



Statement of Justification and Reasons for Adoption of Temporary Rules

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

October 16, 2012

New Rules 26.3.4, New Accept Code under Rule 26.5.3, New Reject Code under 26.5.4, and Amended Rule 26.8

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 during the 2012 election cycle. Temporary adoption is necessary both to comply with law and to preserve the public welfare generally.

On September 26, 2012, the Secretary of State alerted new voters that they may not be registered if they used GoVoteColorado.com using a mobile device or tablet between September 14 and 24, 2012, when changes to the programming created intermittent problems with the mobile site collecting the data and adding it to the state's voter registration system. Given the close proximity of the 2012 General Election, adoption of the new rules on a temporary basis is necessary to: provide prompt and clear guidance to new voters and to county clerk and recorders concerning provisional ballot procedures for an elector whose name is not in the registration records and does not appear on the pollbook due to an issue with the State's online voter registration system.

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), 1-1.5-104(1)(e), C.R.S. (2012). 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)(6), C.R.S. (2012).