

STATE OF COLORADO
Department of State

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Election Rules of the Colorado Secretary of State

Statement of Basis, Purpose and Specific Statutory Authority

1. Basis and Purpose

This rule is adopted to implement the provisions of § 1-5-616 concerning Electronic and electromechanical voting systems – standards – procedures. There are no current rules regarding the minimum standards for electronic and electromechanical voting systems.

Rule 45:

The purpose of new Rule 45, Rules Concerning Voting System Standards for Certification, is to establish minimum standards for electronic and electromechanical voting systems regarding: (a) Functional requirements; (b) Performance levels; (c) Physical and design characteristics; (d) Documentation requirements; (e) Evaluation criteria; (f) Audit capacity; (g) Security requirements; (h) Telecommunications requirements; and (i) Accessibility.

2. Statutory Authority

Additions to the “Election Rules of the Colorado Secretary of State” are adopted pursuant to the following statute:

- Section 1-1-102(2)(a), C.R.S., which authorizes the Secretary of State “to promulgate, publish, and distribute...such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws...”
- Section 1-5-616, C.R.S. specifies that the Secretary of State shall adopt rules in accordance with article 4 of title 24, C.R.S., that establish minimum standards for electronic and electromechanical voting systems regarding: (a) Functional requirements; (b) Performance levels; (c) Physical and design characteristics; (d) Documentation requirements; (e) Evaluation criteria; (f) audit capacity; (g) Security requirements; (h) Telecommunications requirements; and (i) Accessibility.
- Section 4, Article 24 C.R.S. allows rule making by the Secretary of State.