



Statement of Justification and Reasons for Adoption of Temporary Rules

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

May 13, 2013

Repealed Rules: 49.4 and 50

In accordance with Colorado election law,¹ 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 2013 election cycle. Temporary adoption is necessary both to comply with law and to preserve the public welfare generally.

Currently, the Secretary of State's Office chairs, staffs, and facilitates the SCORE Advisory Board and the Elections Best Practices and Vision Commission. House Bill 13-1303, however, creates the Colorado Voter Access and Modernized Elections Commission (CVAMEC) for the purpose of evaluating implementation of House Bill 13-1303 and assessing the state's voting and registration systems. CVAMEC's charge encompasses the tasks currently addressed by the SCORE Advisory Board and the Elections Best Practices and Vision Commission. As such, these existing bodies are duplicative and no longer necessary.

These temporary rules are necessary because, given the aggressive implementation schedule mandated by House Bill 13-1303 and the fact that the Secretary of State's office will not receive moneys to implement the new legislation until July 1, 2013, the office lacks the resources to chair, staff, and facilitate, both the existing committees and CVAMEC. As such, these temporary rules repeal the SCORE Advisory Board and the Elections Best Practices and Vision Commission so that the Secretary of State's office generally, and the Elections Division specifically, may focus efforts on implementing the myriad changes contained in House Bill 13-1303.

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.²

¹ Sections 1-1-107(1)(c), 1-1-107(2)(a), 1-1.5-104(1)(e), C.R.S. (2012). 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 "...[the "Help America Vote Act of 2002", 42 U.S.C. 15301-15545]..."

² Section 24-4-103(3)(6), C.R.S. (2012).