



## **Help Shape Colorado's Campaign and Political Finance Rules**

Topic: Rules Concerning Campaign and Political Finance

March 25, 2015

### **What is this about?**

Secretary Williams is considering recodification of Colorado's Rules Concerning Campaign and Political Finance (8 CCR 1505-6). The amendments are intended to achieve the uniform and proper administration and enforcement of Colorado campaign and political finance laws.<sup>1</sup> We invite you to share your thoughts and recommendations as we develop a preliminary draft of the proposed rules.

Please review the attached working draft. The following highlights the primary goals of the proposed rulemaking:

- Ensure proper administration of legislation recently passed by the Colorado General Assembly;
- Establish uniformity in the administration of current law;
- Eliminate obsolete provisions;
- Remove rules stricken by the courts;
- Remove references to repealed statutory provisions;
- Simplify the language of existing rules; and
- Remove language that is duplicative of statute or constitutional provisions.

### **Why does the Secretary need my help?**

The Secretary values your feedback and we would very much like to hear your thoughts. We need your help to identify necessary revisions or additional guidance in order to propose a constructive and comprehensive draft rule for consideration during the rulemaking proceedings. Overall, we invite your opinions and recommendations to help shape Colorado's Campaign and Political Finance Rules.

### **How do I submit my comments and what is the deadline?**

You may email your comments to [SOS.Rulemaking@sos.state.co.us](mailto:SOS.Rulemaking@sos.state.co.us). To ensure consideration of your comments before we issue the proposed draft, please submit your comments by 5:00 p.m. on April 8, 2015.

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<sup>1</sup> Article XXVIII of the Colorado Constitution and Article 45, Title 1 of the Colorado Revised Statutes.

**Will my comments become part of the official record for the anticipated rulemaking?**

Yes, we will incorporate your comments into the official record when we commence with formal rulemaking. Our office will identify your comments as information received in anticipation of rulemaking to support the development of the proposed draft rule. Please note that you will have an additional opportunity to provide testimony and/or written comments regarding the proposed rule during the rulemaking proceeding.

To promote transparency and to help generate discussion, our office will post a copy of your comments on the Secretary of State's website. We appreciate privacy concerns and will redact personal contact information that may appear in your comments prior to posting (including your home address, personal email address, and telephone number). To view the comments that we receive, please visit: [www.sos.state.co.us/pubs/rule\\_making/CPFRuleComments.html](http://www.sos.state.co.us/pubs/rule_making/CPFRuleComments.html).

# Working Draft of Proposed Rules

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

March 25, 2015

### Disclaimer:

The following is a working draft concerning the recodification of the Rules Concerning Campaign and Political Finance. The Secretary values your input and is seeking feedback about the proposed revisions before a formal notice of rulemaking.

Please send your feedback by April 8, 2015. Please reference the specific page and line number in your comments. We will consider all comments submitted by this date for inclusion in the official rulemaking draft.

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
<del>Strikethrough</del>	Deletions
<i>Italic blue font text</i>	Annotations

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1 *8 CCR 1505-6 is recodified as follows:*

2 **Rule 1. Definitions**

3 1.1 BALLOT MEASURE MEANS BALLOT ISSUE OR BALLOT QUESTION.

4 ~~1.1.1.2~~ “Business Activities”. ~~For the~~ FOR purposes of COLO. CONST. Article XXVIII:

5 ~~1.1.1.2.1~~ “Business activities” means ~~any provision of~~ PROVIDING goods or services  
6 that ~~results~~ RESULT in income or any other revenue-generating activity not  
7 expressly for political purposes.

8 ~~1.1.2.1.2.2~~ “Cannot engage in business activities,” means that the articles of  
9 incorporation and bylaws, either expressly or implicitly, prohibit the corporation  
10 from engaging in any business activities.

11 [McConnell v. Federal Elections Commission, 540 U.S. 93 (2003)]

12 ~~1.2.1.3~~ “Committee”. ~~Unless otherwise specified, the term “committee”~~ as used GENERALLY in  
13 these rules includes ~~candidate committees, political committees, small donor committees,~~  
14 ~~issue committees, independent expenditure committees, political parties, Federal PACs,~~  
15 ~~and political organizations~~ CANDIDATE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR

1 COMMITTEE, ISSUE COMMITTEE, INDEPENDENT EXPENDITURE COMMITTEE, POLITICAL  
2 PARTY, AND POLITICAL ORGANIZATION.

3 ~~1.3~~ 1.4 “Contribution” HAS THE SAME MEANING AS SET FORTH IN COLO. CONST. ARTICLE XXVIII,  
4 SECTION 2(5)(E), AND SECTION 1-45-103(6), C.R.S. A CONTRIBUTION

5 ~~1.3.1~~ “Contribution” does not include an endorsement of a candidate or an issue by any  
6 person:, OR

7 ~~1.3.2~~ “Contribution” does not include interest earned in an interest-bearing bank  
8 account, dividend income from invested committee funds, earned income from  
9 commercially reasonable transactions, or transfers of money within a political  
10 party.

11 ~~1.3.3~~ The exception stated in Article XXVIII, Section 2(5)(b) that “Contribution” does  
12 not include services

13 1.4.1 SERVICES provided without compensation by individuals volunteering their time”  
14 AS OUTLINED IN COLO. CONST. ARTICLE XXVIII, SECTION 2(5)(B), includes time-  
15 based services volunteered by an individual as a member of any firm, association,  
16 or other business entity, including a corporation, if the individual receives no  
17 direct or indirect compensation for the time volunteered. Any unpaid services that  
18 create a thing of value are exempted. If volunteer services yield a thing of value,  
19 “contribution” only includes the reasonable value of the materials involved,  
20 unless the value is de minimis.

21 ~~1.3.4~~ 1.4.2 “Contribution in support of the candidacy” AS OUTLINED IN COLO. CONST.  
22 ARTICLE XXVIII, SECTION 2(2), includes all contributions given directly to, or  
23 coordinated with, a candidate for a specific public office, including those to a  
24 person who maintains a candidate committee after an election cycle. ~~{Article~~  
25 ~~XXVIII, Section 2(2)}~~

26 *[Current Rule 1.4 is amended and recodified as New Rule 21]*

27 ~~1.5~~ “Corporation”, as used in Article XXVIII, has the same meaning as in section 1-45-  
28 103(7), C.R.S.

29 ~~1.6~~ 1.5 “Designated filing agent”, for purposes of these rules, means any NATURAL person  
30 appointed by a committee who is responsible for timely filing campaign finance reports.

31 1.6 “EXPENDITURES MADE, AND OBLIGATIONS ENTERED INTO” AS USED IN SECTION 1-45-  
32 108(1)(A)(I), C.R.S., MEANS ALL COMMITTEE-RELATED DISBURSEMENTS, INCLUDING ANY  
33 AGREEMENT OR ACKNOWLEDGEMENT OF A LIABILITY TO PAY A CERTAIN AMOUNT.

34 ~~1.7~~ “Electioneering communication” is any communication that (1) meets the definition of  
35 electioneering communication in Article XXVIII, Section 2(7), and (2) is the functional  
36 equivalent of express advocacy. When determining whether a communication is the  
37 functional equivalent of express advocacy:

1 ~~1.7.1 A communication is the functional equivalent of express advocacy only if it is~~  
2 ~~subject to no reasonable interpretation other than an appeal to vote for or against a~~  
3 ~~specific candidate.~~

4 ~~1.7.2 In determining whether a communication is the functional equivalent of express~~  
5 ~~advocacy, it shall be judged by its plain language, not by an “intent and effect”~~  
6 ~~test, or other contextual factors.~~

7 ~~1.7.3 A communication is not the functional equivalent of express advocacy if it:~~

8 ~~(a) Does not mention any election, candidacy, political party, opposing~~  
9 ~~candidate, or voting by the general public,~~

10 ~~(b) Does not take a position on any candidate's or officeholder's character,~~  
11 ~~qualifications, or fitness for office, and~~

12 ~~(c) Merely urges a candidate to take a position with respect to an issue or~~  
13 ~~urges the public to adopt a position and contact a candidate with respect to~~  
14 ~~an issue.~~

15 ~~[Federal Election Commission v. Wisconsin Right to Life, 551 U.S. 449 (2007)]~~

16 ~~1.8 “Foreign corporation”, as used in Article XXVIII, Section 3(12)(c), means a corporation~~  
17 ~~organized under the laws of another country. The term does not apply to a corporation~~  
18 ~~organized under the laws of another state. “Foreign Corporation,” as used in Article 45 of~~  
19 ~~Title 1, C.R.S., has the same meaning as set forth in section 1-45-103(10.5), C.R.S.~~

20 ~~1.9 “Frequent” and “Infrequent” filing schedules.~~

21 ~~1.9.1 Unless otherwise specified, the term “frequent” filing schedule~~

22 ~~1.7 “FREQUENT FILING SCHEDULE” as used in these rules means:~~

23 ~~(a)-1.7.1 For state candidates and committees, the filing schedule outlined in~~  
24 ~~section SECTIONS 1-45-108 (2)(a)(I)(B), (2)(a)(I)(C), (2)(a)(I)(D), and (2)(a)(I)(E),~~  
25 ~~C.R.S.; and~~

26 ~~(b)-1.7.2 For A county, and municipal, AND SPECIAL DISTRICT candidates and~~  
27 ~~committees CANDIDATE OR COMMITTEE, the filing schedule outlined in section 1-~~  
28 ~~45-108 (2)(a)(II), C.R.S.~~

29 ~~1.9.2 Unless otherwise specified, the term “infrequent~~

30 ~~1.8 “INFREQUENT filing schedule” as used in these rules means:~~

31 ~~(a)-1.8.1 For A state candidates and committees CANDIDATE OR COMMITTEE, the~~  
32 ~~quarterly filing schedule outlined in section 1-45-108(2)(a)(I)(A), C.R.S.; and~~

1 (b)1.8.2 For A county, and municipal, ~~candidates and committees~~ OR SPECIAL  
2 DISTRICT CANDIDATE OR COMMITTEE, the annual filing schedule outlined in  
3 section 1-45-108(2)(a)(II), C.R.S.

4 ~~1.10 “Influencing or attempting to influence”, for purposes of political organizations as~~  
5 ~~defined in section 1-45-103(14.5), C.R.S., means making expenditures for~~  
6 ~~communications that expressly advocate the election or defeat of a clearly identified~~  
7 ~~candidate or candidates. [Buckley v. Valeo, 424 U.S. 1 (1976)]~~

8 ~~1.11 “Infrequent filing schedule”. See Rule 1.9.~~

9 ~~1.12-1.9~~ “Issue committee” MEANS A PERSON OR A GROUP OF PEOPLE THAT MEETS BOTH OF  
10 THE CONDITIONS IN COLO. CONST. ARTICLE XXVIII, SECTION 2(10)(A)(I) AND  
11 2(10)(A)(II). AN “ISSUE COMMITTEE” DOES NOT INCLUDE A MARRIED COUPLE.

12 ~~1.12.1 “Issue committee” does not include a married couple.~~

13 ~~1.12.2 A person or group of persons is an issue committee only if it meets both of the~~  
14 ~~conditions in Article XXVIII, Section 2(10)(a)(I) and 2(10)(a)(II).~~

15 ~~1.12.3 For purposes of determining whether an issue committee has “a major purpose”~~  
16 ~~under Article XXVIII, Section 2(10)(a)(I) and section 1-45-103(12)(b)(II)(A),~~  
17 ~~C.R.S., a demonstrated pattern of conduct is established by:~~

18 (a) ~~Annual expenditures in support of or opposition to ballot issues or ballot~~  
19 ~~questions that exceed 30% of the organization’s total spending during the~~  
20 ~~same period; or~~

21 (b) ~~Production or funding of written or broadcast communications in support~~  
22 ~~of or opposition to a ballot issue or ballot question, where the production~~  
23 ~~or funding comprises more than 30% of the organization’s total spending~~  
24 ~~during a calendar year.~~

25 1.10 “LIMITED LIABILITY COMPANY” OR “LLC” INCLUDES A GENERAL PARTNERSHIP, LIMITED  
26 LIABILITY COMPANY, LIMITED PARTNERSHIP, DOMESTIC LIMITED PARTNERSHIP  
27 ASSOCIATION, FOREIGN GENERAL PARTNERSHIP, FOREIGN LIMITED LIABILITY PARTNERSHIP,  
28 FOREIGN LIMITED LIABILITY COMPANY, FOREIGN LIMITED PARTNERSHIP, FOREIGN LIMITED  
29 LIABILITY LIMITED PARTNERSHIP, AND FOREIGN LIMITED PARTNERSHIP ASSOCIATION.

30 ~~1.13-1.11~~ “Member”, as used in COLO. CONST. Article XXVIII, Sections 2(5)(b),  
31 2(8)(b)(IV), and 2(14)(a) only, means a person who pays membership dues.

32 ~~1.14-1.12~~ “Non-public information” means confidential material in any form that is not  
33 available to the general public, including a non-public campaign plan, communications  
34 plan, campaign budget, specification of unmet and potentially unmet campaign needs,  
35 proposed or actual media buy, list or description of households or voters who will receive  
36 or have received materials under a mailing or other distribution program, polling or focus  
37 group results, or other proprietary material. ~~1.14.1 “Non-public information,” however,~~

1 does not include communications dealing solely with candidate positions on legislative or  
2 policy issues.

3 ~~1.15~~-1.13 “Person”,~~-1.15.1~~ ~~For~~ FOR the purpose of COLO. CONST. Article XXVIII,  
4 Section 7, “person” means any natural person.

5 ~~1.15.2~~ ~~1.12.2~~ A “natural person” is a human being.

6 ~~1.16~~-1.14 “Per day” means “per calendar day” unless otherwise indicated.

7 ~~1.17~~-1.15 “Per year” means “per calendar year” unless otherwise indicated.

8 ~~1.18~~-1.16 “Political committee”~~;~~ HAS THE SAME MEANING AS SET FORTH IN COLO. CONST.  
9 ARTICLE XXVIII, SECTION 2(12), AND ~~1.18.1~~ “Political committee” does not include a  
10 married couple.

11 ~~1.18.2~~ “Political committee” includes only a person or group of persons that support or  
12 oppose the nomination or election of one or more candidates as its major purpose.  
13 For purposes of this Rule, major purpose means:

14 (a) ~~The organization specifically identifies supporting or opposing the~~  
15 ~~nomination of one or more candidates for state or local public office as a~~  
16 ~~primary objective in its organizing documents; or~~

17 (b) ~~Annual expenditures made to support or oppose the nomination or election~~  
18 ~~of one or more candidates for state or local public office are a majority of~~  
19 ~~the organization’s total spending during the same period.~~

20 [*Alliance for Colorado’s Families v. Gilbert*,172 P.3d 964, 970 (Colo. App.  
21 2007)]

22 ~~1.19~~-1.17 “Public office” means any office voted for in this state at any election. “Public  
23 office” does not include the office of president or vice president of the United States, the  
24 office of senator or representative in the Congress of the United States, or any office ~~in~~  
25 WITHIN a political party.

26 ~~1.20~~-1.18 “Publicly announced an intention to seek election to public office or retention of a  
27 judicial office” means:

28 1.18.1 REGISTERING A CANDIDATE COMMITTEE; OR

29 ~~1.20.1~~-1.18.2 A person has made a statement signifying an interest in, OR EXPLORING  
30 THE POSSIBILITY OF SEEKING the office;

31 ~~1.20.2~~-1.18.3 The statement is made by means of a speech, advertisement, or other  
32 communication reported or appearing in public media or in any place accessible  
33 to the public; AND

1 ~~1.20.3-1.18.4~~ A reasonable person would expect the statement to become public.; and  
2 ~~1.20.4~~ The statement includes a stated intention to explore the possibility of seeking an  
3 office.

4 ~~The registration of a candidate committee also constitutes a public announcement of an~~  
5 ~~intention to seek election or retention.~~

6 [COLO. CONST. Article XXVIII, Section 2(2)]

7 ~~1.21-1.19~~ “Registered agent” ~~For the purposes of Article 45 of Title 1, C.R.S., a registered~~  
8 ~~agent or a committee treasurer, is an individual~~ A NATURAL PERSON or candidate  
9 designated to receive mailings and to address concerns and questions regarding the  
10 committee. [Sections 1-45-108(3)(b) and 1-45-109(4)(b), C.R.S.]

11 ~~1.22~~ “Signature”. ~~For purposes of any report filed electronically with the Secretary of State,~~  
12 ~~“signature” means the designated representative has electronically submitted the report~~  
13 ~~through the online filing system.~~

14 1.20 “STANDALONE CANDIDATE” MEANS A CANDIDATE WITHOUT A COMMITTEE WHO DOES NOT  
15 ACCEPT CONTRIBUTIONS.

16 *[New Rule 1.20 includes language from current Rule 2.1.1.]*

17 *[Rules 1.23 and 1.24 are amended and recodified as New Rule 10.1]*

18 **Rule 2. Candidates and Candidate Committees**

19 2.1 ~~Candidates without committees~~ STANDALONE CANDIDATES

20 2.1.1 A STANDALONE candidate ~~who does not accept contributions but who expends~~  
21 ~~money for campaign purposes shall not be required to form~~ NEED NOT REGISTER a  
22 candidate committee.

23 2.1.2 A STANDALONE candidate ~~without a committee shall~~ MUST file disclosure reports  
24 for all reporting periods ~~during~~ IN which ~~expenditures are made~~ HE OR SHE MAKES  
25 EXPENDITURES. [Sections 1-45-108 and 1-45-109, C.R.S.]

26 2.2 Candidate committees

27 2.2.1 A candidate may serve as the candidate committee’s registered agent or appoint  
28 another NATURAL person to be the registered agent. ~~The candidate and the~~  
29 ~~registered agent shall sign the candidate committee registration form.~~ Only the  
30 registered agent, the designated filing agent, or the candidate may ~~sign~~ FILE the  
31 contribution and expenditure report. [~~Section 1-45-108(3)(b), C.R.S.~~]



- 1           2.2.2   Once ASSIGNED a candidate ~~has been assigned a frequent filing schedule, the~~  
2                    ~~candidate shall~~ COMMITTEE MUST follow the frequent filing schedule for the  
3                    remainder of the year.
  
- 4           2.2.3   ~~If a primary election is cancelled in accordance with UNDER section 1-4-104.5(1),~~  
5                    ~~C.R.S., a~~ A candidate committee may accept the contribution limit specified in  
6                    COLO. CONST. Article XXVIII, Section 3(1) for the primary election EVEN IF THE  
7                    PRIMARY ELECTION IS CANCELED UNDER SECTION 1-4-104.5(1), C.R.S. ~~as long as~~  
8                    ~~the candidate was eligible to be on the primary election ballot. In accordance with~~  
9                    ~~section 1-45-103.7(3), C.R.S., these contributions may be accepted at any time~~  
10                   ~~before or after the primary election was cancelled.~~
  
- 11          2.2.4   Managing unexpended campaign contributions
  
- 12                   (a)   ~~The~~ A CANDIDATE COMMITTEE MUST REPORT ITS unexpended balance ~~shall~~  
13                    ~~be reported~~ as the ending balance throughout the election cycle.  
14                    ~~Unexpended balances—~~ A CANDIDATE COMMITTEE MUST REPORT ITS  
15                    UNEXPENDED BALANCE from the ~~final~~ report filed 30 days after the  
16                    ~~applicable~~ MAJOR election ~~shall be reported~~ as the beginning balance in the  
17                    next election cycle.
  
- 18                   (b)   Candidates seeking re-election to the same office
  
- 19                           (1)   ~~Campaign contributions may be retained by the candidate~~  
20                            ~~committee for~~ A CANDIDATE COMMITTEE MAY RETAIN  
21                            CONTRIBUTIONS TO use in a subsequent election cycle for the same  
22                            public office, in an amount not to exceed the limit in COLO. CONST.  
23                            Article XXVIII, Section 3(3) (as adjusted by Rule ~~10-14~~ 10.16).
  
- 24                           (2)   A candidate committee ~~shall~~ MAY not list unexpended campaign  
25                            contributions retained for use in a subsequent election cycle  
26                            expressly on disclosure reports as “contributions from a political  
27                            party” or as contributions from any specific political party. [COLO.  
28                            CONST. Article XXVIII, Section 3(3)(e)]
  
- 29                           (3)   ~~The~~ IF A CANDIDATE COMMITTEE RETAINS CONTRIBUTIONS TO USE  
30                            IN A SUBSEQUENT ELECTION CYCLE FOR THE SAME OFFICE, THE  
31                            amount retained ~~by a candidate for use in a subsequent election for~~  
32                            ~~the same office~~ counts toward the limit on contributions from a  
33                            political party. ~~If the amount retained plus any political party~~  
34                            ~~contributions to the candidate committee during the subsequent~~  
35                            ~~election cycle exceeds the limit on political party contributions,~~  
36                            ~~any amount~~ A CANDIDATE COMMITTEE MUST RETURN  
37                            CONTRIBUTIONS IT RECEIVES in excess of the POLITICAL PARTY limit  
38                            ~~accepted by the candidate committee shall constitute a violation of~~  
39                            Article XXVIII, Section 3(3)(d), ~~unless returned to the contributor~~  
40                            within 30 days.

1 (c) Candidates seeking election to a ~~new~~ DIFFERENT office

2 (1) ~~Campaign contributions to a~~ A candidate committee may be  
3 ~~transferred~~ TRANSFER FUNDS to a candidate committee established  
4 by the same candidate for a different public office, subject to the  
5 ~~limitations set forth in Article XXVIII, Section 3(3)(e) for~~ political  
6 party ~~contributions~~ CONTRIBUTION LIMIT, only if the new office ~~to~~  
7 ~~be~~ sought has contribution limits that are equal to or greater than  
8 the current office, or the new office sought has no contribution  
9 limits. [COLO. CONST. Article XXVIII, Section 3]

10 (2) ~~If a~~ A candidate committee ~~transfers money~~ TRANSFERRING FUNDS  
11 to a ~~new~~ candidate committee for a ~~new~~ DIFFERENT office, ~~the~~  
12 ~~existing candidate committee shall be affirmatively closed by the~~  
13 ~~candidate~~ MUST TERMINATE within ten days of registering the new  
14 candidate committee.

15 (d) ~~Candidates not~~ NOT seeking re-election or election to a new office

16 (1) ~~Campaign contributions held by a~~ A candidate committee that  
17 wishes to terminate and will not transfer funds to a new candidate  
18 committee may ~~be~~ GIVE REMAINING CONTRIBUTIONS TO:

19 (A) ~~Contributed to a~~ A political party, in an amount not to  
20 exceed the limit in COLO. CONST. Article XXVIII Section  
21 3(3) (as adjusted by Rule ~~10.14~~ 10.16);

22 (B) ~~Donated to a~~ A charitable organization recognized by the  
23 I.R.S.;

24 (C) ~~Returned to~~ THE ORIGINAL contributors; or

25 (D) ~~For candidates~~ IF elected to office, ~~funds~~ THE CANDIDATE  
26 may ~~be used~~ USE THE REMAINING CONTRIBUTIONS for voter  
27 registration, political issue education, postsecondary  
28 educational scholarships, ~~to communicate~~ COMMUNICATION  
29 with constituents, or for expenses directly related to the  
30 officeholder's official duties.

31 [Section 1-45-106(1)(a)(I) and (b), C.R.S.]

32 2.2.5 Disposition of debt in anticipation of committee termination

33 (a) ~~All contributions received by a~~ A candidate committee ~~in the current~~  
34 ~~election cycle shall be subject to the limits on~~ MUST REPORT ALL  
35 contributions ~~for the current~~ RECEIVED DURING THE election cycle and ~~shall~~  
36 ~~be reported as~~ THOSE contributions ~~for the current election cycle,~~  
37 ~~regardless of any~~ ARE SUBJECT TO THE CONTRIBUTION LIMIT, REGARDLESS

1 OF debt carried over from a prior election cycle. ~~a candidate committee~~  
2 ~~may not count contributions that are earmarked for debt retirement against~~  
3 ~~contribution limits for the past election cycle.~~

4 (b) ~~Any financial~~ FINANCIAL obligations incurred by a candidate committee in  
5 an election cycle that are not paid within a commercially reasonable  
6 period of time, not to exceed six months after the close of that election  
7 cycle, ~~shall be treated as~~ ARE “contributions” from the ~~service provider or~~  
8 ~~vendor~~ PERSON extending credit.

9 2.3 Candidate affidavits

10 2.3.1 ~~An affidavit that must be filed with the Secretary of State shall be filed~~ A  
11 CANDIDATE REQUIRED TO FILE WITH THE SECRETARY OF STATE MUST FILE A  
12 CANDIDATE AFFIDAVIT electronically using the Secretary of State’s online  
13 campaign finance filing system. [Sections 1-45-110(1) and 24-21-111, C.R.S.]

14 2.3.2 ~~Candidates~~ A CANDIDATE running for a Junior College Board of Trustees ~~are~~  
15 NEED not ~~required to~~ file a candidate affidavit. [COLO. CONST. Article XXVIII,  
16 Section 2(2) and section 23-71-110, C.R.S. See also Rule 14.]

17 2.4 Personal financial disclosures ~~[Article XXVIII, Section 10(2); Sections 1-45-110 and 24-~~  
18 ~~6-202, C.R.S.]~~

19 2.4.1 A candidate ~~shall~~ NEED not ~~be required to~~ file a NEW PERSONAL FINANCIAL  
20 disclosure statement if the candidate filed either a ~~complete~~ FULL or amended  
21 disclosure statement less than 90 days before filing a candidate affidavit. [Section  
22 1-45-110(2)(a) and (b), C.R.S.]

23 2.4.2 ~~Personal financial disclosure update forms (amended statements):~~ An amended OR  
24 UPDATED disclosure statement ~~will satisfy~~ SATISFIES the FULL disclosure  
25 STATEMENT requirement if:

26 (a) ~~A candidate files an affidavit 90 days or more after filing a disclosure;~~

27 (b) ~~An individual files a candidate affidavit for a new office sought, if all~~  
28 ~~necessary~~ REQUIRED amended statements have been filed since the filing  
29 of the ~~original~~ FULL disclosure statement.; ~~or~~ [SECTIONS 1-45-110 AND 24-  
30 6-202, C.R.S.]

31 (c) ~~An incumbent has maintained current updates on file since filing an~~  
32 ~~original, complete personal financial disclosure.~~

33 2.4.3 If a candidate withdraws ~~from~~ his or her candidacy by submitting appropriate  
34 documentation before filing the disclosure statement required in section 1-45-  
35 110(2)(a), C.R.S., the candidate is ~~not required to~~ NEED NOT file a disclosure  
36 statement, ~~but any~~ ANY fines that the candidate accrued ~~for failure to file a~~  
37 ~~disclosure statement prior to~~ BEFORE withdrawing ~~shall~~ WILL remain in effect.

1 **Rule 3. Political Committees and Small Donor Committees**

2 3.1 ~~Political committees~~ A POLITICAL COMMITTEE ~~and~~ OR small donor ~~committees~~  
3 COMMITTEE ~~shall~~ MAY not make contributions to AN issue ~~committees~~ COMMITTEE, except  
4 to the extent that a contribution is for the purchase of ITEMS SUCH AS event tickets,  
5 merchandise, or services. [COLO. CONST. Article XXVIII, Section 2(12)(a)]

6 3.2 A political committee may change ~~status~~ ITS REGISTRATION to a small donor committee  
7 without terminating the political committee if it has never accepted contributions of more  
8 than \$50 per natural person per year.

9 ~~3.3 A committee that raises money solely for the purpose of making independent~~  
10 ~~expenditures, and which does not make contributions to candidates for any office, shall~~  
11 ~~be an independent expenditure committee and shall not be considered a political~~  
12 ~~committee. An independent expenditure committee is not subject to the restrictions in~~  
13 ~~Article XXVIII, Section 3(5). [Section 1-45-103.7(2.5)]~~

14 **Rule 4. Issue Committees**

15 ~~4.1 An issue committee shall not be subject to any of the requirements of Article XXVIII or~~  
16 ~~Article 45 of Title 1, C.R.S., until the issue committee has accepted \$5,000 or more in~~  
17 ~~contributions or made expenditures of \$5,000 or more during an election cycle. An issue~~  
18 ~~committee that accepts \$5,000 or more in contributions or makes expenditures of \$5,000~~  
19 ~~or more during an election cycle shall register with the appropriate officer within ten~~  
20 ~~calendar days of accepting or making such contributions and expenditures.~~

21 ~~4.1.1 Contributions received and expenditures made before reaching the \$5,000~~  
22 ~~threshold are not required to be reported. Contributions received and expenditures~~  
23 ~~made after reaching the \$5,000 threshold shall be reported in accordance with the~~  
24 ~~reporting schedule specified in section 1-45-108(2)(a), C.R.S.~~

25 ~~4.1.2-4.1~~ An issue committee ~~shall~~ MUST provide the committee’s FUND balance on the date  
26 of committee registration as a “beginning balance” on the committee’s initial Report of  
27 Contributions and Expenditures.

28 ~~4.1.3 For purposes of this Rule, an election cycle is the two year house of~~  
29 ~~representatives election cycle.~~

30 [~~Sampson v. Buescher, 625 F.3d 1247 (10th Cir. 2010)~~]

31 ~~The Denver District Court declared Rule 4.27, the predecessor to Rule 4.1, invalid in~~  
32 ~~Common Cause et. al v. Gessler, 2011 CV 4164. The Secretary has appealed the~~  
33 ~~decision, and accordingly will not enforce Rule 4.1 unless or until the Colorado appellate~~  
34 ~~courts reverse the District Court’s decision. The Secretary will revive Rule 4.1 if the~~  
35 ~~appellate courts reverse the decision.~~

36 4.2 An issue committee may support or oppose more than one issue BALLOT MEASURE if the  
37 following conditions are met:

1 ~~4.2.1 The specific issues are included on the committee registration form STATES EACH~~  
2 ~~MEASURE, DESCRIBES EACH MEASURE, AND STATES WHETHER THE COMMITTEE~~  
3 ~~SUPPORTS OR OPPOSES THE MEASURE. when each issue meets the requirements of~~  
4 ~~section 1-45-108(7), C.R.S.;~~

5 ~~4.2.2 Each issue is described on the committee registration form; and~~

6 ~~4.2.3 The registration form states whether the committee will be supporting or opposing~~  
7 ~~those issues.~~

8 [COLO. CONST. Article XXVIII, Section 2(10)(a)(I) and (2)(10)(a)(II)]

9 4.3 ~~An issue committee must file on a frequent filing schedule once it has spent money to~~  
10 ~~support or oppose ballot issues or ballot questions, or potential ballot issues or ballot~~  
11 ~~questions on an upcoming ballot. IF AN ISSUE COMMITTEE SUPPORTS OR OPPOSES A~~  
12 ~~BALLOT MEASURE ON AN UPCOMING BALLOT, THE ISSUE COMMITTEE MUST FILE ON A~~  
13 ~~FREQUENT FILING SCHEDULE. See Rule 17.2.3.~~

14 ~~4.4 Disclosure.~~

15 ~~4.4.1 An issue committee is only required to report those contributions accepted,~~  
16 ~~expenditures made, and obligations entered into for the purpose of supporting or~~  
17 ~~opposing ballot issues or ballot questions.~~

18 ~~4.4.2 Contributions accepted for the purpose of supporting or opposing ballot issues or~~  
19 ~~ballot questions shall be deposited in an account separate from other funds of the~~  
20 ~~issue committee in accordance with Article XXVIII, Section 3(9).~~

21 ~~4.5-4.4 Termination. An issue committee may terminate by filing FILE a termination report with~~  
22 ~~the appropriate filing officer. In accordance with Rule 12.3, a termination report may be~~  
23 ~~filed at any time if the following conditions are met:~~

24 ~~4.5.1-4.4.1 The committee no longer has a major purpose of supporting or opposing~~  
25 ~~any ballot issue or ballot question A BALLOT MEASURE and no longer intends to~~  
26 ~~accept or make contributions or expenditures to support or oppose a ballot issue~~  
27 ~~or ballot question; and~~

28 ~~4.5.2-4.4.2 The committee's separate account maintained in accordance with Article~~  
29 ~~XXVIII, Section 3(9) has TRACER ACCOUNT REFLECTS no cash on hand and no~~  
30 ~~outstanding debts, or obligations, OR PENALTIES.~~

## 31 **Rule 5. Independent Expenditures and Independent Expenditure Committees**

32 5.1 Disclaimer requirement for nonbroadcast independent expenditure communications.

33 5.1.1 ~~Any~~ UNDER SECTION 1-45-107.5(5), C.R.S., ANY nonbroadcast communication  
34 that constitutes an independent expenditure ~~and is subject to the requirements of~~  
35 ~~section 1-45-107.5(5), C.R.S., shall~~ MUST contain a clear and conspicuous

1 disclaimer ~~including~~ THAT IS CLEARLY READABLE, PRINTED IN TEXT THAT IS NO  
2 LESS THAN 15 PERCENT OF THE SIZE OF THE LARGEST FONT USED IN THE  
3 COMMUNICATION, OR AT LEAST EIGHT-POINT FONT, AND INCLUDES:

4 (a) The name of the person that paid for the communication; and

5 (b) ~~The specific~~ A statement that the communication is not authorized by any  
6 candidate.

7 ~~The disclaimer shall be clearly readable, and shall be printed in text that is no less~~  
8 ~~than fifteen percent of the size of the largest font used in the communication, or at~~  
9 ~~least eight point font.~~

10 5.1.2 These requirements do not apply to bumper stickers, pins, buttons, pens, and  
11 similar small items upon which the disclaimer cannot be reasonably printed.

12 ~~5.2 A committee that raises money solely for the purpose of making independent~~  
13 ~~expenditures, and which does not make contributions to candidates, shall be an~~  
14 ~~independent expenditure committee and shall not be considered a political committee. An~~  
15 ~~independent expenditure committee is not subject to the political committee restrictions~~  
16 ~~in Article XXVIII, Section 3(5). [Section 1-45-103.7(2.5), C.R.S.]~~

17 5.2 AN INDEPENDENT EXPENDITURE COMMITTEE MUST REPORT DONATIONS OVER TWENTY  
18 DOLLARS GIVEN FOR THE PURPOSE OF MAKING AN INDEPENDENT EXPENDITURE.

19 5.2.1 AN INDEPENDENT EXPENDITURE COMMITTEE MUST ITEMIZE DONATIONS OF \$250 OR  
20 MORE PER YEAR GIVEN FOR THE PURPOSE OF MAKING AN INDEPENDENT  
21 EXPENDITURE AND INCLUDE THE NAME AND ADDRESS OF THE DONOR.

22 5.2.2 IF THE COMMITTEE IS UNABLE TO GATHER THE INFORMATION REQUIRED BY  
23 SECTION 1-45-107.5(4)(B)(II), OR (III), C.R.S., WITHIN 30 DAYS AFTER RECEIPT OF  
24 THE DONATION, THE COMMITTEE MUST RETURN THE DONATION TO THE DONOR NO  
25 LATER THAN THE 31<sup>ST</sup> DAY AFTER RECEIPT.

26 5.2.3 AN INDEPENDENT EXPENDITURE COMMITTEE MUST ITEMIZE INDEPENDENT  
27 EXPENDITURES MADE IN AN AGGREGATE AMOUNT OF \$1,000 IN ANY ONE CALENDAR  
28 YEAR AND INCLUDE THE INFORMATION REQUIRED BY SECTION 1-45-107.5, C.R.S.

## 29 **Rule 6. Political Parties**

30 6.1 The appropriate filing officer for a state or county political party is the Secretary of State.  
31 ~~Therefore, state and county political parties are subject to the requirements of section 1-~~  
32 ~~45-109(1)(e), C.R.S., and must file reports with the Secretary of State. [Article XXVIII~~  
33 ~~Section 2(1); section 1-45-109(1)(e), C.R.S. [SECTION 1-45-108(1)(A)(I), C.R.S.]~~

34 ~~6.1.1 Repealed.~~

35 6.2 Transfers of money within a party

1           6.2.1 A party may transfer money ~~from one level of the organization to another~~ WITHIN  
2 THE PARTY without limit.

3           6.2.2 ~~Transfers of money within a party must be disclosed~~ THE PARTY MUST DISCLOSE  
4 TRANSFERS as “other income” in accordance with Rule ~~10.12~~ 10.14.

5   6.3   Home rule jurisdictions

6           6.3.1 A political party in a home rule jurisdiction that maintains a separate account in  
7 accordance with Rule ~~14.4~~ 14.3 may not include contributions to, or expenditures;  
8 from that separate account in reports filed with the Secretary of State.

9           6.3.2 If a political party receives contributions into a separate account in accordance  
10 with Rule ~~14.4~~ 14.3, the party may not transfer funds from that account to other  
11 county parties or to a state party.

12 **Rule 7. Federal PACs and 527 Political Organizations**

13   7.1   Federal PACs

14           7.1.1 A FEDERAL PAC THAT QUALIFIES AS A political committee UNDER COLO. CONST.  
15 ARTICLE XXVIII, SECTION 2(12), ~~that is subject to reporting under both section 1-~~  
16 ~~45-108, C.R.S., and the “Federal Election Commission Act of 1971” (a “Federal~~  
17 ~~PAC”)~~ shall MUST register with the Secretary of State’s office as a “Federal  
18 PAC.” SEPARATE STATE POLITICAL COMMITTEE AND FOLLOW ALL REQUIREMENTS  
19 FOR STATE POLITICAL COMMITTEES. ~~A Federal PAC shall file disclosure reports~~  
20 ~~electronically with the Secretary of State. In accordance with the requirement of~~  
21 ~~section 1-45-108 (3.5), C.R.S., that Federal PACs are subject to “all other legal~~  
22 ~~requirements”, a Federal PAC must:~~

23           (a) ~~Identify the contributions the Federal PAC received that were used to~~  
24 ~~support or oppose candidates in Colorado and disclose all such~~  
25 ~~contributions on reports filed with the Secretary of State.~~

26           (b) ~~Itemize on the Colorado report all contributions of \$20 or more identified~~  
27 ~~by the Federal PAC as making up the funds used to support or oppose~~  
28 ~~candidates in Colorado, and list the occupation and employer of any~~  
29 ~~person who has made a contribution of \$100 or more.~~

30           (c) ~~Use only contributions received by the Federal PAC that are within source~~  
31 ~~and contribution limits established by Colorado law to support or oppose~~  
32 ~~state or local candidates. Contributions received by the PAC that the~~  
33 ~~organization has not designated for use to support or oppose candidates in~~  
34 ~~Colorado do not have to be disclosed on reports filed in Colorado and are~~  
35 ~~not subject to the Colorado source and amount limits and prohibitions.~~

1 ~~(d) Itemize all expenditures in the state of \$20 or more, and list any~~  
2 ~~expenditures of less than \$20 made in Colorado as non-itemized~~  
3 ~~expenditures.~~

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

8 ~~7.1.2 Federal PACs shall file reports in every reporting period as long as the Federal~~  
9 ~~PAC remains in “active” status with the Secretary of State’s office. Reports filed~~  
10 ~~by a Federal PAC are filed on the schedule outlined for political committees in~~  
11 ~~section 1-45-108(2)(a)(I), C.R.S.~~

12 ~~7.1.3 If the Federal PAC is registered as a Colorado political committee rather than as a~~  
13 ~~Federal PAC, the committee must follow the requirements applicable to state~~  
14 ~~political committees, and not those outlined in this Rule.~~

15 ~~7.1.4 Any Federal PAC registered with the Secretary of State may terminate its active~~  
16 ~~status by filing a termination report.~~

17 ~~7.2 Political organizations. In the case of political organizations as defined in section 1-45-~~  
18 ~~103(14.5), C.R.S.:~~

19 ~~7.2.1 For purposes of section 1-45-108.5, C.R.S., an entity is considered a political~~  
20 ~~organization only if:~~

21 ~~(a) Has as its major purpose influencing or attempting to influence elections~~  
22 ~~as defined in Rule 1.10; and~~

23 ~~(b) Is exempt, or intends to seek exemption, from taxation by the Internal~~  
24 ~~Revenue Service.~~

25 ~~[I.R.C. § 527(i)(5)(B) (2010)]~~

26 ~~7.2.2 7.2.1 Political organizations shall~~ A POLITICAL ORGANIZATION MUST file on the  
27 frequent filing schedule for a political committee in an even-numbered year, and  
28 on the infrequent filing schedule in an odd-numbered year, according to the filing  
29 schedules set forth in section 1-45-108(2), C.R.S.

30 ~~(a) For the purposes of this Rule, “off-election year” for a political~~  
31 ~~organization shall mean MEANS every odd-numbered year.~~

32 ~~(b) For the purposes of this Rule, “major election” shall mean an election held~~  
33 ~~in November of an even-numbered year.~~

34 ~~7.2.3 7.2.2 Political organizations are~~ A POLITICAL ORGANIZATION THAT RECEIVES NO  
35 CONTRIBUTIONS AND SPENDS LESS THAN \$20 DURING A REPORTING PERIOD IS NOT



1 required to file A disclosure reports REPORT for THAT reporting periods PERIOD  
2 when no contributions were received and spending was less than \$20. [Section 1-  
3 45-108.5(1)(b), C.R.S.]

4 ~~7.2.4~~7.2.3 Political organizations shall A POLITICAL ORGANIZATION MUST file all  
5 applicable disclosure reports required by section 1-45-108.5, C.R.S., with the  
6 appropriate filing officer. For the purposes of this rule, the appropriate filing  
7 officer shall be IS the same for political organizations as for political committees.  
8 as outlined in section 1-45-109, C.R.S.

## 9 Rule 8. Registering a Committee

10 8.1 The COMMITTEE REGISTRATION MUST INCLUDE THE purpose or nature of interest of the  
11 committee or party ~~shall be included in the committee registration.~~

12 8.1.1 A candidate committee shall MUST identify the name of the candidate and the  
13 specific PUBLIC office sought.

14 8.1.2 A political committee, independent expenditure committee, small donor  
15 committee, Federal PAC, or political organization shall MUST identify the types of  
16 candidates being supported IT SUPPORTS or opposed OPPOSES, including party  
17 affiliation and, AS APPLICABLE, office(s) sought or public policy position(s).

18 8.1.3 An issue committee must identify the ballot measures to be supported or opposed  
19 MEASURE IT WILL SUPPORT OR OPPOSE, if known. If particular ballot measures are  
20 not known, an THE issue committee must identify THE policy positions to be  
21 supported or opposed POSITION IT WILL SUPPORT OR OPPOSE.

22 ~~8.2 When a committee registration form is received and deemed complete by the appropriate~~  
23 ~~filing officer, an identification number will be assigned and a letter or email of~~  
24 ~~acknowledgement will be sent by the appropriate filing officer to the registered agent on~~  
25 ~~file.~~

## 26 Rule 9. Registered Agents

27 9.1 ~~The registered agent or a designated filing agent for any committee shall sign the~~  
28 ~~committee's registration form and all disclosure reports. For registration forms and~~  
29 ~~reports filed by a candidate or candidate committee, the candidate may sign. THE~~  
30 ~~CANDIDATE, REGISTERED AGENT, AND DESIGNATED FILING AGENT MUST SIGN THE INITIAL~~  
31 ~~REGISTRATION FORM. THE CANDIDATE, REGISTERED AGENT, OR DESIGNATED FILING AGENT~~  
32 ~~MAY SIGN ANY SUBSEQUENT AMENDED REGISTRATION FORM OR DISCLOSURE REPORT.~~  
33 ~~[Sections 1-45-108(3), (5), and (6), C.R.S.]~~

34 ~~9.2 For a candidate committee, the candidate may serve as the registered agent, or the~~  
35 ~~candidate may appoint another person.~~

36 ~~9.3~~9.2 Resignation of THE registered agent

1           ~~9.3.1~~9.2.1     A committee may assign a new registered agent by filing an amended  
2                     committee registration. ~~using the online campaign finance filing system. The~~  
3                     Secretary of State's office will maintain a A registered agent's name REMAINS on  
4                     file until the committee assigns a new registered agent.

5           ~~9.3.2~~9.2.2     ~~In accordance with Rule 12.1, the A committee or party shall~~ MUST file an  
6                     amended committee registration form within ~~five~~TEN days after the resignation of  
7                     a registered agent or the appointment of a new registered agent. ~~The A committee~~  
8                     ~~or party~~ must have an active registered agent at all times. [Section 1-45-108(3)(b),  
9                     C.R.S.; RULE 12.1]

## 10   **Rule 10. Managing Contributions and Expenditures**

11   *[Current Rules 1.23 and 1.24 are amended are recodified as New Rule 10.1 as follows:]*

12   ~~1.23~~10.1     ~~“Unexpended campaign contributions”.~~ UNEXPENDED CAMPAIGN CONTRIBUTIONS.

13           10.1.1 For purposes of section 1-45-106(1), C.R.S., contributions to a candidate  
14                     committee become unexpended campaign contributions at the earliest of the  
15                     following:

16                     ~~1.23.1~~(A)     The end of the election cycle; or

17                     ~~1.23.2~~(B)     When the candidate withdraws from the political race and intends  
18                     to terminate his or her candidate committee.

19           ~~1.24~~10.1.2     ~~“Unexpended contributions”.~~ ~~1.24.1~~For purposes of section 1-45-106(3),  
20                     C.R.S., contributions to an issue committee become unexpended contributions at  
21                     the end of the election cycle in which the committee supported or opposed ~~an~~  
22                     ~~issue on the ballot~~ A BALLOT MEASURE, or one that attempted access to the ballot.  
23                     Funds do not become unexpended contributions if the issue committee supports or  
24                     opposes, or intends to support or oppose, another ~~issue or issues~~ BALLOT MEASURE  
25                     OR MEASURES.

26   ~~10.1~~10.2     ~~Contributions — how reported~~ EXCEPT FOR INDEPENDENT EXPENDITURE  
27                     COMMITTEES, COMMITTEES MUST REPORT CONTRIBUTIONS AS FOLLOWS:

28           ~~10.1.1~~10.2.1   ~~All~~ COMMITTEES MUST INDIVIDUALLY LIST ALL contributions ~~received~~ of  
29                     \$20 or more RECEIVED during a reporting period ~~shall~~ ~~MUST be listed individually~~  
30                     ~~on the contribution and expenditure report~~, including names and addresses of the  
31                     contributors. If a contributor gives \$20 or more in the aggregate during the  
32                     reporting period, the COMMITTEE MUST INDIVIDUALLY LIST THE contributor ~~must~~  
33                     ~~be listed individually~~ on the report, regardless of the amount of each contribution.  
34                     [Section 1-45-108(1), C.R.S.]

35           ~~10.1.2~~10.2.2   ~~All~~ A COMMITTEE MAY REPORT ALL other receipts and contributions less  
36                     than \$20 ~~may be reported~~ in total as non-itemized contributions for the reporting  
37                     period, except for contributions from an LLC.

1 ~~10.1.3-Contributions~~ A COMMITTEE MUST ITEMIZE ALL CONTRIBUTIONS from an LLC,  
2 ~~must be itemized~~ regardless of amount. [Section 1-45-103.7(5)(d), C.R.S.]

3 ~~10.1.4-10.2.3~~ Disclosure of occupation and employer

4 (a) The requirement to disclose the occupation and employer of a contributor  
5 in COLO. CONST. Article XXVIII, Section 7 and section 1-45-108, C.R.S.,  
6 applies to any one-time contribution of \$100 or more, and not to aggregate  
7 contributions totaling \$100 or more.

8 (b) If A COMMITTEE DOES NOT REPORT occupation and employer information is  
9 ~~not provided~~ for ~~contributions~~ A CONTRIBUTION of \$100 or more, and the  
10 committee is unable to gather the information within 30 days after receipt  
11 ~~from~~ OF the contribution, the COMMITTEE MUST RETURN THE contribution  
12 ~~shall be returned~~ to the contributor no later than the 31st day after receipt.  
13 [COLO. CONST. Article XXVIII, Section 7]

14 ~~10.2-10.3~~ ~~Expenditures—how—reported~~ EXCEPT FOR INDEPENDENT EXPENDITURE  
15 COMMITTEES, COMMITTEES MUST REPORT EXPENDITURES AS FOLLOWS:

16 ~~10.2.1-10.3.1~~ ~~All~~—A COMMITTEE MUST LIST ALL expenditures made AND OBLIGATIONS  
17 ENTERED INTO by a committee of \$20 or more during a reporting period ~~shall be~~  
18 ~~listed individually on the contribution and expenditure report~~, including THE  
19 ~~names~~ NAME and ~~addresses~~ ADDRESS of payees.

20 ~~10.2.2-10.3.2~~ ~~Individual~~—A COMMITTEE MUST LIST INDIVIDUAL expenditures MADE AND  
21 OBLIGATIONS ENTERED INTO in amounts less than \$20 that aggregate to total \$20  
22 or more to the same payee during the reporting period ~~shall be listed individually~~  
23 ~~on the contribution and expenditure report~~.

24 ~~10.2.3-10.3.3~~ ~~All~~—A COMMITTEE MAY REPORT ALL other expenditures MADE AND  
25 OBLIGATIONS ENTERED INTO less than \$20 during a reporting period ~~may be~~  
26 ~~reported~~ in total as non-itemized expenditures.

27 [Section 1-45-108(1), C.R.S.]

28 ~~10.3-10.4~~ ~~Contributions and donations—when counted.~~ ~~10.3.1~~—A contribution or donation is  
29 ~~considered made or received as of~~ ON the date that it is accepted by the committee ~~or~~  
30 ~~party~~.

31 ~~(a)-10.4.1~~ A contribution or donation by check is ~~considered~~ accepted, at the latest,  
32 on the date that the contribution or donation is deposited ~~by the committee~~ into  
33 THE COMMITTEE account. ~~Any contribution or donation in the form of a~~ IF A  
34 COMMITTEE RECEIVES A DONATION BY check ~~received by a committee~~ at least five  
35 business days before the end of a reporting period, THE COMMITTEE must ~~be~~  
36 ~~deposited or returned~~ DEPOSIT THE CHECK OR RETURN to the contributor ~~by the~~  
37 ~~close of~~ BEFORE that reporting period CLOSES.



1 ~~10.7-10.8~~ Contributions by candidate — voluntary spending limits — loans. REPORTING  
2 CONTRIBUTIONS AND LOANS:

3 ~~10.7.1-10.8.1~~ If a candidate does not accept voluntary spending limits, the candidate  
4 may make unlimited contributions from his or her personal funds to his or her  
5 candidate committee. SUCH CONTRIBUTIONS

6 ~~10.7.2~~ Contributions to a candidate's own committee by a candidate who does accept  
7 voluntary spending limits shall be counted COUNT toward the limit on political  
8 party contributions in COLO. CONST. Article XXVIII, Section 3(3)(d), and Section  
9 4(2).

10 ~~10.7.3-10.8.2~~ A candidate who accepts voluntary spending limits may make a loan to his  
11 or her candidate committee in any amount, so long as the unpaid balance of any  
12 loan does not exceed the contribution limit in COLO. CONST. Article XXVIII,  
13 Sections 3 and 4(2) at any time.

14 10.9 IF ALL CANDIDATES WHO DECLINED VOLUNTARY SPENDING LIMITS HAVE WITHDRAWN  
15 FROM THE RACE OR LOST IN THE PRIMARY ELECTION, A CANDIDATE WHO ACCEPTED  
16 VOLUNTARY SPENDING LIMITS MAY NOT CONTINUE TO ACCEPT CONTRIBUTIONS DOUBLE  
17 THE STANDARD LIMITS.

18 ~~10.8-10.10~~ Cost-sharing by candidates

19 ~~10.8.1~~ Candidate committees may share the cost of brochures, offices, office equipment,  
20 etc. that are produced or used jointly if each candidate committee pays for its  
21 proportionate share of the expense.

22 ~~10.8.2~~ Any reimbursement by one candidate committee to another for shared costs must  
23 be made within 30 days of the original expenditure. Reimbursement is not a  
24 "contribution" from one committee to the other; it shall be reported as an  
25 expenditure by the reimbursing committee and as a returned expenditure by the  
26 reimbursed committee. If sharing expenditures results in a price discount based on  
27 volume or quantity, the discount is not considered a "contribution" from the  
28 vendor. EACH CANDIDATE COMMITTEE THAT SHARES THE COST OF BROCHURES,  
29 OFFICE SPACE, OR OTHER OVERHEAD MUST PAY ITS PROPORTIONATE SHARE OF THE  
30 COST WITHIN 30 DAYS OF THE EXPENDITURE. THE REIMBURSING COMMITTEE MUST  
31 REPORT THE PAYMENT AS AN EXPENDITURE AND THE REIMBURSED COMMITTEE  
32 MUST REPORT IT AS A RETURNED EXPENDITURE. A COMMITTEE NEED NOT REPORT  
33 DISCOUNTS RESULTING FROM SHARED EXPENSES AS CONTRIBUTIONS.

34 ~~10.9-10.11~~ Reimbursement of expenditures – payments by credit card or payment  
35 intermediary service

36 ~~10.9.1-10.11.1~~ When reporting a reimbursement to a candidate or to any other person, the  
37 A committee or party shall separately disclose each expenditure MUST REPORT A  
38 REIMBURSEMENT of \$20 or more, including AND INCLUDE the purpose, payee, and

1 amount of each expenditure as of the date of the expenditure, regardless of the  
2 date of THE reimbursement.

3 ~~10.9.2-10.11.2~~ For the purpose of reporting an expenditure, simply disclosing that a  
4 payment was made to a credit card company or a payment intermediary service  
5 such as PayPal is not adequate. THE COMMITTEE MUST ITEMIZE ALL PAYMENTS ~~All~~  
6 expenditures of \$20 or more made ~~by~~ WITH A credit card or THROUGH A payment  
7 intermediary service ~~must be itemized~~, including the name and address of the  
8 original payee, amount, original date of expenditure, and purpose of the  
9 expenditure.

10 ~~10.9.3~~ Nothing in this Rule permits contributions or reimbursements of contributions  
11 prohibited by Article XXVIII, Section 3(11).

12 ~~10.9.4~~ A reimbursement not considered a contribution to the person being reimbursed for  
13 purposes of Article XXVIII, Section 2(5).

14 10.11.3 AN IMMEDIATE REIMBURSEMENT FOR COMMITTEE EXPENSES IS NOT A  
15 CONTRIBUTION.

16 [Section 1-45-108(1)(e), C.R.S.]

17 ~~10.10~~ 10.12 Loans received by TO a candidate committee

18 ~~10.10.1~~ All loans received by a candidate committee must be reported  
19 continuously until repaid. [Article XXVIII, Section 3(8)]

20 ~~10.10.2-10.12.1~~ Loans made from a financial FINANCIAL institution LOANS to a  
21 candidate committee under COLO. CONST. Article XXVIII, Section 3(8) ~~shall~~ MAY  
22 not be forgiven.

23 ~~10.10.3-10.12.2~~ Loans made by a candidate CANDIDATE LOANS to his or her  
24 committee

25 (a) A candidate may make an interest-free loan to his or her candidate  
26 committee. Any foregone interest is not a contribution to the committee.

27 (b) ~~Any repayment of a loan shall be considered a loan payment, except that~~  
28 A COMMITTEE MUST REPORT THE interest repaid for a loan made under  
29 COLO. CONST. Article XXVIII, Section 3(8) ~~shall be reported~~ as an  
30 expenditure by the committee.

31 (c) A CANDIDATE MAY FORGIVE A loan ~~made by a candidate to the candidate's~~  
32 HE OR SHE LOANED TO HIS OR HER own committee ~~may be forgiven by the~~  
33 ~~candidate~~. The amount of unpaid debt forgiven by the candidate remains a  
34 contribution and is not considered a returned contribution.

1 ~~10.11-10.13~~ The requirement that committee funds be deposited into “a financial institution”  
2 does not require that all committee funds must be deposited-A COMMITTEE MAY DEPOSIT  
3 COMMITTEE MONEY in MORE THAN one single bank, credit union, or other commercial  
4 financial institution. [COLO. CONST. Article XXVIII, Section 3(9)]

5 ~~10.12-10.14~~ Other income

6 ~~10.12.1-10.14.1~~ A committee’s COMMITTEE MAY INVEST ITS funds may be invested  
7 in any type of account or instrument of a government regulated financial  
8 institution.

9 ~~10.12.2-10.14.2~~ Any A COMMITTEE MUST DISCLOSE ALL interest or dividends earned  
10 on a committee’s-ITS BANK account, earned income from a commercially  
11 reasonable transaction, or transfers of money within a political party shall  
12 be disclosed-as other income on the committee’s reports. This “other  
13 income” is not subject to contribution limits.

14 ~~10.13-10.15~~ Disclosure of contributions by limited liability companies (LLCs) [Section 1-45-  
15 103.7(5), (6), (7), and (8), C.R.S.]

16 ~~10.13.1-10.15.1~~ The written affirmation provided by an LLC in accordance with  
17 section 1-45-103.7, C.R.S., shall MUST include the names and addresses of  
18 all LLC members and describe how the contribution is to be attributed to  
19 the LLC members.

20 ~~10.13.2-10.15.2~~ The affirmation shall MUST include the occupation and employer of  
21 any member ATTRIBUTED WITH CONTRIBUTING to whom a contribution of  
22 \$100 or more is attributed.

23 ~~10.13.3-10.15.3~~ A committee that receives a contribution from an THE  
24 AFFIRMATION PROVIDED BY AN LLC UNDER SECTION 1-45-103.7, C.R.S.,  
25 shall report the contribution as having been received from contributor type  
26 “LLC,” and shall then list MUST INCLUDE THE NAME AND ADDRESS OF each  
27 LLC member, and the amount attributed to each member, (as determined  
28 by the pro-rata ownership held by each). Disclosure shall include the name  
29 and address of the LLC and the name and address of each member.  
30 [Section 1-45-108(1)(a)(IV), C.R.S.] AND, IF MORE THAN \$100 IS  
31 ATTRIBUTED TO A MEMBER, THE OCCUPATION AND EMPLOYER OF THAT  
32 MEMBER. WHEN REPORTING THE CONTRIBUTION, THE COMMITTEE MUST  
33 SELECT THE “LLC” CONTRIBUTOR TYPE AND INCLUDE THE NAME AND  
34 ADDRESS OF THE LLC, THE NAME AND ADDRESS OF EACH MEMBER, AND THE  
35 AMOUNT ATTRIBUTED TO EACH MEMBER. ATTRIBUTION IS DETERMINED BY  
36 THE PRO-RATA SHARE OF OWNERSHIP.

37 ~~10.13.4-10.15.4~~ Any A COMMITTEE MUST RETURN ANY contribution received by a  
38 committee from an LLC that does not comply with the affirmation  
39 requirements in section 1-45-103.7, C.R.S., and this Rule shall be returned  
40 RULE to the contributor within 30 days.

1           ~~10.13.5~~10.15.5       Each A COMMITTEE MUST ITEMIZE EACH contribution received from  
2                                   an LLC ~~shall be itemized~~ on disclosure reports, regardless of the dollar  
3                                   amount.

4           ~~10.13.6~~10.15.6       Any contribution from an LLC ~~is counted~~ COUNTS against  
5                                   contribution limits for both the individual ~~member(s)~~ MEMBERS to whom  
6                                   the contribution is attributed and the LLC itself. [COLO. CONST. Article  
7                                   XXVIII, Section 3(9)]

8                           (a) ~~No~~ AN LLC ~~shall be permitted to~~ MAY NOT make a contribution that  
9                                   exceeds the limit for a “person” established in COLO. CONST. Article  
10                                  XXVIII, Section 3, as adjusted by Rule 10, regardless of the amount  
11                                  attributed to each individual member.

12 ~~10.14~~10.16   Inflationary adjustments to ~~contribution and voluntary spending limits~~ CURRENT  
13                                  ADJUSTED LIMITS

14           ~~10.14.1~~           Calculation of adjustments

15                           (a) ~~In accordance with Article XXVIII, Sections 3(13) and 4(7), limits on~~  
16                                  ~~contributions in Section 2(14) and Section 3, subsections (1), (2), (3), and~~  
17                                  ~~(5) and the voluntary limits on spending in Section 4(1), are adjusted~~  
18                                  ~~every four years based on the percentage change in the consumer price~~  
19                                  ~~index for the Denver Boulder Greeley area, over the four year period~~  
20                                  ~~immediately preceding the adjustment.~~

21                           (b) ~~In determining the adjusted amount, the percentage change in the~~  
22                                  ~~consumer price index is rounded to the nearest whole percentage point. In~~  
23                                  ~~accordance with Article XXVIII, Sections 3(13) and 4(7), the adjusted~~  
24                                  ~~limits are rounded to the nearest, lowest \$25.~~

25           ~~10.14.2~~10.16.1       Adjusted limits made in the first quarter of ~~2014~~ 2015 and  
26                                  effective until the next adjustment is made in ~~2015~~ 2019:

27                           (a)     There is no adjustment to the contribution limits on individual donations  
28                                  to small donor committees outlined in Article XXVIII, Section 2(14).

29                           (b)     The aggregate limits on contributions from any person for a primary or a  
30                                  general election, described in COLO. CONST. Article XXVIII, Section 3(1),  
31                                  are adjusted as follows:

32                                   (1)     ~~\$550~~-\$575 to any one:

33   (A)     Governor candidate committee for the primary election,  
34    and Governor and Governor and Lieutenant Governor  
35    candidate committee, as joint candidates under section 1-1-  
36    104, C.R.S., or any successor section, for the general  
37    election;



- 1 (B) Secretary of State, State Treasurer, or Attorney General  
2 candidate committee.
- 3 (2) There is no adjustment to the limits on contributions to any one  
4 State Senate, State House of Representatives, State Board of  
5 Education, Regent of the University of Colorado, or any District  
6 Attorney candidate committee.
- 7 (c) The aggregate limits on contributions from a small donor committee for a  
8 primary or a general election, described in COLO. CONST. Article XXVIII,  
9 Section 3(2), are adjusted as follows:
- 10 (1) ~~\$5,675~~-\$6,125 to any one:
- 11 (A) Governor candidate committee for the primary election,  
12 and Governor and Lieutenant Governor candidate  
13 committee, as joint candidates under section 1-1-104,  
14 C.R.S., or any successor section, for the general election;
- 15 (B) Secretary of State, State Treasurer, or Attorney General  
16 candidate committee; and
- 17 (2) ~~\$2,250~~-\$2,425 to any one State Senate, State House of  
18 Representatives, State Board of Education, Regent of the  
19 University of Colorado, or any District Attorney candidate  
20 committee.
- 21 (d) The aggregate limits on contributions from any person to a political party,  
22 described in COLO. CONST. Article XXVIII, Section 3(3)(a), are adjusted  
23 as follows:
- 24 (1) ~~\$3,400~~-\$3,650 per year at the state, county, district, and local level  
25 combined; and
- 26 (2) Of such, no more than ~~\$2,825~~-\$3,050 at the state level.
- 27 (e) The aggregate limits on contributions from a small donor committee to a  
28 political party, described in COLO. CONST. Article XXVIII, Section  
29 3(3)(b), are adjusted as follows:
- 30 (1) ~~\$17,075~~-\$18,425 per year at the state, county, district, and local  
31 level combined; and
- 32 (2) Of such, no more than ~~\$14,225~~-\$15,350 at the state level.
- 33 (f) The aggregate limits on pro-rata contributions or dues made to political  
34 committees, described in COLO. CONST. Article XXVIII, Section 3(5), are  
35 adjusted to ~~\$550~~-\$575 per house of representatives election cycle.

1 (g) This table contains the contribution limits listed in subsections ~~i-vi~~ (A)-(G).

2 Contributor:

Recipient	Natural Person	Person, other than a natural person	Political committee	Small donor committee	Political party
Political committee	<del>\$550</del> \$575 per election cycle	<del>\$550</del> \$575 per election cycle	<del>\$550</del> \$575 per election cycle	<del>\$550</del> \$575 per election cycle	<del>\$550</del> \$575 per election cycle
Small donor committee	\$50 per year	Prohibited	Prohibited	Prohibited	Prohibited
Governor (governor & Lt. governor)	<del>\$550</del> \$575 per election cycle*	<del>\$550</del> \$575 per election cycle*	<del>\$550</del> \$575 per election cycle*	<del>\$5,675</del> \$6,125 per election cycle*	<del>\$569,530</del> \$615,075 per election cycle
Secretary of state, state treasurer, attorney general	<del>\$550</del> \$575 per election cycle*	<del>\$550</del> \$575 per election cycle*	<del>\$550</del> \$575 per election cycle*	<del>\$5,675</del> \$6,125 per election cycle*	<del>\$113,905</del> \$123,000 per election cycle
State senate	\$200 per election cycle*	\$200 per election cycle*	\$200 per election cycle*	<del>\$2,250</del> \$2,425 per election cycle*	<del>\$20,500</del> \$22,125 per 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*	<del>\$2,250</del> \$2,425 per election cycle*	<del>\$14,805</del> \$15,975 per election cycle
Political party	<del>\$3,400</del> \$3,650 ( <del>\$2,825</del> \$3,050-at the state level) per year	<del>\$3,400</del> \$3,650 ( <del>\$2,825</del> \$3,050 at the state level) per year	<del>\$3,400</del> \$3,650 ( <del>\$2,825</del> \$3,050 at the state level) per year	<del>\$17,075</del> \$18,425 ( <del>\$14,225</del> \$15,350 at the state level) per year	Transfers within a party may be made without limitation.

3 \* ~~All major party candidates~~ A CANDIDATE may accept the contribution limit for BOTH the  
 4 primary election and the general election. ~~Minor party candidates who appear on a primary~~  
 5 ~~election ballot may accept contributions for the primary and general elections. Unaffiliated and~~  
 6 ~~minor party candidates who do not appear on a primary election ballot may accept contributions~~  
 7 ~~only for the general election.~~

1 (h) The voluntary spending limits for a candidate described in COLO. CONST.  
2 Article XXVIII, Section 4(1), are adjusted as follows:

- 3 (1) The spending limit for Governor, and Governor and Lieutenant  
4 Governor as joint candidates under section 1-1-104, C.R.S., or any  
5 successor section ~~shall be~~ is adjusted to ~~\$2,847,650~~ \$3,075,450.
- 6 (2) The spending limit for a candidate for Secretary of State, Attorney  
7 General, or Treasurer ~~shall be~~ is adjusted to ~~\$569,525~~ \$615,075.
- 8 (3) The spending limit for a candidate for State Senate ~~shall be~~ is  
9 adjusted to ~~\$102,500~~ \$110,700.
- 10 (4) The spending limit for a candidate for State House of  
11 Representatives, State Board of Education, Regent of the  
12 University of Colorado, or any District Attorney ~~shall be~~ is  
13 adjusted to ~~\$74,025~~ \$79,925.

14

Candidate	Voluntary Spending Limit
Governor, and Governor and Lieutenant Governor as joint candidates	<del>\$2,847,650</del> \$3,075,450
Secretary of State, Attorney General, or State Treasurer	<del>\$569,525</del> \$615,075
State Senate	<del>\$102,500</del> \$110,700
State House of Representatives, State Board of Education, Regent of the University of Colorado, or District Attorney	<del>\$74,025</del> \$79,925

15 ~~10.14.3~~ ~~Adjusted limits made in the first quarter of 2007 and effective through the~~  
16 ~~first quarter of 2011:~~

17 (a) ~~There is no adjustment to the contribution limit on individual donations to~~  
18 ~~small donor committees outlined in Article XXVIII, Section 2(14).~~

19 (b) ~~The aggregate limits on contributions from any person for a primary or a~~  
20 ~~general election, described in Article XXVIII, Section 3(1), are adjusted as~~  
21 ~~follows:~~

22 (1) ~~\$525 to any one:~~

23 (A) ~~Governor candidate committee for the primary election,~~  
24 ~~and Governor and Lieutenant Governor candidate~~  
25 ~~committee, as joint candidates under section 1-1-104,~~  
26 ~~C.R.S., or any successor section, for the general election;~~



1 ~~(g) The voluntary spending limits for a candidate described in Article~~  
2 ~~XXVIII, Section 4(1), are adjusted as follows:~~

3 ~~(1) The spending limit for Governor, and Governor and Lieutenant~~  
4 ~~Governor as joint candidates under section 1-1-104, C.R.S., or any~~  
5 ~~successor section shall be adjusted to \$2,650,000.~~

6 ~~(2) The spending limit for a candidate for Secretary of State, Attorney~~  
7 ~~General, or Treasurer shall be adjusted to \$530,000.~~

8 ~~(3) The spending limit for a candidate for State Senate shall be~~  
9 ~~adjusted to \$95,400.~~

10 ~~(4) The spending limit for a candidate for State House of~~  
11 ~~Representatives, State Board of Education, Regent of the~~  
12 ~~University of Colorado, or any District Attorney shall be adjusted~~  
13 ~~to \$68,900.~~

14 *Current Rule 18.1.8 is amended and recodified as New Rule 10.17 as follows:*

15 ~~18.1.8~~ 10.17 Major Contributor Reports

16 ~~(a) Penalties assessed for failure to timely file a Major Contributor Report~~  
17 ~~under section 1-45-108(2.5), C.R.S., stop accruing on the date that the~~  
18 ~~contribution is first disclosed, either on the Major Contributor Report or~~  
19 ~~the regularly scheduled Report of Contributions and Expenditures.~~  
20 ~~Penalties will not accrue beyond the date of the general election. [Section~~  
21 ~~1-45-108(2.5) C.R.S.]~~

22 ~~(b) The date of deposit is considered the “received” date for contributions that~~  
23 ~~require a major contributor report. [Section 1-45-108(2.5), C.R.S.]~~

24 ~~(c) For purposes of determining contributions and expenditures received~~  
25 ~~during the reporting period, the contribution that was required to be~~  
26 ~~disclosed on the major contributor report shall be is the amount~~  
27 ~~considered.~~

28 10.17.1 A POLITICAL COMMITTEE OR SMALL DONOR COMMITTEE MAY NOT RECEIVE  
29 CONTRIBUTIONS IN EXCESS OF THE APPLICABLE CONTRIBUTION LIMIT, AND ARE  
30 THEREFORE EXEMPT FROM FILING MAJOR CONTRIBUTION REPORTS UNDER SECTION  
31 1-45-108(2.5), C.R.S.

32 10.17.2 AN ISSUE COMMITTEE NEED NOT FILE MAJOR CONTRIBUTION REPORTS  
33 WITHIN 30 DAYS PRECEDING THE DATE OF THE PRIMARY ELECTION.

34 10.17.3 MUNICIPAL COMMITTEES REQUIRED TO FILE MAJOR CONTRIBUTOR REPORTS  
35 UNDER SECTION 1-45-108(2.5) MUST FILE WITH THE MUNICIPAL CLERK.

1 **Rule 11. Electioneering Communications**

2 ~~11.1~~ If a person spending money for electioneering communications is a corporation or labor  
3 organization, disclosure of the names and addresses of persons contributing \$250 or more  
4 used to make electioneering communications shall only be required if the money is  
5 specifically earmarked for electioneering communications. [~~Section 1-45-108(1)(a)(III),~~  
6 C.R.S.]

7 ~~11.2~~ All contributions of \$250 or more received for electioneering communications during a  
8 reporting period, including non-monetary contributions, shall MUST be listed individually  
9 on the electioneering report. [~~Article XXVIII, Section 6(1)~~]

10 ~~11.3~~ 11.1 All spending of \$1,000 or more per calendar year shall be listed individually on  
11 the electioneering report, including name, address, and method of communication.  
12 [~~Article XXVIII, Section 6(1)~~] ANY PERSON WHO EXPENDS \$1,000 OR MORE PER  
13 CALENDAR YEAR ON ELECTIONEERING COMMUNICATION MUST INCLUDE THE METHOD OF  
14 COMMUNICATION ON THE ELECTIONEERING REPORT.

15 ~~11.4~~ 11.2 Entities PERSONS making electioneering communications shall MUST maintain all  
16 financial records for 180 days after any THE general election in which the entity received  
17 contributions. If a complaint is filed against the entity PERSON making electioneering  
18 communications, the entity shall PERSON MUST maintain financial records until final  
19 disposition of the complaint and any consequent RESULTING litigation.

20 ~~11.5~~ 11.3 The ELECTIONEERING COMMUNICATION REPORTS MUST INCLUDE THE name of the  
21 candidate(s) unambiguously referred to in the electioneering communication shall be  
22 included in the electioneering report. [COLO. CONST. Article XXVIII, Section 2(7)(I)  
23 2(7)(A)(I)]

24 ~~11.6~~ 11.4 ~~Submission of electioneering communication disclosure reports.~~ 11.6.1  
25 ~~Committees are not required to~~ A COMMITTEE NEED NOT file electioneering  
26 communication reports separate from regularly filed independent expenditure disclosure  
27 reports so long as any IF THE expenditure or spending subject to COLO. CONST. Article  
28 XXVIII, Section 6 and Rule 11.3 is identified as an electioneering communication.  
29 The disclosure of electioneering COMMUNICATION expenditures or spending on a  
30 regularly filed report shall MUST include the name of the candidate CANDIDATE(S) referred  
31 to in the electioneering communication.

32 **Rule 12. Changing or Closing a Committee**

33 12.1 ~~Changes~~ A COMMITTEE MUST REPORT ANY CHANGE to any information disclosed on the  
34 ITS committee registration statement must be reported to the appropriate filing officer  
35 within ten days. [Section 1-45-108(3), C.R.S.]

36 12.2 A candidate that changes SEEKING A DIFFERENT PUBLIC office sought shall MUST terminate  
37 his or her existing candidate committee and register a new candidate committee within  
38 ten days of the change. See Rule 2.2.

1 12.3 A committee may ~~terminate~~ FILE A TERMINATION REPORT TERMINATING THE COMMITTEE  
2 if the following conditions are met:

3 12.3.1 The committee no longer intends to receive contributions or make expenditures;  
4 AND

5 12.3.2 The ~~committee~~ COMMITTEE'S TRACER ACCOUNT has a zero balance ~~because,~~  
6 INDICATING it has no cash or assets on hand and THERE ARE no outstanding debts,  
7 PENALTIES, or obligations. ~~;~~ ~~and~~

8 ~~12.3.3 The candidate or committee files a termination report of contributions and~~  
9 ~~expenditures.~~

10 12.3.3 A committee may dispose of assets remaining in its possession before termination  
11 in the same manner as allowed for unexpended contributions. ~~A termination~~  
12 ~~report may be filed at any time. [Article XXVIII, Section 2(3) and section 1-45-~~  
13 ~~106, C.R.S.]~~

14 ~~12.4 Unexpended contributions~~

15 ~~12.4.1 Unexpended campaign contributions held by a candidate committee. See Rule~~  
16 ~~2.2.~~

17 ~~12.4.2 An issue committee may donate unexpended contributions to a charitable~~  
18 ~~organization recognized by the I.R.S. or return unexpended contributions to the~~  
19 ~~contributor. [Section 1-45-106(3), C.R.S.]~~

20 ~~12.4.3 Political committees, small donor committees, independent expenditure~~  
21 ~~committees, political parties, Federal PACs, and political organizations are not~~  
22 ~~covered by statute. [Section 1-45-106, C.R.S.]~~

23 ~~12.5~~ 12.4 Administrative committee terminations.

24 ~~12.5.1 In accordance with the procedures set out in the "State Administrative Procedure~~  
25 ~~Act" (Article 4 of Title 24, C.R.S.), the Secretary of State may close an inactive~~  
26 ~~committee after six missed reports or 18 months of non-reporting, whichever~~  
27 ~~happens first.~~

28 ~~12.5.2 A committee shall be deemed inactive for the purpose of this rule after failing~~ THE  
29 APPROPRIATE OFFICER MAY TERMINATE A STANDALONE CANDIDATE OR COMMITTEE  
30 IF THE STANDALONE CANDIDATE OR COMMITTEE FAILS to file any REQUIRED reports  
31 ~~with the appropriate filing officer~~ for six consecutive reporting periods or 18  
32 months, whichever is shorter, IN ACCORDANCE WITH THE PROCEDURES SET OUT IN  
33 THE STATE ADMINISTRATIVE PROCEDURE ACT. [COLO. CONST. Article XXVIII,  
34 Section 2(3), and section 24-4-105, C.R.S.]

35 **Rule 13. Corporations and Membership Organizations**

- 1 13.1 A corporation or labor organization may establish a political committee, an independent  
2 expenditure committee, and a small donor committee. Each committee is subject to the  
3 applicable individual contribution and expenditure limits for that committee. A  
4 corporation or labor organization may pay for the costs of establishing, administering,  
5 and soliciting funds from its own employees or members ~~for a political committee, a~~  
6 ~~small donor committee, or an independent expenditure committee.~~ [COLO. CONST. Article  
7 XXVIII, Sections 2(5)(b) and 2(14)(b)]
- 8 13.2 ~~Membership~~ TRANSFERRING MEMBERSHIP dues ~~transferred~~ to A small donor ~~committees~~  
9 COMMITTEE, independent expenditure ~~committees~~ COMMITTEE, and political ~~committees~~  
10 COMMITTEE.
- 11 13.2.1 ~~Membership organizations~~ A MEMBERSHIP ORGANIZATION transferring a portion  
12 of a member's dues to a small donor committee, independent expenditure  
13 committee, or political committee ~~shall~~ MUST provide the respective committee  
14 with the member's name, address, amount of dues transferred, and the date of the  
15 dues transfer.
- 16 13.2.2 Each small donor committee, independent expenditure committee, and political  
17 committee ~~shall~~ MUST keep records of all contributions or donations received in  
18 the form of membership dues ~~transferred by a membership organization to the~~  
19 ~~committee. The records shall include each contributing or donating member's~~  
20 INCLUDING THE name, address, and amount of the dues transferred. [Section 1-45-  
21 108(1)(a)(I), C.R.S.]
- 22 13.2.3 Each small donor committee and political committee ~~shall~~ MUST itemize and  
23 report the name and address of each person ~~who has contributed~~ CONTRIBUTING  
24 \$20 or more in a reporting period, including but not limited to contributions  
25 ~~received~~ in the form of membership dues transferred by a membership  
26 organization to the committee. [COLO. CONST. Article XXVIII, Section 2(14)(a);  
27 section 1-45-108(1)(a), C.R.S.]
- 28 13.2.4 On each disclosure report, the candidate or registered agent of a committee ~~shall~~  
29 MUST certify and declare, under penalty of perjury, that to the best of his or her  
30 knowledge or belief all contributions or donations received in a reporting period,  
31 including contributions or donations received in the form of membership dues  
32 transferred by a membership organization, are from permissible sources. [COLO.  
33 CONST. Article XXVIII, Section 3]

#### 34 **Rule 14. Local Offices and Home Rule**

- 35 14.1 The requirements of COLO. CONST. Article XXVIII and of Article 45 of Title 1, C.R.S.,  
36 do not apply to home rule counties or home rule municipalities that have adopted  
37 charters, ordinances, or resolutions that address any of the matters covered by COLO.  
38 CONST. Article XXVIII or Article 45 of Title 1.
- 39 ~~14.2 The provisions of Article XXVIII, Section 3(4) relating to contributions of corporations~~  
40 ~~and labor unions apply to elections to every state and local public office, except local~~



1 ~~public offices in home rule counties or home rule municipalities that have adopted~~  
2 ~~charters, ordinances, or resolutions that address any of the matters covered by Article~~  
3 ~~XXVIII or Title 1, Article 45.~~

4 ~~14.3-14.2~~ The provisions of section 1-45-105.5, C.R.S., relating to a prohibition on lobbyist  
5 contributions to members of the General Assembly during legislative sessions, apply to  
6 ~~members~~ DURING THE LEGISLATIVE SESSION, A LOBBYIST MAY NOT CONTRIBUTE TO A  
7 MEMBER of the General Assembly ~~who are candidates~~ WHO IS A CANDIDATE for any state  
8 or local office, including any office in A home rule ~~municipalities~~ MUNICIPALITY that ~~have~~  
9 HAS adopted charters, ordinances, or resolutions that address any of the matters covered  
10 by COLO. CONST. Article XXVIII or Article 45 of Title 1.

11 ~~14.4-14.3~~ A political party, ~~as defined in Article XXVIII, Section 2(13) at the level of a~~  
12 ~~home rule county or home rule municipality that has adopted a charter, ordinance, or~~  
13 ~~resolution that addresses~~ ADDRESSING any of the matters covered by Article XXVIII or  
14 ~~Article 45 of Title 1,~~ may establish a separate account that is used solely for contributions  
15 ~~made to the party, and~~ FOR CONTRIBUTIONS AND expenditures made by the party, for the  
16 purpose of supporting the party's county or municipal candidates ~~for offices within the~~  
17 ~~county or municipality.~~ Contributions to and expenditures from such account ~~shall not be~~  
18 DO NOT COUNT AGAINST ~~included for purposes of any limitations~~ PARTY LIMITS or  
19 ~~reporting contained in~~ REPORTED UNDER COLO. CONST. Article XXVIII or Article 45 of  
20 Title 1, C.R.S.

21 ~~14.5-14.4~~ The provisions of section SECTION 1-45-117, C.R.S., relating to the use of public  
22 funds for political purposes, apply APPLIES to home rule counties or home rule  
23 municipalities. ~~that have adopted charters, ordinances, or resolutions that address any of~~  
24 ~~the matters covered by Article XXVIII or Title 1, Article 45.~~

25 ~~14.6~~ Junior College Boards of Trustees. A person seeking election to a junior college board of  
26 trustees is not subject to the provisions of Article XXVIII or Article 45 of Title 1, C.R.S.  
27 [~~Article XXVIII, Section 2(2); section 23-71-110, C.R.S.~~]

## 28 **Rule 15. Recall Elections**

29 15.1 The RECALL election cycle ~~for a recall election shall be from~~ BEGINS ON the date the recall  
30 petition is approved for circulation by the designated election official ~~through 30 days~~  
31 AND ENDS ON THE LAST DAY OF THE FINAL REPORTING PERIOD following the date of the  
32 recall election AS DEFINED IN RULE 15.2.2.

33 15.1.1 ~~In the event that no~~ IF A recall election is held because the petition is determined  
34 to be insufficient, the recall election cycle ends 30 days after the ~~final~~  
35 ~~determination of insufficiency, including passage of the time for protest and final~~  
36 disposition of any protest or appeal of such determination.

37 ~~15.2.2-15.1.2~~ ~~In the event that no~~ IF A recall election is held CANCELED for any other  
38 reason, the recall election cycle ends 30 days after the deadline for filing the recall  
39 election petition, OR 30 DAYS AFTER THE EVENT THAT CAUSED THE DESIGNATED  
40 ELECTION OFFICIAL TO CANCEL THE ELECTION, WHICHEVER IS LATER.

1 15.1.3 IF A RECALL ELECTION IS CANCELED, A COMMITTEE THAT WAS PARTICIPATING IN  
2 THE RECALL ELECTION MUST FILE A REPORT FIVE DAYS AFTER THE END OF THE  
3 RECALL ELECTION CYCLE. THE END OF CYCLE BEGINS ON THE FIRST DAY OF THE  
4 MONTH IN WHICH THE ELECTION CYCLE ENDS AND ENDS ON THE LAST DAY OF THE  
5 ELECTION CYCLE.

6 15.2 Committees participating in a recall election ~~shall~~ MUST file reports on the fifth day of  
7 every month until disclosure ~~as set forth in~~ UNDER section 1-45-108(2.7), C.R.S., begins.

8 15.2.1 The initial reporting period for committees ~~participating in~~ FORMED FOR THE  
9 PURPOSE OF the recall election ~~shall begin~~ BEGINS on the date the committee  
10 registers with the appropriate filing office.

11 15.2.2- Subsequent reporting periods ~~shall~~ FOR A COMMITTEE PARTICIPATING IN THE  
12 RECALL ELECTION begin on the first day of each month; and end on the last day of  
13 that month, EXCEPT THAT THE FINAL REPORTING PERIOD ENDS 25 DAYS FOLLOWING  
14 THE DATE THE RECALL ELECTION WAS HELD.

15 15.2.3 ALL OTHER COMMITTEES PARTICIPATING IN THE RECALL ELECTION MUST NOTIFY  
16 THE APPROPRIATE OFFICER WITHIN TEN DAYS AFTER DECIDING THEY WILL SUPPORT  
17 OR OPPOSE THE RECALL OR SUPPORT OR OPPOSE A SUCCESSOR CANDIDATE. ONCE  
18 NOTIFIED, THE APPROPRIATE OFFICER WILL PLACE THE COMMITTEE ON THE RECALL  
19 FILING CALENDAR UNTIL THE END OF THE RECALL ELECTION CYCLE.

20 15.3 The incumbent in a recall election is not a candidate for the successor election ~~according~~  
21 ~~to section 1-12-117, C.R.S.; therefore, the incumbent~~ AND may open an issue committee  
22 to oppose the recall.

23 15.4 The aggregate contribution limits specified for a general election in COLO. CONST. Article  
24 XXVIII, Section 3, ~~shall~~ apply to the recall election with respect to each successor  
25 candidate.

26 15.5 ~~Any political~~ A committee supporting or opposing ~~any~~ A candidate in a recall election  
27 ~~shall~~ MUST file disclosure reports:

28 15.5.1 14 days before the recall election;

29 15.5.2 Seven days before the recall election; and

30 15.5.3 30 days after the recall election.

31 [Section 1-45-108 (2.7), C.R.S.]

32 ~~15.6 An issue committee supporting or opposing a recall election is not required to register~~  
33 ~~with the appropriate officer until the committee has accepted \$5,000 or more in~~  
34 ~~contributions or made expenditures of \$5,000 or more in support of or opposition to the~~  
35 ~~recall.~~

1 15.6 UNDER COLO. CONST. ARTICLE XXVIII, SECTION 2(3), A SUCCESSOR CANDIDATE MUST  
2 TERMINATE ANY OTHER ACTIVE CANDIDATE COMMITTEE FOR THE CANDIDATE AND OPEN A  
3 NEW CANDIDATE COMMITTEE FOR THE PURPOSE OF RUNNING IN THE RECALL ELECTION.  
4 TRANSFER OF FUNDS FROM A PREVIOUSLY ACTIVE CANDIDATE COMMITTEE ARE SUBJECT TO  
5 RULE 2.2.4.

6 15.7 AN ISSUE COMMITTEE REMAINING OPEN AT THE END OF THE RECALL ELECTION CYCLE MUST  
7 FILE REPORTS ACCORDING TO THE INFREQUENT FILING SCHEDULE IN RULE 17.2.3(B).

8 **Rule 16. Special Districts**

9 ~~16.1—See Rule 17.4 for reporting periods and report due dates for special district elections.~~

10 ~~16.2~~16.1 A special district designated election official or director candidate ~~shall~~ MUST file  
11 a copy of the self-nomination and acceptance form described in Rule ~~16.3~~ 16.2 with the  
12 Secretary of State no later than 60 days before the special district election. This rule does  
13 not apply if the special district cancels the election.

14 ~~16.3~~16.2 Self-nomination and acceptance forms and affidavits of intent to be a write-in  
15 candidate.

16 ~~16.3-1~~16.2.1 The self-nomination and acceptance ~~forms~~ FORM and ~~letters~~ LETTER, and  
17 affidavits of intent to be a write-in candidate must include the following  
18 information:

- 19 (a) The candidate’s full name;
- 20 (b) The name of the special district ~~in which the candidate is seeking to be~~  
21 ~~elected to the board~~ AND THE SPECIAL DISTRICT DIRECTOR OFFICE SOUGHT;
- 22 (c) ~~The year in which the election will occur~~ DATE OF THE ELECTION;
- 23 (d) The county in which the district court that authorized the creation of the  
24 special district is located;
- 25 (e) The candidate’s ~~physical~~ RESIDENCE and mailing addresses;
- 26 (f) ~~A~~ THE CANDIDATE’S telephone number ~~for the candidate~~;
- 27 (g) The candidate’s email address;
- 28 (h) The date on which the form, letter, or affidavit was filed by the candidate;
- 29 (i) The candidate’s signature; and
- 30 (j) The signature of a registered elector acting as a witness.

31 [Sections 1-45-110, ~~32-1-804.3(1)~~ 1-13.5-303, C.R.S.]

1 ~~16.4~~ 16.3 If a candidate for a special district office fails to file a candidate affidavit, or the  
2 filed self-nomination and acceptance form or letter, or the affidavit of intent to be a write-  
3 in candidate does not contain the statement required by section 1-45-110(1), C.R.S., the  
4 Secretary of State will mail the special district a copy of the notification to the candidate  
5 regarding pending disqualification ~~sent according to~~ UNDER section 1-45-110(3), C.R.S.

6 ~~16.5~~ A document filed according to Rule 16.3 is considered to be filed when received by the  
7 Secretary of State. This Rule does not relieve any candidate of any obligation to file any  
8 document required by the fair campaign practices act, article XXVIII, or other law, nor  
9 does it impose a requirement on a designated election official, presiding officer, or the  
10 Secretary to file any document on behalf of any candidate.

11 ~~16.6~~ 16.4 A special district candidate is not required to file disclosure reports if:

12 ~~16.6.1~~ 16.4.1 The special district candidate affidavit, the ~~filed~~ self-nomination and  
13 acceptance form or letter, or the affidavit of intent to be a write-in candidate  
14 contains a statement substantially stating, “I will not, in my campaign for this  
15 office, receive contributions or make expenditures exceeding \$200 in the  
16 aggregate during the election cycle, however, if I do so, I will thereafter REGISTER  
17 AND file all disclosure reports required under the ~~fair campaign practices act~~ FAIR  
18 CAMPAIGN PRACTICES ACT;” and

19 ~~16.6.2~~ 16.4.2 The candidate does not accept contributions or make expenditures  
20 exceeding \$200 in the aggregate during the election cycle.

21 [COLO. CONST. Article XXVIII, Section 2(2) and section 1-45-108(1), C.R.S.]

## 22 **Rule 17. Filing Calendars and Reporting periods**

23 17.1 ~~Until terminated in accordance with these rules, a~~ A committee other than a political  
24 organization ~~shall~~ MUST file a disclosure report for every reporting period, even if the  
25 committee has no activity (~~contributions, donations, SPENDING, or expenditures~~) to report  
26 during the reporting period.

27 17.2 Filing schedules.

28 17.2.1 A candidate committee ~~shall file~~ FILES on:

29 (a) A frequent filing schedule during the year in which the office to which  
30 candidate seeks to be elected is up for election.

31 (b) An infrequent filing schedule during any year in which the office to which  
32 candidate seeks to be elected is not up for election.

33 (c) For purposes of this rule, the office to which the candidate seeks to be  
34 elected is the office named in the candidate’s most recent candidate  
35 affidavit.

1 17.2.2 A political committee, small donor committee, political party, independent  
2 expenditure committee, ~~Federal PAC~~, or political organization ~~shall file~~ FILES on:

3 (a) A frequent filing schedule during any year in which a general election  
4 occurs.

5 (b) An infrequent filing schedule during any year in which no general election  
6 occurs., ~~notwithstanding any activity by the committee to support or~~  
7 ~~oppose candidates.~~

8 17.2.3 An issue committee ~~shall file~~ FILES on:

9 (a) A frequent filing schedule during any year in which an issue that the  
10 committee supports or opposes appears on, or seeks access to, the ballot.

11 (b) An infrequent filing schedule during any year in which the committee  
12 does not support or oppose any issues appearing on, or which seek access  
13 to, any ballot.

14 17.2.4 An issue committee must notify the Secretary of State within ten days after  
15 deciding that it will support or oppose ~~ballot issues or ballot questions, or~~  
16 ~~potential ballot issues or ballot questions~~ A BALLOT MEASURE on an upcoming  
17 ballot.

18 (a) Once an issue committee notifies the Secretary of State of its active status  
19 under this Rule, the Secretary will place the committee on a frequent filing  
20 ~~calendar~~ SCHEDULE.

21 (b) Once an issue committee has declared its committee filing status as  
22 frequent or infrequent in a particular year, the committee must follow the  
23 appropriate filing schedule for the remainder of that election cycle, except  
24 that an inactive committee may change its status to active at any time.

25 17.3 Report periods

26 17.3.1 The reporting period for any report begins on the first day following the last day  
27 of the reporting period for the previous report ~~filed with the appropriate officer.~~  
28 The reporting period for ~~any report that is required to be filed under section 1-45-~~  
29 ~~109(1)(a)(II) and (1)(c), C.R.S.,~~ ANY REPORT, EXCEPT A QUARTERLY REPORT OR  
30 POST-ELECTION REPORT, closes five calendar days before the date that the report is  
31 due. ~~[Section 1-45-108(2)(c), C.R.S.]~~

32 17.3.2 Quarterly reporting periods close on the last day of the month. The report is due  
33 on or before April 15th, July 15th, October 15th, and January 15th following each  
34 calendar quarter. If the filing deadline falls on a Saturday, Sunday, or legal  
35 holiday, the filing deadline is the next business day. [Section 1-45-108(2)(a),  
36 C.R.S.]

1 17.3.3 ~~Monthly reporting periods close five calendar days before the last day of the~~  
2 ~~month.~~ Monthly reports are due on ~~or before~~ the first calendar day of the  
3 following month. If the filing deadline falls on a Saturday, Sunday, or legal  
4 holiday, the filing deadline is the next business day. When the filing deadline for a  
5 monthly report approximates the filing deadline for a biweekly report, no separate  
6 monthly report ~~shall~~ MUST be filed, and the biweekly report ~~shall serve~~ SERVES as  
7 the monthly report. [Section 1-45-108(2)(a) and (c), C.R.S.]

8 ~~17.3.4 The reporting period for biweekly reports required by section 1-45-~~  
9 ~~108(2)(a)(I)(B) and (D) closes on the Wednesday before the due date. If the filing~~  
10 ~~deadline falls on a Saturday, Sunday, or legal holiday, the filing deadline is the~~  
11 ~~next business day. [Section 1-45-108(2)(a) C.R.S.]~~

12 ~~17.3.5~~ 17.3.4 ~~The~~ EXCEPT IN THE CASE OF A RECALL ELECTION, THE post-election  
13 reporting period closes on the last day of the calendar month in which the election  
14 was held. The report is due on ~~or before~~ the 30th day following the election. If the  
15 filing deadline falls on a Saturday, Sunday, or legal holiday, the filing deadline is  
16 the next business day. [Section 1-45-108(2)(a), C.R.S.]

17 ~~17.3.6 Each year, the Secretary of State will publish a filing calendar for each committee~~  
18 ~~type, and will make the calendars available on the Secretary of State website.~~

19 17.4 Special district reporting.

20 17.4.1 Reports relating to special district elections are due:

- 21 (a) On the 21st day before;
- 22 (b) On the Friday before; and
- 23 (c) On the 30th day after the date of the regular election.

24 [Section 1-45-109(1)(a)(II) and (1)(c), C.R.S.]

25 17.5 Reports for former officeholders or persons not elected to office

26 17.5.1 Annual reporting

27 (a) A candidate committee for a candidate not elected to office, or who was  
28 formerly in office, may ~~elect~~ SUBMIT A WRITTEN REQUEST to file only an  
29 annual report for each calendar year.

30 (1) ~~State~~ STATEWIDE candidate committees ~~shall~~ MUST file an annual  
31 report not later than January 15th of the following year.

32 (2) All other candidate committees ~~shall~~ MUST file an annual report on  
33 the first day of the month in which the anniversary of the major

1 election occurs, in accordance with section 1-45-108(2)(a)(II),  
2 C.R.S.

3 (b) A change in the balance of funds resulting solely from the accrual of  
4 interest or dividends to the account and/or the automatic deduction of  
5 periodic service fees does not subject a candidate committee to the  
6 reporting requirements of section 1-45-108, C.R.S. At a minimum, a  
7 candidate committee must file AN annual report as set forth in subsection  
8 (a) of this Rule.

9 [Sections 1-45-108(2)(c) and (2)(d), C.R.S.]

10 17.5.2 The ~~reporting~~ exemption in section 1-45-108(2)(d), C.R.S., applies only to reports  
11 ~~for which~~ WHERE the entire reporting period occurs after the election in which the  
12 candidate's name appeared on the ballot.

13 17.6 THE FOLLOWING MUST FILE WITH THE MUNICIPAL CLERK: A CANDIDATE IN A MUNICIPAL  
14 ELECTION, A CANDIDATE COMMITTEE, A POLITICAL COMMITTEE SUPPORTING OR OPPOSING  
15 A MUNICIPAL CANDIDATE, AN ISSUE COMMITTEE SUPPORTING OR OPPOSING A MUNICIPAL  
16 BALLOT ISSUE OR BALLOT QUESTION, AN INDEPENDENT EXPENDITURE COMMITTEE  
17 SUPPORTING OR OPPOSING A MUNICIPAL CANDIDATE, AND A SMALL DONOR COMMITTEE  
18 MAKING CONTRIBUTIONS TO A MUNICIPAL CANDIDATE. [SECTION 1-45-109(1)(B), C.R.S.]

19 **Rule 18. Penalties, Violations, and Complaints**

20 18.1 Requests for waiver or reduction of campaign finance penalties

21 18.1.1 A request for waiver or reduction of campaign finance penalties imposed under  
22 COLO. CONST. Article XXVIII, Section 10(2) must state the reason for the  
23 delinquency.

24 (A) The filer should provide an explanation that includes all relevant factors  
25 relating to the delinquency and any mitigating circumstances, including  
26 measures taken to avoid future delinquencies.

27 (B) Before the ~~Secretary of State~~ APPROPRIATE OFFICER will consider a  
28 request, the report must be filed, and a request including the REQUIRED  
29 information ~~required by this paragraph~~ must be submitted.

30 18.1.2 Requests for waiver or reduction of campaign finance penalties imposed under  
31 COLO. CONST. Article XXVIII, Sections 9(2) or 10(2) must be considered by the  
32 ~~Secretary of State~~ APPROPRIATE OFFICER and Administrative Law Judges  
33 according to the following rules:

34

Scenario - applied in numerical order (i.e. if #1 doesn't apply, move to #2)	Result
#1 A waiver is requested and establishes good	Waive penalty in full. A waiver will be

	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.	granted without consideration of previous delinquencies.
#2	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:	
	(a) Filer had contributions and/or expenditures during the reporting period. The penalty imposed is \$100 or more.	<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>
	(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.	The penalty will be reduced to \$50.



	<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	<p>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.</p>	<p>A request will not be considered unless good cause has been shown for failure to meet the 30-day waiver filing requirement.</p>

1 18.1.3 The ~~Secretary of State~~ APPROPRIATE OFFICER or Administrative Law Judge may  
2 consider any additional factors that establish good cause or may otherwise be  
3 relevant to the request for waiver or reduction of campaign finance penalties. In  
4 considering a request, The ~~Secretary of State~~ APPROPRIATE OFFICER or  
5 Administrative Law Judge may request additional information, including but not  
6 limited to financial or other records maintained by the filer.

7 18.1.4 For waiver requests that apply to more than one penalty, the guidelines will be  
8 applied separately to each penalty in chronological order using the single request  
9 as the basis for each.

1 18.1.5 Filers may request that the ~~Secretary of State~~ APPROPRIATE OFFICER reconsider a  
2 request for waiver or reduction of campaign finance penalties. A FILER MUST  
3 SUBMIT, IN WRITING ANY ~~Any~~ request for reconsideration WITHIN 30 DAYS OF THE  
4 DATE ON WHICH THE WAIVER DECISION WAS MAILED. THE FILER must present  
5 additional material facts that are significantly different than those alleged in the  
6 original request for reduction or waiver, ~~and must be submitted to the Secretary of~~  
7 ~~State, in writing, within 30 days of the date on which the waiver decision was~~  
8 ~~mailed.~~

9 18.1.6 The ~~Secretary of State~~ APPROPRIATE OFFICER will respond to requests for waiver  
10 or reduction of campaign finance penalties within 60 days. Failure to respond  
11 within 60 days, however, will not constitute an approval of the request.

12 18.1.7 When reduced, penalties are rounded to the highest \$25. THE APPROPRIATE  
13 OFFICER WILL NOT REDUCE A PENALTY ~~No penalty will be reduced~~ to an amount  
14 less than \$25, unless a full waiver has been granted.

15 18.1.8 WHEN APPLYING RULE 18.1.2(2)(D), ALL OUTSTANDING PENALTIES MUST BE  
16 CONSIDERED.

17 *[Current Rule 18.1.8 is amended and recodified as New Rule 10.17.]*

18 18.2 Cure period for violations discovered by the appropriate officer

19 18.2.1 If the appropriate officer, as defined in COLO. CONST. Article XXVIII, Section  
20 2(1), discovers in the ordinary course of his or her duties in maintaining a  
21 campaign finance filing system a possible violation of COLO. CONST. Article  
22 XXVIII or Article 45 of Title 1, C.R.S., and no complaint alleging such violation  
23 has been filed ~~with the Secretary of State~~ under COLO. CONST. Article XXVIII,  
24 Section 9(2)(a), then the appropriate officer ~~shall~~ MAY:

25 (a) Provide the person believed to have committed the violation with written  
26 notice of the facts or conduct that constitute the possible violation, and

27 (b) Allow 15 business days to correct the violation or to submit written  
28 statements explaining the reasons that support a conclusion that a violation  
29 was not committed.

30 18.2.2 No cure period under this rule applies to late filings of campaign finance reports  
31 subject to penalties under COLO. CONST. Article XXVIII, Section 10(2)(a).

32 18.3 If, within the time allotted under Rule 18.2, the person fails to correct the violation or to  
33 offer a satisfactory explanation, then the appropriate officer may file a complaint under  
34 COLO. CONST. 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 COLO. CONST. Article  
2 XXVIII, Section 9(2)(a) ~~shall~~ MUST include the Secretary of State's complaint  
3 cover sheet, ~~which~~ AND must include the following information:

4 (a) The name, address, and signature of the complainant (if the complainant is  
5 represented by counsel, include the counsel's name, address, and signature  
6 ~~along with the name, address, and signature of the complainant~~);

7 (b) The name and address of each person alleged to have committed a  
8 violation; and

9 (c) The particulars of the violation.

10 18.4.2 If an incomplete complaint is received, the date on which the originally filed  
11 complaint was received is considered the filed date for purposes of COLO. CONST.  
12 Article XXVIII, Section 9(2)(a), if a complete copy is received within ten days of  
13 notification from the Secretary of State that the complaint was incomplete.

14 18.4.3 ~~A ANY PERSON MAY SUBMIT A complaint may be submitted~~ by fax or electronic  
15 mail if a signed original is received by the Secretary of State no later than five  
16 calendar days thereafter. If the complaint is complete, the Secretary of State will  
17 promptly transmit the complaint to the Office of Administrative Courts in the  
18 Department of Personnel and Administration for consideration by an  
19 ~~administrative law judge~~ ADMINISTRATIVE LAW JUDGE, which will notify the  
20 respondents of the filing of the complaint and which will issue all other  
21 appropriate notices to the parties. [COLO. CONST. Article XXVIII, Section 9(2)(a)]

22 ~~18.5 No report shall be subject to penalties of more than \$50 per day for any late filing or~~  
23 ~~incomplete report violation(s).~~

24 ~~18.6 Payments for penalties imposed by an Administrative Law Judge shall be remitted to the~~  
25 ~~Secretary of State's office, to the attention of Campaign Finance.~~

26 18.5 THE SECRETARY OF STATE MAY ENFORCE THE DECISION OF THE ADMINISTRATIVE LAW  
27 JUDGE. THE SECRETARY OF STATE WILL NOT ENFORCE THE DECISION OF THE  
28 ADMINISTRATIVE LAW JUDGE DURING THE PENDENCY OF ANY APPEAL OF THE DECISION,  
29 UNLESS OR UNTIL THE APPEAL IS EXHAUSTED OR THE DECISION IS UPHeld BY THE COURT OF  
30 APPEALS. [COLO. CONST. ARTICLE XXVIII, SECTION 9(2)(A).]

## 31 **Rule 19. Electronic Filing**

32 19.1 All disclosure reports filed with the Secretary of State under COLO. CONST. Article  
33 XXVIII and Article 45 of Title 1 ~~Statutes~~, C.R.S., ~~shall~~ MUST be filed electronically ON  
34 THE SECRETARY OF STATE'S TRACER SYSTEM, except as provided ~~below~~ IN RULE 19.2.  
35 ~~Reports required to be filed electronically with the Secretary of State under this rule that~~  
36 ~~are presented for manual filing shall~~ PAPER REPORTS WILL not be accepted. This Rule  
37 RULE does not apply to personal financial disclosure reports required by section 1-45-110,  
38 C.R.S.

1 19.2 In accordance with section 24-21-111, C.R.S., reports are not required to be filed  
2 electronically in either of the following circumstances:

3 19.2.1 The Secretary of State has granted an exception to the electronic filing  
4 requirement after written application based on hardship or other good cause  
5 shown.

6 (a) All applications for an exception ~~shall~~ MUST include a brief statement of  
7 the hardship or good cause. ~~Applications must be received by the~~  
8 ~~Secretary of State~~ THE SECRETARY OF STATE MUST RECEIVE THE  
9 APPLICATION at least 15 calendar days before the applicable filing  
10 deadline, unless the exception is based on emergency circumstance. For  
11 applications made under emergency circumstances after the deadline, the  
12 nature of the emergency ~~shall~~ MUST 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 penalty is  
15 imposed for failure to file a report on the date due, the penalty may be set  
16 aside or reduced in accordance with COLO. CONST. Article XXVIII,  
17 Section 10(2).

18 (c) The Secretary of State ~~shall~~ WILL 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 Interface (EDI)  
21 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 reports~~  
23 ~~required by Article XXVIII and Article 45 of Title 1, C.R.S., using the TRACER internet~~  
24 ~~filing system created by the Secretary of State under section 1-45-109(6), C.R.S.~~

25 ~~19.4 The Secretary of State’s online campaign finance filing system will attempt to identify~~  
26 ~~potential violations by displaying warning messages when contributions or expenditures~~  
27 ~~appear to violate Article XXVIII or Article 45 of Title 1, C.R.S. Filers remain responsible~~  
28 ~~for compliance with the law and these rules regardless of whether the system identifies or~~  
29 ~~fails to identify a potential violation.~~

30 ~~19.5~~19.3 For the purpose of section 1-45-109(2)(a), C.R.S., “close of business” for  
31 electronic filing means 11:59 p.m. MT.

32 ~~19.6~~19.4 If the electronic filing system is unavailable for a total of more than one hour on  
33 the due date for filing a report, the Secretary of State may extend the due date for an  
34 additional day ~~for electronically filed reports~~. [Sections 1-45-108(2.3) and 1-45-109(6),  
35 C.R.S.]

36 **Rule 20. Redaction of Sensitive Information**

1 20.1 Any person who believes their safety or the safety of an immediate family member may  
2 be in jeopardy as a result of information disclosed on any campaign finance  
3 REGISTRATION OR report filed with the Secretary of State under Article 45 of Title 1,  
4 C.R.S., may apply to the Secretary of State to redact sensitive personal information from  
5 the online versions of such report(s).

6 20.1.1 The Secretary of State, upon a finding of good cause, may redact the minimum  
7 amount of sensitive information necessary to protect the safety of such person or  
8 his or her immediate family.

9 20.1.2 If the Secretary of State redacts sensitive information disclosed on a campaign  
10 finance report, the original unredacted report ~~shall remain~~ REMAINS a public  
11 record under Article 72 of Title 24 C.R.S.

12 20.2 Applications for redaction of sensitive information ~~shall~~ MUST be submitted in writing  
13 and ~~shall~~ include the requestor's name, the identified entry(s) of concern, a justification  
14 for the application, and the committee to whom the contribution(s) was made or  
15 expenditure(s) received.

16 20.3 Applications for redaction of sensitive personal information are not subject to disclosure  
17 under the Colorado Open Records Act. [Section 24-72-201 et. seq., C.R.S.]

18 *[Current rule 1.4 is amended and recodified as New Rule 21 as follows:]*

19 **RULE 21. COORDINATION**

20 ~~1.4~~21.1 "Coordination". Expenditures or spending are coordinated with a candidate  
21 committee or political party if:

22 ~~1.4.1~~21.1.1 A person makes an expenditure or engages in spending at the request,  
23 suggestion, or direction of, in consultation with, or under the control of that  
24 candidate committee or political party; or

25 ~~1.4.2~~21.1.2 An independent expenditure or electioneering communication is created,  
26 produced, or distributed:

27 (a) After one or more substantial discussion(s) between the candidate or  
28 political committee and the person making the expenditure or engaging in  
29 the spending,

30 (1) In which the person making the expenditure or engaging in the  
31 spending received non-public information about the candidate or  
32 political party's plans, projects, activities, or needs; and

33 (2) The information is material to the creation, production, or  
34 dissemination of an independent expenditure or electioneering  
35 communication; or

1 (b) By a common consultant who provides, or has provided during the  
2 election cycle, professional services to the candidate committee or  
3 political party as well as to the person making the expenditure or engaging  
4 in the spending; and

5 (1) In which the person making the expenditure or engaging in the  
6 spending received non-public information about the candidate or  
7 political party's plans, projects, activities, or needs; and

8 (2) The information is material to the creation, production, or  
9 dissemination of an independent expenditure or electioneering  
10 communication.

11 ~~1.4.3~~ 21.1.3 This rule does not apply to an attorney, accountant, bookkeeper, or  
12 registered agent who provides services within the scope of his or her profession.

13 ~~1.4.4~~ 21.1.4 If A candidate committee or political party and the person making the  
14 expenditure or engaging in spending use a common consultant, an independent  
15 expenditure or electioneering communication is not coordinated if the consultant  
16 places effective barriers (i.e., “firewalls”) to the transmission of non-public  
17 information between:

18 (a) The candidate committee or political party; and

19 (b) The person making an independent expenditure or engaging in spending.

20 ~~Such firewalls shall be physical~~ PHYSICAL or technological BARRIERS, ~~or both,~~  
21 include appropriate security measures, and MUST be set forth in a written policy  
22 that is distributed to all affected agents, employees, board members, directors,  
23 officers, and consultants. A firewall is not effective if non-public material  
24 information is nonetheless directly or indirectly transmitted to the person making  
25 an expenditure or engaging in spending.

26 ~~1.4.5~~ 21.1.5 For the purposes of this Rule:

27 (a) Candidate committee or political party includes any agent, employee,  
28 board member, director, or officer of that candidate committee or political  
29 party.

30 (b) The person making the expenditure or engaging in the spending includes  
31 any agent, employee, board member, director, or officer of the person  
32 making the expenditure or engaging in the spending.