



NOTICE OF PROPOSED RULEMAKING

Pursuant to the requirements of section 24-4-103, C.R.S., notice of proposed rulemaking is hereby given by the Secretary of State. **A rulemaking hearing will be held on October 31, 2005 at 1:30 p.m. in the Secretary of State's conference room, Suite 270, 1700 Broadway, Denver, Colorado 80290.** All interested persons will be afforded an opportunity to be heard on the subject of additions to the *"Rules Concerning Certification of Voting Equipment"*.

Subject of the Proposed Rulemaking

Rules establishing procedures for implementation of Title 1, Article 5, Section 616 concerning the minimum standards for electronic and electromechanical voting systems.

Authority for Proposed Rulemaking

Rules establishing minimum standards for electronic and electromechanical voting systems are proposed pursuant to the following statutes:

1. §1-1-107(2)(a), C.R.S. (2004), 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 . . ."
2. § 1-5-616, C.R.S. (2004) which authorizes the Secretary of State to (1) "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.
- (4) The secretary of state shall adapt the standards for certification of electronic or electromechanical voting systems established by rule pursuant to subsection (1) of this section to ensure that new technologies that meet the requirements for such systems are certified in a timely manner and available for selection by political subdivisions and meet user standards.

Copies of the proposed rules may be obtained on or before October 24, 2005, from the office of the Secretary of State, 1700 Broadway, Suite 270, Denver, Colorado 80290, or by calling 303-894-2200, ext. 6383. An initial copy will be given free of charge. The proposed rules also will be published on the Secretary of State's Internet Web site at www.sos.state.co.us.

The hearing will be held in accordance with § 24-4-103, C.R.S. (2004). Written and oral data, comments and arguments, will be received from all interested parties. Written submissions must be filed at or before the commencement of the hearing on October 31, 2005 at 1:30 p.m. in order to be considered. Oral testimony may be limited, in order to allow the proceedings to go forward with reasonable promptness and efficiency. For more information, please contact **John Gardner, Elections Division, (303) 894-2200, ext.. 6318.**

Dated this 15th day of September, 2005

William C. Compton