



NOTICE OF PROPOSED RULEMAKING

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

July 31, 2009

Pursuant to the requirements of section 24-4-103(3)(a), C.R.S., (2008), notice of proposed rulemaking is hereby given by the Secretary of State. A rulemaking hearing will be held on **September 1st, 2009 from 2:00pm to 4:00pm** in the Blue Spruce Conference Room on the second floor of the Office of the Secretary of State at 1700 Broadway, Denver, Colorado 80290. All interested persons will be afforded an opportunity to be heard on the subject of revisions and amendments to the Secretary of State's "Rules Concerning Campaign and Political Finance," 8 CCR 1505-6.

Subject of the Proposed Rulemaking

The Secretary of State will consider amendments and revisions to the Colorado Secretary of State "Rules Concerning Campaign and Political Finance" as may be necessary or appropriate to administer the provisions of Article XXVIII of the Colorado Constitution and Article 45 of Title 1, Colorado Revised Statutes. The Secretary of State shall also consider rules necessary to implement amendments to the campaign and political finance laws made during the 2009 regular session of the 67th General Assembly and such other rule amendments as may be necessary to answer questions arising under Article XXVIII of the Colorado Constitution and Article 45 of Title 1, Colorado Revised Statutes.

Authority for Proposed Rulemaking

Revisions and amendments to the Secretary of State's "Rules Concerning Campaign and Political Finance" [8 CCR 1505-6] are proposed pursuant to the following statutory and constitutional provisions:

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

2. Section 1-1-107(2)(a), C.R.S., (2008), 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., (2008), 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.]”

Copies of the initial draft of the proposed rules may be obtained from the office of the Secretary of State at 1700 Broadway, Suite 270, Denver, Colorado, 80290, or by calling (303) 894-2200, extension 6329. The proposed rules are also posted on the Secretary of State website at www.sos.state.co.us.

A final copy of the proposed rules for consideration at the public rulemaking hearing will be posted on the Secretary of State website and made available to the public no later than **August 27, 2009** in accordance with section 24-4-103(4)(a), C.R.S., (2008), which states that “[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.”

The rulemaking hearing on September 1, 2009 will be held in accordance with section 24-4-103, C.R.S., (2008). Written and oral data, comments, and arguments will be received from all interested parties. Written submissions must be filed at or before the commencement of the hearing on September 1, 2009 at 2:00pm in order to be considered. Oral testimony may be limited in order to allow the proceedings to go forward with reasonable promptness and efficiency. The hearing will be audio recorded and broadcast over the Internet. The broadcast may be accessed through the Secretary of State website at www.sos.state.co.us on the “Information Center” page under “Broadcast and Recorded Meetings.” For additional information, please contact Andrea Gyger, Elections Division at andrea.gyger@sos.state.co.us or (303) 894-2200 ext. 6329.

Dated this 31st Day of July, 2009.



William A. Hobbs
Deputy Secretary of State

For

Bernie Buescher
Colorado Secretary of State



Proposed Statement of Basis, Purpose, and Specific Authority

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

July 31, 2009

1. Basis and Purpose

This statement pertains to the amendments to the Colorado Secretary of State “Rules Concerning Campaign and Political Finance.” The proposed 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. The Secretary of State shall also consider rules necessary to implement amendments to the campaign and political finance laws made during the 2009 regular session of the 67th General Assembly and such other rule amendments as may be necessary to answer questions arising under Article XXVIII of the Colorado Constitution and Article 45 of Title 1, Colorado Revised Statutes.

2. 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:

“Promulgate 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., (2008), which authorizes the Secretary of State:

“To 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., (2008), which requires the Secretary of State to:

“[P]romulgate 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.].”

COLORADO SECRETARY OF STATE

[8 CCR 1505-6]

RULES CONCERNING CAMPAIGN AND POLITICAL FINANCE

Preliminary Draft of Proposed Rules

July 31, 2009

Disclaimer: This draft is not yet final. The proposed changes to be considered at the public rulemaking hearing may be different than the proposed changes in this draft. This draft is submitted to the Department of Regulatory Agencies for the purpose of complying with section 24-4-103(2.5), C.R.S., which requires that a draft be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

A final copy of the proposed rule changes will be available to the public no later than August 27, 2009, and a copy will be posted on the Department of State's web site, in compliance with the requirement of section 24-4-103(4)(a), C.R.S., that "[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."

Proposed additions to the current rules are reflected in SMALL CAPS. Proposed deletions from current rules are shown in ~~stricken type~~. Annotations may be included.

1 Rule 1.6 would be repealed as follows:

2 ~~1.6 "Issue", as used in Article XXVIII of the Colorado Constitution and Article 45 of Title 1,~~
3 ~~C.R.S., shall mean a "ballot issue" or "ballot question" as such terms are defined in~~
4 ~~section 1-1-104(2.3) and (2.7), C.R.S. For the purposes Article XXVIII, section 2(10) of~~
5 ~~the Colorado Constitution, a matter shall be considered an "issue" at the earliest of the~~
6 ~~following:~~

7 a. ~~It has had a title designated and fixed in accordance with law;~~

8 b. ~~It has been referred to the voters by a governing board or the general assembly;~~

9 c. ~~In the case of a citizen referendum petition, it has been submitted for format~~
10 ~~approval in accordance with law;~~

11 d. ~~A petition has been circulated and signed by at least one person; except that,~~
12 ~~where a matter becomes an "issue" upon such signing, a person or persons~~
13 ~~opposing such issue shall not be considered an "issue committee" until one such~~
14 ~~person knows or has reason to know of the circulation; or~~

1 e. ~~A signed petition has been submitted to the appropriate election official in~~
2 ~~accordance with law.~~ REPEALED.

3 Rule 1.14 would be amended as follows:

4 1.14 "Signature", for purposes of any report filed electronically with the secretary of state,
5 means ~~the committee's identification number, and "signing", means the electronic~~
6 ~~transmission of the committee's identification number to the secretary of state with the~~
7 ~~report being filed.~~ THE DESIGNATED REPRESENTATIVE HAS ELECTRONICALLY SUBMITTED
8 THE REPORT THROUGH THE ONLINE FILING SYSTEM.

9 Rules 2.1, 2.3, 2.4, and 2.5 would be amended as follows

10 2.1 When a committee registration form is received AND DEEMED COMPLETE by the
11 appropriate filing officer, an identification number will be assigned and a letter OR EMAIL
12 of acknowledgement will be sent by the appropriate filing officer to the registered agent
13 on file ~~informing him/her of the identification number.~~ The registered agent for any issue
14 committee, political committee, small donor committee, or political party shall sign the
15 committee's registration form and all disclosure reports. [1-45-108(3) through (6)]

16 2.3 A registered agent resigning from a political committee, issue committee, small donor
17 committee, or political party shall file a letter of resignation with the appropriate filing
18 officer and the committee or party via certified mail. A REGISTERED AGENT FOR A
19 CANDIDATE COMMITTEE, WHO IS NOT THE CANDIDATE, SHALL FILE A LETTER OF
20 RESIGNATION WITH THE APPROPRIATE FILING OFFICER AND THE CANDIDATE OF THE
21 CANDIDATE COMMITTEE VIA CERTIFIED MAIL. The letter of resignation to the appropriate
22 filing officer shall BE FILED WITHIN SEVEN BUSINESS DAYS OF RESIGNATION AND SHALL
23 include the certified mail receipt number sent to the committee or party and the contact
24 information for the committee or party. In accordance with Rule 3.1, the committee or
25 party shall file an amended committee registration form within five days of ~~such change~~
26 RECEIPT OF THE LETTER OF RESIGNATION. [1-45-108(3)(b)]

27 2.4 The purpose or nature of interest of the committee or party shall be included. A
28 candidate committee shall identify the specific elective office sought upon registration.
29 A political committee or small donor committee shall identify the types of candidates
30 being supported or opposed, such as party affiliation or public policy position, and if
31 known, the specific candidates being supported or opposed. TERMS DESCRIBING TYPES OF
32 CANDIDATES SHALL BE DESCRIPTIVE IN PROVIDING DISCLOSURE OF THE COMMITTEE'S
33 PURPOSE. IT IS NOT SUFFICIENT TO IDENTIFY CANDIDATE TYPES BY LISTING THE
34 JURISDICTION OR OFFICE SOUGHT, SUCH AS "LEGISLATIVE CANDIDATES" OR "STATEWIDE
35 CANDIDATES."

36 2.5 An issue committee may support or oppose more than one issue without having to open
37 numerous campaign accounts and file numerous committee registration forms if the
38 following conditions are met: the specific issues are included on the committee
39 registration form at such time as an issue meets the provisions of ~~Rule 1.6~~ SECTION 1-45-
40 108(7), C.R.S; no generic phraseology may be used once such an issue is known (i.e.:

1 Support or oppose issues affecting the basic rights of cattle); and the registration form
2 states whether the committee will be supporting or opposing said issues. [Article XXVIII,
3 Section 2(10)(a)(I) and (2)(10)(a)(II)]

4 Effective January 1, 2010, Rules 2.10 would be amended and Rule 2.11 would be repealed as
5 follows:

6 2.10 In accordance with the procedures set out in the “State Administrative Procedure Act”
7 (Article 4 of Title 24, Colorado Revised Statutes), the secretary of state may close an
8 inactive committee after two years of non-reporting. A committee shall be deemed
9 inactive for the purpose of this rule after such committee has failed to file any reports
10 with the appropriate filing officer for two consecutive years. [Article XXVIII, Section
11 2(3), and C.R.S. 24-4-105]

12 2.10.1 A ~~county clerk and recorder or~~ municipal clerk designated as a committee’s
13 appropriate filing officer pursuant to section 1-45-109, C.R.S., may request the
14 secretary of state to close a committee pursuant to this Rule. Such request shall
15 be submitted in writing and contain a statement from the county clerk and
16 recorder or municipal clerk that no disclosure reports have been received for at
17 least two years either manually or electronically from such committee, and any
18 other information that is relevant.

19 2.11 ~~The “appropriate filing officer” for a political committee whose purpose is to support or~~
20 ~~oppose school board candidates or an issue committee whose purpose is to support or~~
21 ~~oppose a ballot issue, question, or measure for a school district not wholly contained~~
22 ~~within a single county shall be the county clerk and recorder of the county where the~~
23 ~~school district administrative offices are located. REPEALED EFFECTIVE JANUARY 1, 2010.~~

24 Rule 3.4 would be amended as follows:

25 3.4 A committee may terminate if the following conditions are met: the candidate or
26 committee no longer intends to receive contributions or make expenditures; a zero
27 balance is achieved by having no cash OR ASSETS on hand and no outstanding debts or
28 obligations; and the candidate or committee files a termination statement of contributions
29 and expenditures. ASSETS REMAINING IN POSSESSION OF A COMMITTEE PRIOR TO
30 TERMINATION MAY BE DISPOSED OF IN THE SAME MANNER AS ALLOWED FOR UNEXPENDED
31 CONTRIBUTIONS. A termination statement may be filed at any time. [Article XXVIII,
32 Section 2(3) and 1-45-106]

33 Rule 3.7 would be amended as follows:

34 3.7 Unexpended campaign contributions to ~~local candidate~~ committees NOT SUBJECT TO THE
35 LIMITS SET FORTH IN ARTICLE XXVIII, SECTION 3 may not be contributed to a ~~state~~
36 ~~candidate~~ committee THAT IS SUBJECT TO SUCH LIMITS.

1 Rule 4.1 would be repealed as follows:

2 4.11 ~~For purposes of complying with the requirement of Article XXVIII, Section 5, that a~~
3 ~~notice of independent expenditure include “a detailed description of the use of such~~
4 ~~independent expenditure”, such notice is sufficient if it includes an identification of the~~
5 ~~payee of the expenditure, the medium used for the communication, the date or dates for~~
6 ~~broadcast, delivery, or publication of the communication, and either the complete written~~
7 ~~text or transcript of the communication produced by the expenditure or a summary of the~~
8 ~~major points contained within the communication. REPEALED~~

9 *[Relocated verbatim to new Rule 14.]*

10 Rule 4.3 would be amended as follows:

11 4.3 Contributions – when counted.

12 a. A contribution is considered made or received as of the date that it is accepted by
13 the committee or party. In the case of a contribution by check or credit card, the
14 date accepted is the date that the contribution is deposited into the committee’s or
15 party’s account. ANY CONTRIBUTION IN THE FORM OF A CHECK RECEIVED BY A
16 COMMITTEE, 527 POLITICAL ORGANIZATION AT LEAST FIVE BUSINESS DAYS PRIOR
17 TO THE END OF A REPORTING PERIOD MUST BE DEPOSITED OR RETURNED TO THE
18 CONTRIBUTOR BY THE CLOSE OF THAT REPORTING PERIOD.

19 b. However, for purposes of section 1-45-105.5, concerning contributions by
20 lobbyists to certain state officers and candidates when legislation is under
21 consideration, a contribution is considered made or promised when possession of
22 the check is transferred to any person not under the control of the issuer.

23 Rule 4.5 would be amended as follows:

24 4.5 Loans received by a committee or party

25 a. All loans received by a committee or party must be reported continuously until
26 repaid. [Article XXVIII, Section 3(8)]

27 b. Notwithstanding Article XXVIII, Section 3(8), a candidate may make a loan to
28 his or her candidate committee. Such loan shall be at no interest. In accordance
29 with the definition of “contribution” in Article XXVIII, section 2(5), the amount
30 of the loan is a contribution from the candidate to the committee, but the interest-
31 free use of such loan by the committee is not a contribution to the committee.

32 c. Any repayment of a loan shall be considered a returned contribution, except that
33 interest repaid for a loan made pursuant to Article XXVIII, Section 3(8) shall be
34 reported as an expenditure by the ~~candidate~~ committee.

- 1 d. A loan made by a candidate to the candidate's own committee may be forgiven by
2 the candidate. The amount of unpaid debt forgiven by the candidate shall remain
3 a contribution and shall not be considered a returned contribution.
- 4 e. Loans made from a financial institution to a candidate committee pursuant to
5 Article XXVIII, Section 3(8) shall not be forgiven.

6 Rule 4.8 would be amended as follows:

- 7 4.8 FOR ANY ~~Any contributions~~ CONTRIBUTION received in excess of contribution limits,
8 NEITHER HE CONTRIBUTOR NOR THE RECEIVING COMMITTEE SHALL BE LIABLE FOR
9 EXCEEDING THE CONTRIBUTION LIMIT IF THE EXCESS AMOUNT IS ~~shall be~~ returned to the
10 contributor within thirty (30) days.

11 New Rule 4.24 would be adopted as follows:

- 12 4.24 IF A PRIMARY ELECTION IS CANCELLED IN ACCORDANCE WITH SECTION 1-4-104.5(1), A
13 CANDIDATE COMMITTEE MAY ACCEPT THE CONTRIBUTION LIMIT SPECIFIED IN ARTICLE
14 XXVIII, SECTION 3(1) FOR THE PRIMARY ELECTION IN WHICH THE CANDIDATE WHOSE
15 NAME THE CANDIDATE COMMITTEE IS ACCEPTING CONTRIBUTIONS FOR IS ELIGIBLE TO BE
16 ON THE PRIMARY ELECTION BALLOT. IN ACCORDANCE WITH SECTION 1-45-103.7(3) SUCH
17 CONTRIBUTIONS MAY BE ACCEPTED AT ANY TIME BEFORE OR AFTER THE PRIMARY
18 ELECTION WAS CANCELLED.

19 Effective January 1, 2010, Rules 5.7, 5.8, 5.9, and 5.10 would be amended as follows:

- 20 5.7 The reporting period for any ~~quarterly, monthly, or biweekly~~ report begins on the first
21 day following the last day of the reporting period for the previous report filed with the
22 ~~secretary of state~~ APPROPRIATE OFFICER. [1-45-108(2)(c)]

23 5.8 Special district elections.

- 24 a. ~~For r~~Reports relating to special district elections ~~that are required to be filed with~~
25 ~~the county clerk and recorder~~ shall be required ~~only~~ on the 21st day prior to, and
26 on the Friday prior to, and on the 30th day after the date of the regular election.
27 [1-45-109(1)(A)(II) AND (1)(C)]

- 28 ~~b. Reports relating to special district elections that are required to be filed with the~~
29 ~~secretary of state shall be subject to quarterly, monthly, and biweekly reporting as~~
30 ~~provided in section 1-45-108(2)(a)(I) if the major elections for such special~~
31 ~~district occur on the date of the general election. If the major elections for such~~
32 ~~special district occur at any other time, then reports shall be required only on the~~
33 ~~21st day prior to, on the Friday prior to, and on the 30th day after the date of the~~
34 ~~regular election.~~ REPEALED EFFECTIVE JANUARY 1, 2010.

- 35 5.9 The reporting period for any report that is required to be filed ~~with the county clerk and~~
36 ~~recorder~~ PURSUANT TO SECTIONS 1-45-109(1)(A)(II) AND (1)(C) shall close five calendar
37 days prior to the date that the report is due.

1 5.10 For purposes of section 1-45-108(2)(d), which exempts a candidate committee for a
2 former officeholder or person not elected to office from reporting if there is no change in
3 the balance of funds maintained by such committee and if certain other conditions are
4 met, a change in the balance of funds resulting solely from the accrual of interest or
5 dividends to the account and/or the automatic deduction of periodic service fees does not
6 subject such candidate committee to the reporting requirements of section 1-45-108,
7 C.R.S., except that such candidate committee shall file an annual report for each calendar
8 year. ~~State candidate committees shall file such report not later than January 15th of the~~
9 ~~following year, and county and municipal candidate committees shall file such report in~~
10 ~~accordance with section 1-45-108(2)(a)(II),, C.R.S.~~ Candidate committees that choose
11 this option must notify, in writing, the appropriate filing officer of their intent. [1-45-
12 108(2)(c) and (2)(d)]

13 A. STATE CANDIDATE COMMITTEES SHALL FILE SUCH REPORT NOT LATER THAN
14 JANUARY 15TH OF THE FOLLOWING YEAR.

15 B. ALL OTHER CANDIDATE COMMITTEES SHALL FILE SUCH REPORT ON THE FIRST
16 DAY OF THE MONTH IN WHICH THE ANNIVERSARY OF THE MAJOR ELECTION
17 OCCURS, IN ACCORDANCE WITH SECTION 1-45-108(2)(A)(II), C.R.S.

18 Effective January 1, 2010, Rule 5.11 would be repealed as follows:

19 ~~5.11 County political party organizations shall file required reports pursuant to section~~
20 ~~1-45-108 (2)(a)(II) with the county clerk and recorder for their jurisdiction. State~~
21 ~~political party organizations shall file required reports pursuant to section 1-45-108 with~~
22 ~~the secretary of state. REPEALED EFFECTIVE JANUARY 1, 2010.~~

23 Rule 6.1 would be amended as follows:

24 6.1 If the appropriate officer, as defined in Section 2(1) of Article XXVIII, discovers IN THE
25 ORDINARY COURSE OF HIS OR HER DUTIES IN MAINTAINING A CAMPAIGN FINANCE FILING
26 SYSTEM a possible violation of Article XXVIII or Title 1, Article 45, and no complaint
27 alleging such violation has been filed with the secretary of state pursuant to Article
28 XXVIII, Section 9(2)(a), then the appropriate officer shall:

29 a. Provide the person believed to have committed the violation with written notice of
30 the facts or conduct that constitute the possible violation, and

31 b. Allow seven business days to correct the violation or to submit written statements
32 explaining the reasons that support a conclusion that a violation was not
33 committed.

34 Effective January 1, 2010, Rules 8.1, 8.2, and 8.3 would be amended as follows:

35 8.1 The special district designated election official or, as applicable, the presiding officer or
36 the secretary of the board of directors, under section 32-1-804.3(5), C.R.S., shall provide
37 to the SECRETARY OF STATE ~~county clerk and recorder of the county in which the district~~
38 ~~court having jurisdiction over the special district pursuant to section 32-1-303, C.R.S., is~~

1 ~~located~~, the self-nomination and acceptance forms and letters, and affidavits of intent to
2 be a write-in candidate no later than the date established for certification of the special
3 district's ballot pursuant to section 1-5-203(3)(a), C.R.S.

4 8.2 If a candidate for a special district office fails to file a candidate affidavit, or the filed
5 self-nomination and acceptance form or letter, or the affidavit of intent to be a write-in
6 candidate does not contain the statement required by section 1-45-110(1), C.R.S., the
7 ~~county clerk and recorder~~ SECRETARY OF STATE shall mail the special district a copy of
8 the notification to the candidate regarding pending disqualification sent pursuant to
9 section 1-45-110(3).

10 8.3 The ~~clerk and recorder's~~ SECRETARY OF STATE'S receipt of the self-nomination and
11 acceptance form or letter or the affidavit of intent to be a write-in candidate shall be
12 deemed to be filed by the candidate; ~~provided, however, that.~~ Nothing in this rule shall
13 be deemed or construed to impose any duty on a designated election official, presiding
14 officer, or secretary to file any document on behalf of any candidate or to relieve any
15 candidate of any obligation to file any document required by the fair campaign practices
16 act, article XXVIII, or other law.

17 The title to Rule 10 would be amended as follows:

18 **10. Recall Elections for ~~State Office~~**

19 Rule 10.2 would be amended as follows:

20 10.2 The reporting period for committees participating in the recall election shall BEGIN ON
21 THE DATE THE RECALL PETITION IS APPROVED BY THE DESIGNATED ELECTION OFFICIAL FOR
22 CIRCULATION PURSUANT TO SECTION 1-12-1098, C.R.S. REPORTING PERIODS FOR ALL
23 REPORTS RELATING TO THE RECALL ELECTION SHALL close five calendar days prior to the
24 date that the report is due.

25 Rule 10.5 would be amended as follows:

26 10.5 NOTWITHSTANDING SECTION 1-45-108(6), C.R.S., ANY ~~Any~~-issue committee whose
27 purpose is to support or oppose the recall of any elected official shall REGISTER WITHIN
28 TEN CALENDAR DAYS OF ACCEPTING OR MAKING CONTRIBUTIONS OR EXPENDITURES IN
29 EXCESS OF TWO HUNDRED DOLLARS IN ACCORDANCE WITH SECTION 1-45-108(3.3), C.R.S.
30 SUCH COMMITTEE SHALL OTHERWISE follow the filing calendar established in section 1-
31 45-108 (6), C.R.S.

32 Rule 11.2 would be amended as follows:

33 11.2 In accordance with section 24-21-111, C.R.S., reports are not required to be filed
34 electronically in ~~any~~ EITHER of the following circumstances:

35 ~~11.2.1 An individual report contains fewer than thirty (30) entries.~~

1 11.2.2.1 The secretary of state has granted an exception to the electronic filing
2 requirement after written application based on hardship or other good cause
3 shown. All applications for an exception shall include a brief statement of the
4 hardship or good cause for which the exception is sought. Applications must be
5 received by the secretary of state at least fifteen (15) calendar days prior to the
6 first applicable filing deadline in the election cycle, unless the exception is based
7 on emergency circumstances arising after such deadline, in which case the nature
8 of the emergency shall be described in the application. The filing of an
9 application for exception based on emergency circumstances does not delay any
10 reporting deadlines, however, if a penalty is imposed for failure to file a report on
11 the date due, the penalty may be set aside or reduced in accordance with section
12 10(2) of Article XXVIII. The Secretary of State shall review and respond in
13 writing to all applications for an exception within three (3) business days.

14 11.2.3.2 The report is filed using the secretary of state's Electronic Data Interface
15 (EDI) upon approval of the secretary of state.

16 New rule 14 would be adopted as follows:

17 **Rule 14. Independent Expenditures**

18 14.1 FOR PURPOSES OF COMPLYING WITH THE REQUIREMENT OF ARTICLE XXVIII, SECTION 5,
19 THAT A NOTICE OF INDEPENDENT EXPENDITURE INCLUDE "A DETAILED DESCRIPTION OF THE
20 USE OF SUCH INDEPENDENT EXPENDITURE", SUCH NOTICE IS SUFFICIENT IF IT INCLUDES AN
21 IDENTIFICATION OF THE PAYEE OF THE EXPENDITURE, THE MEDIUM USED FOR THE
22 COMMUNICATION, THE DATE OR DATES FOR BROADCAST, DELIVERY, OR PUBLICATION OF
23 THE COMMUNICATION, AND EITHER THE COMPLETE WRITTEN TEXT OR TRANSCRIPT OF THE
24 COMMUNICATION PRODUCED BY THE EXPENDITURE OR A SUMMARY OF THE MAJOR POINTS
25 CONTAINED WITHIN THE COMMUNICATION.

26 *[RELOCATED VERBATIM FROM RULE 4.11]*

27 14.2 FOR THE PURPOSES OF SECTION 5, ARTICLE XXVIII, A CANDIDATE COMMITTEE, POLITICAL
28 COMMITTEE, SMALL DONOR COMMITTEE, POLITICAL PARTY, OR 527 POLITICAL
29 ORGANIZATION THAT IS REGISTERED WITH THE SECRETARY OF STATE OR A COUNTY CLERK
30 AND RECORDER THAT OBLIGATES FUNDS EXCEEDING \$1,000 FOR ANY SINGLE INDEPENDENT
31 EXPENDITURE MORE THAN 30 DAYS PRIOR TO A PRIMARY OR GENERAL ELECTION SHALL
32 NOTIFY THE SECRETARY OF STATE BY DISCLOSING SUCH EXPENDITURE ON THE
33 COMMITTEE'S OR ORGANIZATION'S REGULARLY SCHEDULED DISCLOSURE REPORT FOR
34 THAT REPORTING PERIOD.

35 14.3 FOR THE PURPOSES OF SECTION 5, ARTICLE XXVIII, ANY PERSON WHO IS OTHERWISE NOT
36 REQUIRED TO FILE REPORTS WITH THE SECRETARY OF STATE OR COUNTY CLERK AND WHO
37 OBLIGATES FUNDS EXCEEDING \$1,000 FOR ANY SINGLE INDEPENDENT EXPENDITURE MORE
38 THAN 30 DAYS PRIOR TO A PRIMARY OR GENERAL ELECTION SHALL DELIVER NOTICE TO THE
39 SECRETARY OF STATE IN ACCORDANCE WITH THE REPORTING SCHEDULE ESTABLISHED FOR
40 POLITICAL PARTIES IN SECTION 1-45-108 (2), C.R.S.
41

1 14.3 NOTWITHSTANDING RULES 14.1 AND 14.2, ANY PERSON (INCLUDING A NATURAL PERSON,
2 ENTITY, CANDIDATE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE,
3 POLITICAL PARTY, OR 527 POLITICAL ORGANIZATION) WHO OBLIGATES FUNDS IN ANY
4 AMOUNT FOR AN INDEPENDENT EXPENDITURE, FEWER THAN 31 DAYS BEFORE A PRIMARY OR
5 GENERAL ELECTION, SHALL DELIVER NOTICE TO THE SECRETARY OF STATE WITHIN 48 HOURS
6 OF OBLIGATING FUNDS FOR SUCH EXPENDITURE.