



Notice of Adoption

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

June 10, 2015

I. Adopted Rule Amendments

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

The rules were considered at the May 21, 2015 rulemaking hearing in accordance with the State Administrative Procedure Act⁵.

Please note the following formatting key:

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

[Current 8 CCR 1505-6 is amended as follows:]

Rule 1. Definitions

1.1 BALLOT MEASURE MEANS BALLOT ISSUE OR BALLOT QUESTION.

~~1.1~~ 1.2 “Business Activities”. ~~For the~~ FOR purposes of COLO. CONST. Article XXVIII:

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

² Article 45 of Title 1, C.R.S. (2014).

³ Section 24-4-103(3)(a), C.R.S. (2014).

⁴ 8 CCR 1505-6.

⁵ Section 24-4-103(3)(a), C.R.S. (2014).

~~1.1.1~~1.2.1 “Business activities” means ~~any provision of~~ PROVIDING goods or services that ~~results~~ RESULT in income or any other revenue-generating activity not expressly for political purposes.

~~1.1.2~~1.2.2 “Cannot engage in business activities,” means that the articles of incorporation and bylaws, either expressly or implicitly, prohibit the corporation from engaging in any business activities.

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

~~1.2~~1.3 “Committee” ~~Unless otherwise specified, the term “committee” as used~~ GENERALLY in these rules includes ~~candidate committees, political committees, small donor committees, issue committees, independent expenditure committees, political parties, Federal PACs, and political organizations~~ CANDIDATE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, ISSUE COMMITTEE, INDEPENDENT EXPENDITURE COMMITTEE, POLITICAL PARTY, AND POLITICAL ORGANIZATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~{Federal Election Commission v. Wisconsin Right to Life, 551 U.S. 449 (2007)}~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.10 “LIMITED LIABILITY COMPANY” OR “LLC” HAS THE SAME MEANING AS SET FORTH IN SECTION 1-45-103.7(8), C.R.S.

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

~~1.14~~ 1.12 “Non-public information” means confidential material in any form that is not available to the general public, including a non-public campaign plan, communications plan, campaign budget, specification of unmet and potentially unmet campaign needs, proposed or actual media buy, list or description of households or voters who will receive or have received materials under a mailing or other distribution program, polling or focus group results, or other proprietary material. ~~1.14.1~~ “Non-public information,” however, does not include communications dealing solely with candidate positions on legislative or policy issues.

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

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

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

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

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

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

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

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

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

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

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

1.18.1 REGISTERING A CANDIDATE COMMITTEE; OR

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

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

~~1.20.3~~ 1.18.4 A reasonable person would expect the statement to become public.; and

~~1.20.4~~ The statement includes a stated intention to explore the possibility of seeking an office.

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

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

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

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

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

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

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

Rule 2. Candidates and Candidate Committees

2.1 ~~Candidates without committees~~ STANDALONE CANDIDATES

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

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

2.2 Candidate committees

- 2.2.1 A candidate may serve as the candidate committee's registered agent or appoint another NATURAL person to be the registered agent. ~~The candidate and the registered agent shall sign the candidate committee registration form.~~ Only the registered agent, the designated filing agent, or the candidate may ~~sign~~ FILE the contribution and expenditure report. ~~[Section 1-45-108(3)(b), C.R.S.]~~
- 2.2.2 Once ASSIGNED a candidate ~~has been assigned a frequent filing schedule, the candidate shall~~ COMMITTEE MUST follow the frequent filing schedule for the remainder of the year.
- 2.2.3 ~~If a primary election is cancelled in accordance with section 1-4-104.5(1), C.R.S.,~~
A candidate committee may accept the contribution limit specified in COLO. CONST. Article XXVIII, Section 3(1) for the primary election EVEN IF THE PRIMARY ELECTION IS CANCELED UNDER SECTION 1-4-104.5(1), C.R.S. ~~as long as the candidate was eligible to be on the primary election ballot. In accordance with section 1-45-103.7(3), C.R.S., these contributions may be accepted at any time before or after the primary election was cancelled.~~
- 2.2.4 Managing unexpended campaign contributions
- (a) ~~The~~ A CANDIDATE COMMITTEE MUST REPORT ITS unexpended balance ~~shall be reported~~ as the ending balance throughout the election cycle. ~~Unexpended balances—~~ A CANDIDATE COMMITTEE MUST REPORT ITS UNEXPENDED BALANCE from the ~~final~~ report filed 30 days after the ~~applicable~~ MAJOR election ~~shall be reported~~ as the beginning balance in the next election cycle.
- (b) Candidates seeking re-election to the same office
- (1) ~~Campaign contributions may be retained by the candidate committee for~~ A CANDIDATE COMMITTEE MAY RETAIN CONTRIBUTIONS TO use in a subsequent election cycle for the same public office, in an amount not to exceed the limit in COLO. CONST. Article XXVIII, Section 3(3) (as adjusted by Rule ~~10-14~~ 10.16).
- (2) A candidate committee ~~shall~~ MAY not list unexpended campaign contributions retained for use in a subsequent election cycle expressly on disclosure reports as “contributions from a political party” or as contributions from any specific political party. [COLO. CONST. Article XXVIII, Section 3(3)(e)]
- (3) ~~The~~ IF A CANDIDATE COMMITTEE RETAINS CONTRIBUTIONS TO USE IN A SUBSEQUENT ELECTION CYCLE FOR THE SAME OFFICE, THE amount retained ~~by a candidate for use in a subsequent election for the same office~~ counts toward the limit on contributions from a political party. ~~If the amount retained plus any political party~~

~~contributions to the candidate committee during the subsequent election cycle exceeds the limit on political party contributions, any amount~~ A CANDIDATE COMMITTEE MUST RETURN CONTRIBUTIONS IT RECEIVES in excess of the POLITICAL PARTY limit accepted by the candidate committee shall constitute a violation of Article XXVIII, Section 3(3)(d), unless returned to the contributor within 30 days.

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

- (1) ~~Campaign contributions to a~~ A candidate committee may be ~~transferred~~ TRANSFER FUNDS to a candidate committee established by the same candidate for a different public office, subject to the ~~limitations set forth in Article XXVIII, Section 3(3)(e) for~~ political party ~~contributions~~ CONTRIBUTION LIMIT, only if the new office to be sought has contribution limits that are equal to or greater than the current office, or the new office sought has no contribution limits. [COLO. CONST. Article XXVIII, Section 3]
- (2) ~~If a~~ A candidate committee ~~transfers money~~ TRANSFERRING FUNDS to a ~~new~~ candidate committee for a ~~new~~ DIFFERENT office, ~~the existing candidate committee shall be affirmatively closed by the candidate~~ MUST TERMINATE within ten days of registering the new candidate committee.

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

- (1) ~~Campaign contributions held by a~~ A candidate committee that wishes to terminate and will not transfer funds to a new candidate committee may be GIVE REMAINING CONTRIBUTIONS TO:
 - (A) ~~Contributed to a~~ A political party, in an amount not to exceed the limit in COLO. CONST. Article XXVIII Section 3(3) (as adjusted by Rule ~~10.14~~ 10.16);
 - (B) ~~Donated to a~~ A charitable organization recognized by the I.R.S.;
 - (C) ~~Returned to~~ THE ORIGINAL contributors; or
 - (D) ~~For candidates~~ IF elected to office, ~~funds~~ THE CANDIDATE may be used USE THE REMAINING CONTRIBUTIONS for voter registration, political issue education, postsecondary educational scholarships, ~~to communicate~~ COMMUNICATION with constituents, or for expenses directly related to the officeholder's official duties.

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

2.2.5 Disposition of debt in anticipation of committee termination

- (a) ~~All contributions received by a~~ A candidate committee ~~in the current election cycle shall be subject to the limits on~~ MUST REPORT ALL contributions ~~for the current~~ RECEIVED DURING THE election cycle and ~~shall be reported as~~ THOSE contributions ~~for the current election cycle, regardless of any~~ ARE SUBJECT TO THE CONTRIBUTION LIMIT, REGARDLESS OF debt carried over from a prior election cycle. ~~a candidate committee may not count contributions that are earmarked for debt retirement against contribution limits for the past election cycle.~~
- (b) ~~Any financial~~ FINANCIAL obligations incurred by a candidate committee in an election cycle that are not paid within a commercially reasonable period of time, not to exceed ~~six months~~ ONE YEAR after the close of that election cycle, ~~shall be treated as~~ ARE “contributions” from the ~~service provider or vendor~~ PERSON extending credit.

2.3 Candidate affidavits

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

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

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

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

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

- (a) ~~— A candidate files an affidavit 90 days or more after filing a disclosure;~~
- (b) ~~— An individual files a candidate affidavit for a new office sought, if all necessary~~ REQUIRED amended statements have been filed since the filing of the ~~original~~ FULL disclosure statement.; ~~or~~ [SECTIONS 1-45-110 AND 24-6-202, C.R.S.]

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

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

Rule 3. Political Committees and Small Donor Committees

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

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

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

Rule 4. Issue Committees

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

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

~~4.1.2-4.1~~ An issue committee shall MUST provide the committee's FUND balance on the date of committee registration as a "beginning balance" on the committee's initial Report of Contributions and Expenditures.

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

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

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

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

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

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

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

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

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

4.4 ~~Disclosure.~~

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

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

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

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

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

Rule 5. Independent Expenditures and Independent Expenditure Committees

5.1 Disclaimer requirement for nonbroadcast independent expenditure communications.

5.1.1 ~~Any~~ UNDER SECTION 1-45-107.5(5), C.R.S., ANY nonbroadcast communication that constitutes an independent expenditure ~~and is subject to the requirements of section 1-45-107.5(5), C.R.S., shall~~ MUST contain a clear and conspicuous disclaimer ~~including~~ THAT IS CLEARLY READABLE, PRINTED IN TEXT THAT IS NO LESS THAN 15 PERCENT OF THE SIZE OF THE LARGEST FONT USED IN THE COMMUNICATION, OR AT LEAST EIGHT-POINT FONT, AND INCLUDES:

- (a) The name of the person that paid for the communication; and
- (b) ~~The specific~~ A statement that the communication is not authorized by any candidate.

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

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

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

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

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

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

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

Rule 6. Political Parties

6.1 The appropriate filing officer for a state or county political party is the Secretary of State. ~~Therefore, state and county political parties are subject to the requirements of section 1-~~

~~45-109(1)(c), C.R.S., and must file reports with the Secretary of State. [Article XXVIII Section 2(1); section 1-45-109(1)(c), C.R.S. [SECTION 1-45-108(1)(A)(I), C.R.S.]~~

~~6.1.1—Repealed.~~

6.2 Transfers of money within a party

6.2.1 A party may transfer money from one level of the organization to another without limit.

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

6.3 Home rule jurisdictions

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

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

Rule 7. Federal PACs and 527 Political Organizations

7.1 Federal PACs

7.1.1 A FEDERAL PAC THAT QUALIFIES AS A political committee UNDER COLO. CONST. ARTICLE XXVIII, SECTION 2(12), ~~that is subject to reporting under both section 1-45-108, C.R.S., and the “Federal Election Commission Act of 1971” (a “Federal PAC”)~~ shall MUST register with the Secretary of State’s office as a “Federal PAC.” STATE POLITICAL COMMITTEE AND FOLLOW ALL REQUIREMENTS FOR STATE POLITICAL COMMITTEES. NOTHING IN THIS RULE REQUIRES A FEDERAL PAC TO OBSERVE COLORADO REQUIREMENTS FOR CONTRIBUTIONS, EXPENDITURES, OR OTHER CAMPAIGN FINANCE ACTIVITY FOR FEDERAL ELECTIONS OR ELECTIONS IN STATES OTHER THAN COLORADO. ~~A Federal PAC shall file disclosure reports electronically with the Secretary of State. In accordance with the requirement of section 1-45-108 (3.5), C.R.S., that Federal PACs are subject to “all other legal requirements”, a Federal PAC must:~~

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

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

- ~~(c) — Use only contributions received by the Federal PAC that are within source and contribution limits established by Colorado law to support or oppose state or local candidates. Contributions received by the PAC that the organization has not designated for use to support or oppose candidates in Colorado do not have to be disclosed on reports filed in Colorado and are not subject to the Colorado source and amount limits and prohibitions.~~
- ~~(d) — Itemize all expenditures in the state of \$20 or more, and list any expenditures of less than \$20 made in Colorado as non itemized expenditures.~~
- ~~(e) — Deposit Federal PAC funds into a separate account that is used for the Federal PAC exclusively, in accordance with Article XXVIII, Section 3(9) and Rule 10.11. The Federal PAC may, but is not required to, segregate funds intended to support or oppose state or local candidates in Colorado.~~

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

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

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

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

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

- ~~(a) — Has as its major purpose influencing or attempting to influence elections as defined in Rule 1.10; and~~
- ~~(b) — Is exempt, or intends to seek exemption, from taxation by the Internal Revenue Service.~~

~~[I.R.C. § 527(i)(5)(B) (2010)]~~

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

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

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

~~7.2.3-7.2.2 Political organizations are~~ A POLITICAL ORGANIZATION THAT RECEIVES NO CONTRIBUTIONS AND SPENDS LESS THAN \$20 DURING A REPORTING PERIOD IS NOT required to file A disclosure reports REPORT for THAT reporting periods PERIOD when no contributions were received and spending was less than \$20. [Section 1-45-108.5(1)(b), C.R.S.]

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

Rule 8. Registering a Committee

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

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

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

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

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

Rule 9. Registered Agents

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

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

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

~~9.3-1-9.2.1~~ 9.2.1 A committee may assign a new registered agent by filing an amended committee registration. ~~using the online campaign finance filing system. The Secretary of State's office will maintain a~~ A registered agent's name REMAINS on file until the committee assigns a new registered agent.

~~9.3-2-9.2.2~~ 9.2.2 ~~In accordance with Rule 12.1, the A committee or party shall~~ MUST file an amended committee registration form within ~~five~~TEN days after the resignation of a registered agent or the appointment of a new registered agent. ~~The A committee or party~~ must have an active registered agent at all times. [Section 1-45-108(3)(b), C.R.S.; RULE 12.1]

Rule 10. Managing Contributions and Expenditures

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

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

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

~~1.23-1~~(A) The end of the election cycle; or

~~1.23-2~~(B) When the candidate withdraws from the political race and intends to terminate his or her candidate committee.

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

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

~~10.1-1-10.2.1~~ 10.2.1 ~~All~~ COMMITTEES MUST INDIVIDUALLY LIST ALL contributions received of \$20 or more RECEIVED during a reporting period ~~shall be listed individually on the contribution and expenditure report~~, including names and addresses of the contributors. If a contributor gives \$20 or more in the aggregate during the reporting period, the COMMITTEE MUST INDIVIDUALLY LIST THE contributor ~~must be listed individually~~ on the report, regardless of the amount of each contribution. [Section 1-45-108(1), C.R.S.]

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

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

~~10.1.4~~10.2.3 Disclosure of occupation and employer

- (a) The requirement to disclose the occupation and employer of a contributor in COLO. CONST. Article XXVIII, Section 7 and section 1-45-108, C.R.S., applies to any one-time contribution of \$100 or more, and not to aggregate contributions totaling \$100 or more.
- (b) If A COMMITTEE DOES NOT REPORT occupation and employer information is ~~not provided~~ for ~~contributions~~ A CONTRIBUTION of \$100 or more, and the committee is unable to gather the information within 30 days after receipt ~~from~~ OF the contribution, the COMMITTEE MUST RETURN THE contribution ~~shall be returned~~ to the contributor no later than the 31st day after receipt. [COLO. CONST. Article XXVIII, Section 7]

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

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

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

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

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

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

~~(a)~~10.4.1 A contribution or donation by check is ~~considered~~ accepted, at the latest, on the date that the contribution or donation is deposited ~~by the committee~~ into THE COMMITTEE account. ~~Any contribution or donation in the form of a~~ IF A COMMITTEE RECEIVES A DONATION BY check ~~received by a committee~~ at least five

business days before the end of a reporting period, THE COMMITTEE must be deposited or returned DEPOSIT THE CHECK OR RETURN to the contributor by the close of BEFORE that reporting period CLOSES.

~~(b)~~10.4.2 A cash contribution or donation is ~~received as of~~ ACCEPTED the date the cash is transferred to IN the committee's possession.

~~(e)~~10.4.3 A contribution or donation made by credit card, PayPal, or other payment intermediary service is ~~received as of~~ ACCEPTED ON the date the contributor or donor authorizes the payment to be made.

~~(d)~~10.4.4 ~~A non-monetary (in-kind)~~ A NON-MONETARY OR IN-KIND contribution or donation is ~~received as of~~ ACCEPTED ON the date ~~on which~~ the committee takes possession of the item, or has the right to possess or use the item.

~~10.3.2~~10.4.5 For purposes of section 1-45-105.5, C.R.S., concerning contributions by lobbyists to certain state officers and candidates when legislation is under consideration, a contribution is ~~considered made or promised~~ ACCEPTED when the pledge is made or possession of the check is transferred to any person not under the control of the issuer, whichever is sooner.

~~10.4~~10.5 ~~All committees shall~~ A COMMITTEE MUST maintain all financial records for 180 days after any general election CYCLE in which the committee received contributions. If a complaint is filed against the committee, the committee ~~shall~~ MUST maintain financial records until final disposition of the complaint and any consequent litigation. THE COMMITTEE MUST MAINTAIN LLC affirmations ~~must be maintained~~ for one year after the end of the election cycle. [COLO. CONST. Article XXVIII, Section 3(9)]

~~10.5~~10.6 ~~For any contribution received in excess of contribution limits, neither the contributor nor the receiving committee shall be liable for exceeding the contribution limit if the excess amount is returned to the contributor~~ IF A COMMITTEE RECEIVES A CONTRIBUTION IN EXCESS OF THE CONTRIBUTION LIMIT, THE COMMITTEE MUST RETURN THE EXCESS TO THE CONTRIBUTOR within ten days of receipt or within three days after receiving notification from the Secretary of State ~~that the contribution violates the limits,~~ whichever is sooner, AND WILL NOT BE HELD LIABLE.

~~10.6~~10.7 Contributions ~~where the identity of the~~ BY ANONYMOUS contributor ~~is unknown (anonymous contributions or donations)~~

~~10.6.1~~10.7.1 ~~Committees cannot~~ A COMMITTEE MAY NOT keep anonymous contributions or donations of \$20 or more.

10.7.2 ~~An anonymous contribution or donation is one~~ ANONYMOUS CONTRIBUTIONS ARE CONTRIBUTIONS where the identity of the contributor ~~or donor~~ is unknown.

10.7.3 ~~Anonymous~~ A COMMITTEE MUST DONATE AN ANONYMOUS CONTRIBUTION ~~contributions or donations~~ of \$20 or more ~~must be donated to any~~ A charitable organization recognized by the Internal Revenue Service, or ~~transmitted~~

TRANSMIT THE CONTRIBUTION to the State Treasurer for deposit into the unclaimed property fund or such other fund as the State Treasurer may direct, within 30 days after receipt. [Section 1-45-108(1)(a), C.R.S.]

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

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

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

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

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

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

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

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

~~10.9~~10.11 Reimbursement of expenditures — payments by credit card or payment intermediary service

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

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

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

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

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

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

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

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

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

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

- (a) A candidate may make an interest-free loan to his or her candidate committee. Any foregone interest is not a contribution to the committee.
- (b) Any repayment of a loan shall be considered a loan payment, except that A COMMITTEE MUST REPORT THE interest repaid for a loan made under COLO. CONST. Article XXVIII, Section 3(8) shall be reported as an expenditure by the committee.
- (c) A CANDIDATE MAY FORGIVE A loan made by a candidate to the candidate's HE OR SHE LOANED TO HIS OR HER own committee may be forgiven by the candidate. The amount of unpaid debt forgiven by the candidate remains a contribution and is not considered a returned contribution.

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

~~10.12-10.14~~ Other income

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

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

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

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

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

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

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

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

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

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

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

~~10.14.1~~ Calculation of adjustments

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

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

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

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

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

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

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

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

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

Contributor:

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

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

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

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

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

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

- (a) ~~There is no adjustment to the contribution limit on individual donations to small donor committees outlined in Article XXVIII, Section 2(14).~~
- (b) ~~The aggregate limits on contributions from any person for a primary or a general election, described in Article XXVIII, Section 3(1), are adjusted as follows:~~
 - (1) ~~\$525 to any one:~~
 - (A) ~~Governor candidate committee for the primary election, and Governor and Lieutenant Governor candidate committee, as joint candidates under section 1-1-104, C.R.S., or any successor section, for the general election;~~

- ~~(B) — Secretary of State, State Treasurer, or Attorney General, candidate committee.~~
 - ~~(2) — There is no adjustment to the limits on contributions to any one State Senate, State House of Representatives, State Board of Education, Regent of the University of Colorado, or any District Attorney candidate committee.~~
 - ~~(e) — The aggregate limits on contributions from a small donor committee for a primary or a general election, described in Article XXVIII, Section 3(2), are adjusted as follows:
 - ~~(1) — \$5,300 to any one:
 - ~~(A) — Governor candidate committee for the primary election, and Governor and Lieutenant Governor candidate committee, as joint candidates under section 1-1-104, C.R.S., or any successor section, for the general election;~~
 - ~~(B) — Secretary of State, State Treasurer, or Attorney General, candidate committee; and~~~~
 - ~~(2) — \$2,125 to any one State Senate, State House of Representatives, State Board of Education, Regent of the University of Colorado, or any District Attorney candidate committee.~~~~
- ~~(d) — The aggregate limits on contributions from any person to a political party, described in Article XXVIII, Section 3(3)(a), are adjusted as follows:
 - ~~(1) — \$3,175 per year at the state, county, district, and local level combined; and~~
 - ~~(2) — Of such, no more than \$2,650 at the state level.~~~~
- ~~(e) — The aggregate limits on contributions from a small donor committee to a political party, described in Article XXVIII, Section 3(3)(b), are adjusted as follows:
 - ~~(1) — \$15,900 per year at the state, county, district, and local level combined; and~~
 - ~~(2) — Of such, no more than \$13,250 at the state level.~~~~
- ~~(f) — The aggregate limits on pro-rata contributions or dues made to political committees, described in Section 3(5), Article XXVIII of the Colorado Constitution, are adjusted to \$525 per house of representatives election cycle.~~

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

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

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

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

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

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

~~18.1.8-10.17~~ Major Contributor Reports.

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

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

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

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

Rule 11. Electioneering Communications

11.1 ~~If a person spending money for electioneering communications is a corporation or labor organization, disclosure of the names and addresses of persons contributing \$250 or more used to make electioneering communications shall only be required if the money is specifically earmarked for electioneering communications. [Section 1-45-108(1)(a)(III), C.R.S.] AS USED IN SECTION 1-45-108(1)(A)(III), C.R.S., THE TERM PERSON INCLUDES A CORPORATION OR LABOR ORGANIZATION.~~

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

~~11.3~~ 11.2 All spending of \$1,000 or more per calendar year shall be listed individually on the electioneering report, including name, address, and method of communication. [~~Article XXVIII, Section 6(1)~~] ANY PERSON WHO EXPENDS \$1,000 OR MORE PER CALENDAR YEAR ON ELECTIONEERING COMMUNICATION MUST INCLUDE THE METHOD OF COMMUNICATION ON THE ELECTIONEERING REPORT.

~~11.4~~ 11.3 ~~Entities~~ PERSONS making electioneering communications shall MUST maintain all financial records for 180 days after ~~any~~ THE general election in which the entity received ~~contributions~~. If a complaint is filed against the ~~entity~~ PERSON making electioneering communications, the ~~entity~~ shall PERSON MUST maintain financial records until final disposition of the complaint and any ~~consequent~~ RESULTING litigation.

~~11.5~~ 11.4 The ELECTIONEERING COMMUNICATION REPORTS MUST INCLUDE THE name of the candidate(s) unambiguously referred to in the electioneering communication ~~shall be included~~ in the electioneering report. [COLO. CONST. Article XXVIII, Section ~~2(7)(I)~~ 2(7)(A)(I)]

~~11.6~~ 11.5 ~~Submission of electioneering communication disclosure reports~~ 11.6.1 ~~Committees are not required to~~ A COMMITTEE NEED NOT file electioneering communication reports separate from regularly filed ~~independent expenditure~~ disclosure reports so long as ~~any~~ IF THE expenditure or spending subject to COLO. CONST. Article XXVIII, Section 6 and Rule ~~11.5-11.4~~ is identified as an electioneering communication. The disclosure of electioneering COMMUNICATION expenditures or spending on a regularly filed report shall MUST include the name of the ~~candidate~~ CANDIDATE(S) referred to in the electioneering communication.

Rule 12. Changing or Closing a Committee

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

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

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

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

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

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

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

~~12.4~~ Unexpended contributions

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

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

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

~~12.5~~ 12.4 Administrative committee terminations.

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

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

Rule 13. Corporations and Membership Organizations

13.1 A corporation or labor organization may establish a political committee, an independent
expenditure committee, and a small donor committee. Each committee is subject to the
applicable individual contribution and expenditure limits for that committee. A
corporation or labor organization may pay for the costs of establishing, administering,
and soliciting funds from its own employees or members ~~for a political committee, a~~

~~small donor committee, or an independent expenditure committee.~~ [COLO. CONST. Article XXVIII, Sections 2(5)(b) and 2(14)(b)]

13.2 ~~Membership~~ TRANSFERRING MEMBERSHIP dues transferred to A small donor committees COMMITTEE, independent expenditure committees COMMITTEE, and political committees COMMITTEE.

13.2.1 ~~Membership organizations~~ A MEMBERSHIP ORGANIZATION transferring a portion of a member's dues to a small donor committee, independent expenditure committee, or political committee shall MUST provide the respective committee with the member's name, address, amount of dues transferred, and the date of the dues transfer.

13.2.2 Each small donor committee, independent expenditure committee, and political committee shall MUST keep records of all contributions or donations received in the form of membership dues transferred by a membership organization to the committee. ~~The records shall include each contributing or donating member's~~ INCLUDING THE name, address, and amount of the dues transferred. [Section 1-45-108(1)(a)(I), C.R.S.]

13.2.3 Each small donor committee and political committee shall MUST itemize and report the name and address of each person ~~who has contributed~~ CONTRIBUTING \$20 or more in a reporting period, including but not limited to contributions received in the form of membership dues transferred by a membership organization to the committee. [COLO. CONST. Article XXVIII, Section 2(14)(a); section 1-45-108(1)(a), C.R.S.]

13.2.4 On each disclosure report, the candidate or registered agent of a committee shall MUST certify and declare, under penalty of perjury, that to the best of his or her knowledge or belief all contributions or donations received in a reporting period, including contributions or donations received in the form of membership dues transferred by a membership organization, are from permissible sources. [COLO. CONST. Article XXVIII, Section 3]

Rule 14. Local Offices and Home Rule

14.1 The requirements of COLO. CONST. Article XXVIII and of Article 45 of Title 1, C.R.S., do not apply to home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address any of the matters covered by COLO. CONST. Article XXVIII or Article 45 of Title 1.

~~14.2 The provisions of Article XXVIII, Section 3(4) relating to contributions of corporations and labor unions apply to elections to every state and local public office, except local public offices in home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address any of the matters covered by Article XXVIII or Title 1, Article 45.~~

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

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

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

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

Rule 15. Recall Elections

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

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

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

15.1.3 IF A RECALL ELECTION IS CANCELED, A COMMITTEE THAT WAS PARTICIPATING IN THE RECALL ELECTION MUST FILE A REPORT FIVE DAYS AFTER THE END OF THE RECALL ELECTION CYCLE. THE END OF CYCLE BEGINS ON THE FIRST DAY OF THE

MONTH IN WHICH THE ELECTION CYCLE ENDS AND ENDS ON THE LAST DAY OF THE ELECTION CYCLE.

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

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

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

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

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

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

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

15.5.1 14 days before the recall election;

15.5.2 Seven days before the recall election; and

15.5.3 30 days after the recall election.

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

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

15.6 UNDER COLO. CONST. ARTICLE XXVIII, SECTION 2(3), A SUCCESSOR CANDIDATE MUST TERMINATE ANY OTHER ACTIVE CANDIDATE COMMITTEE FOR THE CANDIDATE AND OPEN A NEW CANDIDATE COMMITTEE FOR THE PURPOSE OF RUNNING IN THE RECALL ELECTION.

TRANSFER OF FUNDS FROM A PREVIOUSLY ACTIVE CANDIDATE COMMITTEE ARE SUBJECT TO RULE 2.2.4.

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

Rule 16. Special Districts

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

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

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

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

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

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

~~16.4~~ 16.3 If a candidate for a special district office fails to file a candidate affidavit, or the filed self-nomination and acceptance form or letter, or the affidavit of intent to be a write-in candidate does not contain the statement required by section 1-45-110(1), C.R.S., the

Secretary of State will mail the special district a copy of the notification to the candidate regarding pending disqualification ~~sent according to~~ UNDER section 1-45-110(3), C.R.S.

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

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

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

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

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

Rule 17. Filing Calendars and Reporting periods

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

17.2 Filing schedules.

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

- (a) A frequent filing schedule during the year in which the office to which candidate seeks to be elected is up for election.
- (b) An infrequent filing schedule during any year in which the office to which candidate seeks to be elected is not up for election.
- (c) For purposes of this rule, the office to which the candidate seeks to be elected is the office named in the candidate’s most recent candidate affidavit.

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

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

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

- (a) A frequent filing schedule during any year in which an issue that the committee supports or opposes appears on, or seeks access to, the ballot.
- (b) An infrequent filing schedule during any year in which the committee does not support or oppose any issues appearing on, or which seek access to, any ballot.

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

- (a) Once an issue committee notifies the Secretary of State of its active status under this Rule, the Secretary will place the committee on a frequent filing ~~calendar~~ SCHEDULE.
- (b) Once an issue committee has declared its committee filing status as frequent or infrequent in a particular year, the committee must follow the appropriate filing schedule for the remainder of that election cycle, except that an inactive committee may change its status to active at any time.

17.3 Report periods

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

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

17.3.3 ~~Monthly reporting periods close five calendar days before the last day of the month.~~ Monthly reports are due on ~~or before~~ the first calendar day of the following month. If the filing deadline falls on a Saturday, Sunday, or legal

holiday, the filing deadline is the next business day. When the filing deadline for a monthly report approximates the filing deadline for a biweekly report, no separate monthly report shall MUST be filed, and the biweekly report shall serve SERVES as the monthly report. [Section 1-45-108(2)(a) and (c), C.R.S.]

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

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

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

17.4 Special district reporting.

17.4.1 Reports relating to special district elections are due:

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

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

17.5 Reports for former officeholders or persons not elected to office

17.5.1 Annual reporting

- (a) A candidate committee for a candidate not elected to office, or who was formerly in office, may ~~elect~~ SUBMIT A WRITTEN REQUEST to file only an annual report for each calendar year.
 - (1) ~~State~~ STATEWIDE candidate committees ~~shall~~ MUST file an annual report not later than January 15th of the following year.
 - (2) All other candidate committees ~~shall~~ MUST file an annual report on the first day of the month in which the anniversary of the major election occurs, in accordance with section 1-45-108(2)(a)(II), C.R.S.
- (b) A change in the balance of funds resulting solely from the accrual of interest or dividends to the account and/or the automatic deduction of

periodic service fees does not subject a candidate committee to the reporting requirements of section 1-45-108, C.R.S. At a minimum, a candidate committee must file AN annual report as set forth in subsection (a) of this Rule.

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

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

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

Rule 18. Penalties, Violations, and Complaints

18.1 Requests for waiver or reduction of campaign finance penalties

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

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

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

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

	Scenario - applied in numerical order (i.e. if #1 doesn't apply, move to #2)	Result
#1	A waiver is requested and establishes good cause that made timely filing impracticable (For example, was in the hospital, got in a car accident, was stranded by a blizzard, etc.). The event or events that made timely filing impracticable must occur within a	Waive penalty in full. A waiver will be granted without consideration of previous delinquencies.

	reasonable time of the date on which the report was filed.	
#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>

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

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

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

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

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

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

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

18.2 Cure period for violations discovered by the appropriate officer

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

- (a) Provide the person believed to have committed the violation with written notice of the facts or conduct that constitute the possible violation, and
- (b) Allow 15 business days to correct the violation or to submit written statements explaining the reasons that support a conclusion that a violation was not committed.

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

18.3 If, within the time allotted under Rule 18.2, the person fails to correct the violation or to offer a satisfactory explanation, then the appropriate officer may file a complaint under COLO. CONST. Article XXVIII, Section 9(2)(a).

18.4 Written complaints.

18.4.1 A written complaint filed ~~with the Secretary of State~~ under COLO. CONST. Article XXVIII, Section 9(2)(a) ~~shall~~ MUST include the Secretary of State's complaint cover sheet, ~~which~~ AND must include the following information:

- (a) The name, address, and signature of the complainant (if the complainant is represented by counsel, include the counsel's name, address, and signature ~~along with the name, address, and signature of the complainant~~);
- (b) The name and address of each person alleged to have committed a violation; and
- (c) The particulars of the violation.

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

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

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

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

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

Rule 19. Electronic Filing

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

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

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

- (a) All applications for an exception ~~shall~~ MUST include a brief statement of the hardship or good cause. ~~Applications must be received by the Secretary of State~~ THE SECRETARY OF STATE MUST RECEIVE THE APPLICATION at least 15 calendar days before the applicable filing deadline, unless the exception is based on emergency circumstance. For applications made under emergency circumstances after the deadline, the nature of the emergency ~~shall~~ MUST be described in the application.
- (b) The filing of an application for exception based on emergency circumstances does not delay any reporting deadlines. If a penalty is imposed for failure to file a report on the date due, the penalty may be set aside or reduced in accordance with COLO. CONST. Article XXVIII, Section 10(2).
- (c) The Secretary of State ~~shall~~ WILL review and respond in writing to all applications for an exception within three business days.

19.2.2 The report is filed using the Secretary of State's Electronic Data Interface (EDI) upon approval of the Secretary of State.

~~19.3 For the purposes of this Rule 19, "electronic filing" is defined as the filing of reports required by Article XXVIII and Article 45 of Title 1, C.R.S., using the TRACER internet filing system created by the Secretary of State under section 1-45-109(6), C.R.S.~~

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

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

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

Rule 20. Redaction of Sensitive Information

- 20.1 Any person who believes their safety or the safety of an immediate family member may be in jeopardy as a result of information disclosed on any campaign finance REGISTRATION OR report filed with the Secretary of State under Article 45 of Title 1, C.R.S., may apply to the Secretary of State to redact sensitive personal information from the online versions of such report(s).
- 20.1.1 The Secretary of State, upon a finding of good cause, may redact the minimum amount of sensitive information necessary to protect the safety of such person or his or her immediate family.
- 20.1.2 If the Secretary of State redacts sensitive information disclosed on a campaign finance report, the original unredacted report ~~shall remain~~ REMAINS a public record under Article 72 of Title 24 C.R.S.
- 20.2 Applications for redaction of sensitive information ~~shall~~ MUST be submitted in writing and ~~shall~~ include the requestor's name, the identified entry(s) of concern, a justification for the application, and the committee to whom the contribution(s) was made or expenditure(s) received.
- 20.3 Applications for redaction of sensitive personal information are not subject to disclosure under the Colorado Open Records Act. [Section 24-72-201 et. seq., C.R.S.]

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

RULE 21. COORDINATION

- ~~1.4~~21.1 "Coordination". Expenditures or spending are coordinated with a candidate committee or political party if:
- ~~1.4.1~~21.1.1 A person makes an expenditure or engages in spending at the request, suggestion, or direction of, in consultation with, or under the control of that candidate committee or political party; or
- ~~1.4.2~~21.1.2 An independent expenditure or electioneering communication is created, produced, or distributed:
- (a) After one or more substantial discussion(s) between the candidate or political committee and the person making the expenditure or engaging in the spending,
- (1) In which the person making the expenditure or engaging in the spending received non-public information about the candidate or political party's plans, projects, activities, or needs; and
- (2) The information is material to the creation, production, or dissemination of an independent expenditure or electioneering communication; or

- (b) By a common consultant who provides, or has provided during the election cycle, professional services to the candidate committee or political party as well as to the person making the expenditure or engaging in the spending; and
 - (1) In which the person making the expenditure or engaging in the spending received non-public information about the candidate or political party's plans, projects, activities, or needs; and
 - (2) The information is material to the creation, production, or dissemination of an independent expenditure or electioneering communication.

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

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

- (a) The candidate committee or political party; and
- (b) The person making an independent expenditure or engaging in spending.

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

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

- (a) Candidate committee or political party includes any agent, employee, board member, director, or officer of that candidate committee or political party.
- (b) The person making the expenditure or engaging in the spending includes any agent, employee, board member, director, or officer of the person making the expenditure or engaging in the spending.


II. Basis, Purpose, and Specific Statutory Authority

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

III. Effective Date of Adopted Rules

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

Dated this 10th day of June, 2015,



Suzanne Staiert
Deputy Secretary of State

For

Wayne W. Williams
Colorado Secretary of State

⁶ Section 24-4-103(5), C.R.S. (2014).



Statement of Basis, Purpose, and Specific Statutory Authority

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

June 10, 2015

I. Basis and Purpose

This statement explains amendments to the Colorado Secretary of State rules concerning campaign and political finance.¹ The amendments are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado campaign finance law² as follows:

- Rule 1.3 is amended and moved to Rule 10.1.
- Rule 1.4 is amended and moved to Rule 21.
- Repeal of Rule 1.5 because it is addressed by section 1-45-103(7), C.R.S.
- New Rule 1.6 defines “expenditures made, and obligations entered into,” as used in section 1-45-108(1)(a)(1), C.R.S.
- Repeal of Rules 1.7, 1.10, 1.12.3, 1.18.2, 4.1, 7.1, 7.2.1, 15.6 because the Denver District Court issued a ruling on August 10, 2012 in *Colorado Ethics Watch; Colorado Common Cause; David Paladino, et al., v. Scott Gessler*, 2012 CV 2133, invalidating these rules. The order was affirmed by the Colorado Court of Appeals on December 12, 2013. *Paladino, et al., v. Scott Gessler*, 2012 CV 2133 & 2012 CV 2153.
- New Rule 1.10, which defines “Limited Liability Company.”
- New Rule 1.20, which defines “standalone committee,” as it was defined in Rule 2.1.1.
- Rule 2.2.3 is amended to correspond to amendments in section 1-45-103.7, C.R.S.

¹ 8 CCR 1505-CCR 6.

² Article 45 of Title 1, C.R.S. (2014).

- Amendments to Rule 2.2.5(b) establish that financial obligations incurred by a candidate committee in an election cycle that are not paid within a commercially reasonable period of time, not to exceed one year after the close of that election cycle, are contributions from the person extending credit.
- Repeal of Rule 3.3 because it is addressed by section 1-45-103.7, C.R.S.
- Repeal of Rule 4.1.3 because it is unnecessary to define the election cycle with the repeal of Rule 4.1.
- Rule 4.3 is amended to clarify that issue committees must file on a frequent filing schedule if the issue committee raises or spends money to support or oppose a ballot issue or ballot question on an upcoming ballot.
- Repeal of Rule 4.4 because it is addressed by Colorado Constitution Article XXVIII, Section 3(9), and section 1-45-108, C.R.S.
- New Rule 4.4.2 is amended to clarify that a committee's TRACER account must reflect that a committee does not have cash on hand and outstanding debts, obligations, or penalties before a committee may terminate.
- Repeal of Rule 5.2 because it is addressed by section 1-45-103.7(2.5), C.R.S.
- New Rule 5.2, which provides reporting requirements for independent expenditure committees.
- Portions of Rule 6.1 are repealed because the portions are addressed by Article XXVIII Section 2(1) and section 1-45-109(1)(c), C.R.S.
- Partial repeal of Rule 7.1 because Rule 1.18.2, which allowed Federal PACs to not qualify as a political committee, was invalidated by *Colorado Ethics Watch; Colorado Common Cause; David Paladino, et al., v. Scott Gessler*, 2012 CV 2133.
- Repeal of Rule 8.2, which currently describes the internal process for processing a committee registration form.
- New Rule 10.9 clarifies that a candidate who accepted voluntary spending limits may not continue to accept contributions double the standard limits if all candidates who declined voluntary spending limits have withdrawn from the race or lost in the primary election.
- Repeal of Rule 10.9.3 because it is addressed by Colorado Constitution Article XXVIII, Section 3(11).
- Repeal of Rule 10.9.4 because it is addressed by Colorado Constitution Article XXVIII, Section 2(5).

- Repeal of Rule 10.10.1 because it is addressed by Colorado Constitution Article XXVIII, Section 3(8).
- Repeal of Rule 10.14.1 because it is addressed by Colorado Constitution Article XXVIII, Sections 3(13) and 4(7).
- Amendments to New Rule 10.16.1 are made in accordance with Colorado Constitution Article XXVIII, Sections 3(13) and 4(7) and amendments made to section 1-45-103.7, C.R.S.
- Repeal of Rule 10.14.3 because its purpose is obsolete as a result of adjusted voluntary spending limits in New Rule 10.16.1.
- New Rule 10.17, which provides that municipal committees required to file major contributor reports must file the reports with the municipal clerk.
- Repeal of Rule 11.2 because it is addressed by Colorado Constitution Article XXXVIII, Section 6(1) and section 1-45-108(1)(a)(III), C.R.S.
- Repeal of Rule 12.4 because it is addressed by section 1-45-106, C.R.S.
- Repeal of Rule 14.2 because it is addressed by Rule 14.1.
- Amendments to New Rule 15.1.2 to clarify that if a recall election is canceled, the election cycle ends 30 days after the deadline for filing the recall election petition, or 30 days after the event that caused the designated election official to cancel the election, whichever is later.
- New Rule 15.1.3, which provides that a committee that was participating in a recall election that was canceled must file a report five days after the end of the recall election cycle. The Rule also provides that the end of the cycle begins on the first day of the month in which the election cycle ends and ends on the last day of the election cycle.
- Amendments to Rule 15.2.2 to clarify that the final reporting period for committees participating in the recall election ends 25 days following the date the recall election was held.
- New Rule 15.2.3, which provides that committees participating in a recall election must notify the appropriate officer within ten days after deciding to support or oppose the recall or support or oppose a successor candidate. The appropriate officer will then place the committee on the recall filing calendar.
- New Rule 15.6, which provides that for purposes of running in a recall election, a successor candidate must terminate any other active candidate committee and open a new candidate committee.

- New Rule 15.7, which provides that an issue committee open at the end of the recall election cycle must file reports on an infrequent filing schedule.
- Amendments to Rule 17.2.4, which clarify that an issue committee status is not triggered until a ballot issue or question is certified to the ballot.
- Repeal of Rule 17.3.4 because it is addressed by section 1-45-108(2)(a), C.R.S.
- New Rule 17.6 clarifies the committees that must file with a municipal clerk in accordance with section 1-45-109(1)(b), C.R.S.
- New Rule 18.1.8, which provides that the appropriate officer must consider all outstanding penalties when considering a request or waiver or reduction of campaign finance penalties.
- New Rule 18.5 provides that if the Secretary of State is enforcing the decision of the Administrative Law Judge, the Secretary of State will wait until any appeal is exhausted or the decision is upheld by the court of appeals.
- Non-substantive revisions to simplify or clarify words and phrases and other technical revisions as is necessary for consistency with Department rulemaking format and style.

II. Statutory Rulemaking Authority

- Article XXVIII, Section 3(13) of the Colorado Constitution, which states that the Secretary of State “shall calculate...an adjustment in each [contribution] limit and specify the limits in rules promulgated in accordance with article 4 of title 24, C.R.S.”
- Article XXVIII, Section 8 of the Colorado Constitution, which requires the Secretary of State to “promulgate rules related to filing in accordance with article 4 of title 24, C.R.S.”
- Article XXVIII, Section 9(1)(b) of the Colorado Constitution, which requires the Secretary of State to “[p]romulgate such rules, in accordance with article 4 of title 24, C.R.S., or any successor section, as may be necessary to administer and enforce any provision of [Article XVIII of the Colorado State Constitution].”
- Section 1-1-107(2)(a), C.R.S., (2014), which authorizes the Secretary of State “[t]o promulgate, publish, and distribute...such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws.”
- Section 1-45-107.5(5)(c), C.R.S., (2014), which requires the Secretary of State to “by rule, establish size and placement requirements for the disclaimer” required to be included on a nonbroadcast independent expenditure communication.

- Section 1-45-109(5)(e), C.R.S., (2014), which states that the Secretary of State “may promulgate rules necessary for the implementation of [the mandate to create and maintain an electronic filing system].”
- Section 1-45-109(6)(a), C.R.S., (2014), which states that “[t]he rules for use of the electronic filing system shall be promulgated by the secretary in accordance with article 4 of title 24, C.R.S.”
- Section 1-45-111.5(1), C.R.S., (2014), which requires the Secretary of State to “promulgate such rules, in accordance with article 4 of title 24, C.R.S., as may be necessary to enforce and administer any provision of [article 45 of title 1, C.R.S.]”