



Notice of Temporary Adoption

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

October 20, 2017

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 2.16.3:

2.16.3 IF A FEDERAL AGENCY NOTIFIES A COUNTY OF A DATA BREACH OF OR A TARGETED ATTACK ON ITS COUNTY NETWORK OR SCORE, OR PROVIDES ANY OTHER NOTICE CONCERNING AN ATTACK OR POTENTIAL ATTACK ON CRITICAL INFRASTRUCTURE, THE COUNTY MUST NOTIFY THE SECRETARY OF STATE IMMEDIATELY USING THE CONTACT INFORMATION PROVIDED BY THE SECRETARY OF STATE FOR THIS PURPOSE.

II. Basis, Purpose, and Specific Statutory Authority

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

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.

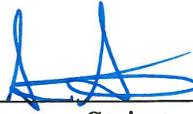
¹ Sections 1-1-107(2)(a) and 1-1.5-104(1)(e), C.R.S. (2017).

² Section 24-4-103, C.R.S. (2017).

³ 8 CCR 1505-1.

⁴ Section 24-4-103(6), C.R.S. (2017).

Dated this 20th day of October, 2017,



Suzanne Staiert
Deputy Secretary of State

For

Wayne W. Williams
Colorado Secretary of State



Statement of Basis, Purpose, and Specific Statutory Authority

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

October 20, 2017

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 Federal and Colorado election laws,¹ improve elections administration in Colorado, and increase the transparency and security of the election process.

Temporary Rule 2.16.3 is necessary given the close proximity of the 2017 Coordinated Election. The Secretary of State must adopt rules to provide clear guidance to county clerks regarding election systems security requirements.

II. Rulemaking Authority

The constitutional and statutory authority is as follows:

1. Section 1-1-107(2) (a), C.R.S., (2017), 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 1-1.5-104(1)(b), C.R.S., (2017), which authorizes the Secretary of State to “[p]romulgate, oversee, and implement changes in the statewide voter registration system as specified in part 3 of article 2 of this title.”

¹ Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 (“HAVA”), P.L. No. 107-252.



Statement of Justification and Reasons for Adoption of Temporary Rules

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

October 20, 2017

New Rule 2.16.3

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 2017 Coordinated Election. The Secretary of State must adopt rules to provide clear guidance to county clerks regarding election systems security requirements.

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. (2017).

² Section 24-4-103(3)(6), C.R.S. (2017).