITHER OF THE FOLLOWING CIRCUMSTANCES:

3 19.2.1 THE SECRETARY OF STATE HAS GRANTED AN EXCEPTION TO THE ELECTRONIC
4 FILING REQUIREMENT AFTER WRITTEN APPLICATION BASED ON HARDSHIP OR OTHER
5 GOOD CAUSE SHOWN.

6 (A) ALL APPLICATIONS FOR AN EXCEPTION SHALL INCLUDE A BRIEF STATEMENT
7 OF THE HARDSHIP OR GOOD CAUSE. APPLICATIONS MUST BE RECEIVED BY
8 THE SECRETARY OF STATE AT LEAST 15 CALENDAR DAYS BEFORE THE
9 APPLICABLE FILING DEADLINE, UNLESS THE EXCEPTION IS BASED ON
10 EMERGENCY CIRCUMSTANCE. FOR APPLICATIONS MADE UNDER EMERGENCY
11 CIRCUMSTANCES AFTER THE DEADLINE, THE NATURE OF THE EMERGENCY
12 SHALL BE DESCRIBED IN THE APPLICATION.

13 (B) THE FILING OF AN APPLICATION FOR EXCEPTION BASED ON EMERGENCY
14 CIRCUMSTANCES DOES NOT DELAY ANY REPORTING DEADLINES. IF A
15 PENALTY IS IMPOSED FOR FAILURE TO FILE A REPORT ON THE DATE DUE, THE
16 PENALTY MAY BE SET ASIDE OR REDUCED IN ACCORDANCE WITH ARTICLE
17 XXVIII, SECTION 10(2).

18 (C) THE SECRETARY OF STATE SHALL REVIEW AND RESPOND IN WRITING TO ALL
19 APPLICATIONS FOR AN EXCEPTION WITHIN THREE BUSINESS DAYS.

20 19.2.2 THE REPORT IS FILED USING THE SECRETARY OF STATE'S ELECTRONIC DATA
21 INTERFACE (EDI) UPON APPROVAL OF THE SECRETARY OF STATE.

22 19.3 FOR THE PURPOSES OF THIS RULE 19, "ELECTRONIC FILING" IS DEFINED AS THE FILING OF
23 REPORTS REQUIRED BY ARTICLE XXVIII AND ARTICLE 45 OF TITLE 1, C.R.S., USING THE
24 TRACER INTERNET FILING SYSTEM CREATED BY THE SECRETARY OF STATE UNDER
25 SECTION 1-45-109(6), C.R.S.

26 19.4 THE SECRETARY OF STATE'S ONLINE CAMPAIGN FINANCE FILING SYSTEM WILL ATTEMPT TO
27 IDENTIFY POTENTIAL VIOLATIONS BY DISPLAYING WARNING MESSAGES WHEN
28 CONTRIBUTIONS OR EXPENDITURES APPEAR TO VIOLATE ARTICLE XXVIII OR ARTICLE 45
29 OF TITLE 1, C.R.S. FILERS REMAIN RESPONSIBLE FOR COMPLIANCE WITH THE LAW AND
30 THESE RULES REGARDLESS OF WHETHER THE SYSTEM IDENTIFIES OR FAILS TO IDENTIFY A
31 POTENTIAL VIOLATION.

32 19.5 FOR THE PURPOSE OF SECTION 1-45-109(2)(A), C.R.S., "CLOSE OF BUSINESS" FOR
33 ELECTRONIC FILING MEANS 11:59 P.M.

34 19.6 IF THE ELECTRONIC FILING SYSTEM IS UNAVAILABLE FOR A TOTAL OF MORE THAN ONE
35 HOUR ON THE DUE DATE FOR FILING A REPORT, THE SECRETARY OF STATE MAY EXTEND
36 THE DUE DATE FOR AN ADDITIONAL DAY FOR ELECTRONICALLY FILED REPORTS. [SECTIONS
37 1-45-108(2.3) AND 1-45-109(6), C.R.S.]

38 **RULE 20. REDACTION OF SENSITIVE INFORMATION**

- 1 20.1 ANY PERSON WHO BELIEVES THEIR SAFETY OR THE SAFETY OF AN IMMEDIATE FAMILY
2 MEMBER MAY BE IN JEOPARDY AS A RESULT OF INFORMATION DISCLOSED ON ANY
3 CAMPAIGN FINANCE REPORT FILED WITH THE SECRETARY OF STATE UNDER ARTICLE 45 OF
4 TITLE 1, C.R.S., MAY APPLY TO THE SECRETARY OF STATE TO REDACT SENSITIVE
5 PERSONAL INFORMATION FROM THE ONLINE VERSIONS OF SUCH REPORT(S).
- 6 20.1.1 THE SECRETARY OF STATE, UPON A FINDING OF GOOD CAUSE, MAY REDACT THE
7 MINIMUM AMOUNT OF SENSITIVE INFORMATION NECESSARY TO PROTECT THE
8 SAFETY OF SUCH PERSON OR HIS OR HER IMMEDIATE FAMILY.
- 9 20.1.2 IF THE SECRETARY OF STATE REDACTS SENSITIVE INFORMATION DISCLOSED ON A
10 CAMPAIGN FINANCE REPORT, THE ORIGINAL UNREDACTED REPORT SHALL REMAIN A
11 PUBLIC RECORD UNDER ARTICLE 72 OF TITLE 24 C.R.S.
- 12 20.2 APPLICATIONS FOR REDACTION OF SENSITIVE INFORMATION SHALL BE SUBMITTED IN
13 WRITING AND SHALL INCLUDE THE REQUESTOR'S NAME, THE IDENTIFIED ENTRY(S) OF
14 CONCERN, A JUSTIFICATION FOR THE APPLICATION, AND THE COMMITTEE TO WHOM THE
15 CONTRIBUTION(S) WAS MADE OR EXPENDITURE(S) RECEIVED.
- 16 20.3 APPLICATIONS FOR REDACTION OF SENSITIVE PERSONAL INFORMATION ARE NOT SUBJECT
17 TO DISCLOSURE UNDER THE COLORADO OPEN RECORDS ACT. [SECTION 24-72-201 ET.
18 SEQ., C.R.S.]