

STATE OF COLORADO

Department of State

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Donetta Davidson

Secretary of State

William A. Hobbs

Deputy Secretary of State

Statements of Justification and Reasons for Adoption of Temporary Rules

Amended and Revised Rules

(Rule Numbers 2,3,4,6,7,8,10,11,12,13,14,16,18,19,21,25,26,27,29,30,36,37,38,39)

and New Rules (40,41,42,43,44)

Under §1-1-107 (2)(b), C.R.S. (2004), the Secretary of State has the power “To promulgate, publish, and distribute ... such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws.” The proposed new Election Rules and the amendments to the existing election rules are immediately necessary for the uniform and proper administration and enforcement of the election laws of the State of Colorado.

These rules are mandated by, and are necessary for the implementation of various suggestions made by County Clerk and Recorders throughout the State of Colorado and the requirements of SB05-198 and SB05-206.

Recent changes to the state election law regarding certification and education of designated election officials, absentee ballots; provisional ballots, testing and auditing of voting equipment, and voter registration drives warrant the immediate promulgation of these rules in order to provide clarification and unwavering guidance to the designated election officials of the State of Colorado.

The Secretary of State therefore finds that in order to ensure the uniform and proper administration and enforcement of the election laws, the adoption of the temporary amendments to the Secretary of State Election Rules is necessary both to comply with law and to preserve the public welfare generally.

Therefore, in accordance with §24-4-103 (6), C.R.S. (2004), the Secretary of State finds that adoption of the new rules and amendments to the election rules is “imperatively necessary to comply with a state or federal law or federal regulation or for the preservation of public health, safety, or welfare and compliance with the requirements of this section would be contrary to the public interest.”