



Notice of Proposed Rulemaking

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

June 15, 2016

I. Hearing Notice

As required by the State Administrative Procedure Act,¹ the Secretary of State gives notice of proposed rulemaking. The hearing is scheduled for **July 26, 2016 from 9:00 a.m. - 11:00 a.m.** in the Aspen Conference Room on the 3rd floor of the Secretary of State's Office at 1700 Broadway, Denver, Colorado 80290.

II. Subject

The Secretary is considering a corrective amendment to the rules concerning campaign and political finance² to improve the administration and enforcement of Colorado campaign finance law.³

Specifically, the Secretary is considering rule revisions necessary to ensure proper administration of legislation recently passed by the Colorado General Assembly; establish uniformity in the administration of current law; eliminate obsolete provisions; remove rules stricken by the courts; remove references to repealed statutory provisions; simplify the language of existing rules; remove language that is duplicative of statute or constitutional provisions; and ensure consistency with Department rulemaking standards. The Secretary may consider additional rule amendments.

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

III. Rulemaking authority

The Secretary proposes the rule revisions and amendments in accordance with the following statutory and constitutional provisions:

¹ Section 24-4-103(3)(a), C.R.S. (2015).

² 8 CCR 1505-CCR 6.

³ Article 45 of Title 1, C.R.S. (2015).

- 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., (2015), 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 1-45-108(2)(c), C.R.S., (2015), 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 1-45-109(5), C.R.S., (2015), which authorizes the Secretary of State to “promulgate rules necessary for the implementation of [the electronic campaign finance filing system, TRACER].”
- Section 1-45-109(6)(a), C.R.S., (2015), which authorizes the Secretary of State to promulgate rules for the use of the electronic campaign finance filing system, TRACER.
- Section 1-45-111.5(1), C.R.S., (2015), which authorizes 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].”

IV. Copies of draft rules

A preliminary draft of the proposed rules is posted on the Secretary of State’s rules and notices of rulemaking website at:

http://www.sos.state.co.us/pubs/rule_making/hearings/2016/CPFRulesHearing20160726.html

You may also contact our office to request a paper or editable electronic copy of the draft rules.

As required by the State Administrative Procedures Act,⁴ if changes are made before the hearing, revised proposed draft rules will be available to the public and posted on the website by July 21, 2016.

⁴ Section 24-4-103(3)(a), C.R.S. (2015). “Any proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing.”

V. Opportunity to testify and submit written comments

The Secretary values your feedback in our rulemaking process and we would very much like to hear your thoughts on the proposed amendments. Please review and consider the attached proposed draft rules.

Everyone will have the opportunity to testify and provide written comment concerning the rule amendments. To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

You may submit written comments by mail, email, or in person to our office any time before the hearing. If you attend the hearing, you may submit written comments to the hearing panel as well. Additional opportunity to comment in writing may be announced at the conclusion of the hearing.

All written comments will be posted online at the Secretary of State website at: http://www.sos.state.co.us/pubs/rule_making/hearings/2016/CPFRulesHearing20160726.html. We will redact contact information, including home address, email address, and telephone number(s), from submissions before posting the information online, unless otherwise directed by the contributor.

VI. Broadcast and audio recording of hearing

If you are unable to attend the hearing, you may listen to the live broadcast from the Aspen Conference Room online at www.sos.state.co.us/pubs/info_center/audioBroadcasts.html. After the hearing, visit the same website and click on "archived recordings" to access an audio recording of the hearing.

VII. Office contact

If you have any questions or would like to submit written comments, please contact Andrea Gyger with the Administration Division at SoS.Rulemaking@sos.state.co.us or (303) 894-2200 ext. 6329.

Dated this 15th Day of June, 2016.



Suzanne Staiert
Deputy Secretary of State

For

Wayne W. Williams
Colorado Secretary of State



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

June 15, 2016

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 1.1 to insert missing quotation mark.
- Amendments to Rule 1.3 to add small-scale issue committee in accordance with Senate Bill 16-186.
- Amendments to Rule 1.7 to add a filing schedule in accordance with House Bill 16-1282.
- Amendments to Rule 1.8.2 to correct a capitalization error.
- Amendments to Rule 2.2.4(b) to remove language that is duplicative of the Colorado Constitution and to maintain consistency with Campaign Finance Rule 10.6.
- New Rule 2.4.4 to establish procedures for filing of personal financial disclosures.
- Amendments to Rule 3.1 to add small-scale issue committees in accordance with Senate Bill 16-186.
- Repeal of Rule 4.1 as obsolete.
- New Rule 4.4 to ensure the proper administration of Senate Bill 16-186 regarding small-scale issue committees.

¹ 8 CCR 1505-CCR 6.

² Article 45 of Title 1, C.R.S. (2015).

- Amendments to Rule 8.1.3 to add small-scale issue committees in accordance with Senate Bill 16-186.
- Amendments to Rule 9.2.1 to clarify procedures for registered agents of candidate committees.
- New Rule 9.3 regarding deceased candidates with candidate committees in TRACER.
- Amendments to Rules 10.2 and 10.3 to add small-scale issue committees in accordance with Senate Bill 16-186.
- Amendments to Rule 10.7.2 to clarify the term “anonymous contribution.”
- Amendments to Rule 10.14.2 to sync the language of the rule to the language used in TRACER.
- Amendments to Rules 11.2, 11.3, and 11.4 to ensure the proper administration of House Bill 16-1282.
- Amendments to Rules 15.1, 15.2, 15.3, and 15.4 to clarify the filing schedules for recall elections and to ensure the proper administration of Senate Bill 16-186.
- Amendments to Rule 17.1 to add small-scale issue committees in accordance with Senate Bill 16-186.
- Amendments to Rule 17.2.2 to ensure the proper administration of House Bill 16-1282.
- Amendments to Rule 17.2.4 to correct punctuation errors.
- Amendments to Rule 17.6 to add small-scale issue committees in accordance with Senate Bill 16-186.
- New Rule 18.1.1(c) to clarify one aspect of the campaign finance penalty waiver system.
- Repeal of Rules 18.2 and 18.3 as duplicative of the Colorado Constitution or statute and obsolete.
- Amendments to Rule 20.1 clarifying the Secretary’s rule on redaction of sensitive information.

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., (2015), 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 1-45-108(2)(c), C.R.S., (2015), 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 1-45-109(5), C.R.S., (2015), which authorizes the Secretary of State to “promulgate rules necessary for the implementation of [the electronic campaign finance filing system, TRACER].”
- Section 1-45-109(6)(a), C.R.S., (2015), which authorizes the Secretary of State to promulgate rules for the use of the electronic campaign finance filing system, TRACER.
- Section 1-45-111.5(1), C.R.S., (2015), which authorizes 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].”

Preliminary Draft of Proposed Rules

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

June 15, 2016

Disclaimer:

In accordance with the State Administrative Procedure Act, this draft is filed with the Secretary of State and submitted to the Department of Regulatory Agencies.¹

This is a preliminary draft of the proposed rules that may be revised before the July 26, 2016 rulemaking hearing. If changes are made, a revised copy of the proposed rules will be available to the public and a copy will be posted on the Department of State’s website no later than **July 21, 2016**.²

Please note the following formatting key:

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

1 *Amendments to 8 CCR 1505-6 follow:*

2 *Amendments to Rule 1.1 (insert quotation marks):*

3 1.1 “Ballot measure” means ballot issue or ballot question.

4 *Amendments to Rule 1.3:*

5 1.3 “Committee” as used generally in these rules includes candidate committee, political
6 committee, small donor committee, issue committee, SMALL-SCALE ISSUE COMMITTEE,
7 independent expenditure committee, political party, and political organization.

8 *Amendments to Rule 1.7:*

9 1.7 “Frequent filing schedule” means:

¹ Sections 24-4-103(2.5) and (3)(a), C.R.S. (2015). A draft must be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

² Section 24-4-103(4)(a), C.R.S. (2015). “[A]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing.”

- 1 1.7.1 For state candidates and committees, the filing schedule outlined in sections 1-45-
2 108 (2)(a)(I)(B), (2)(a)(I)(C), (2)(a)(I)(D), and (2)(a)(I)(E), C.R.S.; and
- 3 1.7.2 For a county, municipal, and special district candidate or committee, the filing
4 schedule outlined in section 1-45-108 (2)(a)(II), C.R.S.; AND
- 5 1.7.3 FOR POLITICAL COMMITTEES, SMALL DONOR COMMITTEES, INDEPENDENT
6 EXPENDITURE COMMITTEES, AND POLITICAL ORGANIZATIONS PARTICIPATING IN A
7 REGULAR BIENNIAL SCHOOL ELECTION, THE FILING SCHEDULE OUTLINED IN
8 SECTIONS 1-45-108(2)(A)(I)(C), (2)(A)(I)(D), AND (2)(A)(I)(E), C.R.S.

9 *Amendments to Rule 1.8.2 (capitalization correction):*

- 10 1.8.2 For A-A county, municipal, or special district candidate or committee, the annual
11 filing schedule outlined in section 1-45-108(2)(a)(II), C.R.S.

12 *Amendments to Rule 2.2.4(b) concerning managing unexpended campaign contribution for a*
13 *candidate committee:*

- 14 (b) Candidates seeking re-election to the same office

15 (1) A candidate committee may retain contributions to use in a
16 subsequent election cycle for the same public office, in an amount
17 not to exceed the limit in Colo. Const. Article XXVIII, Section
18 3(3) (as adjusted by Rule 10.16).

19 ~~(2) A candidate committee may not list unexpended campaign~~
20 ~~contributions retained for use in a subsequent election cycle~~
21 ~~expressly on disclosure reports as “contributions from a political~~
22 ~~party” or as contributions from any specific political party. [Colo.~~
23 ~~Const. Article XXVIII, Section 3(3)(e)]~~

24 ~~(3)~~(2) If a candidate committee retains contributions to use in a
25 subsequent election cycle for the same office, the amount retained
26 counts toward the limit on contributions from a political party. A
27 candidate committee must return contributions it receives in excess
28 of the political party limit within ~~30~~TEN days.

29 *New Rule 2.4.4 concerning personal financial disclosures:*

- 30 2.4.4 PERSONAL FINANCIAL DISCLOSURES MAY BE SUBMITTED BY FAX OR EMAIL AND ARE
31 CONSIDERED TIMELY IF RECEIVED BY 11:59 P.M. MT ON THE DATE DUE.

32 *Amendments to Rule 3.1 concerning political committees and small donor committees:*

- 33 3.1 A political committee or small donor committee may not make contributions to an issue
34 committee OR SMALL-SCALE ISSUE COMMITTEE, except to the extent that a contribution is

1 for the purchase of items such as event tickets, merchandise, or services. [Colo. Const.
2 Article XXVIII, Section 2(12)(a)]

3 *Amendments to Rule 4 concerning issue committees:*

4 ~~4.1~~ An issue committee must provide the committee's fund balance on the date of committee
5 registration as a "beginning balance" on the committee's initial Report of Contributions
6 and Expenditures.

7 ~~4.2~~ 4.1 An issue committee may support or oppose more than one ballot measure if the
8 committee registration form states each measure, describes each measure, and states
9 whether the committee supports or opposes the measure.

10 [Colo. Const. Article XXVIII, Section 2(10)(a)(I) and (2)(10)(a)(II)]

11 ~~4.3~~ 4.2 If an issue committee supports or opposes a ballot measure on an upcoming ballot, the
12 issue committee must file on a frequent filing schedule. See Rule 17.2.3.

13 4.4.4.3 Termination. An issue committee may file a termination report at any time if the
14 following conditions are met:

15 ~~4.4.1~~ 4.3.1 The committee no longer has a major purpose of supporting or opposing a
16 ballot measure and no longer intends to accept or make contributions or
17 expenditures to support or oppose a ballot issue or ballot question; and

18 ~~4.4.2~~ 4.3.2 The committee's TRACER account reflects no cash on hand and no
19 outstanding debts, obligations, or penalties.

20 4.4 SMALL-SCALE ISSUE COMMITTEES

21 4.4.1 A SMALL-SCALE ISSUE COMMITTEE MAY SUPPORT OR OPPOSE MORE THAN ONE
22 BALLOT MEASURE IF THE COMMITTEE REGISTRATION FORM STATES EACH MEASURE,
23 DESCRIBES EACH MEASURE, AND STATES WHETHER THE COMMITTEE SUPPORTS OR
24 OPPOSES THE MEASURE.

25 [COLO. CONST. ARTICLE XXVIII, SECTION 2(10)(A)(I) AND (2)(10)(A)(II)]

26 4.4.2 THE NOTIFICATION REQUIRED BY SECTION 1-45-108(1.5)(C)(III), C.R.S. MUST BE
27 SUBMITTED ON THE FORM PROVIDED BY THE SECRETARY OF STATE.

28 4.4.3 THE DISCLOSURE REPORT REQUIRED BY SECTION 1-45-108(1.5)(C)(I), C.R.S., MUST
29 BE FILED WITH THE APPROPRIATE OFFICER WITHIN FIVE CALENDAR DAYS AFTER
30 NOTIFICATION TO THE APPROPRIATE OFFICER THAT THE SMALL-SCALE ISSUE
31 COMMITTEE QUALIFIES AS AN ISSUE COMMITTEE UNDER SECTION 1-45-
32 108(1.5)(C)(III), C.R.S.

33 4.4.4 UPON CONVERSION OF A SMALL-SCALE ISSUE COMMITTEE TO AN ISSUE COMMITTEE,
34 THE ISSUE COMMITTEE'S FIRST REPORT OF CONTRIBUTIONS AND EXPENDITURES

1 MUST REFLECT THE SMALL-SCALE ISSUE COMMITTEE’S FUNDS ON HAND AS A
2 BEGINNING BALANCE.

3 4.4.5 A SMALL-SCALE ISSUE COMMITTEE MAY TERMINATE BY FILING AN AFFIRMATION
4 INDICATING THE COMMITTEE HAS NO OUTSTANDING DEBTS OR OBLIGATIONS AND
5 WISHES TO TERMINATE.

6 4.4.6 A SMALL-SCALE ISSUE COMMITTEE REQUIRED TO REGISTER UNDER SECTION 1-45-
7 108(1.5), C.R.S. MAY REGISTER AND REPORT AS AN ISSUE COMMITTEE AT ANY
8 TIME.

9 *Amendments to Rule 8.1.3 concerning committee registration:*

10 8.1.3 An issue committee OR SMALL-SCALE ISSUE COMMITTEE must identify the ballot
11 measure it will support or oppose, if known. If particular ballot measures are not
12 known, the issue committee OR SMALL-SCALE ISSUE COMMITTEE must identify the
13 policy position it will support or oppose.

14 *Amendments to Rule 9.2 concerning resignation of the registered agent:*

15 9.2.1 A committee may assign a new registered agent by filing an amended committee
16 registration. FOR A CANDIDATE COMMITTEE, UPON RESIGNATION OF THE
17 REGISTERED AGENT THE CANDIDATE BECOMES THE REGISTERED AGENT UNTIL A
18 NEW AGENT IS ASSIGNED. FOR ALL OTHER COMMITTEES, THE A registered agent’s
19 name remains on file until the committee assigns a new registered agent.

20 *New Rule 9.3 concerning registered agent:*

21 9.3 IN THE CASE OF A CANDIDATE WHO IS THE REGISTERED AGENT FOR A CANDIDATE
22 COMMITTEE, IF THE SECRETARY OF STATE RECEIVES VERIFIABLE INFORMATION IN WRITING
23 THAT THE CANDIDATE IS DECEASED, THE SECRETARY OF STATE MAY IMMEDIATELY
24 TERMINATE THE CANDIDATE COMMITTEE IN TRACER.

25 *Amendments to Rules 10.2 and 10.3 concerning managing contributions and expenditures:*

26 10.2 Except for independent expenditure committees AND SMALL-SCALE ISSUE COMMITTEES,
27 committees must report contributions as follows:

28 *[Subsequent rules remain; unaltered]*

29 10.3 Except for independent expenditure committees AND SMALL-SCALE ISSUE COMMITTEES,
30 committees must report expenditures as follows:

31 *[Subsequent rules remain; unaltered]*

32 *Amendments to Rule 10.7.2 concerning contributions by anonymous contributor:*

1 10.7.2 Anonymous contributions are contributions where the identity of the contributor
2 OR OTHER REQUIRED REPORTING INFORMATION is unknown.

3 *Amendments to Rule 10.14.2 concerning other income:*

4 10.14.2 A committee must disclose all interest or dividends earned on its bank
5 account, earned income from a commercially reasonable transaction, or transfers
6 of money within a political party as other income on the committee's reports. ~~This~~
7 ~~"THESE other income" is~~ RECEIPTS ARE not subject to contribution limits.

8 *Amendments to Rules 11.2 through 11.4 concerning electioneering communications:*

9 11.2 Any person who expends \$1,000 or more per calendar year on electioneering
10 communication OR REGULAR BIENNIAL SCHOOL ELECTIONEERING COMMUNICATION must
11 include the method of communication on the electioneering report.

12 11.3 Persons making electioneering communications OR REGULAR BIENNIAL SCHOOL
13 ELECTIONEERING COMMUNICATIONS must maintain all financial records for 180 days after
14 the general election OR REGULAR BIENNIAL SCHOOL ELECTION, AS APPLICABLE. If a
15 complaint is filed against the person making electioneering communications OR REGULAR
16 BIENNIAL SCHOOL ELECTIONEERING COMMUNICATIONS, the person must maintain financial
17 records until final disposition of the complaint and any resulting litigation.

18 11.4 Electioneering communication reports must include the name of the candidate(s)
19 unambiguously referred to in the electioneering communication ~~in the electioneering~~
20 ~~report~~ OR REGULAR BIENNIAL SCHOOL ELECTIONEERING COMMUNICATION. [Colo. Const.
21 Article XXVIII, Section 2(7)(a)(I)]

22 *Amendments to Rules 15.1 through 15.4 concerning recall elections:*

23 15.1 The recall election cycle begins on the date the recall petition is approved for circulation
24 by the designated election official and ends on the last day of the final reporting period
25 following the date of the recall election as defined in Rule 15.2.2.

26 15.1.1 If a recall petition is determined to be insufficient, the recall election cycle ends
27 ~~30-25~~ days after the time for protest and final disposition of any protest or appeal
28 of such determination.

29 15.1.2 If a recall election is canceled for any other reason, the recall election cycle ends
30 ~~30-25~~ days after the deadline for filing the recall election petition, or ~~30-25~~ days
31 after the event that caused the designated election official to cancel the election,
32 whichever is later.

33 15.1.3 If a recall election is canceled, ~~a committee that was~~ ALL COMMITTEES THAT WERE
34 participating in the recall election EXCEPT SMALL-SCALE ISSUE COMMITTEES must
35 file a report five days after the end of the recall election cycle. The ~~end of cycle~~
36 ~~begins~~ REPORTING PERIOD BEGINS on the first day ~~of the month in which the~~
37 ~~election cycle ends and~~ FOLLOWING THE LAST DAY OF THE REPORTING PERIOD FOR

1 THE PREVIOUS REPORT. IF THERE WAS NO PREVIOUS REPORT, THE REPORTING
2 PERIOD BEGINS ON THE DATE THE COMMITTEE REGISTERED. THE REPORTING PERIOD
3 ends on the last day of the election cycle.

4 15.2 ~~Committees~~—EXCEPT FOR ISSUE COMMITTEES AND SMALL-SCALE ISSUE COMMITTEES,
5 COMMITTEES participating in a recall election must file reports on the fifth day of every
6 month until disclosure under section 1-45-108(2.7), C.R.S. AND RULE 15.5; begins.

7 15.2.1 The initial reporting period for committees formed for the purpose of the recall
8 election begins on the date the committee registers with the appropriate filing
9 office.

10 15.2.2 Subsequent reporting periods for a committee participating in the recall election
11 begin on the first day of each month and end on the last day of that month, except
12 that the final reporting period ends 25 days following the date the recall election
13 was held.

14 15.2.3 All other committees ~~participating in the recall election~~—WHOSE ORIGINAL
15 FORMATION WAS NOT FOR THE PURPOSE OF SUPPORTING OR OPPOSING A RECALL
16 MEASURE must notify the appropriate officer within ten days after deciding ~~they~~
17 ~~will~~ TO support or oppose ~~the~~ A recall or support or oppose a successor candidate.
18 Once notified, the appropriate officer will place the committee on the recall filing
19 calendar until the end of the recall election cycle.

20 15.3 The incumbent in a recall election is not a candidate for the successor election and may
21 open an issue committee OR SMALL-SCALE ISSUE COMMITTEE to oppose the recall.

22 15.4 The aggregate contribution limits specified for a general election in Colo. Const. Article
23 XXVIII, Section 3, AS ADJUSTED BY THESE RULES, apply to the recall election with
24 respect to each successor candidate.

25 *Amendments to Rule 17.1 concerning filing calendars and reporting periods:*

26 17.1 A committee other than a political organization OR SMALL-SCALE ISSUE COMMITTEE must
27 file a disclosure report for every reporting period, even if the committee has no activity to
28 report during the reporting period.

29 *Amendments to Rule 17.2.2 concerning filing schedules:*

30 17.2.2 A political committee, small donor committee, political party, independent
31 expenditure committee, or political organization files on:

32 (a) A frequent filing schedule during any year in which a general election
33 occurs AND, IF PARTICIPATING IN A REGULAR BIENNIAL SCHOOL ELECTION,
34 IN ANY YEAR IN WHICH A BIENNIAL SCHOOL ELECTION OCCURS.

- 1 (b) An infrequent filing schedule during any year in which no general election
2 occurs, EXCEPT IF THE COMMITTEE IS PARTICIPATING IN A REGULAR
3 BIENNIAL SCHOOL ELECTION.

4 *Rule 17.2.4 punctuation correction:*

5 17.2.4 An issue committee must notify the Secretary of State within ten days after
6 deciding that it will support or oppose; a ballot measure on an upcoming ballot.

7 *Amendments to Rule 17.6:*

8 17.6 The following must file with the municipal clerk: A candidate in a municipal election, a
9 candidate committee, a political committee supporting or opposing a municipal
10 candidate, an issue committee OR SMALL-SCALE ISSUE COMMITTEE supporting or opposing
11 a municipal ballot issue or ballot question, an independent expenditure committee
12 supporting or opposing a municipal candidate, and a small donor committee making
13 contributions to a municipal candidate. [Section 1-45-109(1)(b), C.R.S.]

14 *New Rule 18.1.1(c) concerning requests for waiver or reduction of campaign finance penalties:*

- 15 (C) PAYMENT OF THE PENALTY FOR WHICH A WAIVER HAS BEEN REQUESTED
16 VOIDS THE REQUEST.

17 *Rules 18.2 and 18.3 are repealed and subsequent rules are renumbered accordingly:*

18 ~~18.2—Cure period for violations discovered by the appropriate officer~~

19 ~~18.2.1 If the appropriate officer, as defined in Colo. Const. Article XXVIII, Section 2(1),~~
20 ~~discovers in the ordinary course of his or her duties in maintaining a campaign~~
21 ~~finance filing system a possible violation of Colo. Const. Article XXVIII or~~
22 ~~Article 45 of Title 1, C.R.S., and no complaint alleging such violation has been~~
23 ~~filed under Colo. Const. Article XXVIII, Section 9(2)(a), then the appropriate~~
24 ~~officer may:~~

- 25 ~~(a) Provide the person believed to have committed the violation with written~~
26 ~~notice of the facts or conduct that constitute the possible violation, and~~

- 27 ~~(b) Allow 15 business days to correct the violation or to submit written~~
28 ~~statements explaining the reasons that support a conclusion that a violation~~
29 ~~was not committed.~~

30 ~~18.2.2 No cure period under this rule applies to late filings of campaign finance reports~~
31 ~~subject to penalties under Colo. Const. Article XXVIII, Section 10(2)(a).~~

32 ~~18.3—If, within the time allotted under Rule 18.2, the person fails to correct the violation or to~~
33 ~~offer a satisfactory explanation, then the appropriate officer may file a complaint under~~
34 ~~Colo. Const. Article XXVIII, Section 9(2)(a).~~

1 ~~18.4~~18.2 Written complaints.

2 ~~18.4.1~~18.2.1 A written complaint filed under Colo. Const. Article XXVIII, Section
3 9(2)(a) must include the Secretary of State’s complaint cover sheet, and must
4 include the following information:

5 (a) The name, address, and signature of the complainant (if the complainant is
6 represented by counsel, include the counsel’s name, address, and
7 signature);

8 (b) The name and address of each person alleged to have committed a
9 violation; and

10 (c) The particulars of the violation.

11 ~~18.4.2~~18.2.2 If an incomplete complaint is received, the date on which the originally
12 filed complaint was received is considered the filed date for purposes of Colo.
13 Const. Article XXVIII, Section 9(2)(a), if a complete copy is received within ten
14 days of notification from the Secretary of State that the complaint was
15 incomplete.

16 ~~18.4.3~~18.2.3 Any person may submit a complaint by fax or electronic mail if a signed
17 original is received by the Secretary of State no later than five calendar days
18 thereafter. If the complaint is complete, the Secretary of State will promptly
19 transmit the complaint to the Office of Administrative Courts in the Department
20 of Personnel and Administration for consideration by an Administrative Law
21 Judge, which will notify the respondents of the filing of the complaint and which
22 will issue all other appropriate notices to the parties. [Colo. Const. Article
23 XXVIII, Section 9(2)(a)]

24 ~~18.5~~18.3 The Secretary of State may enforce the decision of the Administrative Law Judge.
25 The Secretary of State will not enforce the decision of the Administrative Law Judge
26 during the pendency of any appeal of the decision, unless or until the appeal is exhausted
27 or the decision is upheld by the court of appeals. [Colo. Const. Article XXVIII, Section
28 9(2)(a).]

29 *Amendments to Rule 20.1 concerning redaction of sensitive information:*

30 20.1 Any person who believes their safety or the safety of an immediate family member may
31 be in jeopardy as a result of information disclosed on any campaign finance registration
32 or report, PERSONAL FINANCIAL DISCLOSURE, OR GIFT AND HONORARIA REPORT filed with
33 the Secretary of State ~~under Article 45 of Title 1, C.R.S.~~, may apply to the Secretary of
34 State to redact sensitive personal information from the online versions of such report(s).

35