



## Notice of Proposed Rulemaking

### Colorado Department of State Rules Concerning Campaign and Political Finance 8 CCR 1505-6

**Date of notice: September 15, 2023**

**Date and time of public hearing: October 17, 2023, at 1:00 p.m.**

#### I. Hearing Notice

As required by the State Administrative Procedure Act,<sup>1</sup> the Colorado Department of State gives notice of proposed rulemaking. The hearing is scheduled for October 17, 2023, at 1:00 p.m. in the Red Rocks Conference Room on the 5<sup>th</sup> floor of the Department of State's office at 1700 Broadway, Denver, CO 80290. **This meeting will be conducted in person and via webinar.** Details regarding how to join the webinar and testify online during the hearing are outlined in section VI of this notice.

#### II. Subject

The Department is considering amendments 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 Department is considering additional rule amendments to Rule 1.5 clarifying that a committee, in part, refers to a political party committee and Rule 10.17 updating the contribution limit that political parties must adhere to for contributions to candidates for Governor, Secretary of State, State Treasurer, Attorney General, State Senate, State House of Representatives, State Board of Education, Regent of the University of Colorado, and District Attorney.

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

#### III. Statutory and constitutional authority

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

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<sup>1</sup> Section 24-4-103(3)(a), C.R.S. (2022).

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

<sup>3</sup> Article 45 of Title 1, C.R.S. (2022).

- Article XXVIII, Section 3(13) of the Colorado Constitution, which requires the Secretary of State to “calculate . . . and specify [contribution] limits in rules promulgated in accordance with article 4 of title 24, C.R.S., or any successor section.”
- 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., (2022), 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 1-45-111.5(1), C.R.S., (2022), which requires the Secretary of State to promulgate such rules “as may be necessary to enforce and administer any provision of” Article 45 of Title 1, C.R.S.

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

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

[https://www.coloradosos.gov/pubs/rule\\_making/hearings/2023/CPFRulesHearing20231017.html](https://www.coloradosos.gov/pubs/rule_making/hearings/2023/CPFRulesHearing20231017.html)

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You may also contact our office to request an 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 12, 2023**.

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

The Department 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 comments concerning the rule amendments. You may submit written comments to [SoS.Rulemaking@coloradosos.gov](mailto:SoS.Rulemaking@coloradosos.gov) any time before and during the hearing. If you attend the hearing in person, you may submit written comments to the hearing panel as well. An additional opportunity to comment in writing will be

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<sup>4</sup> Section 24-4-103(3)(a), C.R.S. (2022). “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.”

announced at the conclusion of the hearing. Information regarding how to testify via webinar during the hearing is provided in section VI of this notice.

All written comments will be posted online on the Department of State's website: [https://www.coloradosos.gov/pubs/rule\\_making/hearings/2023/CPFRulesHearing20231017.html](https://www.coloradosos.gov/pubs/rule_making/hearings/2023/CPFRulesHearing20231017.html)

We will redact apparent personal contact information, including home address, email address, and telephone number(s), from submissions before posting the information online, unless otherwise directed by the contributor. All written comments will be added to the official rulemaking record.

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

### *Register to attend online*

To join and listen to the hearing, you must register for the webinar: <https://attendeegotowebinar.com/register/1119092164225954396>.

When you register, you must provide your full name and email address. Please provide additional contact information, including your address and telephone number. You may also provide your job title and organization. Lastly, indicate whether you plan to testify during the hearing. When you submit your registration, you should receive a confirmation email including details about how to join the webinar.

### *Hybrid hearing procedures*

After the introduction and a brief summary of the rulemaking, we will open the hearing to testimony as follows:

- For the sake of efficiency, in-person attendees will be called upon first to provide their public comment. We will reference the sign-in sheet provided and individually call upon attendees who wish to provide their testimony. Once we have exhausted the in-person sign-in sheet, we will move forward with the testimony of online attendees.
- Referencing webinar registration records, we will identify and individually unmute online attendees who indicated their intent to testify during the hearing.
- Once we have exhausted that list, we will ask whether any additional attendees wish to testify. In-person attendees may raise their hands to indicate their intention to testify, and online attendees may raise/lower their hand by clicking the icon in their control panel.
- To ensure that the hearing is prompt and efficient, oral testimony may be time limited.

Before the hearing concludes, we will announce an additional opportunity to submit written comments and the associated deadline.

### *Webinar audio requirements*

**Please be advised:** we strongly encourage attendees to join the webinar through their computer or the GoToWebinar app, even if they use their telephone to dial in for audio. To testify during the

hearing, you must use a computer or the GoToWebinar app to be unmuted and to utilize the “raise hand” feature within the webinar. If you access the webinar only by telephone, you may not appear in our webinar attendee list, meaning we will not be able to unmute you. Moreover, the raise your hand feature is only available to attendees who access the webinar by computer or by app. For the best audio, it is best to use your computer microphone and speakers or a headset or headphones, if you choose to testify. As outlined above, we will first receive online testimony from attendees whose registration indicates that they plan to provide testimony and then we will offer attendees the option to raise their hand.


*Audio recording*

After the hearing concludes, a recording will be available on our audio broadcasts page here: [https://www.coloradosos.gov/pubs/info\\_center/audioBroadcasts.html](https://www.coloradosos.gov/pubs/info_center/audioBroadcasts.html).

**Office contact**

If you have any questions or would like to submit written comments, please contact the Rulemaking and Legislative Policy Analyst at [SoS.Rulemaking@coloradosos.gov](mailto:SoS.Rulemaking@coloradosos.gov) or (303) 894-2200 ext. 6124.

Dated this 15<sup>th</sup> of September 2023.



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Christopher P. Beall  
Colorado Deputy Secretary of State

For

Jena Griswold  
Colorado Secretary of State



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

### Colorado Department of State Rules Concerning Campaign and Political Finance 8 CCR 1505-6

September 15, 2023

#### I. Basis and Purpose

This statement explains proposed amendments to the Colorado Department 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:

- Amendments to Rule 1.5 clarify that a committee, in part, refers to a political party committee.
- Amendments to Rule 10.17.1 update incorrect contributions limits from political parties to the following elected offices: Governor, Secretary of State, State Treasurer, Attorney General, State Senate, State House of Representatives, State Board of Education, Regent of the University of Colorado, and District Attorney.

Other changes to rules not specifically listed are non-substantive and necessary for consistency with Department rulemaking format and style. Cross-references in rules are also corrected or updated.

#### II. Rulemaking Authority

The constitutional and statutory authority is as follows:

- Article XXVIII, Section 3(13) of the Colorado Constitution, which requires the Secretary of State to “calculate . . . and specify [contribution] limits in rules promulgated in accordance with article 4 of title 24, C.R.S., or any successor section.”
- 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.”

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

<sup>2</sup> Article 45 of Title 1, C.R.S. (2022).

- 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., (2022), 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 1-45-111.5(1), C.R.S., (2022), which requires the Secretary of State to promulgate such rules “as may be necessary to enforce and administer any provision of” Article 45 of Title 1, C.R.S.

**Preliminary Draft of Proposed Rules**  
**Colorado Department of State**  
**Rules Concerning Campaign and Political Finance**  
**8 CCR 1505-6**

**September 15, 2023**

**Disclaimer:**

In accordance with the State Administrative Procedure Act, this draft is filed with the Department 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 17, 2023, 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 12, 2023**.<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

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1 *Amendments to 8 CCR 1505-6 follow:*

2 *Amendment to Rule 1.5 to clarify that a committee refers to a political party committee, not the entire*  
3 *political party:*

4 1.5 “Committee” as used generally in these rules includes candidate committee, political committee,  
5 small donor committee, issue committee, small-scale issue committee, independent expenditure  
6 committee, political party COMMITTEE, and political organization.

7 *Amendments to Rule 10.17 concerning a grammatical error in section (a) and updating a numerical*  
8 *miscalculation from 2015 within section (i)’s table:*

9 10.17 Current adjusted limits

10 10.17.1 Adjusted limits made in the first quarter of 2023 and effective until the next adjustment is  
11 made in 2027:

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<sup>1</sup> Sections 24-4-103(2.5) and (3)(a), C.R.S. (2022). 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. (2022). “[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 (a) There is no adjustment to the contribution limits on individual donations to small  
2 donor committees outlined in COLO. CONST. Article XXVIII, Section 2(14).

3 *[No changes to sections (b) through (h).]*

4 (i) This table contains the contribution limits listed in subsections (a)-(h).  
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Recipient:	Contributor:				
	Natural Person	Person, other than a natural person	Political committee	Small donor committee	Political party
Political committee	\$725 per election cycle	\$725 per election cycle	\$725 per election cycle	\$725 per election cycle	\$725 per election cycle
Small donor committee	\$50 per year	Prohibited	Prohibited	Prohibited	Prohibited
Governor (governor & lt. governor)	\$725 per election cycle*	\$725 per election cycle*	\$725 per election cycle*	\$7,825 per election cycle*	\$789,025789,060 per election cycle
Secretary of state, state treasurer, attorney general	\$725 per election cycle*	\$725 per election cycle*	\$725 per election cycle*	\$7,825 per election cycle*	\$157,750157,805 per election cycle
State senate	\$225 per election cycle*	\$225 per election cycle*	\$225 per election cycle*	\$3,100 per election cycle*	\$28,37528,395 per election cycle
State house of representatives, state board of education, regent of the University of Colorado, district attorney	\$225 per election cycle*	\$225 per election cycle*	\$225 per election cycle*	\$3,100 per election cycle*	\$20,47520,500 per election cycle
Political party	\$4,675 (\$3,875 at the state level) per year	\$4,675 (\$3,875 at the state level) per year	\$4,675 (\$3,875 at the state level) per year	\$23,600 (\$19,650 at the state level) per year	Transfers within a party may be made without limitation.
County candidate	\$1,425 per election cycle*	\$1,425 per election cycle*	\$1,425 per election cycle*	\$14,400 per election cycle*	\$25,475 per election cycle
School district director	\$2,500 per election cycle	\$2,500 per election cycle	\$2,500 per election cycle	\$25,000 per election cycle	\$2,500 per election cycle

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\* A candidate may accept the contribution limit for both the primary election and the general election.

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