

# Revised Draft of Proposed Rules

January 30, 2007

*This document shows and explains the substantive changes proposed for consideration at the Rulemaking Hearing on February 6, 2007*

*This revised draft of the proposed revisions and amendments to the Rules Concerning Campaign and Political Finance is made available to the public and posted on the Department of State's web site, in compliance with the requirement of section 24-4-103 (4) (a), C.R.S., that "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."*

*Proposed additions to the current rules are reflected in SMALL CAPS. Proposed deletions from current rules are shown in ~~stricken type~~. Changes from the initial draft proposed rules are underlined. Annotations may be included.*

## COLORADO SECRETARY OF STATE

[8 CCR 1505-6]

### RULES CONCERNING CAMPAIGN AND POLITICAL FINANCE

1 Rule 11 would be amended as follows:

2 **11. Fees.**

3 ~~11.1 Effective April 2, 2007, for any disclosure report filed manually with the secretary~~  
4 ~~of state pursuant to section 1-45-108 C.R.S., including any amendment,~~  
5 ~~correction, or other statement that may be filed electronically, the secretary of~~  
6 ~~state shall charge a fee for data entry and scanning based on the number of pages~~  
7 ~~filed. In accordance with section 24-21-104, C.R.S., the fee shall be based on the~~  
8 ~~direct and indirect costs incurred by the secretary of state for processing the~~  
9 ~~report, which shall not exceed one dollar per page, and the report shall not be~~  
10 ~~accepted for filing until the fee has been paid. The fee shall not be charged for a~~  
11 ~~disclosure report filed electronically. [24-21-104 (1) and (3) (b); 24-21-111]~~

12 ~~11.2 Reports of no contributions and no expenditures ("Zero Reports") shall be exempt~~  
13 ~~from any fee established pursuant to this rule 11.~~

14 **11. ELECTRONIC FILING.**

1 11.1 EFFECTIVE OCTOBER 1, 2007, ALL REPORTS FILED WITH THE SECRETARY OF STATE  
2 PURSUANT TO SECTION 1-45-108, C.R.S., SHALL BE FILED ELECTRONICALLY.  
3 REPORTS REQUIRED TO BE FILED ELECTRONICALLY WITH THE SECRETARY OF STATE  
4 UNDER THIS RULE THAT ARE PRESENTED FOR MANUAL FILING SHALL NOT BE  
5 ACCEPTED.

6 11.2 IN ACCORDANCE WITH SECTION 24-21-111, C.R.S., REPORTS ARE NOT REQUIRED TO  
7 BE FILED ELECTRONICALLY IN THE FOLLOWING CIRCUMSTANCES:

8 11.2.1 AN INDIVIDUAL REPORT CONTAINS FEWER THAN THIRTY (30) ENTRIES.

9 11.2.2 THE SECRETARY OF STATE HAS GRANTED AN EXCEPTION TO THE  
10 ELECTRONIC FILING REQUIREMENT AFTER WRITTEN APPLICATION BASED ON  
11 HARDSHIP OR OTHER GOOD CAUSE SHOWN. ALL APPLICATIONS FOR AN  
12 EXCEPTION SHALL INCLUDE A BRIEF STATEMENT OF THE HARDSHIP OR GOOD  
13 CAUSE FOR WHICH THE EXCEPTION IS SOUGHT. APPLICATIONS MUST BE  
14 RECEIVED BY THE SECRETARY OF STATE AT LEAST FIFTEEN (15) DAYS PRIOR  
15 TO THE FIRST APPLICABLE FILING DEADLINE IN THE ELECTION CYCLE,  
16 UNLESS THE EXCEPTION IS BASED ON EMERGENCY CIRCUMSTANCES ARISING  
17 AFTER SUCH DEADLINE, IN WHICH CASE THE NATURE OF THE EMERGENCY  
18 SHALL BE DESCRIBED IN THE APPLICATION. THE FILING OF AN APPLICATION  
19 FOR EXCEPTION BASED ON EMERGENCY CIRCUMSTANCES DOES NOT DELAY  
20 ANY REPORTING DEADLINES, HOWEVER, IF A PENALTY IS IMPOSED FOR  
21 FAILURE TO FILE A REPORT ON THE DATE DUE, THE PENALTY MAY BE SET  
22 ASIDE OR REDUCED IN ACCORDANCE WITH SECTION 10(2) OF ARTICLE  
23 XXVIII. THE SECRETARY OF STATE SHALL REVIEW AND RESPOND IN  
24 WRITING TO ALL APPLICATIONS FOR AN EXCEPTION WITHIN THREE (3)  
25 BUSINESS DAYS.

26 11.3 FOR THE PURPOSES OF THIS RULE 11, "ENTRY" IS DEFINED AS ANY CONTRIBUTION,  
27 EXPENDITURE, RETURNED CONTRIBUTION, OR EXPENDITURE, LOAN, OR LOAN  
28 REPAYMENT

29  
30  
31 New Rule 12 would be adopted as follows:

32 **12. INFLATIONARY ADJUSTMENTS TO CONTRIBUTION AND VOLUNTARY SPENDING**  
33 **LIMITS**

34 12.1 CALCULATION OF ADJUSTMENTS.

35 12.1.1 IN ACCORDANCE WITH SECTIONS 3(13) and 4(7) OF ARTICLE XXVIII OF  
36 THE COLORADO CONSTITUTION, LIMITS ON CONTRIBUTIONS SET FORTH IN  
37 SECTION 2(14) AND SUBSECTIONS (1), (2), (3), AND (5) OF SECTION 3, AND  
38 THE VOLUNTARY LIMITS ON SPENDING SET FORTH IN SECTION 4(1), ARE  
39 ADJUSTED BASED ON THE PERCENTAGE CHANGE IN THE CONSUMER PRICE  
40 INDEX FOR THE DENVER-BOULDER-GREELY AREA.

1 12.1.2 IN DETERMINING THE ADJUSTED AMOUNT, THE PERCENTAGE CHANGE IN THE  
2 CONSUMER PRICE INDEX IS CALCULATED USING THE CHANGE IN THE  
3 CONSUMER PRICE INDEX FROM JULY 1, 2002 TO THE MOST CURRENT  
4 PUBLISHED DATA AND ROUNDED TO THE NEAREST WHOLE PERCENTAGE  
5 POINT. IN ACCORDANCE WITH SECTIONS 3(13) AND 4(7), ARTICLE XXVIII  
6 OF THE COLORADO CONSTITUTION, THE ADJUSTED LIMITS ON  
7 CONTRIBUTIONS ARE ROUNDED TO THE NEAREST, LOWEST TWENTY-FIVE  
8 DOLLARS (\$25).

9 12.2 THERE IS NO ADJUSTMENT TO THE CONTRIBUTION LIMITS ON INDIVIDUAL  
10 DONATIONS TO SMALL DONOR COMMITTEES OUTLINED IN SECTION 2(14), ARTICLE  
11 XXVIII OF THE COLORADO CONSTITUTION.

12 12.3 THE AGGREGATE LIMITS ON CONTRIBUTIONS FROM ANY PERSON, DESCRIBED IN  
13 SECTION 3(1), ARTICLE XXVIII OF THE COLORADO CONSTITUTION, ARE ADJUSTED  
14 AS FOLLOWS:

15 A. FIVE HUNDRED TWENTY-FIVE DOLLARS (\$525) TO ANY ONE:

16 (I) GOVERNOR CANDIDATE COMMITTEE FOR THE PRIMARY ELECTION,  
17 AND GOVERNOR AND LIEUTENANT GOVERNOR CANDIDATE  
18 COMMITTEE, AS JOINT CANDIDATES UNDER 1-1-104, C.R.S., OR ANY  
19 SUCCESSOR SECTION, FOR THE GENERAL ELECTION;

20 (II) SECRETARY OF STATE, STATE TREASURER, OR ATTORNEY GENERAL  
21 CANDIDATE COMMITTEE.

22 B. THERE IS NO ADJUSTMENT TO THE LIMITS ON CONTRIBUTIONS TO ANY ONE  
23 STATE SENATE, STATE HOUSE OF REPRESENTATIVES, STATE BOARD OF  
24 EDUCATION, REGENT OF THE UNIVERSITY OF COLORADO, OR ANY DISTRICT  
25 ATTORNEY CANDIDATE COMMITTEE.

26 12.4 THE AGGREGATE LIMITS ON CONTRIBUTIONS FROM A SMALL DONOR COMMITTEE,  
27 DESCRIBED IN SECTION 3(2), ARTICLE XXVIII OF THE COLORADO CONSTITUTION,  
28 ARE ADJUSTED AS FOLLOWS:

29 A. FIVE THOUSAND THREE HUNDRED DOLLARS (\$5,300) TO ANY ONE:

30 (I) GOVERNOR CANDIDATE COMMITTEE FOR THE PRIMARY ELECTION,  
31 AND GOVERNOR AND LIEUTENANT GOVERNOR CANDIDATE  
32 COMMITTEE, AS JOINT CANDIDATES UNDER 1-1-104, C.R.S., OR ANY  
33 SUCCESSOR SECTION, FOR THE GENERAL ELECTION;

34 (II) SECRETARY OF STATE, STATE TREASURER, OR ATTORNEY GENERAL  
35 CANDIDATE COMMITTEE; AND

36 B. TWO THOUSAND ONE HUNDRED, TWENTY-FIVE DOLLARS (\$2,125) TO ANY  
37 ONE STATE SENATE, STATE HOUSE OF REPRESENTATIVES, STATE BOARD OF

1 EDUCATION, REGENT OF THE UNIVERSITY OF COLORADO, OR ANY DISTRICT  
2 ATTORNEY CANDIDATE COMMITTEE.

3 12.5 THE AGGREGATE LIMITS ON CONTRIBUTIONS FROM ANY PERSON TO A POLITICAL  
4 PARTY, DESCRIBED IN SECTION 3(3)(A), ARTICLE XXVIII OF THE COLORADO  
5 CONSTITUTION, ARE ADJUSTED AS FOLLOWS:

6 A. THREE THOUSAND ONE HUNDRED SEVENTY-FIVE DOLLARS (\$3,175) PER  
7 YEAR AT THE STATE, COUNTY, DISTRICT, AND LOCAL LEVEL COMBINED;  
8 AND

9 B. OF SUCH, NO MORE THAN TWO THOUSAND SIX HUNDRED FIFTY DOLLARS  
10 (\$2,650) AT THE STATE LEVEL.

11 12.6 THE AGGREGATE LIMITS ON CONTRIBUTIONS FROM A SMALL DONOR COMMITTEE TO  
12 A POLITICAL PARTY, DESCRIBED IN SECTION 3(3)(B), ARTICLE XXVIII OF THE  
13 COLORADO CONSTITUTION, ARE ADJUSTED AS FOLLOWS:

14 A. FIFTEEN THOUSAND NINE HUNDRED DOLLARS (\$15,900) PER YEAR AT THE  
15 STATE, COUNTY, DISTRICT, AND LOCAL LEVEL COMBINED; AND

16 B. OF SUCH, NO MORE THAN THIRTEEN THOUSAND TWO HUNDRED FIFTY  
17 DOLLARS (\$13,250) AT THE STATE LEVEL.

18 12.7 THE AGGREGATE LIMITS ON PRO-RATA CONTRIBUTIONS OR DUES MADE TO  
19 POLITICAL COMMITTEES, DESCRIBED IN SECTION 3(5), ARTICLE XXVIII OF THE  
20 COLORADO CONSTITUTION, ARE ADJUSTED TO FIVE HUNDRED TWENTY-FIVE  
21 DOLLARS (\$525) PER HOUSE OF REPRESENTATIVES ELECTION CYCLE.

22 12.8 THE VOLUNTARY SPENDING LIMITS FOR A CANDIDATE DESCRIBED IN SECTION 4(1),  
23 ARTICLE XXVIII OF THE COLORADO CONSTITUTION ARE ADJUSTED AS FOLLOWS:

24 A. THE SPENDING LIMIT FOR GOVERNOR, AND GOVERNOR AND LIEUTENANT  
25 GOVERNOR AS JOINT CANDIDATES UNDER 1-1-104, C.R.S., OR ANY  
26 SUCCESSOR SECTION SHALL BE ADJUSTED TO TWO MILLION SIX HUNDRED  
27 FIFTY THOUSAND DOLLARS (\$2,650,000).

28 B. THE SPENDING LIMIT FOR A CANDIDATE FOR SECRETARY OF STATE,  
29 ATTORNEY GENERAL, OR TREASURER SHALL BE ADJUSTED TO FIVE  
30 HUNDRED THIRTY THOUSAND DOLLARS (\$530,000).

31 C. THE SPENDING LIMIT FOR A CANDIDATE FOR STATE SENATE SHALL BE  
32 ADJUSTED TO NINETY FIVE THOUSAND FOUR HUNDRED DOLLARS (\$95,400).

33 D. THE SPENDING LIMIT FOR A CANDIDATE FOR STATE HOUSE OF  
34 REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE  
35 UNIVERSITY OF COLORADO OR DISTRICT ATTORNEY SHALL BE ADJUSTED TO  
36 SIXTY EIGHT THOUSAND, NINE HUNDRED DOLLARS (\$68,900).