

STATE OF COLORADO
Department of State
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Jena M. Griswold
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Notice of Proposed Rulemaking

Colorado Department of State General Policies and Administration Rules, et seq¹ 8 CCR 1505-3, et seq²

Date of notice: December 13, 2024

Date and time of public hearing: January 14, 2025 at 9:00AM

III. Hearing Notice

As required by the State Administrative Procedure Act, the Colorado Department of State gives notice of proposed rulemaking. The hearing is scheduled for January 14, 2025 at 9:00AM. This hearing will be conducted in person and via webinar. Details regarding how to attend online and testify during the hearing are outlined in section VI of this notice.

II. Subject

The Department is considering amendments to the rules concerning general policies and administration, elections, campaign and political finance, the Colorado Charitable Solicitations Act, lobbyist regulation, and notary program, at the request of the Office of Legislative Legal Services (OLLS), to ensure uniform and proper administration, implementation, and enforcement of Colorado laws.³

Specifically, the Department proposes permanent rule revisions to 8 CCR 1505-3, Rule 3.6.1 to update the number of days to file a written answer from 21 days to 30 days, in

¹ Additional regulations are amended as a result of this rulemaking. The amended rules are: the rules concerning elections, campaign and political finance, the Colorado Charitable Solicitations Act, lobbyist regulation, and notary program.

² The additional regulations' CCR numbers are: 8 CCR 1505-1, 1505-6, 1505-8, 1505-9, and 1505-11.

³ Title 1, Article 16 of Title 6, and Articles 4, 6, and 21 of Title 24, C.R.S.

compliance with section 24-4-105(2)(b), C.R.S. Additional proposed rule revisions may be necessary to: eliminate obsolete provisions, organize existing rules for clarity; simplify the language of existing rules; and ensure consistency with Department rulemaking standards. The Department may consider additional rule amendments.

A detailed Statement of Basis, Purpose and Statutory Authority follows this notice and is incorporated by reference.

III. Rulemaking Authority

The Department proposes the rule revisions and amendments in accordance with the following statutory provisions:

- Section 1-4-905.5(3), C.R.S., requires the Secretary of State to provide an applicant or licensee with timely notice and hearing in accordance with Article 4 of Title 24, C.R.S., if the Secretary of State denies, revokes, suspends, or imposes a condition on a license.
- Section 1-40-135(3)(a), C.R.S., states that “[a]ny procedures by which alleged violations involving petition entities are heard and adjudicated shall be governed by the ‘State Administrative Procedure Act’, article 4 of title 24.”
- Section 1-45-111.5, C.R.S., authorizes the Secretary of State to promulgate rules “necessary to enforce and administer any provision of this article”, which includes complaints filed before a hearing officer.
- Section 6-16-111(6)(b), C.R.S., states that for a proceeding for “any such denial, suspension, or revocation hearing are governed by the ‘State Administrative Procedure Act’, article 4 of title 24; except that the secretary of state shall promulgate rules to provide for expedited deadlines to govern such proceedings...”
- Section 24-4-104, C.R.S., states that an agency “shall set and conduct the proceedings in accordance with this article unless otherwise required by law,” the agency shall not revoke, suspend, annul, limit, or modify a previously issued license until after holding a hearing, and if an application for a new license is denied without a hearing, the applicant may request a hearing before the agency as provided in section 24-4-106, C.R.S.

- Section 24-4-105(3), C.R.S., permits hearing officers to preside over any agency adjudicatory proceeding if otherwise authorized by law.
- Section 24-6-305, C.R.S., authorizes the Secretary of State to “revoke the certificate of registration of any individual who has been convicted of violating any of the provisions of [Part 3, Article 6 of Title 24]” and to do so in accordance with the State Administrative Procedure Act
- Section 24-21-108, C.R.S., authorizes the Secretary of State to conduct hearings, when authorized by law, “in conformance with the provisions of section 24-4-105; except that hearings related to petitions or certificates of designation or nomination filed under section 1-4-901, C.R.S., shall not be required to be conducted under provisions of section 24-4-105[, C.R.S.]”
- Section 24-21-523(3), C.R.S., states that if the Secretary of State “denies, refuses to renew, revokes, suspends, or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to timely notice and hearing in accordance with the ‘State Administrative Procedure Act’...”

VI. Copies of Draft Rules

A preliminary draft of the proposed rules is posted on the Department of State’s [rules and notices of rulemaking website](#) and included towards the end of this notice.

You may also contact our office to request an editable electronic copy of the draft rules.

As required by the State Administrative Procedure Act, if changes are made before the rulemaking hearing, a revised draft of the proposed rules amendments will be available to the public and posted on the website by January 9, 2025.

V. Opportunity to Testify and Submit Written Comments

The Department values your feedback in our rulemaking process, and we would very much like to hear your thoughts on the proposed amendments. Please review and consider the attached proposed draft rules.

Everyone will have the opportunity to testify and provide written comment concerning the rule amendments. You may submit written comments to SOS.Rulemaking@coloradosos.gov any time before and during the hearing. If you attend the hearing in person, you may submit written comments to the hearing panel as

well. An additional opportunity to comment in writing will be announced at the conclusion of the hearing. Information regarding how to testify during the hearing is provided in section VI of this notice.

As soon as possible after receipt, written comments will be posted online at the 1/14/2025 General Policies & Administration rulemaking webpage on the Colorado Department of State's website.

We will redact apparent personal contact information, including home address, email address, and telephone number(s), from submissions before posting the information online, unless otherwise directed by the contributor. All written comments will be added to the official rulemaking record.

VI. Webinar and Audio Recording of Hearing

Online registration of the hearing

To join and listen to the hearing online, you must [register](#) (Zoom).

When you register, you must provide your full name and email address. Please provide additional contact information including your address and telephone number. You may also provide your job title and organization. Lastly, indicate whether you plan to testify during the hearing. When you submit your registration, you should receive a confirmation email including details about how to join the hearing via webinar.

Hearing procedures

After the introduction and a brief summary of the rulemaking, we will open the hearing to testimony as follows:

- In person attendees will be called upon first to provide their testimony, for the sake of efficiency. We will reference the sign-in sheet provided and individually call upon in-person attendees who wish to provide their testimony. Once we have exhausted the sign-in sheet, we will move forward with the testimony of online attendees who have indicated they would like to provide testimony.
- Referencing online registration records, we will identify and individually unmute online attendees who have indicated they would like to provide testimony during the hearing.

- Once we have exhausted that list, we will ask whether additional attendees wish to provide testimony. In-person attendees may raise their hands to indicate their intention to testify, and online attendees may raise their virtual hand by clicking the icon in their control panel.
- To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

Before the hearing concludes, we will announce an additional opportunity to submit written comments and the associated deadline.

Webinar audio requirements

Please be advised: we strongly encourage attendees to join the webinar through their computer or the Zoom app, even if they use their telephone to dial in for audio. To testify during the hearing, it is best to use your computer or the Zoom app to be unmuted and to utilize the “raise hand” feature within the webinar. If you access the webinar only by telephone, you may not appear in our webinar attendee list, meaning we may not be able to unmute you to provide testimony. Moreover, the raise hand feature is only available to attendees who access the webinar by computer or by the Zoom app. For the best audio, it is best to use your computer microphone and speakers or a headset of headphones, if you choose to testify. As outlined above, we will receive testimony from online attendees whose registration indicates that they plan to provide testimony before we offer both in-person and online attendees the option to raise their hand.

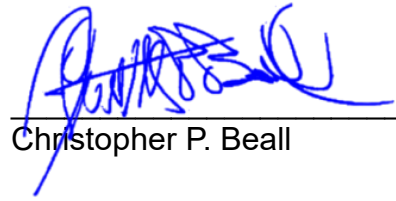
Audio recording

After the conclusion of the hearing, a recording will be available on the Department’s [upcoming events and audio broadcasts webpage](#).

VII. Office Contact Information and Accessibility Accommodations Requests

If you have any questions, would like to submit written comments, please contact the Rulemaking Policy Analyst at SOS.Rulemaking@coloradosos.gov or (303) 894-2200 ext. 6124. If you require a reasonable accommodation, please email accessibility@coloradosos.gov or call (303) 894-2200. Accommodation requests must be submitted at least one week prior to the rulemaking hearing.

Dated this 13th day of December 2024



Christopher P. Beall

Deputy Secretary of State

For

Jena Griswold

Colorado Secretary of State



Draft Statement of Basis, Purpose, and Specific Statutory Authority

Colorado Department of State General Policies and Administrative Rules, et seq¹ 8 CCR 1505-3, et seq²

I. Basis and Purpose

This statement explains proposed amendments to the Colorado Department of State General Policies and Administration Rules.³ The amendments are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado laws.⁴ Additionally, these proposed amendments to the General Policies and Administration Rules require proposed amendments to other regulations under the purview of the Department. Specifically, rules concerning elections, campaign and political finance, the Colorado Charitable Solicitations Act, lobbyist regulation, and notary program have proposed amendments in this rulemaking.⁵

Specific changes include:

- Amendments to rules concerning general procedures and administration, specifically Rule 3.6.1. Subsections (a) and (b) of Rule 3.6.1 are amended to update the number of days to file a written answer from 21 days to 30 days, in compliance with section 24-4-105(2)(b), C.R.S.

¹ Additional regulations are amended as a result of this rulemaking. The amended rules are: the rules concerning elections, campaign and political finance, the Colorado Charitable Solicitations Act, lobbyist regulation, and notary program.

² The additional regulations' CCR numbers are: 8 CCR 1505-1, 1505-6, 1505-8, 1505-9, and 1505-11.

³ 8 CCR 1505-3.

⁴ Title 1, Article 16 of Title 6, and Articles 4, 6, and 21 of Title 24, C.R.S.

⁵ 8 CCR 1505-1, 1505-6, 1505-8, 1505-9, and 1505-11.

- There are no amendments to rules concerning elections, campaign and political finance, lobbyist regulation, the Colorado Charitable Solicitations Act, and the notary program.⁶

Other changes to rules not specifically listed are non-substantive and necessary for consistency with Department rulemaking format and style. Cross-references in rules are also corrected or updated.

II. Rulemaking Authority

The statutory authority is as follows:

- Section 1-4-905.5(3), C.R.S., requires the Secretary of State to provide an applicant or licensee with timely notice and hearing in accordance with Article 4 of Title 24, C.R.S., if the Secretary of State denies, revokes, suspends, or imposes a condition on a license.
- Section 1-40-135(3)(a), C.R.S., states that “[a]ny procedures by which alleged violations involving petition entities are heard and adjudicated shall be governed by the ‘State Administrative Procedure Act’, article 4 of title 24.”
- Section 1-45-111.5, C.R.S., authorizes the Secretary of State to promulgate rules “necessary to enforce and administer any provision of this article”, which includes complaints filed before a hearing officer.
- Section 6-16-111(6)(b), C.R.S., states that for a proceeding for “any such denial, suspension, or revocation hearing are governed by the ‘State Administrative Procedure Act’, article 4 of title 24; except that the secretary of state shall promulgate rules to provide for expedited deadlines to govern such proceedings...”
- Section 24-4-104, C.R.S., states that an agency “shall set and conduct the proceedings in accordance with this article unless otherwise required by law,” the agency shall not revoke, suspend, annul, limit, or modify a previously issued license until after holding a hearing, and if an application for a new license is denied without a hearing, the applicant may request a hearing before the agency as provided in section 24-4-106, C.R.S.

⁶ 8 CCR 1505-1, 1505-6, 1505-8, 1505-9, and 1505-11.

- Section 24-4-105(3), C.R.S., permits hearing officers to preside over any agency adjudicatory proceeding if otherwise authorized by law.
- Section 24-6-305, C.R.S., authorizes the Secretary of State to “revoke the certificate of registration of any individual who has been convicted of violating any of the provisions of [Part 3, Article 6 of Title 24]” and to do so in accordance with the State Administrative Procedure Act
- Section 24-21-108, C.R.S., authorizes the Secretary of State to conduct hearings, when authorized by law, “in conformance with the provisions of section 24-4-105; except that hearings related to petitions or certificates of designation or nomination filed under section 1-4-901, C.R.S., shall not be required to be conducted under provisions of section 24-4-105[, C.R.S.]”
- Section 24-21-523(3), C.R.S., states that if the Secretary of State “denies, refuses to renew, revokes, suspends, or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to timely notice and hearing in accordance with the ‘State Administrative Procedure Act’...”

Preliminary Draft of Proposed Rules

Colorado Department of State General Policies and Administration Rules, et seq¹ 8 CCR 1505-3, et seq² December 13, 2024

Disclaimer:

In accordance with the State Administrative Procedure Act, this draft is filed with the Department of State and submitted to the Department of Regulatory Agencies.³

This is a preliminary draft of the proposed rules that may be revised before the January 14, 2025, rulemaking hearing. If changes are made, a revised copy of the proposed rules will be available to the public and a copy will be posted on the Department of State's website no later than **January 9, 2025**.⁴

Amendments to 8 CCR 1505-3 are as follows:

Amendments to Rule 3.6.1 are as follows:

3.6.1 Answers

- (a) A respondent who is served an administrative complaint is required to file a written answer, a motion under C.R.C.P. 12(b), a motion for enlargement of time, or a motion to stay proceedings due to settlement within 30 days after the service or mailing of notice of the proceeding. If a respondent receiving such notice fails to file an answer, a hearing officer may enter a default against that respondent.

¹ Additional regulations are amended as a result of this rulemaking. The amended rules are: the rules concerning elections, campaign and political finance, the Colorado Charitable Solicitations Act, lobbyist regulation, and notary program.

² The additional regulations' CCR numbers are: 8 CCR 1505-1, 1505-6, 1505-8, 1505-9, and 1505-11.

³ Sections 24-4-103(2.5) and (3)(a), C.R.S.

⁴ Section 24-4-103(4)(a), C.R.S. "[A]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing."

- (1) Exception for expedited hearings. Answers, if required or requested, will be addressed in the hearing officer's scheduling order.
- (b) A respondent may, but is not required to, file a written answer during a stay of proceedings or if the administrative complaint is dismissed. If a stay of proceedings is lifted and complaint proceedings resume, respondent must file a written answer or responsive pleading within 30 days or as provided by the hearing officer.

Amendments to 8 CCR 1505-1 are as follows:

There are no changes to 8 CCR 1505-1.

Amendments to 8 CCR 1505-6 are as follows:

There are no changes to 8 CCR 1505-6.

Amendments to 8 CCR 1505-8 are as follows:

There are no changes to 8 CCR 1505-8.

Amendments to 8 CCR 1505-9 are as follows:

There are no changes to 8 CCR 1505-9.

Amendments to 8 CCR 1505-11 are as follows:

There are no changes to 8 CCR 1505-11.