



Statement of Justification and Reasons for Adoption of Temporary Rules

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

August 7, 2012

Amended Rules: 3.1 and 7.1.1(e)

In accordance with Colorado campaign and political finance laws,¹ the Secretary of State finds that certain amendments to the existing campaign and political finance rules must be adopted and effective immediately to ensure the uniform and proper administration and enforcement of Colorado campaign and political finance laws during the 2012 election cycle. Temporary adoption is necessary both to comply with law and to preserve the public welfare generally.

Given that there is no constitutional or statutory basis to restrict contributions from one political committee or small donor committee to another political committee, the rule amendment removes language prohibiting such contributions. Additionally, current Rule 7.1.1(e) cross-references Rule 4.18, however, the Secretary of State recodified that rule as New Rule 10.11 on February 22, 2012. Amendments to Rule 7.1.1(e) correct the cross-reference. Adoption of the rules on a temporary basis is necessary to provide clear guidance to interested parties, including, but not limited to: county clerks, candidates, political parties, political organizations, and committees, given the close proximity of the November 2012 General Election. Concurrently with this notice, the Secretary of State is issuing a notice of proposed rulemaking in accordance with the State Administrative Procedure Act² to consider permanent adoption of the amended rule.

For these reasons, and in accordance with the State Administrative Procedure Act, the Secretary of State finds that adoption and immediate effect of the amendments to existing election rules is imperatively necessary to comply with state and federal law and to promote public interests.³

¹ Article XXVIII, Section 9(1)(b), of the Colorado Constitution and section 1-45-111.5(1), C.R.S. (2011).

² Section 24-4-103(3)(a), C.R.S. (2011).

³ Section 24-4-103(3)(6), C.R.S. (2011).