



## Notice of Proposed Rulemaking

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

September 15, 2015

#### I. Hearing Notice

As required by the State Administrative Procedure Act,<sup>1</sup> the Secretary of State gives notice of proposed rulemaking. The hearing is scheduled for **October 15, 2015 from 1:00 p.m. - 4:00 p.m.** in the Aspen Conference Room on the 3rd floor of the Secretary of State's Office at 1700 Broadway, Denver, Colorado 80290.

#### II. Subject

The Secretary is considering a corrective amendment to the rules concerning campaign and political finance<sup>2</sup> to improve the administration and enforcement of Colorado campaign finance law.<sup>3</sup>

Specifically, the Secretary proposes permanent adoption of temporary rules adopted on September 15, 2015. The Secretary may consider additional rule amendments.

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

#### III. Rulemaking authority

The Secretary proposes the rule revisions and amendments in accordance with the following statutory and constitutional provisions:

- 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.”

---

<sup>1</sup> Section 24-4-103(3)(a), C.R.S. (2014).

<sup>2</sup> 8 CCR 1505-CCR 6.

<sup>3</sup> Article 45 of Title 1, C.R.S. (2014).

- 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., (2015), 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.”

#### **IV. Copies of draft rules**

A preliminary draft of the proposed rules is posted on the Secretary of State’s rules and notices of rulemaking website at:

[http://www.sos.state.co.us/pubs/rule\\_making/hearings/2015/CPFRulesHearing20151015.html](http://www.sos.state.co.us/pubs/rule_making/hearings/2015/CPFRulesHearing20151015.html).

You may also contact our office to request a paper or editable electronic copy of the draft rules.

As required by the State Administrative Procedures Act,<sup>4</sup> if changes are made before the hearing, revised proposed draft rules will be available to the public and posted on the website by October 9, 2015.

#### **V. Opportunity to testify and submit written comments**

The Secretary values your feedback in our rulemaking process and we would very much like to hear your thoughts on the proposed amendments. Please review and consider the attached proposed draft rules.

Everyone will have the opportunity to testify and provide written comment concerning the rule amendments. To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

You may submit written comments by mail, email, or in person to our office any time before the hearing. If you attend the hearing, you may submit written comments to the hearing panel as well. Additional opportunity to comment in writing may be announced at the conclusion of the hearing.

All written comments will be posted online at the Secretary of State website at:

[http://www.sos.state.co.us/pubs/rule\\_making/hearings/2015/CPFRulesHearing20151015.html](http://www.sos.state.co.us/pubs/rule_making/hearings/2015/CPFRulesHearing20151015.html).

We will redact contact information, including home address, email address, and telephone number(s), from submissions before posting the information online, unless otherwise directed by the contributor.

#### **VI. Broadcast and audio recording of hearing**

---

<sup>4</sup> Section 24-4-103(3)(a), C.R.S. (2015). “Any proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing.”

If you are unable to attend the hearing, you may listen to the live broadcast from the Aspen Conference Room online at [www.sos.state.co.us/pubs/info\\_center/audioBroadcasts.html](http://www.sos.state.co.us/pubs/info_center/audioBroadcasts.html). After the hearing, visit the same website and click on “archived recordings” to access an audio recording of the hearing.

**VII. Office contact**

If you have any questions or would like to submit written comments, please contact Andrea Gyger with the Administration Division at [SoS.Rulemaking@sos.state.co.us](mailto:SoS.Rulemaking@sos.state.co.us) or (303) 894-2200 ext. 6329.

Dated this 15<sup>th</sup> Day of September, 2015.



---

Suzanne Staiert  
Deputy Secretary of State

For

Wayne W. Williams  
Colorado Secretary of State





## **Draft Statement of Basis, Purpose, and Specific Statutory Authority**

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

**September 15, 2015**

#### **I. Basis and Purpose**

This statement explains amendments to the Colorado Secretary of State rules concerning campaign and political finance.<sup>1</sup> The amendments are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado campaign finance law<sup>2</sup> as follows:

- Repeal of Rule 2.3.2 to clarify that a candidate running for a Junior College Board of Trustees is subject to the provisions of Article XXVIII or Article 45 of Title I, C.R.S., and is required to file a candidate affidavit and reports with the Secretary of State.
- Amendments to Rule 9.1 to clarify that a candidate must sign any registration form or report filed by a candidate or candidate committee.
- Partial repeal of Rule 10.8.1 because it is addressed by Colo. Const. Article XXVIII, Section 4(2).

#### **II. Rulemaking Authority**

- 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].”

---

<sup>1</sup> 8 CCR 1505-CCR 6.

<sup>2</sup> Article 45 of Title 1, C.R.S. (2015).

- Section 1-1-107(2)(a), C.R.S., (2015), 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.”

# Preliminary Draft of Proposed Rules

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

September 15, 2015

### Disclaimer:

In accordance with the State Administrative Procedure Act, this draft is filed with the Secretary of State and submitted to the Department of Regulatory Agencies.<sup>1</sup>

This is a preliminary draft of the proposed rules that may be revised before the October 15, 2015 rulemaking hearing. If changes are made, a revised copy of the proposed rules will be available to the public and a copy will be posted on the Department of State's website no later than **October 9, 2015**.<sup>2</sup>

Please note the following formatting key:

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

---

1 *Rule 2.3.2 is repealed and Rule 2.3.1 is incorporated into main Rule 2.3 as follows:*

2 2.3 Candidate affidavits. ~~2.3.1~~—A candidate required to file with the Secretary of State  
3 must file a candidate affidavit electronically using the Secretary of State's online  
4 campaign finance filing system. [Sections 1-45-110(1) and 24-21-111, C.R.S.]

5 ~~2.3.2~~—A candidate running for a Junior College Board of Trustees need not file a  
6 candidate affidavit. [Colo. Const. Article XXVIII, Section 2(2) and section 23-71-  
7 110, C.R.S. See also Rule 14.]

8 *Rule 9.1 is amended as follows:*

9 9.1 ~~The candidate, registered agent, and designated filing agent must sign the initial~~  
10 ~~registration form. The candidate, registered agent, or designated filing agent may sign~~  
11 ~~any subsequent amended registration form or disclosure report. THE REGISTERED AGENT~~  
12 ~~OR A DESIGNATED FILING AGENT FOR ANY COMMITTEE MUST SIGN THE COMMITTEE'S~~

---

<sup>1</sup> Sections 24-4-103(2.5) and (3)(a), C.R.S. (2015). A draft must be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

<sup>2</sup> Section 24-4-103(4)(a), C.R.S. (2014). “[A]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing.”

1 REGISTRATION FORM AND ALL DISCLOSURE REPORTS. FOR REGISTRATION FORMS AND  
2 REPORTS FILED BY A CANDIDATE OR CANDIDATE COMMITTEE, THE CANDIDATE MUST SIGN.  
3 [Sections 1-45-108(3), (5), and (6), C.R.S.]

4 *Rule 10.8.1 is amended as follows:*

5 10.8.1 If a candidate does not accept voluntary spending limits, the candidate may make  
6 unlimited contributions from his or her personal funds to his or her candidate  
7 committee. ~~Such contributions count toward the limit on political party~~  
8 ~~contributions in Colo. Const. Article XXVIII, Section 3(3)(d), and Section 4(2).~~