Statement of Justification and Reasons for Adoption of Temporary Rules

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

July 15, 2020

Revised Rule 15.9

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.

On March 10, 2020, the Colorado Governor declared a disaster emergency due to the COVID-19 contagion. On May 15, 2020, the Colorado Governor issued Executive Orders D 2020 064 and D 2020 065 authorizing the Secretary of State to establish temporary rules for registered electors to receive and return candidate and issue petitions over mail and email due to the presence of COVID-19. On July 1, 2020, the Colorado Supreme Court determined that several provisions of Executive Order D 2020 065 were unconstitutional. As a result, on July 10, 2020, the Colorado Governor issued Executive Order D 2020 128 repealing most of Executive Order D 2020 065. Accordingly, amended Rule 15.9 is immediately effective as is necessary to provide clear guidance to interested parties, including, but not limited to: petition proponents and designated agents, unaffiliated and independent candidates, designated petition circulators, and the general public.

For these reasons, and in accordance with the State Administrative Procedure Act, the Secretary of State finds that temporary adoption of the amendments to existing election rules is imperatively necessary to comply with state and federal law and to promote public interests.[2]

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[1] Sections 1-1-107 (1) (c), 1-1-107(2) (a), 1-7.5-104, C.R.S. (2019).
[2] Section 24-4-103(3) (6), C.R.S. (2019).