



Notice of Temporary Adoption

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

June 24, 2014

I. Adopted Rule Amendments

As authorized by Colorado Elections Law¹ and the State Administrative Procedure Act², the Colorado Secretary of State gives notice that the following amendments to the Election Rules³ are adopted on a temporary basis and immediately effective. (SMALL CAPS indicate proposed additions to the current rules. ~~Stricken type~~ indicates proposed deletions from current rules. *Annotations* may be included):

New Rule 7.13:

7.13 BALLOT RETURNED IN UNOFFICIAL ENVELOPE

7.13.1 IF THE COUNTY RECEIVES A MAIL BALLOT FROM AN ELIGIBLE ELECTOR IN AN ENVELOPE OTHER THAN THE OFFICIAL BALLOT RETURN ENVELOPE FOR THAT PARTICULAR ELECTION, THE COUNTY MUST CONTACT THE ELECTOR IN WRITING WITHIN THREE CALENDAR DAYS OF RECEIVING THE BALLOT BUT NO LATER THAN TWO CALENDAR DAYS AFTER ELECTION DAY. THE COUNTY MUST USE THE LETTER AND AFFIDAVIT PRESCRIBED BY THE SECRETARY OF STATE AND KEEP A COPY AS PART OF THE OFFICIAL ELECTION RECORD. IF THE COUNTY RECEIVES THE COMPLETED AFFIDAVIT NO LATER THAN THE EIGHTH DAY AFTER ELECTION DAY, THE COUNTY MUST COUNT THE BALLOT.

II. Basis, Purpose, and Specific Statutory Authority

A Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

¹ Sections 1-1-107(2)(a) and 1-1.5-104(1)(e), C.R.S. (2013).

² Section 24-4-103, C.R.S. (2013).

³ 8 CCR 1505-1.

III. Statement of Justification and Reasons for Adoption of Temporary Rules

A statement of the Secretary of State's findings to justify the immediate adoption of this new rule on a temporary basis follows this notice and is incorporated by reference.⁴

IV. Effective Date of Adopted Rules

This new rule is immediately effective on a temporary basis.

Dated this 24th day of June, 2014,



Suzanne Staiert
Deputy Secretary of State

For

Scott Gessler
Colorado Secretary of State

⁴ Section 24-4-103(6), C.R.S. (2013).



Statement of Basis, Purpose, and Specific Statutory Authority

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

June 24, 2014

I. Basis and Purpose

This statement explains amendments to the Colorado Secretary of State Election Rules. The amendments are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado election laws. The revision is also intended to improve elections administration in Colorado.

The temporary rule is necessary given the close proximity of the 2014 Primary Election and the fact that several electors returned otherwise valid mail ballots in an unofficial envelope. The Secretary of State must adopt rules to provide clear guidance to county clerks.

II. Rulemaking Authority

The constitutional and statutory authority is as follows:

1. Section 1-1-107(2) (a), C.R.S., (2013), which authorizes the Secretary of State “[t]o promulgate, publish and distribute...such rules as the secretary finds necessary for the proper administration and enforcement of the election laws.”
2. Section 1-7.5-104, C.R.S., which requires the county clerk and recorder to conduct a mail ballot election under the supervision of and subject to rules promulgated by the Secretary of State.



Statement of Justification and Reasons for Adoption of Temporary Rules

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

June 24, 2014

New Rule: 7.13

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.

Temporary adoption is necessary both to comply with law and to preserve the public welfare given the close proximity of the 2014 Primary Election and the fact that several electors returned otherwise valid mail ballots in an unofficial envelope. The Secretary of State must adopt rules to provide clear guidance to affected electors and county clerks regarding the procedures for processing returned ballots.

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), 1-7.4-104, C.R.S. (2014).

² Section 24-4-103(3)(6), C.R.S. (2013).