



## NOTICE OF TEMPORARY & PERMANENT ADOPTION

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

March 3, 2011

Pursuant to Article XXVIII, Section 9(1)(b) of the Colorado Constitution and Section 1-45-111.5(1), C.R.S. (2010) and the rulemaking provisions of the State Administrative Procedure Act, section 24-4-103, C.R.S. (2010), I, Scott Gessler, Colorado Secretary of State, do hereby adopt and give **NOTICE** of the temporary and permanent adoption this 3<sup>rd</sup> day of March, 2011 of the following amended rules of the Colorado Secretary of State Rules Concerning Campaign and Political Finance, 8 C.C.R. 1505-6. These rule amendments shall become temporarily effective on March 15<sup>th</sup>, 2011, and will become permanently effective 20 days after publication in the Colorado Register in accordance with the State Administrative Procedures Act. (~~strikethrough~~ text represents deletions from the current rules and text in SMALL CAPS represent additions to the rules):

Rule 6.3 is amended as follows:

- 6.3 A written complaint filed with the ~~secretary of state~~ SECRETARY OF STATE pursuant to Article XXVIII, Section 9(2)-(a) shall include the following: the name, address, and signature of the complainant (if the complainant is represented by counsel, such counsel's name, address, and signature shall be included along with the name, address, and signature of the complainant); the name and address of each respondent alleged to have committed a violation; and the particulars of the violation. A complaint may be submitted by fax or electronic mail if a signed original is received by the ~~secretary of state~~ SECRETARY OF STATE no later than five calendar days thereafter. If the complaint is complete, the ~~secretary of state~~ SECRETARY OF STATE shall promptly transmit the complaint to the ~~Division of Administrative Hearings~~ OFFICE OF ADMINISTRATIVE COURTS in the Department of Personnel and Administration for the consideration by an administrative law judge, which will notify the respondents of the filing of the complaint and which will issue all other appropriate notices to the parties. [Article XXVIII, Section 9(2)(a)]

Rule 8.1 is amended as follows:

- 8.1 The special district designated election official or, as applicable, the presiding officer or the secretary of the board of directors, under section 32-1-804.3(5), C.R.S., shall provide to the Secretary of State the self-nomination and acceptance forms and letters, and affidavits of intent to be a write-in candidate no later than the date established for certification of the special district's ballot pursuant to section 1-5-203(3)(a), C.R.S. THIS RULE SHALL NOT APPLY IF THE SPECIAL DISTRICT CANCELS THE ELECTION.

Rule 12 is amended as follows:

12.1 Calculation of adjustments.

~~12.1.1A.~~ In accordance with sections 3(13) and 4(7) of Article XXVIII of the Colorado Constitution, limits on contributions set forth in section 2(14) and subsections (1), (2), (3), and (5) of section 3, and the voluntary limits on spending set forth in section 4(1), are ~~adjusted in the first quarter of 2007 and shall be adjusted every four years thereafter,~~ based on the percentage change in the consumer price index for the Denver-Boulder-Greeley area, over the four year period immediately preceding the adjustment.

~~12.1.2B.~~ In determining the adjusted amount, the percentage change in the consumer price index is rounded to the nearest whole percentage point. In accordance with sections 3(13) and 4(7), Article XXVIII of the Colorado Constitution, the adjusted limits are rounded to the nearest, lowest ~~twenty-five dollars (\$25).~~

12.2 ADJUSTED LIMITS MADE IN THE FIRST QUARTER OF 2011 AND EFFECTIVE UNTIL THE NEXT ADJUSTMENT IS MADE IN 2015:

A. THERE IS NO ADJUSTMENT TO THE CONTRIBUTION LIMITS ON INDIVIDUAL DONATIONS TO SMALL DONOR COMMITTEES OUTLINED IN SECTION 2(14), ARTICLE XXVIII OF THE COLORADO CONSTITUTION.

B. THE AGGREGATE LIMITS ON CONTRIBUTIONS FROM ANY PERSON FOR A PRIMARY OR A GENERAL ELECTION, DESCRIBED IN SECTION 3(1), ARTICLE XXVIII OF THE COLORADO CONSTITUTION, ARE ADJUSTED AS FOLLOWS:

(i) \$550 TO ANY ONE:

1. GOVERNOR CANDIDATE COMMITTEE FOR THE PRIMARY ELECTION, AND GOVERNOR AND LIEUTENANT GOVERNOR CANDIDATE COMMITTEE, AS JOINT CANDIDATES UNDER SECTION 1-1-104, C.R.S., OR ANY SUCCESSOR SECTION, FOR THE GENERAL ELECTION;

2. SECRETARY OF STATE, STATE TREASURER, OR ATTORNEY GENERAL CANDIDATE COMMITTEE.

(ii) THERE IS NO ADJUSTMENT TO THE LIMITS ON CONTRIBUTIONS TO ANY ONE STATE SENATE, STATE HOUSE OF REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE UNIVERSITY OF COLORADO, OR ANY DISTRICT ATTORNEY CANDIDATE COMMITTEE.

C. THE AGGREGATE LIMITS ON CONTRIBUTIONS FROM A SMALL DONOR COMMITTEE FOR A PRIMARY OR A GENERAL ELECTION, DESCRIBED IN SECTION 3(2), ARTICLE XXVIII OF THE COLORADO CONSTITUTION, ARE ADJUSTED AS FOLLOWS:

(i) \$5,675 TO ANY ONE:

1. GOVERNOR CANDIDATE COMMITTEE FOR THE PRIMARY ELECTION, AND GOVERNOR AND LIEUTENANT GOVERNOR CANDIDATE COMMITTEE, AS JOINT CANDIDATES UNDER SECTION 1-1-104, C.R.S., OR ANY SUCCESSOR SECTION, FOR THE GENERAL ELECTION;

- 2. SECRETARY OF STATE, STATE TREASURER, OR ATTORNEY GENERAL CANDIDATE COMMITTEE; AND
  - (II) \$2,250 TO ANY ONE STATE SENATE, STATE HOUSE OF REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE UNIVERSITY OF COLORADO, OR ANY DISTRICT ATTORNEY CANDIDATE COMMITTEE.
  
- D. THE AGGREGATE LIMITS ON CONTRIBUTIONS FROM ANY PERSON TO A POLITICAL PARTY, DESCRIBED IN SECTION 3(3)(A), ARTICLE XXVIII OF THE COLORADO CONSTITUTION, ARE ADJUSTED AS FOLLOWS:
  - (I) \$3,400 PER YEAR AT THE STATE, COUNTY, DISTRICT, AND LOCAL LEVEL COMBINED; AND
  - (II) OF SUCH, NO MORE THAN \$2,825 AT THE STATE LEVEL.
  
- E. THE AGGREGATE LIMITS ON CONTRIBUTIONS FROM A SMALL DONOR COMMITTEE TO A POLITICAL PARTY, DESCRIBED IN SECTION 3(3)(B), ARTICLE XXVIII OF THE COLORADO CONSTITUTION, ARE ADJUSTED AS FOLLOWS:
  - (I) \$17,075 PER YEAR AT THE STATE, COUNTY, DISTRICT, AND LOCAL LEVEL COMBINED; AND
  - (II) OF SUCH, NO MORE THAN \$14,225 AT THE STATE LEVEL.
  
- F. THE AGGREGATE LIMITS ON PRO-RATA CONTRIBUTIONS OR DUES MADE TO POLITICAL COMMITTEES, DESCRIBED IN SECTION 3(5), ARTICLE XXVIII OF THE COLORADO CONSTITUTION, ARE ADJUSTED TO \$550 PER HOUSE OF REPRESENTATIVES ELECTION CYCLE.
  
- G. THE VOLUNTARY SPENDING LIMITS FOR A CANDIDATE DESCRIBED IN SECTION 4(1), ARTICLE XXVIII OF THE COLORADO CONSTITUTION ARE ADJUSTED AS FOLLOWS:
  - (I) THE SPENDING LIMIT FOR GOVERNOR, AND GOVERNOR AND LIEUTENANT GOVERNOR AS JOINT CANDIDATES UNDER SECTION 1-1-104, C.R.S., OR ANY SUCCESSOR SECTION SHALL BE ADJUSTED TO \$2,847,650.
  - (II) THE SPENDING LIMIT FOR A CANDIDATE FOR SECRETARY OF STATE, ATTORNEY GENERAL, OR TREASURER SHALL BE ADJUSTED TO \$569,525.
  - (III) THE SPENDING LIMIT FOR A CANDIDATE FOR STATE SENATE SHALL BE ADJUSTED TO \$102,500.
  - (IV) THE SPENDING LIMIT FOR A CANDIDATE FOR STATE HOUSE OF REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE UNIVERSITY OF COLORADO OR DISTRICT ATTORNEY SHALL BE ADJUSTED TO \$74,025.
  
- 12.3 ADJUSTED LIMITS MADE IN THE FIRST QUARTER OF 2007 AND EFFECTIVE THROUGH THE FIRST QUARTER OF 2011:
  - ~~12.2~~ A. There is no adjustment to the contribution limits on individual donations to small donor committees outlined in section 2(14), Article XXVIII of the Colorado Constitution.

- ~~12.3~~ B. The aggregate limits on contributions from any person for a primary or a general election, described in section 3(1), Article XXVIII of the Colorado Constitution, are adjusted as follows:
- a. (I) ~~Five hundred twenty five dollars (\$525)~~ to any one:
    - (~~I~~) 1. Governor candidate committee for the primary election, and governor and lieutenant governor candidate committee, as joint candidates under SECTION 1-1-104, C.R.S., or any successor section, for the general election;
    - (~~II~~) 2. Secretary of state, state treasurer, or attorney general candidate committee.
  - b. (II) There is no adjustment to the limits on contributions to any one state senate, state house of representatives, state board of education, regent of the university of Colorado, or any district attorney candidate committee.
- ~~12.4~~ C. The aggregate limits on contributions from a small donor committee for a primary or a general election, described in section 3(2), Article XXVIII of the Colorado Constitution, are adjusted as follows:
- a. (I) ~~Five thousand three hundred dollars (\$5,300)~~ to any one:
    - (~~I~~) 1. Governor candidate committee for the primary election, and governor and lieutenant governor candidate committee, as joint candidates under SECTION 1-1-104, C.R.S., or any successor section, for the general election;
    - (~~II~~) 2. Secretary of state, state treasurer, or attorney general candidate committee; and
  - b. (II) ~~Two thousand one hundred, twenty five dollars (\$2,125)~~ to any one state senate, state house of representatives, state board of education, regent of the university of Colorado, or any district attorney candidate committee.
- ~~12.5~~ D. The aggregate limits on contributions from any person to a political party, described in section 3(3)(a), Article XXVIII of the Colorado Constitution, are adjusted as follows:
- a. (I) ~~Three thousand one hundred seventy five dollars (\$3,175)~~ per year at the state, county, district, and local level combined; and
  - b. (II) Of such, no more than ~~two thousand six hundred fifty dollars (\$2,650)~~ at the state level.
- ~~12.6~~ E. The aggregate limits on contributions from a small donor committee to a political party, described in section 3(3)(b), Article XXVIII of the Colorado Constitution, are adjusted as follows:
- a. (I) ~~Fifteen thousand nine hundred dollars (\$15,900)~~ per year at the state, county, district, and local level combined; and
  - b. (II) Of such, no more than ~~thirteen thousand two hundred fifty dollars (\$13,250)~~ at the state level.

- ~~12.7~~ F. The aggregate limits on pro-rata contributions or dues made to political committees, described in section 3(5), Article XXVIII of the Colorado Constitution, are adjusted to ~~five hundred twenty-five dollars (\$525)~~ per house of representatives election cycle.
- ~~12.8~~ G. The voluntary spending limits for a candidate described in section 4(1), Article XXVIII of the Colorado Constitution are adjusted as follows:
- ~~a.~~ (I) The spending limit for governor, and governor and lieutenant governor as joint candidates under SECTION 1-1-104, C.R.S., or any successor section shall be adjusted to ~~two million six hundred fifty thousand dollars (\$2,650,000)~~.
  - ~~b.~~ (II) The spending limit for a candidate for secretary of state, attorney general, or treasurer shall be adjusted to ~~five hundred thirty thousand dollars (\$530,000)~~.
  - ~~c.~~ (III) The spending limit for a candidate for state senate shall be adjusted to ~~ninety-five thousand four hundred dollars (\$95,400)~~.
  - ~~d.~~ (IV) The spending limit for a candidate for state house of representatives, state board of education, regent of the university of Colorado or district attorney shall be adjusted to ~~sixty-eight thousand, nine hundred dollars (\$68,900)~~.

Rule 13 is amended as follows:

13. Personal Financial Disclosures [~~C.R.S. 1-45-110, C.R.S. 24-6-202~~ SECTIONS 1-45-110 AND 24-6-202, C.R.S., Colorado Constitution Article XXVIII, Section 10-(2)]
- ~~13.1~~ A. In accordance with the disclosure requirements set forth in section ~~1-45-110-(2)(a)~~ and (b), C.R.S., a candidate shall not be required to file a disclosure statement if the candidate filed either a complete or amended disclosure statement less than ~~ninety~~ 90 days prior to filing a candidate affidavit.
- ~~13.2~~ B. If a candidate affidavit is filed ~~ninety~~ 90 days or more after filing a disclosure statement, an amended disclosure statement shall satisfy the disclosure requirements. AN AMENDED DISCLOSURE STATEMENT SHALL ALSO SATISFY THE DISCLOSURE REQUIREMENTS IF AN INDIVIDUAL FILES A CANDIDATE AFFIDAVIT FOR A SECOND OFFICE, AS LONG AS ALL NECESSARY AMENDED STATEMENTS HAVE BEEN FILED SINCE THE FILING OF THE ORIGINAL DISCLOSURE STATEMENT.
- ~~13.3~~ C. If a candidate withdraws from candidacy by submitting appropriate documentation before filing the disclosure statement required in section ~~1-45-110-(2)(a)~~, C.R.S., such candidate shall not be required to file a disclosure statement, but any fines that the candidate accrued, for failure to file a disclosure statement prior to withdrawing shall remain in effect.

These new and amended rules shall become temporarily effective on March 15<sup>th</sup>, 2011 and will become permanently effective 20 days after publication in the Colorado Register in accordance with the State Administrative Procedures Act. In accordance with section 24-4-103(6), C.R.S (2010), attached is a statement of the findings of the Secretary of State justifying the adoption of this rule on a temporary basis. A written Statement of Basis, Purpose and Specific Statutory Authority is attached and hereby incorporated herein by reference.

Dated this 3<sup>rd</sup> day of March, 2011,



William A. Hobbs  
William A. Hobbs  
Deputy Secretary of State

For

Scott Gessler  
Colorado Secretary of State



## Statement of Basis, Purpose and Specific Statutory Authority

### Office of the Secretary of State Rules Concerning Campaign and Political Finance

March 3, 2011

#### I. Basis and Purpose

This statement pertains to the amendments to the Colorado Secretary of State "Rules Concerning Campaign and Political Finance." The amendments and revisions to these rules are necessary to achieve the uniform and proper administration and enforcement of the campaign and political finance laws of the State of Colorado, including Article XXVIII of the Colorado Constitution and Article 45, Title 1 of the Colorado Revised Statutes. In particular, the Secretary of State finds that the adoption and enactment of the amendments is necessary to comply with the requirements set forth in Article XXVIII, Section 3(13), concerning adjustments to campaign contribution limits. Additionally, the rule amendments are necessary to answer questions arising under Article XXVIII of the Colorado Constitution and Article 45 of Title 1, Colorado Revised Statutes.

The adoption of specific amendments to the Rules Concerning Campaign and Political Finance is necessary as follows:

- Amendments to Rule 6.3 are necessary to reflect a change in the name of a state agency and to make technical corrections to the rule for consistency.
- Amendments to Rule 8.1 clarify campaign finance filing requirements for candidates in special district elections when such elections are cancelled.
- Amendments to Rule 12 are made to reflect contribution limits adjusted for inflation over the previous four years as required by section 3(13), Article XXVIII of the Colorado Constitution. A worksheet of the inflationary calculation adjustment, based upon the percentage change over a four year period, is attached and incorporated by reference. Additional amendments are necessary to make technical corrections to the rule for consistency.
- Amendments to Rule 13 clarify requirements for filing personal financial disclosures in accordance with section 1-45-110, C.R.S. for incumbents who elect to run for a second office.

#### II. Rulemaking Authority

Amendments to the Colorado Secretary of State "Rules Concerning Campaign and Political Finance" are adopted pursuant to the following statutory and constitutional provisions:

1. 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].”

2. Section 1-1-107(2)(a), C.R.S., (2010), 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”
3. Section 1-45-111.5(1), C.R.S., (2010), which requires the Secretary of State to “promulgate such rules, in accordance with article 4 of title 24, C.R.S., as may be necessary to enforce and administer any provision of [article 45 of title 1, C.R.S.]”



## **Statement of Justification and Reasons for Adoption of Temporary Rules**

### **Office of the Secretary of State Rules Concerning Campaign and Political Finance**

March 3, 2011

#### **Amended Rules: 6.3, 8.1, 12, and 13**

Under Article XXVIII, Section 9(1)(b), Colorado Constitution, the Secretary of State has the power 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 XXVIII of the Colorado Constitution].” In addition, section 1-45-111.5(1), C.R.S., (2010), authorizes the Secretary of State to “promulgate such rules...as may be necessary to administer and enforce any provision of [Article 45 of Title 1 of the Colorado Revised Statutes].”

A public rulemaking hearing was conducted in accordance with section 24-4-103(4)(a), C.R.S., (2010), on February 24, 2011 to receive comment and testimony on the proposed rules. The Secretary of State finds that certain amendments to the existing Rules Concerning Campaign and Political Finance must be adopted and effective March 15<sup>th</sup>, 2011 to ensure the uniform and proper administration and enforcement of the campaign and political finance laws of the State of Colorado, including Article XXVIII of the Colorado Constitution and Article 45, Title 1 of the Colorado Revised Statutes. The amendments are also necessary to comply with law and to preserve the public welfare generally. Specifically, section 3(13), Article XXVIII of the Colorado Constitution, requires that contribution limit adjustments for inflation over the previous four years must take effect in the first quarter of this year.

Therefore, in accordance with section 24-4-103(6), C.R.S. (2010), the Secretary of State finds that the amendments to existing Rules Concerning Campaign and Political Finance is “imperatively necessary to comply with a state or federal law or federal regulation or for the preservation of public health, safety, or welfare and compliance with the requirements of this section would be contrary to the public interest.”

