STATE OF COLORADO
Department of State
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Secretary of State

J. Wayne Munster
Acting Director, Elections Division

Statement of Justification and Reasons for Adoption of Emergency Rules
May 16, 2006

Amended Rules 2, 12.5.2, 16.4, 30, 37.1.5, 40.9, 42.3, 42.5 and 44.2.3
Secretary of State Election Rules

Under section 1-1-107(2)(b), C.R.S. (2005), the Secretary of State has the power "[t]o promulgate, publish, and distribute … such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws." In addition, section 1-1.5-104(1)(e), C.R.S. (2005), authorizes the Secretary of State "to promulgate rules…as the secretary finds necessary for the proper administration, implementation, and enforcement of [the "Help America Vote Act of 2002", P.L. No. 107-252]…."

Certain 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 during the 2006 election cycle. These rules are necessary to implement requirements of Section 303 of the Help America Vote Act of 2002, the enactment of new legislation, and various recommendations made by County Clerk and Recorders and interested parties throughout the State of Colorado.

The Secretary of State 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 section 24-4-103(6), C.R.S. (2005), the Secretary of State finds that adoption of the amendments to existing 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."