



Statement of Justification and Reasons for Adoption of Temporary Rules

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

August 29, 2013

Repeal Temporary Rules 32.7.3(d), 32.7.4(a), 32.7.4(d) through (f)

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 two recall elections: one for senate district 11 in El Paso County and one for senate district 3 in Pueblo County, are set for September 10, 2013. The amendments to Rule 32.7 are necessary to comply with the Denver District Court ruling in Case No. 2013 CV 433491 on August 29, 2013. As a result of these amendments, election officials in the affected counties must resolve the subject matters of the repealed rules by reference to existing provisions of Title 1, C.R.S., as amended, and the Election Rules, to the extent applicable.

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).