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2019 Departmental Regulatory Agenda
Office of the Secretary of State
November 1, 2018

To: The Staff of Legislative Council

Re: Colorado Department of State – 2019 Departmental Regulatory Agenda

The Colorado Secretary of State submits the following 2019 Departmental Regulatory Agenda for the Department of State to the General Assembly in accordance with state laws concerning legislative oversight of principal departments.¹

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¹ Section 2-7-203(4), C.R.S.

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DEPARTMENT REGULATORY AGENDA

Rule number and title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-1: Elections	<p>The Secretary of State may commence rulemaking to consider amendments to the Election Rules necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of and to answer questions arising under Colorado elections law¹ • Implement amendments to Colorado laws adopted during the First Regular Session of the 72nd General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 	<p>Section 1-1-107(2)(a), C.R.S.</p> <p>Depending on the subject matter of unanticipated rulemaking, additional statutory and constitutional authority may apply.</p>	<p>TBD; the Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.</p>	<ul style="list-style-type: none"> • All current and potential Colorado residents • Colorado County Clerks and Recorders • Candidates for office in Colorado • Poll watchers, election judges, and other interested parties • Petition proponents and circulators

¹ Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 (“HAVA”), P.L. No. 107-252.

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Rule number and title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-2: Bingo and Raffles Games	<p>The Secretary of State does not anticipate rulemaking regarding the Rules Concerning Bingo and Raffles Games; however, the Secretary may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of the Colorado bingo and raffles law² • Improve rule organization and readability • Ensure that the rules are written in plain language and easy to understand • Repeal obsolete rules and language that duplicates statute • Other technical amendments as necessary for consistency with Department rulemaking format and style • Implement amendments to Colorado laws adopted during the First Regular Session of the 72nd General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S. 			
8 CCR 1505-3: Rules Governing General Policies and Administration	<p>The Secretary may propose amendments to the Rules Governing General Policies and Administration as necessary to:</p> <ul style="list-style-type: none"> • Clarify declaratory order rules in accordance with section 24-4-105(11), C.R.S. • Improve rule organization and readability • Ensure that the rules are written in plain language and easy to understand • Repeal obsolete rules and language that duplicates statute • Other technical amendments as necessary for consistency with Department rulemaking format and style • Implement amendments to Colorado laws adopted during the First Regular Session of the 72nd General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S. 	<p>24-4-105(11), C.R.S.</p> <p>Additional statutory and constitutional authority may depend on the subject matter of rulemaking.</p>	<p>TBD; the Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.</p>	<ul style="list-style-type: none"> • Declaratory order petitioner • Parties to any agency adjudicatory proceeding • Additional persons or parties that may be affected depending on the subject matter of rulemaking

² Article XVIII, Section 2 of the Colorado Constitution and Article 9, Title 12 of the Colorado Revised Statutes.

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Rule number and title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	<p>The Secretary may propose amendments to the Rules Concerning Campaign and Political Finance as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of Colorado campaign finance law³ • Address litigation concerns • Clarify the campaign finance complaint process • Implement amendments to Colorado laws adopted during the First Regular Session of the 72nd General Assembly • Implement amendments to Colorado laws if Amendment 75 is passed in the 2018 general election • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 	<p>Colo. Const. art. XXVIII, Sections 8, 9(1)(b); Sections 1-1-107(2)(a) and 45-111.5(1), C.R.S.</p>	<p>This office estimates commencement of rulemaking in accordance with the State Administrative Procedure Act post-2018 general election; post-legislative session; or at the conclusion of any significant litigation.</p>	<ul style="list-style-type: none"> • All Colorado residents and potential residents • Political subdivisions • Officeholders • Candidates for office in Colorado • Party organization in Colorado • Candidate or issue organizations and committees in Colorado
8 CCR 1505-7: UCC Filing Office Rules	<p>The Secretary of State does not anticipate rulemaking regarding the UCC Filing Office Rules; however, the Secretary may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of Colorado's Uniform Commercial Code⁴ • Improve rule organization and readability • Ensure that the rules are written in plain language and easy to understand • Repeal obsolete rules and language that duplicates statute • Other technical amendments as necessary for consistency with Department rulemaking format and style • Implement amendments to Colorado laws adopted during the First Regular Session of the 72nd General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S. 			

³ Article 45 of Title 1, C.R.S., and Article XXVIII of the Colorado Constitution.

⁴ Article 9 of Title 4, C.R.S.

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Rule number and title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-8: Rules Concerning Lobbyist Regulation	<p>The Secretary of State may propose amendments to the Rules Concerning Lobbyist Regulation necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of Colorado laws regarding lobbyist regulation⁵ • Propose amendments in response to questions from the Office of Legislative Legal Services including proposed clarification of Rules 2.2.1(b) and 3.2.2(b); consider stating compensation rather than money paid in the rules • Implement amendments to Colorado laws adopted during the First Regular Session of the 72nd General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 	Section 24-6-305(2)(b), C.R.S.	TBD; the Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.	<ul style="list-style-type: none"> • Professional lobbyists • Lobbying firms • The general Colorado public
8 CCR 1505-9: Rules for the Administration of the Colorado Charitable Solicitations Act	<p>The Secretary may propose amendments to the Rules for the Administration of the Colorado Charitable Solicitations Act⁶ as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of and to answer questions arising under the Colorado Charitable Solicitations Act • Propose amendments in response to questions from the Office of Legislative Legal Services including proposed clarification of Rule 6.1.1 concerning fines • Implement amendments to Colorado laws adopted during the First Regular Session of the 72nd General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S. 	<p>Sections 6-16-110.5(3) and 6-16-114 C.R.S.</p> <p>Additional statutory and constitutional authority may depend on the subject matter of rulemaking.</p>	TBD; the Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.	<ul style="list-style-type: none"> • Paid solicitors • Professional fundraising consultants • The general Colorado public

⁵ Part 3 of Article 6 of Title 24, C.R.S.

⁶ Article 16 of Title 6, C.R.S.

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Rule number and title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-10: Rules Concerning the Electronic Recording Technology Grant Program	In 2015, the Secretary of State reviewed the Electronic Recording Technology Grant Program rules and determined that the rules are obsolete and inoperative. Additionally, Senate Bill 16-115 amendments to section 30-10-424, C.R.S., repealed the Secretary of State's authority to promulgate rules necessary for the administration of section 30-10-421, C.R.S. 8 CCR 1505-10 will continue in its current form until the Electronic Recording Technology Board commences rulemaking.			
8 CCR 1505-11: Notary Program Rules	<p>The Secretary of State does not anticipate rulemaking regarding the Notary Program Rules, however, the Secretary may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of the Colorado Revised Uniform Law on Notarial Acts (RULONA)⁷ • Implement amendments to Colorado laws adopted during the First Regular Session of the 72nd General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 			

⁷ Article 21 of Title 24, Part 5, C.R.S.

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Rule number and title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-12: Public Records Pursuant to the Colorado Open Records Act (CORA)	<p>The Secretary may propose amendments to the Rules Concerning Public Records Pursuant to the Colorado Open Records Act (CORA) as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of the Colorado Open Records Act⁸ • Improve rule organization and readability • Ensure that the rules are written in plain language and easy to understand • Repeal obsolete rules and language that duplicates statute • Other technical amendments as necessary for consistency with Department rulemaking format and style • Implement amendments to Colorado laws adopted during the First Regular Session of the 72nd General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S. 	<p>Section 24-72-203(1)(a), C.R.S.</p> <p>Additional statutory and constitutional authority may depend on the subject matter of rulemaking.</p>	<p>TBD; the Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.</p>	<ul style="list-style-type: none"> • A person who requests information in accordance with the Colorado Open Records Act • Additional persons or parties that may be affected depending on the subject matter of rulemaking
8 CCR 1505-14: Rules Concerning Conflict of Interest Disclosures	<p>The Secretary may propose amendments to the Rules Concerning Conflict of Interest Disclosures as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement Colorado standards of conduct law⁹ • Improve rule organization and readability • Ensure that the rules are written in plain language and easy to understand • Repeal obsolete rules and language that duplicates statute • Other technical amendments as necessary for consistency with Department rulemaking format and style • Implement amendments to Colorado laws adopted during the First Regular Session of the 72nd General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S. 	<p>24-21-104, C.R.S. 24-21-111, C.R.S.</p> <p>Additional statutory and constitutional authority may depend on the subject matter of rulemaking.</p>	<p>TBD; the Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.</p>	<ul style="list-style-type: none"> • Public officials and employees who voluntarily disclose potential conflicts of interest • Additional persons or parties that may be affected depending on the subject matter of rulemaking

⁸ Article 72 of Title 24, C.R.S.

⁹ Article 18 of Title 24, C.R.S.

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SUMMARY OF RULES ADOPTED AFTER NOVEMBER 1, 2017

Rule number and title	CCR Tracking Number	Type	Adopted	Effective	Summary
8 CCR 1505-1: Elections	<u>2017-00221</u>	Permanent	8/11/2017	9/30/2017	The Secretary adopted rule revisions necessary to ensure proper administration of legislation passed by the Colorado General Assembly (SB 17-305); establish uniformity in the administration of current law; organize existing rules for clarity; eliminate obsolete provisions; simplify the language of existing rules; remove language that is duplicative of statute; and ensure consistency with Department rulemaking standards.
8 CCR 1505-1: Elections	<u>2017-00504</u>	Temporary	10/20/2017	10/20/2017	Temporary Rule 2.16.3 was necessary given the close proximity of the 2017 Coordinated Election. The Secretary of State adopted rules to provide clear guidance to county clerks regarding election systems security requirements.
8 CCR 1505-1: Elections	<u>2017-00536</u>	Temporary	11/1/2017	11/1/2017	Repeal of current Rule 7.16 was necessary given discussions regarding the permissibility of cross-county Voter Polling and Service Centers. Additionally, further research and testing indicated that SCORE would require substantial updates before the department and counties could implement the pilot program. The department continued to work with counties and other stakeholders to craft the pilot program but at the time, believed it was best to repeal the rule.
8 CCR 1505-1: Elections	<u>2017-00494</u>	Permanent	12/7/2017	1/30/2018	The Secretary adopted rule revisions necessary to ensure proper administration of legislation passed by the Colorado General Assembly (SB 17-305, HB 17-1088); establish uniformity in the administration of current law; organize existing rules for clarity; eliminate obsolete provisions; simplify the language of existing rules; remove language that is duplicative of statute; and ensure consistency with Department rulemaking standards.
8 CCR 1505-1: Elections	<u>2018-00034</u>	Permanent	3/26/2018	5/15/2018	The Secretary of State adopted rule revisions necessary to establish uniformity in the administration of current law; to ensure proper administration of Propositions 107 and 108 and SB 17-305; organize existing rules for clarity; eliminate obsolete provisions; simplify the language of existing rules; remove language that is duplicative of statute; and ensure consistency with Department rulemaking standards.
8 CCR 1505-1: Elections	<u>2018-00179</u>	Temporary	4/25/2018	4/25/2018	The Secretary of State temporarily adopted New Rule 7.7.5 to ensure uniform application of the law throughout the state regarding mail ballot cure procedures. Temporary adoption was necessary both to comply with law and to preserve the public welfare given the close proximity of the 2018 Primary Election. The Secretary of State adopted rules to provide clear guidance to county clerks regarding mail ballot cure procedures.

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Rule number and title	CCR Tracking Number	Type	Adopted	Effective	Summary
8 CCR 1505-1: Elections	<u>2018-00215</u>	Temporary	5/16/2018	5/16/2018	<p>The Secretary of State temporarily adopted New Rule 2.18 to ensure uniform application of the law throughout the state regarding residency for voter registration purposes. Temporary adoption was necessary both to comply with law and to preserve the public welfare given the close proximity of the 2018 Primary Election. The Secretary of State adopted rules to provide clear guidance regarding residency as it relates to voter registration in the state.</p> <p>In <i>Kuhn v. Williams</i>¹⁰, the Colorado Supreme Court held that for voter registration purposes, an elector's "stated intent to live in Colorado in the future is relevant only if he has a fixed habitation in Colorado to which he presently intends to return." On May 14, 2018, at the Secretary of State's request, the Court modified its order to reflect that its holding applied only to a person who is attempting to establish residency in Colorado, not to an elector who is already a resident of Colorado.¹¹</p> <p>The Court's modification was critical because there are many circumstances in which an elector, having properly registered to vote in Colorado, is able to maintain his or her Colorado residency and voter registration in the absence of a legal interest in a fixed habitation. Colorado residents may be absent from the state for a number of reasons, including to volunteer in the Peace Corps, to do missionary work, or to find seasonal work, to name a few. These residents remain eligible to be registered and to vote in Colorado, despite their absence and regardless of their property interests in the state.</p> <p>New Rule 2.18 is consistent with the Supreme Court's holding and necessary to ensure uniform application of residency requirements in Colorado for electors who are absent from the state but who remain Colorado residents.</p>
8 CCR 1505-1: Elections	<u>2018-00375</u>	Temporary	7/31/2018	7/31/2018	<p>The Secretary of State temporarily adopted New Rules 2.3.2(a)(4), 2.19, and 7.17 to provide clear guidance the county clerks concerning acceptable identification, voter registration at county jails, and ballot transmission to county jails and detention facilities. Temporary adoption was necessary both to comply with law and to preserve the public welfare given the close proximity of the mail ballot plan deadline; August 8, 2018</p>
8 CCR 1505-1: Elections	<u>2018-00415</u>	Temporary	8/22/2018	8/22/2018	<p>The Secretary of State found that certain amendments to the existing election rules were necessary to ensure the uniform and proper administration and enforcement of Colorado election laws and to implement SB 18-233. Temporary adoption was necessary both to comply with law and to preserve the public welfare given the close proximity of the November 6, 2018 General Election and to provide clear guidance the county clerks and the general public.</p>

¹⁰ *Kuhn v. Williams*, 2018 CO 30, ¶ 53 (April 23, 2018).

¹¹ *Kuhn v. Williams*, 2018 CO 30M, ¶ 53 (May 14, 2018).

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Rule number and title	CCR Tracking Number	Type	Adopted	Effective	Summary
8 CCR 1505-1: Elections	2018-00221	Permanent	8/22/2018	10/15/2018	The Secretary permanently adopted temporary Rules 2.18 (adopted on 5/16/18; CCR Tracking: 2018-00215) and 7.7.5 (adopted on 4/25/18; CCR Tracking: 2018-00179). Additionally, the Secretary adopted new rules concerning voter registration at county jails and ballot transmission to county jails and detention facilities. The Secretary adopted additional rule amendments including 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; simplify the language of existing rules; remove language that is duplicative of statute or constitutional provisions; and ensure consistency with Department rulemaking standards.
8 CCR 1505-1: Elections	2018-00296	Permanent	8/22/2018	10/15/2018	The Secretary adopted rule revisions necessary to ensure proper administration of legislation recently passed by the Colorado General Assembly, specifically SB18-233. The Secretary adopted additional rule amendments including revisions necessary to establish uniformity in the administration of current law; establish new rules concerning Ranked Voting Method in accordance with section 1-7-1004, C.R.S.; eliminate obsolete provisions; organize existing rules for clarity; 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.
8 CCR 1505-2: Bingo and Raffle Games	2017-00239	Temporary	6/14/2017	6/14/2017	Senate Bill 17-232 amended and relocated the Bingo and Raffles Law to Part 6, Article 21, Title 24 of the Colorado Revised Statutes. The Secretary of State adopted rules to provide clear guidance to bingo-raffle stakeholders, including current licensees, prospective applicants, charitable game players, and the general public concerning requirements and procedures. The Secretary of State also corrected statutory citations.
8 CCR 1505-2: Bingo and Raffle Games	2017-00240	Permanent	8/7/2017	9/30/2017	The Secretary permanently adopted amendments to the bingo and raffles games rules that were temporarily adopted on 6/14/17 (CCR Tracking: 2017-00239). The rule amendments were necessary to implement Senate Bill 17-232, which made technical and substantive changes to the Bingo and Raffles Law. The Secretary is also adopted other amendments to the rules in order to improve the administration and enforcement of Colorado bingo and raffles laws, answer questions arising under these laws, and improve the administration of bingo and raffles games in Colorado.
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	2017-00362	Temporary	8/10/2017	8/10/2017	The Secretary adopted amendments to ensure uniform and proper administration, implementation, and enforcement of Colorado campaign finance law; to ensure proper administration of legislation passed by the Colorado General Assembly (HB 17-1155); to provide clear guidance to interested parties, including, but not limited to: candidates, political parties, political organizations, and committees, given the close proximity of the November 2017 Coordinated Election.

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Rule number and title	CCR Tracking Number	Type	Adopted	Effective	Summary
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	2017-00398	Permanent	10/25/2017	12/15/2017	The Secretary adopted amendments, including changes related to the temporary rules adopted 8/10/17 (CCR tracking #2017-00362). The Secretary also adopted rule amendments necessary to improve the administration and enforcement of Colorado campaign finance law; ensure proper administration of legislation recently passed by the Colorado General Assembly (HB 17-1155); 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.
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	2018-00008	Temporary	1/5/2018	1/5/2018	The Secretary of State temporarily adopted amendments to Rule 18.2.4 to correct a drafting error. Temporary adoption was necessary to provide clear guidance to interested parties, including, but not limited to: candidates, political parties, political organizations, and committees, given the close proximity of the June 26, 2018 Primary Election.
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	2018-00202	Temporary	5/4/2018	5/4/2018	On 1/5/2018, the Secretary of State temporarily adopted amendments to Rule 18.2.4 to correct a drafting error. The temporary rule under CCR tracking number 2018-00008 was set to expire on 5/5/18. We readopted Rule 18.2.4 on a temporary basis until permanent adoption was possible.
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	2018-00275	Temporary	6/19/2018	6/19/2018	The Secretary of State temporarily adopted amendments to Rule 18.2 concerning written complaints. The amendments are necessary to ensure enforcement of Colorado's campaign finance laws and uniform application of the law throughout the state. In <i>Holland v. Williams</i> ¹² , 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.
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	2018-00222	Permanent	7/11/2018	8/30/2018	The Secretary permanently adopted temporary Rule 18.2.4 on May 4, 2018 (CCR tracking #2018-00202). The Secretary adopted additional rule amendments including revisions necessary to ensure proper administration of legislation passed by the Colorado General Assembly (HB 18-1047); 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.

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

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Rule number and title	CCR Tracking Number	Type	Adopted	Effective	Summary
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	<u>2018-00554</u>	Temporary	10/11/2018	10/11/2018	<p>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. The Secretary simultaneously adopted the rule on a permanent basis under CCR tracking #2018-00402.</p> <p>In <i>Holland v. Williams</i>,¹³ 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.</p> <p>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.</p>
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	<u>2018-00402</u>	Permanent	10/11/2018	Pending	<p>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. The Secretary simultaneously adopted the rule on a temporary basis under CCR tracking #2018-00554.</p> <p>In <i>Holland v. Williams</i>,¹⁴ 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.</p> <p>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.</p>
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	<u>2018-00560</u>	Permanent	Pending (11/14/2018 hearing)	Pending	<p>The Secretary proposes revisions necessary to establish uniformity in the administration of current law regarding the use of unexpended campaign funds at the conclusion of the election cycle and amendments to Rule 18.2 concerning written complaints is necessary to ensure enforcement of Colorado’s campaign finance laws and uniform application of the law throughout the state. The Secretary may consider additional rule amendments to eliminate obsolete provisions; simplify the language of existing rules; and ensure consistency with Department rulemaking standards.</p>

¹³ *Holland v. Williams*, 16-cv-00138 (June 12, 2018).

¹⁴ *Holland v. Williams*, 16-cv-00138 (June 12, 2018).

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Rule number and title	CCR Tracking Number	Type	Adopted	Effective	Summary
8 CCR 1505-11: Notary Program Rules	<u>2018-00095</u>	Permanent	5/15/2018	7/1/2018	The Secretary adopted amendments to ensure the uniform and proper administration, implementation, and enforcement of the Revised Uniform Law on Notarial Acts (RULONA; SB 17-132). The Secretary adopted additional rule amendments to eliminate obsolete provisions; 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. Note: our office initially adopted rules on 5/10/2018, however we later discovered that an additional revision would help streamline the timeframe for new applicant and renewal training. Because we had not yet received an AGO, we readopted the rules on 5/15/2018 with an additional edit to Rule 2.1.2.
8 CCR 1505-8: Lobbyist Regulation	<u>2018-00096</u>	Permanent	5/10/2018	6/30/2018	The Secretary adopted amendments and recodification of the rules concerning lobbyist regulation to improve the administration and enforcement of Colorado laws regarding lobbyist regulation. The Secretary adopted rule amendments to establish uniformity in the administration of current law; establish new definitions; simplify the language of existing rules; and ensure consistency with Department rulemaking standards.
8 CCR 1505-9: Colorado Charitable Solicitations Act	<u>2018-00492</u>	Temporary	9/21/2018	10/1/2018	Amendments to and recodification of the rules to improve the administration and enforcement of Colorado Charitable Solicitations laws, including revisions necessary to ensure proper administration of legislation passed by the Colorado General Assembly (SB 17-1158). The rules were also adopted on a permanent basis (CCR tracking #2018-00315).
8 CCR 1505-9: Colorado Charitable Solicitations Act	<u>2018-00315</u>	Permanent	9/21/2018		Amendments to and recodification of the rules to improve the administration and enforcement of Colorado Charitable Solicitations laws, including revisions necessary to ensure proper administration of legislation passed by the Colorado General Assembly (SB 17-1158). The rules were also adopted on a temporary basis (CCR tracking #2018-00315); effective 10/1/2018 per the effective date of SB 17-1158.

PUBLICATION AND AVAILABILITY TO THE PUBLIC

On November 1, 2018, the Secretary of State will post this document on the Department's website at: http://www.sos.state.co.us/pubs/rule_making/regulatoryAgendas.html.

Additionally, the Secretary of State filed this agenda for publication in the November 10, 2018, Colorado Register.