



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

October 11, 2018

Amendments to temporary Rule 18.2 (initially adopted under CCR Tracking #2018-00275 on June 19, 2018). Includes New Rules: 18.2.4, 18.2.5, 18.2.6(a)(1), 18.2.7(d), 18.2.7(e)(1) and (2), Rule 18.2.10(a)(1)-(3), and Rule 18.2.11.

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 2018 election cycle. Temporary adoption is necessary both to comply with law and to preserve the public welfare generally. This New Rule 18.2 will replace the temporary rule adopted on June 19, 2018. The Secretary simultaneously adopts the rule on a permanent basis under CCR #2018-00402.

In *Holland v. Williams*², a private citizen challenged the constitutionality of Colorado's campaign finance private enforcement system on First and Fourteenth Amendment grounds. On June 12, 2018, the U.S. District Court held that section 9(2)(a) of Article XXVIII of the Colorado Constitution [the private enforcement system] was facially unconstitutional.

Amendments to Rule 18.2 are consistent with the U.S. District Court's holding, and are necessary to ensure that Colorado's campaign finance laws continue to be enforced in a uniform manner.

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. (2018).

² *Holland v. Williams*, 16-cv-00138 (June 12, 2018).

³ Section 24-4-103(3)(6), C.R.S. (2018).