



Statement of Justification and Reasons for Adoption of Emergency Rules
June 23, 2010

Amended Rules: 2.8, 5.4.6, 6.5.2(a-c), 6.5.2(f)(1), 12.1.1.1(b), 12.4.1(a), 12.4.2(a), 12.5.8, 12.9, 12.10.1, 13.8, 14.4.4, 14.6.9, 14.7.1, 14.7.3, 26.4.6, 27.1.3, 27.1.7, 27.1.8, 27.3.2, 27.4.2, 27.6, 27.7.1, 27.7.4.3, 27.8.2.1, 29.2
New Rules: 2.8.3, 7.7, 13.18, 25.3.11, 26.4.9

Secretary of State Election Rules

Under section 1-1-107(2)(a), C.R.S. (2009), 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. (2009), 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”, 42 U.S.C. 15301-15545]...”

Certain amendments to the existing election rules must be adopted and effective immediately for the uniform and proper administration and enforcement of the election laws of the State of Colorado during the 2010 election cycle. These rules are necessary to implement the enactment of new legislation and recommendations made by the Secretary of State, Elections Division staff, County Clerk and Recorders, and interested parties throughout the State of Colorado.

A public Rulemaking hearing was conducted pursuant to section 24-4-103(4)(a), C.R.S. (2009), on June 15, 2010 to receive comment and testimony on the proposed rules. The Secretary of State finds that the proposed rules must be adopted and effective immediately in order to provide clear guidance to county clerks given the close proximity of the August 2010 Primary Election and the November 2010 General Election.

Additionally, the Secretary of State finds that, in order to ensure the uniform and proper administration and enforcement of the election laws in accordance with section 1-1-107(1)(c), C.R.S., the adoption of these 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. (2009), 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.”