



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

### **Office of the Secretary of State Election Rules 8 CCR 1505-1**

**August 15, 2012**

Amended Rules: 2.7.4, 2.11, 2.19.1, 8.6, 8.7, 8.8, 8.15, 9.1, 10.6, 12.4.1(a), 12.4.1(b)(2), 12.4.2(a), 12.11, 26.10, 29.1.1, 29.1.3, 29.1.4, 29.8, 30.1.6(a), 41, 42.2, 42.6, and 42.11.2

New Rules: 2.7.5, 10.7, 12.4.1(d), 13.19, 13.20, 26.11, 26.12, and 26.13

Repealed Rules: 26.1.6 (relocated to new rule 26.13), 32.1, 32.2, 32.3, 32.4, 42.11.3, 42.11.4, 42.11.5, 42.11.6, and 42.11.7

In accordance with Colorado election law,<sup>1</sup> the Secretary of State finds that certain amendments to the existing election rules must be adopted and effective immediately to ensure the uniform and proper administration and enforcement of Colorado election laws during the 2012 general election. Temporary adoption is necessary both to comply with law and to preserve the public welfare generally.

A public Rulemaking hearing was conducted in accordance with the State Administrative Procedure Act<sup>2</sup> on July 23, 2012, to receive comment and testimony on the proposed rules. These rules implement the enactment of recommendations made by the Secretary of State, Elections Division staff, County Clerk and Recorders, and interested parties throughout the State of Colorado. Adoption of the rules on a temporary basis is necessary to provide clear guidance to county clerks given the close proximity of the September 10, 2012 ballot certification deadline and the November 2012 General Election.

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 election rules is imperatively necessary to comply with state and federal law and to promote public interests.<sup>3</sup>

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<sup>1</sup> Sections 1-1-107(1)(c), 1-1-107(2)(a), 1-1.5-104(1)(e), C.R.S. (2011). The Secretary of State has the power “[t]o promulgate, publish, and distribute...such rules as [the Secretary] finds necessary for the proper administration and enforcement of the election laws” and “[t]he ‘Help America Vote Act of 2002’, 42 U.S.C. 15301-15545]....”

<sup>2</sup> Section 24-4-103(3)(a), C.R.S. (2011).

<sup>3</sup> Section 24-4-103(3)(6), C.R.S. (2011).