



Notice of Adoption

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

October 5, 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.

The following rules were considered at the September 18, 2012 rulemaking hearing in accordance with the State Administrative Procedure Act⁵.

(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.

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

² Article 45 of Title 1, C.R.S. (2012).

³ Section 24-4-103(3)(a), C.R.S. (2012).

⁴ 8 CCR 1505-6.

⁵ Section 24-4-103(3)(a), C.R.S. (2012).

II. Basis, Purpose, and Specific Statutory Authority

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

IV. Effective Date of Adopted Rules

These new and amended rules will become permanently effective twenty days after publication in the Colorado Register.⁶

Dated this 5th day of October, 2012,



Suzanne Staiert
Deputy Secretary of State

For

Scott Gessler
Colorado Secretary of State

⁶ Section 24-4-103(5), C.R.S. (2012).



Statement of Basis, Purpose, and Specific Statutory Authority

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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., (2012), 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., (2012), 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.]”