



Statement of Justification and Reasons for Adoption of Emergency Rules

Rule 45

Pursuant to § 1-5-616, C.R.S., the Secretary of State has the authority to “adopt rules in accordance with article 4 of title 24, C.R.S., that establish minimum standards for electronic and electromechanical voting systems....” The proposed new election rule is immediately necessary for the uniform and proper administration and enforcement of the election laws of the State of Colorado and so that election officials are able to timely comply with the requirements of section 301 of the Help America Vote Act of 2002 (HAVA).

This added rule is mandated by and is necessary for the purchase and certification of accessible voting equipment as required by §§ 1-5-611 through 1-5-621, C.R.S., and HAVA.

Recent changes to state election law regarding testing, auditing and certifying voting equipment warrant the immediate promulgation of this rule 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 emergency rule to the Secretary of State Election Rules is necessary to both comply with law and to preserve the public welfare generally.

Therefore, in accordance with § 24-4-103(6), C.R.S., the Secretary of State finds that adoption of the new rule 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.”