



Statement of Justification and Reasons for Adoption of Temporary Rules

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

July 22, 2013

New Rule: 32.6

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 that the Governor has set the date for two recall elections: one for senate district 11 in El Paso County and one for Senate District 3 in Pueblo County. The date for both recall elections is September 10, 2013. The governor set this date on July 18, 2013. Under the temporary rule, nominating petitions for successor candidates must be filed with the Secretary of State by close of business Monday, July 29, 2013.² This new temporary rule provides clear filing guidance to potential candidates and to affected county clerks.

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.³

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 “[t]he ‘Help America Vote Act of 2002’, 42 U.S.C. 15301-15545]...”

² The 10th calendar day after July 18th is a Sunday, so the filing deadline is extended until the next business day.

³ Section 24-4-103(3)(6), C.R.S. (2012).