



Notice of Temporary Adoption

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

March 29, 2019

I. Adopted Rule Amendments

As authorized by the Colorado Constitution¹, Colorado campaign finance law², and the State Administrative Procedure Act³, the Colorado Secretary of State gives notice that the following amendments to rules concerning campaign and political finance⁴ are adopted on a temporary basis and immediately effective. (SMALL CAPS indicate proposed additions to the current rules. ~~Stricken type~~ indicates proposed deletions from current rules. *Annotations* may be included):

Amendments to Rule 10.17 regarding campaign finance contribution limits:

10.17 Current adjusted limits

10.17.1 Adjusted limits made in the first quarter of ~~2015-2019~~ and effective until the next adjustment is made in ~~2019-2023~~:

- (a) There is no adjustment to the contribution limits on individual donations to small donor committees outlined in Article XXVIII, Section 2(14).
- (b) The aggregate limits on contributions from any person for a primary or a general election, described in Colo. Const. Article XXVIII, Section 3(1), are adjusted as follows:
 - (1) ~~\$575-625~~ to any one:
 - (A) Governor candidate committee for the primary election, and Governor 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;
 - (B) Secretary of State, State Treasurer, or Attorney General candidate committee.

¹ Article XXVIII, Section 9(1)(b) of the Colorado Constitution.

² Article 45 of Title 1, C.R.S. (2018).

³ Section 24-4-103, C.R.S. (2018).

⁴ 8 CCR 1505-6.

- (2) 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 Colo. Const. Article XXVIII, Section 3(2), are adjusted as follows:
 - (1) ~~\$6,425~~-6,750 to any one:
 - (A) 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;
 - (B) Secretary of State, State Treasurer, or Attorney General candidate committee; and
 - (2) ~~\$2,425~~-2,675 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 Colo. Const. Article XXVIII, Section 3(3)(a), are adjusted as follows:
 - (1) ~~\$3,650~~-4,025 per year at the state, county, district, and local level combined; and
 - (2) Of such, no more than ~~\$3,050~~-3,350 at the state level.
 - (e) The aggregate limits on contributions from a small donor committee to a political party, described in Colo. Const. Article XXVIII, Section 3(3)(b), are adjusted as follows:
 - (1) ~~\$18,425~~-20,325 per year at the state, county, district, and local level combined; and
 - (2) Of such, no more than ~~\$15,350~~-16,925 at the state level.
 - (f) The aggregate limits on pro-rata contributions or dues made to political committees, described in Colo. Const. Article XXVIII, Section 3(5), are adjusted to ~~\$575~~-625 per house of representatives election cycle.
 - (g) This table contains the contribution limits listed in subsections (a)-(g).

Contributor:

Recipient	Natural Person	Person, other than a natural person	Political committee	Small donor committee	Political party
Political committee	\$575-625 per election cycle	\$575-625 per election cycle	\$575-625 per election cycle	\$575-625 per election cycle	\$575-625 per election cycle
Small donor committee	\$50 per year	Prohibited	Prohibited	Prohibited	Prohibited
Governor (governor & lt. governor)	\$575-625 per election cycle*	\$575-625 per election cycle*	\$575-625 per election cycle*	\$6,125 6,750 per election cycle*	\$615,075 679,025 per election cycle
Secretary of state, state treasurer, attorney general	\$575-625 per election cycle*	\$575-625 per election cycle*	\$575-625 per election cycle*	\$6,125 6,750 per election cycle*	\$123,000 135,775 per election cycle
State senate	\$200 per election cycle*	\$200 per election cycle*	\$200 per election cycle*	\$2,425 2,675 per election cycle*	\$22,425 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*	\$2,425 2,675 per election cycle*	\$15,975 17,625 per election cycle
Political party	\$3,650 4,025 (\$3,050 3,350 at the state level) per year	\$3,650 4,025 (\$3,050 3,350 at the state level) per year	\$3,650 4,025 (\$3,050 3,350 at the state level) per year	\$18,425 20,325 (\$15,350 16,925 at the state level) per year	Transfers within a party may be made without limitation.

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

- (h) The voluntary spending limits for a candidate described in Colo. Const. Article XXVIII, Section 4(1), are adjusted as follows:
- (1) 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 is adjusted to ~~\$3,075,450~~ 3,395,275.
 - (2) The spending limit for a candidate for Secretary of State, Attorney General, or Treasurer is adjusted to ~~\$615,075~~ 679,025.
 - (3) The spending limit for a candidate for State Senate is adjusted to ~~\$140,700~~ 122,200.
 - (4) The spending limit for a candidate for State House of Representatives, State Board of Education, Regent of the University of Colorado, or any District Attorney is adjusted to ~~\$79,925~~ 88,225.

Candidate	Voluntary Spending Limit
Governor, and Governor and Lieutenant Governor as joint candidates	\$3,075,450-3,395,275
Secretary of State, Attorney General, or State Treasurer	\$615,075-679,025
State Senate	\$110,700-122,200
State House of Representatives, State Board of Education, Regent of the University of Colorado, or District Attorney	\$79,925-88,225

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. Statement of Justification and Reasons for Adoption of Temporary Rules

A statement of the Secretary of State’s findings to justify the immediate adoption of the amended rules on a temporary basis follows this notice and is incorporated by reference.⁵

IV. Effective Date of Adopted Rules

The amended rules are immediately effective on a temporary basis.

Dated this 29th day of March, 2019,

Jenny Flanagan
Deputy Secretary of State

For

Jena Griswold
Colorado Secretary of State

⁵ Section 24-4-103(6), C.R.S. (2018).



Statement of Basis, Purpose, and Specific Statutory Authority

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

March 29, 2019

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 10.17 are necessary to comply with the requirements of Article XXVIII, Section 3(13) of the Colorado Constitution. The Constitution requires contribution limits to be adjusted for inflation every four years beginning in the first quarter of 2007. The Secretary of State's Office must calculate this adjustment and specify the new limits in rule.

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."
- 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]."

¹ 8 CCR 1505-CCR 6.

² Article 45 of Title 1, C.R.S. (2018).

- Section 1-1-107(2)(a), C.R.S., (2018), 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.”



Statement of Justification and Reasons for Adoption of Temporary Rules

Office of the Secretary of State
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March 29, 2019

Amended Rule: 10.17

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 2019 election cycle. Temporary adoption is necessary both to comply with law and to preserve the public welfare generally.

Adoption of these rules on a temporary basis is necessary to provide clear guidance concerning contribution limits to interested parties, including, but not limited to: candidates, political parties, political organizations, and committees before the end of the 2019 first quarter reporting period. Adoption of these rules on a temporary basis is also necessary to comply with Article XXVIII Section 3(13) of the Colorado Constitution, which requires the Secretary of State to promulgate rules adjusting contribution limits for inflation no later than the first quarter of 2019.

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.²

¹ Article XXVIII, Section 9(1)(b), of the Colorado Constitution and section 1-45-111.5(1), C.R.S. (2018).

² Section 24-4-103(3)(6), C.R.S. (2018).