



Notice of Temporary Adoption

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

September 15, 2015

I. Adopted Rule Amendments

As authorized by the Colorado Constitution¹, Colorado campaign finance law², and the State Administrative Procedure Act³, the Colorado Secretary of State gives notice that the following amendments to rules concerning campaign and political finance⁴ are adopted on a temporary basis and immediately effective. (SMALL CAPS indicate proposed additions to the current rules. Stricken type indicates proposed deletions from current rules. *Annotations* may be included):

Rule 2.3.2 is repealed and Rule 2.3.1 is incorporated into main Rule 2.3:

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

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

Amended Rule 9.1:

9.1 ~~The candidate, registered agent, and designated filing agent must sign the initial registration form. The candidate, registered agent, or designated filing agent may sign any subsequent amended registration form or disclosure report.~~ THE REGISTERED AGENT OR A DESIGNATED FILING AGENT FOR ANY COMMITTEE MUST SIGN THE COMMITTEE’S REGISTRATION FORM AND ALL DISCLOSURE REPORTS. FOR REGISTRATION FORMS AND REPORTS FILED BY A CANDIDATE OR CANDIDATE COMMITTEE, THE CANDIDATE MUST SIGN. [Sections 1-45-108(3), (5), and (6), C.R.S.]

¹ Article XXVIII, Section 9(1)(b) of the Colorado Constitution.

² Article 45 of Title 1, C.R.S. (2015).

³ Section 24-4-103, C.R.S. (2015).

⁴ 8 CCR 1505-6.

Amended Rule 10.8.1:

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

II. Basis, Purpose, and Specific Statutory Authority

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

III. Statement of Justification and Reasons for Adoption of Temporary Rules

A statement of the Secretary of State's findings to justify the immediate adoption of the amended rules on a temporary basis follows this notice and is incorporated by reference.⁵

IV. Effective Date of Adopted Rules

The amended rules are immediately effective on a temporary basis.

Dated this 15th day of September, 2015,



Suzanne Staiert
Deputy Secretary of State

For

Wayne W. Williams
Colorado Secretary of State

⁵ Section 24-4-103(6), C.R.S. (2015).



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.¹ The amendments are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado campaign finance law² 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].”

¹ 8 CCR 1505-CCR 6.

² 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.”



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

September 15, 2015

Repealed Rule: 2.3.2

Amended Rules: 9.1 and 10.8.1

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 2015 election cycle. Temporary adoption is necessary both to comply with law and to preserve the public welfare generally.

Repealing Rule 2.3.2 coincides with the lack of a constitutional or statutory basis exempting a candidate running for a Junior College Board of Trustee to file a candidate affidavit or reports with the Secretary of State. Amendments to Rule 9.1 clarify that a candidate must sign any registration form or report filed by a candidate or candidate committee. The amendment to Rule 10.8.1 remove language that is currently addressed by Colo. Const. Article XXVIII, Section 4(2).

Adoption of these rules on a temporary basis is necessary to provide clear guidance to interested parties, including, but not limited to: candidates, political parties, political organizations, and committees, given the close proximity of the November 2015 Coordinated 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 rules.

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 campaign and political finance 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. (2015).

² Section 24-4-103(3)(a), C.R.S. (2015).

³ Section 24-4-103(3)(6), C.R.S. (2015).