

STATE OF COLORADO

Department of State

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Bernie Buescher

Secretary of State

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NOTICE OF ADOPTION

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

September 14, 2010

Pursuant to Article XXVIII, Section 9(1)(b) of the Colorado Constitution and section 1-45-111.5(1), C.R.S. (2009), and the rulemaking provisions of the State Administrative Procedure Act, section 24-4-103 C.R.S. (2009), I, Bernie Buescher, Colorado Secretary of State, do hereby adopt and give NOTICE of the permanent rule adoption this 14th day of September, 2010, of the Secretary of State Campaign and Political Finance Rules (8 CCR 1505-6) as follows (additions to the current rules are reflected in SMALL CAPS and deletions from current rules are shown in ~~stricken type~~):

Rule 1.5 is amended as follows:

- 1.5 "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., SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 1-45-103-(10.5), C.R.S.

Rule 1.13 is amended as follows:

- 1.13 A registered agent or a committee or party treasurer for the purposes of ARTICLE 45 OF Title 1, ~~Article 45~~, C.R.S., shall be an individual or candidate designated to receive mailings and to address concerns and/or questions regarding the candidate committee, the political committee, the small donor committee, the issue committee, THE INDEPENDENT EXPENDITURE COMMITTEE, or the political party. [SECTIONS 1-45-108(3)(b) and 1-45-109(4)(b), C.R.S.]

New Rule 1.16 is adopted as follows:

- 1.16 "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 ARE TO RECEIVE OR HAVE RECEIVED MATERIALS UNDER A MAILING OR OTHER DISTRIBUTION PROGRAM, POLLING OR FOCUS GROUP RESULTS, OR OTHER PROPRIETY MATERIAL; PROVIDED THAT ANY SUCH INFORMATION IS MATERIAL TO THE CREATION, PRODUCTION, OR DISSEMINATION OF INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS. HOWEVER, "NON-PUBLIC INFORMATION" DOES NOT INCLUDE:

- A. COMMUNICATIONS DEALING SOLELY WITH CANDIDATE POSITIONS ON LEGISLATIVE OR POLICY ISSUES; AND

- B. ANY LISTS, RESEARCH, OR DATA THAT ARE ACQUIRED FROM A COMMON VENDOR, WITHOUT DISCUSSION BETWEEN VENDOR AND PURCHASERS ABOUT THE USES TO WHICH SUCH MATERIAL WILL BE PUT, AND IN EXCHANGE FOR EACH PURCHASER'S PAYMENT REFLECTING THE PRODUCT'S FAIR MARKET VALUE.

Rule 2.1 is amended as follows:

- 2.1 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. The registered agent for any issue committee, political committee, small donor committee, INDEPENDENT EXPENDITURE COMMITTEE, or political party shall sign the committee's registration form and all disclosure reports. [SECTIONS 1-45-108(3), ~~through~~ (4), (5), AND (6), C.R.S.]

Rule 2.3 is amended as follows:

- 2.3 A registered agent resigning from a political committee, issue committee, small donor committee, INDEPENDENT EXPENDITURE COMMITTEE, or political party shall file a letter of resignation with the appropriate filing officer and the committee or party via certified mail. A registered agent for a candidate committee, who is not the candidate, shall file a letter of resignation with the appropriate filing officer and the candidate of the candidate committee via certified mail. The letter of resignation to the appropriate filing officer shall be filed within seven business days of resignation and shall include the certified mail receipt number sent to the committee or party and the contact information for the committee or party. In accordance with Rule 3.1, the committee or party shall file an amended committee registration form within five days of receipt of the letter of resignation. If the registered agent does not provide the committee notice of resignation as required by this rule, the committee shall file the amended committee registration form within five days of becoming aware that the agent has resigned. [SECTION 1-45-108(3)(b), C.R.S.]

Rule 2.4 is amended as follows:

- 2.4 The purpose or nature of interest of the committee or party shall be included. A candidate committee shall identify the name of the candidate and the specific elective office sought upon registration. A political committee, INDEPENDENT EXPENDITURE COMMITTEE, or small donor committee shall identify the types of candidates being supported or opposed, such as party affiliation or public policy position, and if known, the specific candidates being supported or opposed. Terms describing types of candidates shall be descriptive in providing disclosure of the committee's purpose. It is not sufficient to identify candidate types by listing the jurisdiction or office sought, such as "legislative candidates" or "statewide candidates."

Rule 2.6 is amended as follows:

- 2.6 Issue committees shall not contribute to political parties, political committees, INDEPENDENT EXPENDITURE COMMITTEES, or candidate committees. An issue committee shall not contribute to, or accept contributions from, other issue committees that do not support or oppose issues supported or opposed by the issue committee making the contribution. [Article XXVIII, Section 2(10)(b)]

Rule 2.9 is amended as follows:

- 2.9 A corporation or labor organization may establish ~~both~~ a political committee, AN INDEPENDENT EXPENDITURE COMMITTEE, and a small donor committee. Each committee is subject to the individual contribution and expenditure limits for that committee, IF APPLICABLE. 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. [Article XXVIII, Sections 2(5)(B) AND 2(14)(b)]

The heading to Rule 3 and Rule 3.9 are amended as follows:

3. Responsibilities of Candidate Committees, Issue Committees, Political Committees, Small Donor Committees, INDEPENDENT EXPENDITURE COMMITTEES, and Political Parties

3.9 Contributions Where the Identity of the Contributor is Unknown.

- a. Contributions received by a candidate committee, political committee, political party committee, or small donor committee, OR DONATIONS RECEIVED BY AN INDEPENDENT EXPENDITURE COMMITTEE, of any amount, where the identity of the contributor OR DONOR is unknown, shall not be retained. Such contributions OR DONATIONS must, within ~~thirty~~ (30) days, be donated to any charitable organization recognized by the Internal Revenue Service, or transmitted to the State Treasurer for deposit into the unclaimed property fund or such other fund as the State Treasurer may direct.
- b. Contributions received by an issue committee in excess of ~~twenty dollars (\$20)~~ where the identity of the contributor is unknown, shall not be retained. Such contributions must, within ~~thirty~~ (30) days, be donated to any charitable organization recognized by the Internal Revenue Service, or transmitted to the State Treasurer for deposit into the unclaimed property fund or such other fund as the State Treasurer may direct.

Rule 4.3 is amended as follows:

4.3 Contributions AND DONATIONS – when counted.

- a. A contribution OR DONATION is considered made or received as of the date that it is accepted by the committee or party. In the case of a contribution OR DONATION by check or credit card, the date accepted is, AT THE LATEST, the date that the contribution OR DONATION is deposited by the committee OR PARTY into its account. Any contribution OR DONATION in the form of a check received by a committee or 527 political organization at least five business days prior to the end of a reporting period must be deposited or returned to the contributor by the close of that reporting period.
- b. However, 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 when possession of the check is transferred to any person not under the control of the issuer.

Rule 4.4 is amended as follows:

4.4 All committees AND POLITICAL PARTIES must keep a record of all expenditures, CONTRIBUTIONS, AND DONATIONS. All expenditures made BY A COMMITTEE OR POLITICAL PARTY of \$20 or more during a reporting period shall be listed individually on the contribution and expenditure report. All other expenditures, CONTRIBUTIONS, AND DONATIONS under \$20 during a reporting period may be reported in total as non-itemized expenditures. [SECTION 1-45-108(1), C.R.S.]

Rule 4.14 is amended as follows:

4.14 Membership dues transferred to small donor committees, INDEPENDENT EXPENDITURE COMMITTEES, and political committees

- a. Membership organizations transferring a portion of a member's dues to a small donor committee, INDEPENDENT EXPENDITURE COMMITTEE, or political committee shall provide the respective committee with the member's name, address, amount of dues transferred, and the date of the dues transfer.
- b. Each small donor committee, INDEPENDENT EXPENDITURE COMMITTEE, and political committee shall keep records of all contributions OR DONATIONS received in the form of membership dues transferred by a membership organization to the committee. Such records shall include each contributing OR DONATING member's name, address, and amount of the dues transferred. [~~C.R.S.~~ SECTION 1-45-108(1)(a)(I), C.R.S.]
- c. Each small donor committee and political committee shall itemize and report the name and address of each person who has contributed \$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. [Article XXVIII, Section 2(14)(a); ~~C.R.S.~~ SECTION 1-45-108(1)(a), C.R.S.]
- d. On each disclosure report, the candidate or registered agent of a candidate committee, political party committee, political committee, small donor committee, INDEPENDENT EXPENDITURE COMMITTEE, or issue committee shall 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. [Article XXVIII, Section 3-]

Rule 4.16 is amended as follows:

- 4.16 Until terminated in accordance with these rules, a committee shall file a disclosure report for every reporting period, even if the committee has no activity (DONATIONS, expenditures, or contributions) to report during the reporting period.

Rule 4.19 is amended as follows:

4.19 Investment of funds

- ~~4.19.1~~ A. A candidate committee, issue committee, political committee, small donor committee, INDEPENDENT EXPENDITURE COMMITTEE, or political party may invest the committee's funds in any type of account or instrument of a government regulated financial institution.
- ~~4.19.2~~ B. Any 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 is not a contribution, DONATION, or an expenditure and shall not be subject to contribution limits, but shall be disclosed as miscellaneous income or expense on any disclosure report for which the interest, dividend, or service fee was received or charged.

Rule 4.20 is amended as follows:

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

~~4.20.1~~ A. Pursuant to SECTION 1-45-108.5, C.R.S., political organizations shall only report contributions, and expenditures for the purpose of “influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any state or local public office.”

~~4.20.2~~ B. Political organizations shall file according to the filing schedules set forth in section 1-45-108(2), C.R.S.

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

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

~~4.20.3~~ C. Political organizations shall not be required to file disclosure reports for reporting periods when no contributions were received and spending was less than ~~twenty dollars (\$20)~~.

~~4.20.4~~ D. Political organizations shall file all applicable disclosure reports required by section ~~1-45-103(14.5)~~ 1-45-108.5, C.R.S., with the appropriate filing officer. For the purposes of this rule, the appropriate filing officer shall be the same for political organizations as for political committees as outlined in section 1-45-109, C.R.S.

~~[1-45-108.5]~~

E. POLITICAL ORGANIZATIONS ENGAGING IN EXPRESS ADVOCACY SHALL REGISTER AS A POLITICAL COMMITTEE OR AN INDEPENDENT EXPENDITURE COMMITTEE, AS APPROPRIATE, PURSUANT TO THE DEFINITIONS OF THOSE ENTITIES CONTAINED IN ARTICLE XXVIII, SECTION 2(12)(A) AND SECTION 1-45-103(11.5), C.R.S.

Rule 5.6 is amended as follows:

5.6 Reports filed electronically.

a. For the purpose of section 1-45-109(2)(a), C.R.S., “close of business” for electronic filing shall mean 11:59 p.m.

b. If the electronic filing system is unavailable for filing for a total of more than one hour after 4:00 p.m. 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 9.6 is repealed as follows:

9.6 ~~In accordance with the decision of the Supreme Court of the United States in the case of *Citizens United v. Federal Elections Commission*, 558 U.S. _____, (2010), and the decision of the Supreme Court of Colorado in *In re: Interrogatories Propounded by Governor Bill Ritter, Jr., Concerning the Effect of Citizens United v. Federal Election Commission*, 558 U.S. _____ (2010) on Certain Provisions of Article XX[V]III of the Constitution of the State of Colorado, notwithstanding Article XXVIII, section 3(4)(a) and section 6(2) of the Colorado Constitution, corporations and labor organizations shall not be prohibited from making independent expenditures or from providing funding for electioneering communications. Such expenditures shall be reported in accordance with section 1-45-108(2), C.R.S., and this rule. REPEALED.~~

Rule 14.1 is repealed as follows:

- 14.1 ~~For purposes of complying with the requirement of Article XXVIII, Section 5, that a notice of independent expenditure include "a detailed description of the use of such independent expenditure"; such notice is sufficient if it includes an identification of the payee of the expenditure, the medium used for the communication, the date or dates for broadcast, delivery, or publication of the communication, and either the complete written text or transcript of the communication produced by the expenditure or a summary of the major points contained within the communication. REPEALED.~~

Rule 14.2 is repealed as follows:

- 14.2 ~~For the purposes of section 5, Article XXVIII, a candidate committee, political committee, small donor committee, political party, or 527 political organization that is registered with the Secretary of State that obligates funds exceeding \$1,000 for any single independent expenditure more than 30 days prior to a primary or general election shall notify the Secretary of State by disclosing such expenditure on the committee's or organization's regularly scheduled disclosure report for that reporting period. REPEALED.~~

Rule 14.3 is repealed as follows:

- 14.3 ~~For the purposes of section 5, article XXVIII, any person who is otherwise not required to file reports with the Secretary of State or county clerk and who obligates funds exceeding \$1,000 for any single independent expenditure more than 30 days prior to a primary or general election shall deliver notice to the Secretary of State in accordance with the reporting schedule established for political parties in section 1-45-108(2), C.R.S. REPEALED.~~

Rule 14.4 is repealed as follows:

- 14.4 ~~Notwithstanding rules 14.1 and 14.2, any person (including a natural person, entity, candidate committee, political committee, small donor committee, political party, or 527 political organization) who obligates funds in any amount for an independent expenditure, fewer than 31 days before a primary or general election, shall deliver notice to the Secretary of State within 48 hours of obligating funds for such expenditure. REPEALED.~~

New Rule 14.5 is adopted as follows:

- 14.5 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 CONTAIN THE NAME OF THE PERSON MAKING THE EXPENDITURE AND THE SPECIFIC STATEMENT THAT THE ADVERTISEMENT OF MATERIAL IS NOT AUTHORIZED BY ANY CANDIDATE. SUCH DISCLOSURE SHALL BE PRINTED AT THE END OF THE COMMUNICATION IN TEXT THAT IS NO LESS THAN ONE-QUARTER OF THE SIZE OF THE LARGEST FONT USED IN THE COMMUNICATION, BUT IN NO EVENT LESS THAN EIGHT POINT FONT.

New Rule 14.6 is adopted as follows:

- 14.6 THE REGISTRATION OF A COMMITTEE AS AN INDEPENDENT EXPENDITURE COMMITTEE DOES NOT EXEMPT THE COMMITTEE FROM EXISTING STATUTORY AND CONSTITUTIONAL PROVISIONS LIMITING THE SOURCE, AMOUNT, OR USE OF FUNDS, NOR DOES SUCH REGISTRATION EXEMPT A COMMITTEE FROM STATUTORY AND CONSTITUTIONAL PROVISIONS RELATING TO COORDINATION.

New Rule 14.7 is adopted as follows:

14.7 FOR THE PURPOSE OF DETERMINING WHETHER AN EXPENDITURE IS AN INDEPENDENT EXPENDITURE AS DEFINED IN ARTICLE XXVIII, SECTION 2(9), EXPENDITURES AND SPENDING ARE COORDINATED WITH A CANDIDATE COMMITTEE OR POLITICAL PARTY IF:

- A. A PERSON MAKES AN EXPENDITURE OR ENGAGES IN SPENDING AT THE REQUEST, SUGGESTION, OR DIRECTION OF, IN CONSULTATION WITH, OR UNDER THE CONTROL OF:
 - I. THAT CANDIDATE COMMITTEE OR POLITICAL PARTY;
 - II. AN AGENT, EMPLOYEE, BOARD MEMBER, DIRECTOR, OR OFFICER OF THAT CANDIDATE COMMITTEE OR POLITICAL PARTY; OR
 - III. A COMMON CONSULTANT WHO PROVIDES, OR HAS PROVIDED DURING THE ELECTION CYCLE, PROFESSIONAL SERVICES TO THAT CANDIDATE COMMITTEE OR POLITICAL PARTY AND THE PERSON MAKING THE EXPENDITURE OR ENGAGING IN THE SPENDING;
- B. THAT CANDIDATE'S OR POLITICAL PARTY'S NON-PUBLIC INFORMATION IS GIVEN TO:
 - I. THE PERSON MAKING THE EXPENDITURE OR ENGAGING IN THE SPENDING;
 - II. AN AGENT, EMPLOYEE, BOARD MEMBER, DIRECTOR, OR OFFICER OF THE PERSON MAKING THE EXPENDITURE OR ENGAGING IN THE SPENDING; OR
 - III. A COMMON CONSULTANT WHO PROVIDES, OR HAS PROVIDED DURING THE ELECTION CYCLE, PROFESSIONAL SERVICES TO THE PERSON MAKING THE EXPENDITURE OR ENGAGING IN THE SPENDING, AS WELL AS THE CANDIDATE COMMITTEE OR POLITICAL PARTY.
- C. THIS RULE SHALL NOT APPLY TO AN ATTORNEY, ACCOUNTANT, BOOKKEEPER, OR REGISTERED AGENT WHO PROVIDES SERVICES WITHIN THE SCOPE OF HIS OR HER PROFESSION.
- D. AN EXPENDITURE IS NOT COORDINATED IF EFFECTIVE BARRIERS (I.E., "FIREWALLS") TO TRANSMISSION OF NON-PUBLIC INFORMATION ARE PLACED BETWEEN:
 - I. THE CANDIDATE COMMITTEE OR POLITICAL PARTY; AND
 - II. THE PERSON MAKING AN INDEPENDENT EXPENDITURE OR ENGAGING IN SPENDING.

SUCH FIREWALLS SHALL BE PHYSICAL OR TECHNOLOGICAL, OR BOTH, SHALL INCLUDE APPROPRIATE SECURITY MEASURES, AND SHALL BE SET FORTH IN A WRITTEN POLICY THAT IS DISTRIBUTED TO ALL AFFECTED AGENTS, EMPLOYEES, BOARD MEMBERS, DIRECTORS, OFFICER, AND CONSULTANTS. THE EXISTENCE OF THE FIREWALLS DOES NOT MAKE AN EXPENDITURE INDEPENDENT IF NON-PUBLIC INFORMATION IS NONETHELESS DIRECTLY OR INDIRECTLY TRANSMITTED TO THE PERSON MAKING AN EXPENDITURE OR ENGAGING IN SPENDING.

These new and amended rules shall become permanently effective twenty (20) days after publication in the Colorado Register in accordance with the State Administrative Procedures Act.

A written Statement of Basis, Purpose and Specific Statutory Authority is attached and hereby incorporated herein by reference.

Dated this 14th day of September, 2010,



William A. Hobbs
Deputy Secretary of State

For

Bernie Buescher
Colorado Secretary of State

STATE OF COLORADO

Department of State

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Secretary of State

William A. Hobbs

Deputy Secretary of State

Statement of Basis, Purpose and Specific Statutory Authority

Office of the Secretary of State Campaign and Political Finance Rules

September 14, 2010

1. Basis and Purpose

This statement pertains to the amendments to the Colorado Secretary of State "Rules Concerning Campaign and Political Finance." The amendments and revisions to these rules are necessary to achieve the uniform and proper administration and enforcement of the campaign and political finance laws of the State of Colorado, including Article XXVIII of the Colorado Constitution and Article 45, Title 1 of the Colorado Revised Statutes. The Secretary of State finds that the adoption and enactment of these rules is necessary to implement amendments to the campaign and political finance laws made during the 2010 second regular session of the 67th General Assembly and such other rule amendments as may be necessary to answer questions arising under Article XXVIII of the Colorado Constitution and Article 45 of Title 1, Colorado Revised Statutes. In particular, the Secretary of State adopts these rules to implement Senate Bill 10-203, *Concerning independent expenditures in Colorado elections after the United States Supreme Court case of Citizens United v. Federal Election Comm'n. and making an appropriation therefor.*

The adoption of specific amendments to the Campaign and Political Finance Rules is necessary as follows:

- The amendments to Rule 1.5 implement the new definition of "foreign corporation" set forth in section 1-45-103(10.5), C.R.S.
- The amendments to Rules 1.13, 2.1, 2.3, 2.4, 2.6, 2.9, 3, 3.9, 4.3, 4.14, 4.16, and 4.19 incorporate the new terms "independent expenditure committee" and "donation" into existing rules governing all other types of campaign finance committees.
- The amendments to Rule 4.3 clarify that political parties are subject to the Rule governing the time when contributions are considered made, in addition to other types of committees.
- Rule 4.4 is amended to clarify itemization requirements in reports of donations and expenditures by independent expenditure committees.
- The amendments to Rule 4.20 clarify that political organizations are subject to the requirements of section 1-45-107.5, C.R.S., governing independent expenditures and to correct an inaccurate citation.
- The amendments to Rule 5.6 clarify that if the electronic filing system is unavailable for filing 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.
- Rules 9.6, 14.1, 14.2, 14.3, and 14.4 are repealed as obsolete in light of new section 1-45-107.5, C.R.S.
- New Rule 14.5 is adopted to comply with the requirement in section 1-45-107.5(5)(c), C.R.S., that the Secretary of State establish regulations governing the size and placement of disclaimer notices contained in nonbroadcast independent expenditures.

- New Rule 14.6 is adopted to clarify the applicability of existing statutory and constitutional requirements in light of Senate Bill 10-203.
- New Rules 1.16 and 14.7 are adopted to provide clarity regarding “coordination” as it relates to independent expenditures, in accordance with Article XXVIII, Section 2(9) of the Colorado Constitution.

2. Rulemaking Authority

Amendments to the Colorado Secretary of State “Rules Concerning Campaign and Political Finance” are adopted pursuant to the following statutory and constitutional provisions:

1. Article XXVIII, Section 9(1)(b) of the Colorado Constitution, which requires the Secretary of State to:

“Promulgate 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].”

2. Section 1-1-107(2)(a), C.R.S., (2009), which authorizes the Secretary of State:

“To promulgate, publish, and distribute . . . such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws”

3. Section 1-45-111.5(1), C.R.S., (2009), which requires the Secretary of State to:

“[P]romulgate 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.].”