



Notice of Temporary Adoption

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

August 7, 2012

I. Adopted Rule Amendments

As authorized by the Colorado Constitution¹, Colorado campaign finance law², and the State Administrative Procedure Act³, the Colorado Secretary of State gives notice that the following amendments to rules concerning campaign and political finance⁴ are adopted on a temporary basis and immediately effective.

(Additions to the current rules are reflected in SMALL CAPS and deletions from current rules are shown in ~~stricken type~~. *Annotations* may be included):

Amendments to Rule 3.1:

- 3.1 Political committees and small donor committees shall not make contributions to issue committees or ~~other political committees~~, except to the extent that a contribution is for the purchase of event tickets, merchandise, or services. [Article XXVIII, Section 2(12)(a)]

Amendments to Rule 7.1.1(e):

- (e) Deposit Federal PAC funds into a separate account that is used for the Federal PAC exclusively, in accordance with Article XXVIII, Section 3(9) and Rule ~~4.18~~–10.11. The Federal PAC may, but is not required to, segregate funds intended to support or oppose state or local candidates in Colorado.

II. Basis, Purpose, and Specific Statutory Authority

A Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

¹ Article XXVIII, Section 9(1)(b) of the Colorado Constitution.

² Article 45 of Title 1, C.R.S. (2011).

³ Section 24-4-103, C.R.S. (2011).

⁴ 8 CCR 1505-6.

III. Statement of Justification and Reasons for Adoption of Temporary Rules

A statement of the Secretary of State's findings to justify the immediate adoption of the amended rules on a temporary basis follows this notice and is incorporated by reference.⁵

IV. Effective Date of Adopted Rules

The amended rules are immediately effective on a temporary basis.

Dated this 7th day of August, 2012,



Suzanne Staiert
Deputy Secretary of State

For

Scott Gessler
Colorado Secretary of State

⁵ Section 24-4-103(6), C.R.S. (2011).



Statement of Basis, Purpose, and Specific Statutory Authority

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

August 7, 2012

I. Basis and Purpose

This statement is about proposed amendments to the Colorado Secretary of State Rules Concerning Campaign and Political Finance.¹ The amendments are intended to achieve the uniform and proper administration and enforcement of Colorado campaign and political finance laws.² Given that there is no constitutional or statutory basis to restrict contributions from one political committee or small donor committee to another political committee, amendments to Rule 3.1 remove language prohibiting such contributions. Current Rule 7.1.1(e) cross-references Rule 4.18. During recodification, however, former Rule 4.18 was amended and adopted as New Rule 10.11 on February 22, 2012. Amendments to Rule 7.1.1(e) correct the cross-reference.

II. Rulemaking Authority

The statutory and constitutional authority is as follows:

1. Article XXVIII, Section 3(13) of the Colorado Constitution, which states that the Secretary of State “shall calculate...an adjustment in each [contribution] limit and specify the limits in rules promulgated in accordance with article 4 of title 24, C.R.S.”
2. Article XXVIII, Section 9(1)(b) of the Colorado Constitution, which requires the Secretary of State to “[p]romulgate such rules, in accordance with article 4 of title 24, C.R.S., or any successor section, as may be necessary to administer and enforce any provision of [Article XVIII of the Colorado State Constitution].”
3. Section 1-1-107(2)(a), C.R.S., (2011), which authorizes the Secretary of State “[t]o promulgate, publish, and distribute...such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws.”

¹ 8 CCR 1505-6.

² Article XXVIII of the Colorado Constitution and Article 45, Title 1 of the Colorado Revised Statutes.

4. Section 1-45-111.5(1), C.R.S., (2011), which requires the Secretary of State to “promulgate such rules, in accordance with article 4 of title 24, C.R.S., as may be necessary to enforce and administer any provision of [article 45 of title 1, C.R.S.]”



Statement of Justification and Reasons for Adoption of Temporary Rules

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Amended Rules: 3.1 and 7.1.1(e)

In accordance with Colorado campaign and political finance laws,¹ the Secretary of State finds that certain amendments to the existing campaign and political finance rules must be adopted and effective immediately to ensure the uniform and proper administration and enforcement of Colorado campaign and political finance laws during the 2012 election cycle. Temporary adoption is necessary both to comply with law and to preserve the public welfare generally.

Given that there is no constitutional or statutory basis to restrict contributions from one political committee or small donor committee to another political committee, the rule amendment removes language prohibiting such contributions. Additionally, current Rule 7.1.1(e) cross-references Rule 4.18, however, the Secretary of State recodified that rule as New Rule 10.11 on February 22, 2012. Amendments to Rule 7.1.1(e) correct the cross-reference. Adoption of the rules on a temporary basis is necessary to provide clear guidance to interested parties, including, but not limited to: county clerks, candidates, political parties, political organizations, and committees, given the close proximity of the November 2012 General Election. Concurrently with this notice, the Secretary of State is issuing a notice of proposed rulemaking in accordance with the State Administrative Procedure Act² to consider permanent adoption of the amended rule.

For these reasons, and in accordance with the State Administrative Procedure Act, the Secretary of State finds that adoption and immediate effect of the amendments to existing election rules is imperatively necessary to comply with state and federal law and to promote public interests.³

¹ Article XXVIII, Section 9(1)(b), of the Colorado Constitution and section 1-45-111.5(1), C.R.S. (2011).

² Section 24-4-103(3)(a), C.R.S. (2011).

³ Section 24-4-103(3)(6), C.R.S. (2011).