



Statement of Justification and Reasons for Adoption of Temporary Rules

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

September 10, 2014

New Rules: 20.5.2(c), (d), (f), 20.11.1(d), 20.11.2(d), 20.17, 20.18, 20.19, and 20.20

Amended Rules: 20.1, 20.2.2, 20.3.1, 20.3.1(e), 20.4.1, 20.5.2, 20.8.4, 20.8.5, 20.9.3(d), and 20.11.2

Repealed Rules: 20.11.3(c)

In accordance with Colorado election law,¹ the Secretary of State finds that amendments and recodification of the election rules must be adopted and effective immediately to ensure the uniform and proper administration and enforcement of Colorado election laws.

Temporary adoption is necessary both to comply with law and to preserve the public welfare given the close proximity of the 2014 General Election. A public rulemaking hearing was conducted in accordance with the State Administrative Procedure Act² on July 17, 2014, to receive comment and testimony on the proposed rules concerning voting system conditions for use. Adoption of the rules on a temporary basis is necessary to provide clear guidance to interested parties, including: county clerks, vote system vendors, and electors.

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.³

¹ 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]....”

² Section 24-4-103(3)(a), C.R.S. (2013).

³ Section 24-4-103(3)(6), C.R.S. (2013).