



2023 Departmental Regulatory Agenda
Office of the Secretary of State
November 1, 2022

To: The Staff of Legislative Council

Re: Colorado Department of State – 2023 Departmental Regulatory Agenda

The Colorado Secretary of State submits the following 2023 Departmental Regulatory Agenda for the Department of State to the General Assembly in accordance with state laws concerning legislative oversight of principal departments.¹

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¹ Section 2-7-203(4), C.R.S.

DEPARTMENT REGULATORY AGENDA

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-1: Elections	<p>The Secretary of State may commence rulemaking to consider amendments to the Election Rules necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of and to answer questions arising under Colorado elections law¹ • Implement amendments to Colorado laws adopted during the First Regular Session of the 74th General Assembly • Respond to comments from the Office of Legislative Legal Services • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. <p>Potential proposed amendments include:</p> <ul style="list-style-type: none"> • Rules related to local ranked choice elections as required by HB 21-1071 	<p>Section 1-1-107(2)(a), C.R.S.; HB 21-1071</p> <p>Depending on the subject matter of unanticipated rulemaking, additional statutory and constitutional authority may apply.</p>	<p>HB 21-1071 must be adopted by April 1, 2023.</p> <p>For all others, TBD; the Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.</p>	<p>Positively affect:</p> <ul style="list-style-type: none"> • Current and potential Colorado residents • Colorado County Clerks and Recorders • Candidates for office in Colorado • Local Governments in Colorado • Voting system providers in Colorado • Political parties in Colorado
8 CCR 1505-2: Bingo and Raffles Games	<p>The Secretary of State may commence rulemaking regarding the Rules Concerning Bingo and Raffles Games necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of Colorado bingo and raffles law² • Implement amendments to Colorado laws adopted during the First Regular Session of the 74th General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. <p>Potential proposed amendments include:</p> <ul style="list-style-type: none"> • Rules related to Bingo Strip Card Game as required by HB 22-1093 	<p>Sections 24-21-605(1)(b) and 24-21-618(7)(c), C.R.S.; HB 22-1093</p> <p>Depending on the subject matter of unanticipated rulemaking, additional statutory and constitutional authority may apply.</p>	<p>HB 22-1093 must be effective by April 1, 2023.</p> <p>For all others, TBD; the Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.</p>	<p>Positively affect:</p> <ul style="list-style-type: none"> • Charitable gaming licensees • Gaming equipment (bingo and pull tab) manufacturers and manufacturers' agents • Colorado citizens who bingo

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.

² Article XVIII, Section 2 of the Colorado Constitution and Article 21, Part 6 of Title 24 of the Colorado Revised Statutes.

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8 CCR 1505-3: Rules Governing General Policies and Administration	<p>The Secretary does not anticipate rulemaking regarding the Rules Governing General Policies and Administration; however, the Secretary may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of and to answer questions arising under Colorado State Administrative Procedure Act³ and State Emblems and Symbols laws⁴ • Implement amendments to Colorado laws adopted during the First Regular Session of the 74th General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 			
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	<p>The Secretary may propose amendments to the Rules Concerning Campaign and Political Finance as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of and to answer questions arising under Colorado campaign finance law⁵ • Address any issues related to or to further implement HB 22-1060, HB 22-1156, and SB 22-237 • Implement amendments to Colorado laws adopted during the First Regular Session of the 74th General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. <p>Potential proposed amendments include:</p> <ul style="list-style-type: none"> • Rules related to contribution limits in Rule 10.17 and the adjustment for inflation every four years as required by Colo. Const. Art. XXVIII, Section 3(13) 	<p>Colo. Const. Art. XXVIII, Sections 3(13); Section 45-111.5(1), C.R.S.</p> <p>Depending on the subject matter of unanticipated rulemaking, additional statutory and constitutional authority may apply.</p>	<p>The Secretary of State commenced rulemaking on August 15, 2022. For more information and to monitor this rulemaking please see www.sos.state.co.us/pubs/rule_making/hearings/2022/CampaignandPoliticalFinanceRulesHearing20220915.html. The Secretary of State will commence any additional rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.</p>	<p>Positively affect:</p> <ul style="list-style-type: none"> • Political subdivisions • Officeholders • Candidates for office in Colorado • Independent expenditure committees <p>Negatively affect:</p> <ul style="list-style-type: none"> • Advocacy groups • Current and future issue committees

³ Article 4 of Title 24, C.R.S.

⁴ Article 80, Part 9, of Title 24, C.R.S.

⁵ Article 45 of Title 1, C.R.S., and Article XXVIII of the Colorado Constitution.

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8 CCR 1505-7: UCC Filing Office Rules	<p>The Secretary of State does not anticipate rulemaking regarding the UCC Filing Office Rules; however, the Secretary may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of Colorado’s Uniform Commercial Code⁶ • Implement amendments to Colorado laws adopted during the First Regular Session of the 74th General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 			
8 CCR 1505-8: Rules Concerning Lobbyist Regulation	<p>The Secretary of State may propose amendments to the Rules Concerning Lobbyist Regulation necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of and to answer questions arising under Colorado laws regarding lobbyist regulation, including the adjusting of lobbyist registration fees.⁷ • Implement amendments to Colorado laws adopted during the First Regular Session of the 74th General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 	<p>Section 24-6-305(2)(b), C.R.S.</p> <p>Depending on the subject matter of unanticipated rulemaking, additional statutory and constitutional authority may apply.</p>	<p>TBD; the Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act</p>	<p>Positively affect:</p> <ul style="list-style-type: none"> • Current and potential Colorado residents • Registered lobbyists and lobbying firms • Colorado legislators and other elected officials • Colorado rulemaking bodies
8 CCR 1505-9: Rules for the Administration of the Colorado Charitable Solicitations Act	<p>The Secretary does not anticipate rulemaking regarding the Rules for the Administration of the Colorado Charitable Solicitations Act⁸; however, the Secretary may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of and to answer questions arising under the Colorado Charitable Solicitations Act • Implement amendments to Colorado laws adopted during the First Regular Session of the 74th General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 			

⁶ Article 9 of Title 4, C.R.S.

⁷ Part 3 of Article 6 of Title 24, C.R.S.

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Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-11: Notary Program Rules	<p>The Secretary of State does not anticipate rulemaking regarding the Notary Program Rules; however, the Secretary may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of the Colorado Revised Uniform Law on Notarial Acts (RULONA)⁹ • Implement amendments to Colorado laws adopted during the First Regular Session of the 74th General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 			
8 CCR 1505-12: Public Records Pursuant to the Colorado Open Records Act (CORA)	<p>The Secretary does not anticipate rulemaking regarding the Rules Concerning Public Records Pursuant to the Colorado Open Records Act (CORA); however, the Secretary may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of the Colorado Open Records Act¹⁰ • Implement amendments to Colorado laws adopted during the First Regular Session of the 74th General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 			
8 CCR 1505-14: Rules Concerning Conflict of Interest Disclosures	<p>The Secretary does not anticipate rulemaking regarding the Rules Concerning Conflict of Interest Disclosures; however, the Secretary may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement Colorado standards of conduct law¹¹ • Implement amendments to Colorado laws adopted during the First Regular Session of the 74th General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 			

⁸ Article 16 of Title 6, C.R.S.

⁹ Article 21, Part 5 of Title 24, C.R.S.

¹⁰ Article 72 of Title 24, C.R.S.

SUMMARY OF RULES ADOPTED AFTER NOVEMBER 1, 2021:

Rule Number & Title	CCR Tracking Number	Type	Adopted	Effective	Summary
8 CCR 1505-1: Elections	2022-00078	Temporary	2/10/2022	2/10/2022	The Secretary adopted amendments to the Colorado Secretary of State’s Elections Rules on a temporary basis to ensure uniform and proper administration, implementation, and enforcement of Colorado laws regarding voting systems. The Secretary issued a notice of proposed rulemaking on April 15, 2022 (CCR tracking #2022-00197).
	2022-00197	Permanent	7/1/2022	8/30/2022	The Secretary adopted amendments to the Colorado Secretary of State’s Election Rules to ensure uniform and proper administration, implementation, and enforcement of Federal and Colorado election law, improve elections administration in Colorado, increase transparency and security of the election process, and implement amendments to the election laws made during the 2021 regular session of the 72nd General Assembly. Specifically, the Secretary adopted permanent rule revisions necessary to: implement House Bills 21-1011 and 21-1071; repeal current Rule 20 for coherent structural changes and re-codify security-related rules adopted throughout these rules into New Rule 20; re-codify definition rules in Rule 26.1 to Rule 1.1; eliminate obsolete provisions; organize existing rules for clarity; simplify the language of existing rules; and ensure consistency with Department rulemaking standards. Additionally, the Secretary permanently adopted the voting system security emergency rules that were temporarily adopted on February 10, 2022 (CCR Tracking # 2022-00078) and temporarily readopted on June 10, 2022 (CCR Tracking #2022-00279).
	2022-00279	Temporary	6/10/2022	6/10/2022	The Secretary adopted temporary rules on February 10, 2022 (CCR Tracking #2022-00078). Additionally, the Secretary issued a notice of proposed rulemaking on April 15, 2022 (CCR Tracking #2022-00197). A public rulemaking hearing was conducted in accordance with the State Administrative Procedure Act ¹² on May 24, 2022. The Secretary readopted these rules on a brief, temporary basis to provide clear guidance to interested parties, including county clerks, vote system vendors, and the general public, while the Secretary reviewed the comments and testimony received during the permanent rulemaking hearing.
8 CCR 1505-11: Notary Program Rules	2021-00756	Permanent	1/14/2022	3/17/2022	The Secretary adopted amendments to the Colorado Secretary of State’s Notary Program Rules. The rules are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado laws regarding Revised Uniform Law and Notarial Acts (RULONA).
	2022-00351	Temporary	7/1/2022	7/1/2022	The Secretary adopted amendments to the Colorado Secretary of State’s Notary Program Rules. The rules are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado laws regarding Revised Uniform Law and Notarial Acts (RULONA). Specifically, the Secretary temporarily adopted amendments to Rule 2.3 to clarify the exception that authorizes use of an interpreter for deaf, hard of hearing, and deafblind individuals during notarial acts. The rules were also adopted on a permanent basis

¹¹ Article 18 of Title 24, C.R.S.

¹² Section 24-4-103(3)(a), C.R.S.

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					(CCR tracking #2022-00352).
	2022-00352	Permanent	8/24/2022	10/15/2022	The Secretary adopted amendments to the Colorado Secretary of State’s Notary Program Rules. The rules are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado laws regarding Revised Uniform Law and Notarial Acts (RULONA). The rules were also adopted on a temporary basis (CCR tracking #2022-00351).
8 CCR 1505-6 Campaign & Political Finance Rules	2022-00451	Permanent	9/23/2022	Anticipated effective date: 11/14/2022	The Secretary adopted amendments to the Colorado Secretary of State’s Campaign & Political Finance Rules. The rules are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado campaign finance law; ensure the proper administration of legislation passed in the Second Regular Session of the 73rd General Assembly; eliminate obsolete provisions; remove language that is duplicative of statute or constitutional provisions; simplify the language of existing rules; and ensure consistency with Department rulemaking standards.

PUBLICATION AND AVAILABILITY TO THE PUBLIC

On November 1, 2022, the Secretary of State will post this document on the Department’s website at: <https://www.coloradosos.gov/pubs/newsRoom/SMART-Act/FY23-24/index.html>. The document will also be available at http://www.coloradosos.gov/pubs/rule_making/regulatoryAgendas.html and <https://www.coloradosos.gov/pubs/newsRoom/SMART-Act/index.html>. Additionally, the Secretary of State filed this agenda for publication in the November 10, 2022, Colorado Register.