



Statements of Basis, Purpose and Specific Statutory Authority

Office of the Secretary of State
Amended and Revised Rules

(Rules: 2, 6.4, 7.3, 7.5, 11, 12.5, 13.12, 14, 16.4, 17, 26, 27, 28.2, 29, 30, 32.2, 37.1.5, 40, 42.3, 42.5, 44.2, 45.5)

Colorado Secretary of State Election Rules

1. Basis and Purpose

This statement pertains to the amendments and revisions to the Colorado Secretary of State Election Rules for the administration of Colorado State Constitution Article VII, and Article 1, Title 1 of the Colorado Revised Statutes. The amendments are implemented to achieve the uniform and proper administration and enforcement of the election laws of the State of Colorado, specifically, with regard to the requirements of SB05-198, SB05-206, SB06-062, SB06-170, and HB-06-1012 and the requirements of [the "Help America Vote Act of 2002", P.L. No. 107-252]...

The amendments and revisions to these rules are necessary for the implementation of Article VII of the Colorado Constitution and Article 1, Title 1 of the Colorado Revised Statutes. The Secretary of State finds that the adoption and enactment of these amendments and revisions is necessary in order to clarify the meaning of the existing Election Rules, to correct internal references, to comply with the requirements of SB05-198, SB05-206, SB06-062, SB06-170, and HB-06-1012 and to further increase the transparency and security of the election process.

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

2. Statutory Authority

Amendments and revisions to the "Secretary of State Rules Concerning Elections" are adopted pursuant to the following statutory and constitutional provisions:

§1-1-107(2)(a), C.R.S. (2005), 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" §1-1.5-104(1), C.R.S. (2005), provides that "[t]he secretary may exercise such powers and perform such duties as reasonably necessary to ensure that the state is compliant with all requirements imposed upon it pursuant to HAVA to be eligible on a timely basis for all federal funds made available to the state under HAVA, including, without limitation, the power and duty to: (e) Promulgate rules in accordance with the requirements of article 4 of title 24, C.R.S., as the secretary finds necessary for the proper administration, implementation, and enforcement of HAVA and of this article."