# STATE OF COLORADO Department of State

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## 2025 Departmental Regulatory Agenda

## Office of the Secretary of State

#### November 1, 2024

To: The Staff of Legislative Council

Re: Colorado Department of State – 2025 Departmental Regulatory Agenda

The Colorado Secretary of State submits the following 2025 Departmental Regulatory Agenda for the Department of State to the General Assembly in accordance with state laws concerning legislative oversight of principal departments.<sup>1</sup>

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<sup>&</sup>lt;sup>1</sup> Section 2-7-203(4), C.R.S.

## **Department Regulatory Agenda**

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-1: Elections	The Secretary of State may commence rulemaking to consider amendments to the Election Rules necessary to:  • Improve the administration and enforcement of and to answer questions arising under Colorado elections law¹;  • Implement amendments to Colorado laws adopted during the First Regular Session of the 75th General Assembly;  • Respond to comments from the Office of Legislative Legal Services; and  • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S.  Potential proposed amendments include: Rules related to the testing of election equipment and auditing of instant runoff elections, including races that cross multiple counties' jurisdictions, as required by Senate Bill 24-210.	Sections 1-1-107(2)(a), 1-7-118, 1-7-515, C.R.S.; Senate Bill 24-210.  Depending on the subject matter of any unanticipated rulemaking, additional statutory and constitutional authority may apply.	TBD; the Secretary of State will commence any additional rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act. Rules related to Senate Bill 24-210 must be adopted by January 1, 2026.	<ul> <li>Positively affect:</li> <li>Candidates for office in Colorado</li> <li>Colorado County Clerks and Recorders</li> <li>Current and potential Colorado residents</li> <li>Local Governments in Colorado</li> <li>Political parties in Colorado</li> <li>Voting system providers in Colorado</li> </ul>

<sup>&</sup>lt;sup>1</sup> Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 ("HAVA"), P.L. No. 107-252.

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-2:	The Secretary of State does not anticipate rulemaking			
Bingo and	regarding the Rules Concerning Bingo and Raffles			
Raffles Games	Games; however, the Secretary may commence			
	rulemaking as necessary to:			
	<ul> <li>Improve the administration and enforcement of</li> </ul>			
	Colorado bingo and raffles law <sup>2</sup> ;			
	<ul> <li>Implement amendments to Colorado laws</li> </ul>			
	adopted during the First Regular Session of the			
	75 <sup>th</sup> General Assembly; and			
	Issue, amend, or repeal a rule in accordance			
	with a petition for rulemaking submitted under			
	section 24-4-103(7), C.R.S.			

<sup>2</sup> Article XVIII, Section 2 of the Colorado Constitution and Article 21, Part 6 of Title 24 of the Colorado Revised Statutes.

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-3:	The Secretary of State does not anticipate rulemaking			
Rules	regarding the Rules Governing General Policies and			
Governing	Administration; however, the Secretary may			
General	commence rulemaking as necessary to:			
Policies and	<ul> <li>Improve the administration and enforcement of</li> </ul>			
Administration	and to answer questions arising under			
	Colorado State Administrative Procedure Act <sup>3</sup>			
	and State Emblems and Symbols laws <sup>4</sup> ;			
	<ul> <li>Implement amendments to Colorado laws</li> </ul>			
	adopted during the First Regular Session of the			
	75 <sup>th</sup> General Assembly; and			
	Issue, amend, or repeal a rule in accordance			
	with a petition for rulemaking submitted under			
	section 24-4-103(7), C.R.S.			

Article 4 of Title 24, C.R.S.
 Article 80, Part 9, of Title 24, C.R.S.

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	The Secretary of State may propose amendments to the Rules Concerning Campaign and Political Finance as necessary to:  • Improve the administration and enforcement of and to answer questions arising under Colorado campaign finance law <sup>5</sup> ;  • Implement amendments to Colorado laws adopted during the First Regular Session of the 75 <sup>th</sup> General Assembly; and  • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S.	Section 1-45-111.5(1), C.R.S.  Depending on the subject matter of any unanticipated rulemaking, additional statutory and constitutional authority may apply.	TBD; the Secretary of State will commence any additional rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.	<ul> <li>Positively affect:</li> <li>Candidates for office and officeholders in Colorado</li> <li>Independent expenditure committees</li> <li>Issue committees</li> <li>Municipal governments Political committees</li> <li>Political organizations</li> <li>Political parties</li> <li>State and political subdivisions</li> <li>Small-scale issue committees</li> <li>Negatively affect:</li> <li>Persons or entities engaging in electoral advocacy, issue advocacy, or political speech or spending</li> </ul>

 $^{\rm 5}$  Article 45 of Title 1, C.R.S., and Article XXVIII of the Colorado Constitution.

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-7:	The Secretary of State does not anticipate rulemaking			
UCC Filing	regarding the UCC Filing Office Rules; however, the			
Office Rules	Secretary may commence rulemaking as necessary			
	to:			
	<ul> <li>Improve the administration and enforcement of</li> </ul>			
	Colorado's Uniform Commercial Code <sup>6</sup> ;			
	<ul> <li>Implement amendments to Colorado laws</li> </ul>			
	adopted during the First Regular Session of the			
	75 <sup>th</sup> General Assembly; and			
	<ul> <li>Issue, amend, or repeal a rule in accordance</li> </ul>			
	with a petition for rulemaking submitted under			
	section 24-4-103(7), C.R.S.			

<sup>6</sup> Article 9 of Title 4, C.R.S.

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-8: Rules Concerning Lobbyist Regulation	<ul> <li>The Secretary of State may propose amendments to the Rules Concerning Lobbyist Regulation necessary to: <ul> <li>Improve the administration and enforcement of and to answer questions arising under Colorado laws regarding lobbyist regulation, including the adjusting of lobbyist registration fees<sup>7</sup>;</li> <li>Implement amendments to Colorado laws adopted during the First Regular Session of the 75<sup>th</sup> General Assembly; and</li> <li>Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S.</li> </ul> </li></ul>	Section 24-6-305(2)(b), C.R.S.  Depending on the subject matter of any unanticipated rulemaking, additional statutory and constitutional authority may apply.	TBD; the Secretary of State will commence any additional rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.	<ul> <li>Positively affect:         <ul> <li>Colorado legislators and other elected officials</li> </ul> </li> <li>Colorado state agencies with rulemaking authority</li> <li>Current and potential Colorado residents</li> <li>Registered lobbyists and lobbying firms</li> <li>Volunteer lobbyists</li> </ul>

<sup>&</sup>lt;sup>7</sup> Part 3 of Article 6 of Title 24, C.R.S.

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-9:	The Secretary of State does not anticipate rulemaking			
Rules for the	regarding the Rules for the Administration of the			
Administration	Colorado Charitable Solicitations Act <sup>8</sup> ; however, the			
of the Colorado	Secretary may commence rulemaking as necessary			
Charitable	to:			
Solicitations	<ul> <li>Improve the administration and enforcement of</li> </ul>			
Act	and to answer questions arising under the			
	Colorado Charitable Solicitations Act;			
	Implement amendments to Colorado laws			
	adopted during the First Regular Session of the			
	75 <sup>th</sup> General Assembly; and			
	Issue, amend, or repeal a rule in accordance			
	with a petition for rulemaking submitted under			
	section 24-4-103(7), C.R.S.			

<sup>&</sup>lt;sup>8</sup> Article 16 of Title 6, C.R.S.

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-	The Secretary of State does not anticipate rulemaking			
11:	regarding the Notary Program Rules; however, the			
Notary	Secretary may commence rulemaking as necessary			
Program Rules	<ul> <li>Improve the administration and enforcement of the Colorado Revised Uniform Law on Notarial Acts (RULONA)<sup>9</sup>;</li> <li>Implement amendments to Colorado laws adopted during the First Regular Session of the 75<sup>th</sup> General Assembly; and</li> <li>Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S.</li> </ul>			

<sup>&</sup>lt;sup>9</sup> Article 21, Part 5 of Title 24, C.R.S.

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505- 12: Public Records Pursuant to the Colorado Open Records Act (CORA)	<ul> <li>The Secretary may propose amendments to the Rules Concerning Public Records Pursuant to the Colorado Open Records Act (CORA) as necessary to:         <ul> <li>Improve the administration and enforcement of the Colorado Open Records Act<sup>10</sup>;</li> <li>Implement amendments to Colorado laws adopted during the First Regular Session of the 75<sup>th</sup> General Assembly; and</li> <li>Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S.</li> </ul> </li> </ul>	Section 24-72-203(1), C.R.S.  Depending on the subject matter of any unanticipated rulemaking, additional statutory and constitutional authority may apply.	Spring 2025; the Secretary of State will commence any additional rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.	Positive affect:  • The Secretary of State's office  Negative affect:  • Requestors of public records

<sup>&</sup>lt;sup>10</sup> Article 72 of Title 24, C.R.S.

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-	The Secretary does not anticipate rulemaking			
14:	regarding the Rules Concerning Conflict of Interest			
Rules	Disclosures; however, the Secretary may commence			
Concerning	rulemaking as necessary to:			
Conflict of	Improve the administration and enforcement			
Interest	Colorado standards of conduct law <sup>11</sup> ;			
Disclosures	Implement amendments to Colorado laws			
	adopted during the First Regular Session of the			
	75 <sup>th</sup> General Assembly; and			
	Issue, amend, or repeal a rule in accordance			
	with a petition for rulemaking submitted under			
	section 24-4-103(7), C.R.S.			

<sup>&</sup>lt;sup>11</sup> Article 18 of Title 24, C.R.S.

## **Summary of Rules Adopted after November 1, 2023:**

Rule number & title	CCR tracking number	Туре	Adopted	Effective	Summary
8 CCR 1505-1: Election Rules	2024-00018	Emergency	1/10/2024	1/1/2024	The Secretary adopted new rules to the Colorado Department of State Elections Rules on a temporary basis. The rules are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado laws regarding voting systems.
8 CCR 1505-1: Election Rules	2024-00131	Permanent	5/9/2024	7/1/2024	The Secretary adopted permanent rule revisions necessary to: implement Senate Bill 23-276, which concerned modifications to laws regarding elections, and specifically, which require the Secretary to implement rules which determine which election costs borne by counties are necessary and reasonable and thus reimbursable. Also, the Secretary adopted permanent rule revisions necessary to eliminate holes in ballot return envelopes by the November 2024 general election and develop quality control processes to ensure voter anonymity when returning a ballot (also re-adopted on a temporary basis with SOS Tracking #2024-00225).
8 CCR 1505-1: Election Rules	2024-00225	Emergency	5/9/2024	5/9/2024	The Secretary re-adopted Rule 7.2.17 of the Colorado Department of State Elections Rules on a temporary basis, effective immediately. Rule 7.2.17 was originally adopted on a temporary basis under SOS Tracking Number #2024-00018 on January 10, 2024, and is re-adopted until permanent rules are effective under SOS Tracking Number #2024-00131.

	CCR				
Rule number	tracking				
& title	number	Туре	Adopted	Effective	Summary
8 CCR 1505-1: Election Rules	2024-00349	Permanent	9/9/2024	10/30/2024	The Secretary adopted permanent rule revisions necessary to: implement Senate Bills 24-072 and 24-210; eliminate obsolete provisions; prohibit terminating a contract for the purchase, lease, or use of a voting system within the timeframe surrounding an election; further requirements of background checks required by voting system providers; establish new requirements regarding the custody and retention of voted ballots; organize existing rules for clarity; simplify the language of existing rules; and ensure consistency with Department rulemaking standards.
8 CCR 1505-1: Election Rules	2024-00385	Permanent	10/9/2024	Expected effective date: 1/1/2025	The Secretary adopted amendments to the rules concerning general policies and administration, elections, campaign and political finance, the Colorado Charitable Solicitations Act, lobbyist regulation, and notary program to ensure uniform and proper administration, implementation, and enforcement of Colorado laws. Specifically, the Department proposes permanent rule revisions necessary to standardize an existing administrative hearing process within the Department. The existing administrative hearing process within the Department is the administrative complaint process that is outlined within Campaign and Political Finance Rule 24. The proposed amendments in this rulemaking expand and standardize this administrative hearing process to other administrative complaints, requests for hearings, and transfers of complaints that exist and are under the purview of the Department. Additional proposed rule revisions are necessary to: eliminate obsolete provisions, organize existing rules for clarity; simplify the language of existing rules; and ensure consistency with Department rulemaking standards.

	CCR				
Rule number	tracking				
& title	number	Туре	Adopted	Effective	Summary
8 CCR 1505-1: Election Rules	2024-00441	Emergency	9/9/2024	9/9/2024	The Secretary adopted new and amended rules to the Colorado Department of State Elections Rules on a temporary basis. The rules are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado laws before the November 5th General Election. These rules are effective immediately. These temporarily adopted rules were heard at the elections rulemaking hearing, held on August 15, 2024 at 9:00AM. These rules are also permanently adopted under SOS Tracking # 2024-00349.
8 CCR 1505-1 Election Rules	2024-00558	Emergency	10/31/2024	10/31/2024	The Secretary adopted new Rule 20.5.2(c)(12) to the Colorado Department of State Elections Rules on a temporary basis. The amendment is necessary to ensure uniform and proper administration of Colorado's elections. New Rule 20.5.2(c)(12) is effective immediately. Please see the attached Notice of Temporary Adoption, which includes a Statement of Basis and Purpose and Statement of Justification.
8 CCR 1505-2: Bingo & Raffle Games Rules	2024-00348	Permanent	8/23/2024	10/15/2024	The Secretary adopts permanent rule revisions necessary to: implement legislation recently passed by the Colorado General Assembly, specifically House Bill 24-1326; eliminate obsolete provisions; organize existing rules for clarity; simplify the language of existing rules; and ensure consistency with Department rulemaking standards.

	CCR				
Rule number	tracking				
& title	number	Туре	Adopted	Effective	Summary
8 CCR 1505-3: General	2024-00383	Permanent	10/9/2024	Expected effective	The Secretary adopted amendments to the rules concerning general policies and administration, elections, campaign and political finance, the Colorado Charitable
Policies &				date:	Solicitations Act, lobbyist regulation, and notary program to ensure uniform and proper
Administration				1/1/2025	administration, implementation, and enforcement of Colorado laws. Specifically, the
Rules					Department proposes permanent rule revisions necessary to standardize an existing
					administrative hearing process within the Department. The existing administrative
					hearing process within the Department is the administrative complaint process that is
					outlined within Campaign and Political Finance Rule 24. The proposed amendments in
					this rulemaking expand and standardize this administrative hearing process to other
					administrative complaints, requests for hearings, and transfers of complaints that exist
					and are under the purview of the Department. Additional proposed rule revisions are
					necessary to: eliminate obsolete provisions, organize existing rules for clarity; simplify
					the language of existing rules; and ensure consistency with Department rulemaking
					standards.
8 CCR 1505-6:	2023-00610	Permanent	10/25/2023	12/15/2023	The Secretary adopted amendments to the campaign and political finance rules to
Campaign &					ensure uniform and proper administration, implementation, and enforcement of Colorado
Political					campaign finance laws. Specifically, the Department has considered rule amendments to
Finance Rules					Rule 1.5 clarifying that a committee, in part, refers to a political party committee and Rule
					10.17.1 updating the contribution limit that political parties must adhere to for
					contributions to candidates for Governor, Secretary of State, State Treasurer, Attorney
					General, State Senate, State House of Representatives, State Board of Education,
					Regent of the University of Colorado, and District Attorney.

	CCR				
Rule number	tracking				
& title	number	Туре	Adopted	Effective	Summary
8 CCR 1505-6:	2024-00369	Permanent	9/19/2024	Expected	The Secretary adopted permanent rule revisions necessary to: implement House Bills
Campaign &				effective	24-1147 and 24-1238 and Senate Bill 24-210; introduce New Rule 25 regarding
Political				date:	deepfake communications; update language pertaining to cost-sharing reporting
Finance Rules				11/14/2024	requirements; include in rule processes and guidance already in practice by the
					Department; eliminate obsolete provisions; organize existing rules for clarity; simplify the
					language of existing rules; and ensure consistency with Department rulemaking
					standards.
8 CCR 1505-6:	2024-00386	Permanent	10/9/2024	Expected	The Secretary adopted amendments to the rules concerning general policies and
Campaign &				effective	administration, elections, campaign and political finance, the Colorado Charitable
Political				date:	Solicitations Act, lobbyist regulation, and notary program to ensure uniform and proper
Finance Rules				1/1/2025	administration, implementation, and enforcement of Colorado laws. Specifically, the
					Department proposes permanent rule revisions necessary to standardize an existing
					administrative hearing process within the Department. The existing administrative
					hearing process within the Department is the administrative complaint process that is
					outlined within Campaign and Political Finance Rule 24. The proposed amendments in
					this rulemaking expand and standardize this administrative hearing process to other
					administrative complaints, requests for hearings, and transfers of complaints that exist
					and are under the purview of the Department. Additional proposed rule revisions are
					necessary to: eliminate obsolete provisions, organize existing rules for clarity; simplify
					the language of existing rules; and ensure consistency with Department rulemaking
					standards.

	CCR				
Rule number	tracking				
& title	number	Туре	Adopted	Effective	Summary
8 CCR 1505-8:	2024-00387	Permanent	10/9/2024	Expected	The Secretary adopted amendments to the rules concerning general policies and
Lobbyist				effective	administration, elections, campaign and political finance, the Colorado Charitable
Regulation				date:	Solicitations Act, lobbyist regulation, and notary program to ensure uniform and proper
Rules				1/1/2025	administration, implementation, and enforcement of Colorado laws. Specifically, the
					Department proposes permanent rule revisions necessary to standardize an existing
					administrative hearing process within the Department. The existing administrative
					hearing process within the Department is the administrative complaint process that is
					outlined within Campaign and Political Finance Rule 24. The proposed amendments in
					this rulemaking expand and standardize this administrative hearing process to other
					administrative complaints, requests for hearings, and transfers of complaints that exist
					and are under the purview of the Department. Additional proposed rule revisions are
					necessary to: eliminate obsolete provisions, organize existing rules for clarity; simplify
					the language of existing rules; and ensure consistency with Department rulemaking
					standards.

	CCR				
Rule number	tracking	Turne	Adomtod	□ Effe etisse	C
& title	number	Туре	Adopted	Effective	Summary
8 CCR 1505-9:	2024-00388	Permanent	10/9/2024	Expected	The Secretary adopted amendments to the rules concerning general policies and
Colorado				effective	administration, elections, campaign and political finance, the Colorado Charitable
Charitable				date:	Solicitations Act, lobbyist regulation, and notary program to ensure uniform and proper
Solicitation Act				1/1/2025	administration, implementation, and enforcement of Colorado laws. Specifically, the
Rules					Department proposes permanent rule revisions necessary to standardize an existing
					administrative hearing process within the Department. The existing administrative
					hearing process within the Department is the administrative complaint process that is
					outlined within Campaign and Political Finance Rule 24. The proposed amendments in this rulemaking expand and standardize this administrative hearing process to other
					administrative complaints, requests for hearings, and transfers of complaints that exist
					and are under the purview of the Department. Additional proposed rule revisions are
					necessary to: eliminate obsolete provisions, organize existing rules for clarity; simplify
					the language of existing rules; and ensure consistency with Department rulemaking
					standards.
8 CCR 1505-	2023-00757	Permanent	3/8/2024	4/30/2024	The Secretary adopted amendments to the Colorado Department of State Notary
11: Notary					Program Rules to ensure the uniform and proper administration, implementation, and
Program Rules					enforcement of the Revised Uniform Law on Notarial Acts (RULONA). Specifically, the
					Department adopts permanent rule revisions necessary to require a notary public to
					both: (1) inform a customer, before performing a notarial act, of any service that is an
					additional charge to the notarial act and (2) provide a written document that lists the
					specific fee(s) charged for any notarial acts performed. Failing to provide such
					documentation, the presumption is that the amount charged exceeds the statutory fee
					limit. There is also an exception given to an employee of a title company for notarial acts
					performed as part of services provided by that title company.

	CCR				
Rule number	tracking				
& title	number	Туре	Adopted	Effective	Summary
8 CCR 1505-	2024-00389	Permanent	10/9/2024	Expected	The Secretary adopted amendments to the rules concerning general policies and
11: Notary				effective	administration, elections, campaign and political finance, the Colorado Charitable
Program Rules				date:	Solicitations Act, lobbyist regulation, and notary program to ensure uniform and proper
				1/1/2025	administration, implementation, and enforcement of Colorado laws. Specifically, the
					Department proposes permanent rule revisions necessary to standardize an existing
					administrative hearing process within the Department. The existing administrative
					hearing process within the Department is the administrative complaint process that is
					outlined within Campaign and Political Finance Rule 24. The proposed amendments in
					this rulemaking expand and standardize this administrative hearing process to other
					administrative complaints, requests for hearings, and transfers of complaints that exist
					and are under the purview of the Department. Additional proposed rule revisions are
					necessary to: eliminate obsolete provisions, organize existing rules for clarity; simplify
					the language of existing rules; and ensure consistency with Department rulemaking
					standards.

## **Publication and Availability to the Public**

On November 1, 2024, the Secretary of State will post this document on the Department's website on the FY 2025-2026 SMART Act and the Departmental Regulatory Agendas webpages. Additionally, the Secretary of State filed this agenda for publication in the November 10, 2024, Colorado Register.