

## Andrea Gyger

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**From:** Richard at Log Hill [REDACTED]  
**Sent:** Sunday, April 19, 2015 7:11 AM  
**To:** SoS Rulemaking  
**Subject:** Comment re: Rules Concerning Campaign and Political Finance,8 CCR 1505-6  
**Attachments:** SecState rule comment.pdf; SecState rule comment.docx

Secretary of State Office:

Please see the attached comments on the proposed rule.

The attachment is provided in two formats to facilitate your use:

Microsoft Word and Adobe Acrobat.

Richard Wojciechowski

Ouray County

General:

The Secretary of State's office should encourage citizen participation in the political process, including citizen involvement in various grass roots issue and candidate support efforts. In this regard, the Secretary of State's office should recognize that grass roots organizations face a significant challenge in complying with convoluted requirements that have not been presented in simple cogent fashion, while entrenched large political machines which have the resources to hire cadres of attorneys, accountants and lobbyists are not challenged in such regards. The purpose of Secretary of State rules should be to make it easy, i.e. to facilitate, compliance with the rules by providing a single comprehensive, easy to understand, easy to follow set of rules. Unfortunately the proposed rule does not accomplish that, as it is a fragmented portion of requirements spread across the Colorado Constitution, Colorado statutes, even federal requirements, plus implementing interpretations and procedures. What is needed is a single document, well and simply organized, that provides all the requirements in an easy to comply-with manner that includes citations to source requirements such as the Constitution and legislation.

Specific:

1. The draft rule over-uses references to relevant sections of the Constitution and revised statutes. To be useful and easily understood the rule should include all the requirements, even if that means quoting Constitutional requirements or the law. For example, it is not clear whether the language of 1.4 provides the totality of the definition or is simply an expansion on the Constitutional requirements:

*1.4 "Contribution" HAS THE SAME MEANING AS SET FORTH IN COLO. CONST. ARTICLE XXVIII, 8 SECTION 2(5)(E), AND SECTION 1-45-103(6), C.R.S. A CONTRIBUTION*

It would be clearer if the language said

*1.4 "Contribution" is defined in the Colorado Constitution [Article XXVIII 8. Section 2(5)(E) and Section 1-45-103(6) C.R.S. as: . . .*

Above is by way of example - this is a problem throughout the proposed rule.

2. Rule 2.4 "Personal Financial Disclosures" as drafted appears to indicate primarily when a financial disclosure is NOT required, but fails to indicate when a disclosure IS required, what it must contain (if anything) and how and where it is to be filed, etc. Despite the title of the rule it fails to even reference where that information is provided

3. A reasonable person would expect the Rules to be self-standing in sufficiency for understanding, yet that is not the case. For example, Rule 4, Issue Committees, does not provide comprehensive statement on defining an issue committee and what it may or may not do and how to do what it is required to do.

4. Rule 5.1 requires an independent expenditure non-broadcast communication by to bear the name of the person who paid for it. A person is elsewhere defined as a natural person. If an independent expenditure (not defined in the definitions portion) results from the effort of several people gathered together, why is not a name of a group rather than an individual person appropriate?

5. Rule 5.1 does not make it clear that it would apply only to a person or group expending in excess of \$1,000. As drafted it might be misinterpreted to mean that an individual placing a sign on his or her lawn is required to comply with the labeling requirement.

6. Rule 5.2.3 requires certain actions for expenditures over \$1,000, but what has been lost somewhere is the definition of an independent expenditure committee as one expending over \$1,000. It should be clear that Rule 5.1 does not apply to a person or group that expends an aggregate of less than \$1,000.

7. Rule 10.11.3 is not clear. This rule needs to be expanded to be clear.

8. Rule 11 addresses "electioneering communications" yet the definition of such has been deleted from Rule 1.7. This doesn't make sense.

9. Rule 17 states that reports must be filed whether or not there is any activity, yet a prior rule indicated that some committees need not file reports if the activity is below a certain threshold (i think it was \$20). This is internally inconsistent.