



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

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

**November 5, 2013**

New Rule: 10.7.5

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.

Under Colorado law, an individual may not be a candidate for elected office unless that person is an eligible elector and fully meets all qualifications of the office he or she seeks.<sup>2</sup> If a designated election official mistakenly certifies an ineligible candidate to the ballot and does not discover the mistake until it is too late to correct the ballots, electors might cast votes for the ineligible candidate. This rule is necessary to clarify that all votes cast for an ineligible candidate under the above scenario are invalid.

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. (2013). 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]...”

<sup>2</sup> Article VII, section 6, Colorado Constitution; Section 1-4-501(1), C.R.S.

<sup>3</sup> Section 24-4-103(3)(6), C.R.S. (2013).