



Statement of Justification and Reasons for Adoption of Temporary Rules

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

October 4, 2013

New Rule: 12.15

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 2013 Coordinated Election that will be conducted by mail ballot² and the risk that electors may be disenfranchised as a result of the historic flooding in September, 2013. Numerous eligible electors were, and continue to be, displaced from their homes or isolated in areas with no reliable or timely mail delivery. The Secretary of State must adopt rules to provide clear guidance to affected electors and county clerks regarding the procedures for ballot delivery and return.

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. (2013). 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 Article 7.5 of Title 1, C.R.S., as amended by HB 13-1303.

³ Section 24-4-103(3)(6), C.R.S. (2013).