



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

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

July 9, 2019

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:

- Amendments to Rule 1.4.3 are necessary establish uniformity in the administration of current law.
- New Rules 1.6.4 and 1.8.3 are necessary to establish uniformity in the administration of current law.
- A portion of Current Rule 1.7 is relocated to New Rule 5.2.
- New Rules 1.23 and 21.2.1, and amendments to Rule 10.5 are necessary to implement HB 19-1318.
- Amendments to Rules 2.2.3 and 2.2.4(b)(1) are necessary to implement HB 19-1007.
- Amendments to Rules 2.4.3, 10.6, 12.5, 17.2.4, 18.1.1, are necessary to clarify the use of the rules by appropriate filing offices other than the Secretary of State, such as municipal clerks.
- Amendments to Rule 7.1.1 are necessary to establish uniformity in the administration of current law.
- Amendments to Rule 9.1 are necessary to establish uniformity in the administration of current law.

¹ 8 CCR 1505-CCR 6.

² Article 45 of Title 1, C.R.S. (2018).

- Amendments to Rule 10.1.3 are necessary to implement SB 19-229. Amendments to Rule 10.2.3 are necessary to establish uniformity in the administration of current law.
- Amendments to Rule 10.4 are necessary to establish uniformity in the administration of current law.
- Repeal of Rule 10.16.1 is necessary to remove repetitive or obsolete provisions in the rules.
- Proposed permanent adoption of amendments to Rule 10.17. Amendments were temporarily adopted on March 29, 2019 and readopted on June 28, 2019 to extend the rule until a permanent rule is adopted and effective.
- New Rule 10.17.1 (g) and the chart under (h) establish contribution limits for candidates for county offices in accordance with HB 19-1007.
- Amendments to Rule 11.5 to eliminate unnecessary cross-reference.
- Repeal of Rule 16.3 is necessary to repeal obsolete provisions.
- Amendments to Rule 17.5.1 are necessary to uniform administration of current law.
- Amendments to Rules 18.1.2, 18.1.3, repeal of Rules 18.2.2 through 18.2.10, 18.2.12, 18.3 and 18.4, and new Rule 18.2.3 are necessary to implement SB 19-232. Amendments to Current Rule 18.2.11, renumbered as Rule 18.2.2, are also necessary to implement SB19-232.
- New Rule 22 establishes rules concerning disclaimer statements in accordance with HB 19-1318 (section 1-45-107.5, C.R.S.). Current Rule 5.1 is relocated and amended under the new rule.

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.

On May 31, 2019, the Secretary issued a request for public comment to help our office develop preliminary draft rules. The comments we received in anticipation of rulemaking are available online at: www.sos.state.co.us/pubs/rule_making/CPFRuleComments.html and are incorporated into the official rulemaking record.

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].”
- Section 1-1-107(2)(a), C.R.S., (2018), 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., (2018), 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.
- Section 1-45-107.5(5)(c), C.R.S., (2018), which requires the Secretary of State to establish, by rule, the “size and placement requirements for the disclaimer statement.” (HB 19-1318)