



**NOTICE OF ADOPTION**  
December 6, 2007

Pursuant to sections 1-1-107(2)(a) and 1-1.5-104(1)(e), C.R.S. (2007), and the rulemaking provisions of the State Administrative Procedure Act, section 24-4-103, C.R.S. (2007), I, Mike Coffman, Colorado Secretary of State, do hereby give **NOTICE** of the temporary and permanent adoption this 6th day of December, 2007 of amendments to the Election Rules, 8 CCR 1505-1, as follows (~~strike through~~ text represents deletions from the current rules and text in SMALL CAPS represent additions to the rules):

Rule 37.3 would be amended by the addition of a new Rule 37.3.3 and 37.3.4, as follows:

**Rule 37. The Acquisition, Purchase or Lease of Voting Systems.**

37.3 Adoption of April 30, 2002 Voting Systems Standards promulgated by the Federal Election Commission for voting systems.

37.3.1 The Secretary of State hereby adopts the April 30, 2002 Voting Systems Standards promulgated by the Federal Election Commission for voting systems. Therefore, all voting systems, including, but not limited to, optical scan voting systems, direct record electronic voting systems, and touch screens, purchased by the political subdivisions of the State of Colorado are required to meet the qualifications of the Voting Systems Standards promulgated by the Federal Election Commission on April 30, 2002 and be certified by an independent testing authority certified by the National Association of Election Directors until such time, and subsequently thereto, at each time, as the Election Assistance Commission promulgates new Voting Systems Standards.

37.3.2 Upon any revision or new release of Voting Systems Standards by the Election Assistance Commission, the Secretary of State hereby automatically adopts such standards as may be promulgated, and any vendor seeking state certification shall follow such adopted voting systems standards and the processes mandated by state law in order to be certified by the Secretary of State.

37.3.3 ANY VOTING SYSTEM OR EQUIPMENT SUBMITTED TO THE SECRETARY OF STATE FOR CERTIFICATION SHALL MEET THE FEDERAL VOTING SYSTEM STANDARDS IN EFFECT AT THE TIME THE VOTING SYSTEM OR EQUIPMENT IS SUBMITTED TO THE SECRETARY OF STATE. THE ADOPTION OF ANY NEW OR AMENDED VOTING SYSTEM STANDARDS BY THE ELECTION ASSISTANCE COMMISSION AFTER A VOTING SYSTEM OR EQUIPMENT IS SUBMITTED TO THE SECRETARY OF STATE FOR CERTIFICATION SHALL NOT PRECLUDE CERTIFICATION OR SALE OF THE VOTING SYSTEM OR EQUIPMENT UNDER THE STANDARDS IN EFFECT AT THE TIME THE SYSTEM OR EQUIPMENT WAS SUBMITTED FOR CERTIFICATION.

37.3.4 ON AND AFTER DECEMBER 13, 2007 (THE EFFECTIVE DATE OF THE 2005 VOLUNTARY VOTING SYSTEM GUIDELINES OF THE ELECTION ASSISTANCE COMMISSION), THE GOVERNING BODY OR DESIGNATED ELECTION OFFICIAL OF A POLITICAL SUBDIVISION MAY PURCHASE ANY VOTING SYSTEM THAT WAS PREVIOUSLY CERTIFIED UNDER THE 2002 VOTING SYSTEMS GUIDELINES.

Such amendments are effective immediately. In accordance with section 24-4-103(6), C.R.S (2007), attached is a statement of the findings of the Secretary of State justifying the adoption of these amendments on an emergency basis.

Dated this 6th Day of December, 2007

/s/ William A. Hobbs  
William A. Hobbs, Deputy Secretary of State

for  
Mike Coffman  
Colorado Secretary of State