



## Notice of Permanent Adoption

### Colorado Department of State Rules Concerning Campaign and Political Finance 8 CCR 1505-6

September 23, 2022

#### I. Adopted Rule Amendments

As authorized by the Colorado Constitution<sup>1</sup>, Colorado campaign finance law<sup>2</sup>, and the State Administrative Procedure Act<sup>3</sup>, the Colorado Department of State gives notice that the following amendments to rules concerning campaign and political finance<sup>4</sup> are adopted on a permanent basis.

The following rules were considered at the September 15, 2022, rulemaking hearing in accordance with the State Administrative Procedure Act<sup>5</sup>.

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
<del>Strikethrough</del>	Deletions
<i>[Italic blue font text]</i>	Annotations and publication notes

*Amendments to 8 CCR 1505-6 are as follows:*

*Amendments to Rule 2:*

*[Not shown: no changes to Rules 2.1-2.2.3.]*

*Amendments to Rule 2.2.4 concerning financial reporting deadlines:*

#### 2.2.4 Managing unexpended campaign contributions

- (a) A candidate committee must report its unexpended balance as the ending balance at the end of the election cycle. A candidate committee must report its unexpended balance from the report filed 30-35 days after the major election as

<sup>1</sup> Article XXVIII, Section 9(1)(b) of the Colorado Constitution.

<sup>2</sup> Article 45 of Title 1, C.R.S. (2021).

<sup>3</sup> Section 24-4-103, C.R.S. (2021).

<sup>4</sup> 8 CCR 1505-6.

<sup>5</sup> Section 24-4-103(3)(a), C.R.S. (2021).

the beginning balance in the next election cycle. The candidate committee's beginning balance must reflect what amount is retained for use in a subsequent election cycle and what amount is retained for use as unexpended funds.

*New Rule 2.4.5 concerning incumbents filing personal financial disclosure statements:*

- 2.4.5 INCUMBENTS SEEKING REELECTION NEED NOT FILE A NEW PERSONAL FINANCIAL DISCLOSURE STATEMENT IF THEY HAVE ALREADY FILED THEIR ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENT. [SECTION 24-6-202(4)(B), C.R.S.]

*[Not shown: current Rule 2.4.5 renumbered to Rule 2.4.6.]*

*Amendments to Rule 8:*

*Amendments to Rule 8.1 concerning registering a committee:*

- 8.1 The committee registration must include the purpose or nature of interest of the committee or party.
- 8.1.1 A candidate committee must identify the name of the candidate ~~and the public office sought.~~
- 8.1.2 A political committee, independent expenditure committee, small donor committee, or political organization must identify the types of candidates it supports or opposes, ~~including party affiliation and, as applicable, office(s) sought or~~ AND THE OFFICES THEY SEEK AND, AS APPLICABLE, public policy position(s).

*[Not shown: no changes to Rule 8.1.3.]*

*Amendments to Rule 10:*

*[Not shown: no changes to Rules 10.1-10.16.]*

*Amendments to Rule 10.17.1 concerning contribution limits for candidates for school district director:*

- 10.17.1 Adjusted limits made in the first quarter of 2019 and effective until the next adjustment is made in 2023:

*[No changes to subsections (a)-(g).]*

- (H) THE AGGREGATE LIMITS ON CONTRIBUTIONS TO CANDIDATES FOR SCHOOL DISTRICT DIRECTOR ARE AS FOLLOWS:
- (1) \$2,500 PER ELECTION CYCLE FROM ANY PERSON OTHER THAN A SMALL DONOR COMMITTEE; AND
- (2) \$25,000 PER ELECTION CYCLE FROM ANY SMALL DONOR COMMITTEE.
- (h)(i) This table contains the contribution limits listed in subsections ~~(a)-(g)~~ (A)-(H).

Contributor:

Recipient:	CONTRIBUTOR:				
	Natural Person	Person, other than a natural person	Political committee	Small donor committee	Political party
Political committee	\$625 per election cycle	\$625 per election cycle	\$625 per election cycle	\$625 per election cycle	\$625 per election cycle
Small donor committee	\$50 per year	Prohibited	Prohibited	Prohibited	Prohibited
Governor (governor & lt. governor)	\$625 per election cycle*	\$625 per election cycle*	\$625 per election cycle*	\$6,750 per election cycle*	\$679,025 per election cycle
Secretary of state, state treasurer, attorney general	\$625 per election cycle*	\$625 per election cycle*	\$625 per election cycle*	\$6,750 per election cycle*	\$135,775 per election cycle
State senate	\$200 per election cycle*	\$200 per election cycle*	\$200 per election cycle*	\$2,675 per election cycle*	\$24,425 per election cycle
State house of representatives, state board of education, regent of the University of Colorado, district attorney	\$200 per election cycle*	\$200 per election cycle*	\$200 per election cycle*	\$2,675 per election cycle*	\$17,625 per election cycle
Political party	\$4,025 (\$3,350 at the state level) per year	\$4,025 (\$3,350 at the state level) per year	\$4,025 (\$3,350 at the state level) per year	\$20,325 (\$16,925 at the state level) per year	Transfers within a party may be made without limitation.
County candidate	\$1,250 per election cycle*	\$1,250 per election cycle*	\$1,250 per election cycle*	\$12,500 per election cycle*	\$22,125 per election cycle
SCHOOL DISTRICT DIRECTOR	\$2,500 PER ELECTION CYCLE	\$2,500 PER ELECTION CYCLE	\$2,500 PER ELECTION CYCLE	\$25,000 PER ELECTION CYCLE	\$2,500 PER ELECTION CYCLE

\* A candidate may accept the contribution limit for both the primary election and the general election.

(f)(j) The voluntary spending limits for a candidate described in Colo. Const. Article XXVIII, Section 4(1), are adjusted as follows:

*[Not shown: no changes to sub-subsections (1)-(4).]*

*[Not shown: no changes to Rule 10.18.]*

*Amendments to Rule 17:*

*[Not shown: no changes to Rules 17.1-17.3.3.]*

*Current Rule 17.3.4 is repealed:*

17.3.4 Except in the case of a recall election, the post-election reporting period closes on the last day of the calendar month in which the election was held. The report is due on the 30th following the election. If the filing deadline falls on a Saturday, Sunday, or legal holiday, the filing deadline is the next business day. [Section 1-45-108(2)(a), C.R.S.]

*Current Rule 17.4 is repealed:*

~~17.4 — Special district reporting.~~

~~17.4.1 — Reports relating to special district elections are due:~~

- ~~(a) On the 21st day before;~~
- ~~(b) — On the Friday before; and~~
- ~~(c) — On the 30th day after the date of the regular election.~~

~~[Section 1-45-109(1)(a)(II) and (1)(c), C.R.S.]~~

*[Not shown: current Rules 17.5 and 17.6 renumbered to Rules 17.4 and 17.5.]*

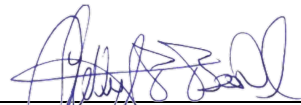
## **II. Basis, Purpose, and Specific Statutory Authority**

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

## **III. Effective Date of Adopted Rules**

The rules will become permanently effective twenty days after publication in the Colorado Register.<sup>6</sup>

Dated this 23<sup>rd</sup> day of September 2022,



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Christopher P. Beall  
Deputy Secretary of State

For

Jena Griswold  
Colorado Secretary of State

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<sup>6</sup> Section 24-4-103(5), C.R.S. (2021).



## Statement of Basis, Purpose, and Specific Statutory Authority

### Colorado Department of State Rules Concerning Campaign and Political Finance 8 CCR 1505-6

September 23, 2022

#### I. Basis and Purpose

This statement explains amendments to the Colorado Department of State rules concerning campaign and political finance.<sup>1</sup> The amendments are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado campaign finance law<sup>2</sup> as follows:

- Amendments to Rule 2.2.4, concerning the change to the financial reporting deadline from 30 days to 35 days, in compliance with HB 22-1156.
- New Rule 2.4.5, concerning that incumbents seeking reelection do not need to file a new personal financial disclosure statement, in compliance with section 24-6-202(4)(b), C.R.S.
- Amendments to Rule 8, including Rules 8.1.1 and 8.1.2, simplifying language for the registration process.
- Amendments to Rule 10.17, concerning the addition of contribution limits for candidates for school district director and the implementation of the changes to comply with HB 22-1060.
- Repeal of current Rule 17.3.4, concerning the change to post-election reporting from 30 days to 35 days, in compliance with HB 22-1156.
- Repeal of current Rule 17.4, removing language duplicative to statute, section 1-45-108, C.R.S.

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.

#### II. Rulemaking Authority

- Article XXVIII, Section 3(13) of the Colorado Constitution, which requires the Secretary of State to “calculate . . . and specify [contribution] limits in rules promulgated in accordance with article 4 of title 24, C.R.S., or any successor section.”

<sup>1</sup> 8 CCR 1505-6.

<sup>2</sup> Article 45 of Title 1, C.R.S. (2021).

- 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 1-45-108(2)(c), C.R.S., (2021), which authorizes the Secretary of State to establish reporting periods “pursuant to rules promulgated by the secretary of state in accordance with article 4 of title 24, C.R.S.”
- Section 1-45-111.5(1), C.R.S., (2021), 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.