STATE OF COLORADO
Department of State
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Scott Gessler
Secretary of State

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Deputy Secretary of State

Notice of Temporary and Permanent Adoption

Office of the Secretary of State
Election Rules
8 CCR 1505-1

September 10, 2014

I.   Adopted Rule Amendments

As authorized by Colorado Elections Law[1] and the State Administrative Procedure Act[2], the Colorado Secretary of State gives notice that the following amendments to the Election Rules[3] are adopted on a temporary and permanent basis.

The Secretary of State considered the amendments at the July 17, 2014 rulemaking hearing in accordance with the State Administrative Procedure Act[4].

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
~~Strikethrough~~	Deletions
[Italic blue font text]	Annotations and publication notes

[Current 8 CCR 1505-1 is amended as follows:]

Amendments to Rule 20.1:

20.1   The county ~~clerk~~ must submit its annual security plan on the form prescribed by the Secretary of State in accordance with section 1-5-616(5), C.R.S. A COUNTY MUST ALSO SUBMIT A COMPREHENSIVE PROCEDURE FOR BALLOT DELIVERY IN AN EMERGENCY UNDER SECTION 1-7.5-115(1), C.R.S.

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[1] Sections 1-1-107(2)(a) and 1-1.5-104(1)(e), C.R.S. (2013).
[2] Section 24-4-103(3)(a), C.R.S. (2013).
[3] 8 CCR 1505-1.
[4] Section 24-4-103(3)(a), C.R.S. (2013).

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Amendments to Rule 20.2.2, regarding general requirements concerning chain-of-custody:

20.2.2 The county must maintain and document ~~the~~ UNINTERRUPTED chain-of-custody for each voting device FROM THE INSTALLATION OF TRUSTED BUILD TO THE PRESENT, throughout the county's ownership or leasing of the device. FOR OPTICAL SCANNERS APPROVED FOR USE UNDER SECTION 1-5-613(2), C.R.S. BUT FOR WHICH NO TRUSTED BUILD EXISTS, THE COUNTY MUST MAINTAIN AND DOCUMENT UNINTERRUPTED CHAIN-OF-CUSTODY FOR EACH VOTING DEVICE FROM THE SUCCESSFUL COMPLETION OF ACCEPTANCE TESTING CONDUCTED ACCORDING TO RULE 20.8.4.

Amendments to Rules 20.3.1 and 20.3.1(e), regarding physical locking mechanisms and seals for DREs and ballot marking devices:

20.3.1 DREs, ~~and~~ ballot marking devices AND JUDGE'S BOOTH CONTROLLERS (JBCS)

(e) ~~These same procedures also apply to the Judge's Booth Controller (JBC) unit for the Hart InterCivic System.~~ IN EACH VOTER SERVICE AND POLLING CENTER, THE COUNTY MUST PROVIDE A MINIMUM OF ONE ACCESSIBLE DRE WITH A HEADSET THAT HAS ADJUSTABLE VOLUME CONTROL.

Amendments to Rule 20.4:

20.4 Individuals with access to keys, door codes, and vault combinations~~.~~

20.4.1 For employees with access to areas addressed in Rule 20.4.3, the county must state in the security plan each employee's title and the date of the ~~the~~ criminal background check PERFORMED UNDER RULE 6.5. [Section 24-72-305.6, C.R.S.]

Amendments to Rule 20.5.2, regarding internal controls for the Voting System:

20.5.2 In addition to the access controls discussed in Rule 20.4, the county must change all passwords and limit access to the following areas:

(a) ~~Software.~~ The county must change all software passwords once per calendar year prior to the first election. This includes any boot or startup passwords in use, as well as any administrator and user passwords and remote device passwords.

(b) ~~Hardware.~~ The county must change all hardware passwords once per calendar year prior to the first election. This includes any encryption keys, key card tools, supervisor codes, poll worker passwords on smart cards, USB keys, tokens, and voting devices themselves as it applies to the specific system.

(c) ~~Password Management The county must limit access to the administrative passwords to the election management software to two employees. The county must limit access to passwords for all components of the election software and hardware to two employees. The county may provide an~~

~~additional ten employees with access to the administrative passwords for the software components, and an additional ten employees with access to the administrative passwords for the hardware components of the voting system. The voting system provider may not have an administrative or application user/operator account, or administrative account access to the account.~~

(C) ADMINISTRATIVE AND USER ACCOUNTS FOR ELECTION MANAGEMENT SYSTEM AND ELECTION DATABASES.

    (1) THE COUNTY MAY USE THE ADMINISTRATIVE USER ACCOUNT ONLY TO CREATE INDIVIDUAL USER ACCOUNTS FOR EACH ELECTION DATABASE.

    (2) THE COUNTY MUST CREATE INDIVIDUAL USER ACCOUNTS THAT ARE ASSOCIATED AND IDENTIFIED WITH EACH INDIVIDUAL AUTHORIZED USER OF THE ELECTION MANAGEMENT SYSTEM OR ELECTION DATABASE.

    (3) THE COUNTY MUST RESTRICT ACCESS TO EACH INDIVIDUAL USER ACCOUNT WITH A UNIQUE PASSWORD KNOWN ONLY TO EACH INDIVIDUAL USER. AUTHORIZED USERS MUST ACCESS THE ELECTION MANAGEMENT SYSTEM AND ELECTION DATABASE USING HIS OR HER INDIVIDUAL USER ACCOUNT AND UNIQUE PASSWORD.

    (4) THE COUNTY MAY GRANT ADMINISTRATIVE PRIVILEGES TO NO MORE THAN TEN INDIVIDUAL USER ACCOUNTS PER ELECTION.

(D) OTHER THAN FOR THE PURPOSE OF PROGRAMMING THE ELECTION, THE VOTING SYSTEM PROVIDER MAY NOT HAVE ADMINISTRATIVE OR USER ACCESS TO THE COUNTY'S ELECTION MANAGEMENT SYSTEM.

~~(d)~~ (E) ~~Internet Access.~~ The county ~~must never~~ MAY NOT connect or allow a connection of any voting system component to the Internet.

(F) IF ANY COMPONENT OF THE VOTING SYSTEM IS EQUIPPED WITH WI-FI CAPABILITY OR A WIRELESS DEVICE, THE COUNTY MUST DISABLE THE WIRELESS CAPABILITY OR DEVICE.

~~(e)~~ (G) ~~Modem Transmission.~~ The county ~~must never~~ MAY NOT connect any component of the voting system to another device by modem ~~except for the vote tally software~~.

~~(f) Remote voter service and polling centers. At remote voter service and polling centers, the county may use modem functions of optical scanners and DREs only for the purpose of transmitting unofficial results.~~

(g) (H) ~~Authorized Employees.~~ The county must include in its security plan ~~each employee's~~ THE title and ~~the~~ date of background checks for ~~employees~~ EACH EMPLOYEE with access to any of the areas or equipment set forth in this Rule. ~~Each~~ THE county must maintain a storage facility access log that details employee name, date, and time of access to the storage facility in which the software, hardware, or components of any voting system are maintained. If access to the storage facility is controlled by use of key card or similar door access system that is capable of producing a printed paper log including the person's name and date and time of entry, such a log must meet the requirements of this Rule. [Section 24-72-305.6, C.R.S.]

Amendments to Rules 20.8.4 and 20.8.5; stylistic changes:

20.8.4 Upon completion of any maintenance, the county must verify or reinstate the trusted build and conduct a full acceptance test of equipment that must, at a minimum, include the hardware diagnostics test, as indicated in Rule 11, and ~~conduct~~ a mock election in which an employee(s) must cast a minimum of five ballots on the device to ensure tabulation of votes is working correctly. The county must maintain all documentation of the results of the acceptance testing on file with the specific device.

20.8.5 The Secretary of State will annually inspect county maintenance AND CHAIN-OF-CUSTODY records and verify THE INTEGRITY OF trusted build ~~installation~~ on a randomly selected basis.

Amendments to Rule 20.9.3(d):

(D) (D) If a seal is broken or chain-of-custody ~~cannot be verified~~ IS UNVERIFIABLE, the county clerk must investigate, document his or her findings, and report the incident to the Secretary of State, as appropriate.

New Rule 20.11.1(d), regarding VVPAT security:

(D) IF THE DRE'S TRUSTED BUILD IS NOT CAPABLE OF VERIFICATION BY REFERENCE TO THE HASH VALUE (MD5 OR SHA-1) OF THE FIRMWARE OR SOFTWARE, THE COUNTY MUST SECURE THE PRINTER PORT ON THE DRE WITH TAMPER-EVIDENT SEALS WHEN THE VVPAT IS NOT CONNECTED TO THE DRE'S PRINTER PORT.

Amendments to Rule 20.11.2:

20.11.2 Anonymity. The designated election official must implement measures to protect the anonymity of voters choosing to vote on DREs.

(a) Measures to protect anonymity include:

(1) The county may not keep any record indicating the order in which people voted on the DRE, or which VVPAT record is associated with the voter.

(2) When more than one DRE is available at a voting location, the COUNTY MUST, TO THE EXTENT PRACTICABLE, ALLOW THE voter ~~must be given the choice as to which~~ TO CHOOSE THE DRE ~~they would like~~ HE OR SHE WISHES to vote on~~, to the extent practicable~~.

(b) ~~The county clerk must remove the date/time stamp from any report or export generated from an electronic pollbook. The county clerk may not use this field as a sort method. The county clerk must randomly assign any Record ID, Key ID, or Serial Number stored in the database of votes.~~ THE COUNTY CLERK MAY NOT RELEASE A REPORT GENERATED FROM SCORE THAT INCLUDES A DATE AND TIME STAMP THAT COULD POTENTIALLY IDENTIFY A VOTER WHO CAST A SPECIFIC BALLOT.

(c) At no time may an election official simultaneously access a VVPAT and the list of voters. ~~Examination of~~ IF the VVPAT record REQUIRES INSPECTION, AT LEAST TWO ELECTION OFFICIALS must ~~be performed by at least two election officials~~ CONDUCT THE EXAMINATION.

(D) THE COUNTY MUST ARRANGE VOTER SERVICE AND POLLING CENTER DREs IN A MANNER THAT PREVENTS ELECTION OFFICIALS AND OTHER VOTERS FROM OBSERVING HOW A DRE VOTER MARKS OR CASTS HIS OR HER BALLOT.

Repeal of Rule 20.11.3(c), regarding VVPAT storage:

~~(c) A master catalog must be maintained for the election containing the complete total number of VVPAT spools used in the election.~~

New Rules 20.17 through 20.20:

20.17 VOTING SYSTEM CONDITIONS FOR USE

20.17.1 THE COUNTY MUST USE THE VOTING SYSTEM ONLY ON A CLOSED NETWORK OR IN A STANDALONE FASHION.

20.17.2 ACCESS LOGS.

(A) IN ADDITION TO THE AUDIT LOGS GENERATED BY THE ELECTION MANAGEMENT SYSTEM, THE COUNTY MUST MAINTAIN ACCESS LOGS THAT RECORD THE FOLLOWING:

(1) THE DATE, TIME, AND USER'S NAME FOR EACH INSTANCE THAT A USER ENTERS OR EXITS THE SYSTEM OR THE SYSTEM'S REPORT PRINTING FUNCTIONS; AND

(2) MODIFICATIONS TO THE SYSTEM'S HARDWARE, INCLUDING INSERTION OR REMOVAL OF REMOVABLE STORAGE MEDIA, OR CHANGES TO HARDWARE DRIVERS.

(B) THE COUNTY MAY CREATE AND MAINTAIN THE ACCESS LOGS IN THE MANNER THE COUNTY DEEMS MOST SUITABLE, INCLUDING KEY STROKE RECORDING SOFTWARE, VIDEO SURVEILLANCE RECORDINGS, MANUALLY OR ELECTRONICALLY WRITTEN RECORDS, OR A COMBINATION OF THESE METHODS.

20.17.3 THE COUNTY MUST CREATE A BACKUP COPY OF THE ELECTION SETUP RECORDS ON A READ-ONLY, WRITE-ONCE CD, IMMEDIATELY AFTER COMPLETING THE LOGIC AND ACCURACY TEST.

(A) THE COUNTY MUST IDENTIFY THE MASTER DATABASE NAME AND DATE OF ELECTION ON THE LABEL OF THE BACKUP CD.

(B) THE COUNTY MUST STORE THE BACKUP CD IN A SEALED CONTAINER. TWO ELECTION OFFICIALS OF DIFFERENT PARTY AFFILIATIONS MUST SIGN AND DATE ENTRIES TO THE CHAIN-OF-CUSTODY LOG FOR THE SEALED CONTAINER.

20.17.4 DREs

(A) THE COUNTY'S ELECTION JUDGES MUST:

(1) TEST THE VVPAT PRINTER IMMEDIATELY AFTER CHANGING THE VVPAT PAPER; AND

(2) LOCK AND RE-SEAL THE VVPAT CANISTER, AND MAKE APPROPRIATE ENTRIES ON THE VVPAT CHAIN-OF-CUSTODY LOG, BEFORE VOTING RESUMES ON THE DRE.

(B) AT LEAST ONE DRE IN EACH VOTER SERVICE AND POLLING CENTER MUST HAVE A BACKUP BATTERY, OR BE CONNECTED TO AN UNINTERRUPTIBLE POWER SUPPLY, SUFFICIENT TO SUSTAIN CONTINUOUS OPERATION FOR A MINIMUM OF TWO HOURS IN THE EVENT OF POWER LOSS.

(C) THE COUNTY MUST MAINTAIN LOGS INDICATING ADMINISTRATOR FUNCTION USE.

20.17.5 OPTICAL SCANNERS:

(A) WHEN ISSUING BALLOTS, THE COUNTY MUST PROVIDE IN-PERSON VOTERS WITH A SECRECY SLEEVE SUFFICIENT TO CONCEAL A VOTER'S MARKED BALLOT FROM OTHERS IN THE POLLING LOCATION, INCLUDING ELECTION OFFICIALS.

(B)   THE COUNTY MUST RECORD THE OPTICAL SCANNER SERIAL NUMBER ON ALL CHAIN-OF-CUSTODY LOGS AND REPORTS GENERATED BY THE DEVICE.

(C)   EACH OPTICAL SCANNER MUST HAVE A BACKUP BATTERY, OR BE CONNECTED TO AN UNINTERRUPTIBLE POWER SUPPLY SUFFICIENT TO SUSTAIN CONTINUOUS OPERATION FOR A MINIMUM OF TWO HOURS IN THE EVENT OF POWER LOSS.

(D)   THE COUNTY MUST MAINTAIN LOGS INDICATING ADMINISTRATOR FUNCTION USE.

(E)   THE COUNTY MUST PROGRAM EACH OPTICAL SCANNER TO PERMIT AN ELECTION JUDGE TO OVERRIDE REJECTION OF OVERVOTED BALLOTS THAT CANNOT BE DUPLICATED IN ACCORDANCE WITH RULE 18.

20.18 ES&S VOTING SYSTEM CONDITIONS

20.18.1   IF THE COUNTY MUST PROVIDE LANGUAGE MINORITY ASSISTANCE UNDER SECTION 203 OF THE VOTING RIGHTS ACT (42 U.S.C. §§ 1973 to 1973bb-1), IT MAY NOT USE AN ES&S VOTING SYSTEM.

20.18.2   DREs. THE COUNTY MAY ONLY USE THE NINE INCH SCREEN ON THE VVPAT.

20.18.3   FOR OPTICAL SCANNERS WITH A ZIP DISK DRIVE, THE COUNTY MUST SAVE THE CAST VOTE RECORDS FOR EACH BATCH OF TABULATED BALLOTS TO A ZIP DISK. A BATCH OF TABULATED BALLOTS MAY CONSIST OF ONE OR MORE SCORE ABSENTEE BALLOT BATCHES.

20.19 HART DRE CONDITIONS. IF A COUNTY SHORTENS A LENGTHY CANDIDATE NAME ON THE VVPAT, IT MUST PROVIDE PRINTED NOTICE OF THE CHANGE TO VOTERS AT THE VOTER SERVICE AND POLLING CENTER.

20.20 SEQUOIA DRE CONDITIONS

20.20.1   THE COUNTY MUST ADD CLARIFYING TEXT TO THE DISPLAY SCREEN DURING THE VVPAT REVIEW PROCESS THAT INSTRUCTS THE VOTER TO REVIEW HIS OR HER BALLOT CHOICES.

20.20.2   THE COUNTY MUST LOCK THE ACTIVATE BUTTON TO PREVENT ITS USE DURING AN ELECTION.

20.20.3   A COUNTY MAY NOT MODIFY THE SCREEN DISPLAY USING AN OVERRIDE.INI FILE WITHOUT APPROVAL FROM THE SECRETARY OF STATE.

II.   Basis, Purpose, and Specific Statutory Authority

A Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

III.   Statement of Justification and Reasons for Adoption of Temporary Rules

A statement of the Secretary of State's findings to justify the immediate adoption of these new and amended rules on a temporary basis follows this notice and is incorporated by reference.[5]

IV.   Effective Date of Adopted Rules

These new and amended rules are immediately effective on a temporary basis. These rules will become permanently effective twenty days after publication in the Colorado Register.[6]

Dated this 10th day of September, 2014,

Suzanne Staiert
Deputy Secretary of State

For

Scott Gessler
Colorado Secretary of State

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[5] Section 24-4-103(6), C.R.S. (2013).
[6] Section 24-4-103(5), C.R.S. (2013).

STATE OF COLORADO
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Statement of Basis, Purpose, and Specific Statutory Authority

Office of the Secretary of State
Election Rules
8 CCR 1505-1

September 10, 2014

I.   Basis and Purpose

This statement explains amendments to the Colorado Secretary of State Election Rules. The Secretary of State intends to adopt rules concerning Colorado's certified voting equipment conditions for use. The Secretary is also considering other amendments to ensure uniform and proper administration, implementation, and enforcement of Federal and Colorado election laws,[1] improve elections administration in Colorado, and increase the transparency and security of the election process.

Details about changes to the rules follow:

- Amendments to Rule 20.1 correspond to Senate Bill 14-161's revision of section 1-7.5-115(1), C.R.S.

- Amendments to Rule 20.2.2 clarify that optical scanners approved for use under section 1-5-613(2), C.R.S., for which no trusted build exists are not required to have trusted build installed. The amendments also clarify the safeguards the county must implement before using those optical scanners.

- Amendments to Rules 20.3.1 and 20.3.1(e) clarify that the DRE security provisions apply to to Hart's Judge's Booth Controller units.

- Amended Rule 20.3.1(e) establishes that every voter service and polling center must have at least one accessible DRE with a headset that has adjustable volume control.

- Amendments to Rule 20.4.1 requires counties to state in their security plans each employee's title and the date of the criminal background check performed under Rule 6.5.

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[1] Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 ("HAVA"), P.L. No. 107-252.

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- Amendments to current Rule 20.5.2(c) include the following:

  - The portions of current Rule 20.5.2(c) which generally lists the requirements for password management for hardware and software components were repealed because the topic is covered by existing Rule 20.5.2(a) and (b) and New Rules 20.5.2(c) and (d).

  - The remaining portion of current Rule 20.5.2(c) was moved to New Rule 20.5.2(d) and amended to clarify that, except for the purpose of programming the election, voting system providers may not have administrative or user account access to a county's election management system.

  - New Rule 20.5.2(c) clarifies how a county may use administrator user accounts and requires that each individual user account have a unique password to ensure audit-log consistency.

- Amendments to Rule 20.5.2(e) (formerly Rule 20.5.2(d)) clarify that counties may not connect or allow a connection of a voting system to the Internet.

- New Rule 20.5.2(f) provides that a county must disable any Wi-Fi or wireless communication capability on any voting system component. This provision was added to provide for network hardening due to increased county use of laptops with Wi-Fi capability as election management system workstations and other voting system components.

- Current Rule 20.5.2(e), now proposed Rule 20.5.2(g), was amended to eliminate an obsolete exception to modem transmission.

- Current Rule 20.5.2(f) that generally discusses transmission of results by modem is repealed as obsolete. Transmitting preliminary results by modem is now completely prohibited by proposed Rule 20.5.2(g).

- New Rule 20.11.1(d) requires a county to secure with tamper-evident seals the printer port on a DRE when the VVPAT is not connected to the printer port if the DRE's trusted build is not capable of verification by reference to MD5 or SHA-1 hash values.

- Amendments to current Rule 20.11.2(b) provide that a county may not release a report generated from SCORE that includes a date and time stamp that could potentially identify a voter who casts a specific ballot. This provision corresponds to the requirement that counties process voters real-time in SCORE while ensuring voter anonymity.

- New Rule 20.11.2(d) requires a county to arrange DREs in order to prevent election officials and other voters from observing how a DRE voter marks or cast his or her ballot. This provision has been added as an alternative method for resolving design deficiencies identified in the conditions for use.

- Current Rule 20.11.3(c), requires a county to maintain a catalog of the total number VVPAT spools use in an election, was repealed.

- New Rules 20.17 through 20.20 clarify that the requirements for using a certified voting system in Colorado are not optional, but rather have the force and effect of law, eliminate redundant requirements that currently appear in each separate conditions-for-use document or in the Secretary of State's Election Rules, provide counties with easy-to-follow voting-system requirements in Colorado, and create a single source for counties to access voting system conditions for use.

Other changes to rules not specifically listed are entirely non-substantive and necessary for consistency with Department rulemaking format/style. Some words and phrases are changed to simplify or clarify, but the meaning is not intended to be altered unless as described above. Cross-references in rules are also corrected or updated. Please see www.sos.state.co.us/pubs/rule_making/files/2014/20140910_VotingSystemsConditionsTracking.pdf for a copy of the current conditions-for-use documents that include annotations explaining where each condition is or will be addressed—whether in the working draft of proposed rules or in current election rules.

On May 29, 2014, the Secretary issued a request for public comment to help our office develop preliminary draft rules. The comments we received in anticipation of rulemaking are available online at: www.sos.state.co.us/pubs/rule_making/ruleComments.html. Additional comments received during the formal rulemaking are available online at: www.sos.state.co.us/pubs/rule_making/hearings/2014/ElectionRulesHearing20140717.html. All comments are incorporated into the official rulemaking record.

II.   Rulemaking Authority

The statutory and constitutional authority is as follows:

1. Section 1-1-107(2)(a), C.R.S., (2013), which authorizes the Secretary of State "[t]o promulgate, publish and distribute . . . such rules as the secretary finds necessary for the proper administration and enforcement of the election laws."

2. Section 1-1.5-104(1)(e), C.R.S., (2013), which authorizes the Secretary of State to "[p]romulgate rules in accordance with article 4 of title 24, C.R.S., as the secretary finds necessary for proper administration and implementation of [the "Help America Vote Act of 2002", 42 U.S.C. §§ 15301-15545] of this article."

3. Section 1-5-608.5(3)(b), C.R.S., (2013), which authorizes the Secretary of State to adopt conditions for use as appropriate to mitigate any voting systems deficiencies identified during the certification process.

4. Section 1-5-601.5, C.R.S., (2013), which authorizes the Secretary of State to require by rule that voting systems and voting equipment satisfy certain voting system standards promulgated by the federal Election Assistance Commission.

5. Section 1-5-616, C.R.S., (2013), which authorizes the Secretary of State to adopt rules establishing minimum standards for voting systems and voting, including write-in voting, and of counting, tabulating, and recording votes.

6. Section 1-5-623(4), C.R.S., (2013), which authorizes the Secretary of State to "promulgate rules…as may be necessary to administer and enforce any requirements of this section, including any rules necessary to specify permissible conditions of use governing electronic voting devices or systems related components of such devices or systems in accordance with the requirements of this part 6."

7. Section 1-7-510(6), C.R.S., (2013), which requires the Secretary of State to adopt rules to carry out the statutory requirements governing election setup records.

8. Section 1-7-513(2), C.R.S., (2013), which requires the Secretary of State to adopt rules outlining the procedures for maintaining voting equipment records.

STATE OF COLORADO Department of State

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Statement of Justification and Reasons for Adoption of Temporary Rules

Office of the Secretary of State
Election Rules
8 CCR 1505-1

September 10, 2014

New Rules: 20.5.2(c), (d), (f), 20.11.1(d), 20.11.2(d), 20.17, 20.18, 20.19, and 20.20

Amended Rules: 20.1, 20.2.2, 20.3.1, 20.3.1(e), 20.4.1, 20.5.2, 20.8.4, 20.8.5, 20.9.3(d), and 20.11.2

Repealed Rules: 20.11.3(c)

In accordance with Colorado election law,[1] the Secretary of State finds that amendments and recodification of the election rules must be adopted and effective immediately to ensure the uniform and proper administration and enforcement of Colorado election laws.

Temporary adoption is necessary both to comply with law and to preserve the public welfare given the close proximity of the 2014 General Election. A public rulemaking hearing was conducted in accordance with the State Administrative Procedure Act[2] on July 17, 2014, to receive comment and testimony on the proposed rules concerning voting system conditions for use. Adoption of the rules on a temporary basis is necessary to provide clear guidance to interested parties, including: county clerks, vote system vendors, and electors.

For these reasons, and in accordance with the State Administrative Procedure Act, the Secretary of State finds that adoption and immediate effect of the amendments to existing election rules is imperatively necessary to comply with state and federal law and to promote public interests.[3]

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[1] Sections 1-1-107(1)(c), 1-1-107(2)(a), 1-1.5-104(1)(e), C.R.S. (2013). The Secretary of State has the power "[t]o promulgate, publish, and distribute…such rules as [the Secretary] finds necessary for the proper administration and enforcement of the election laws" and "…[the "Help America Vote Act of 2002", 42 U.S.C. 15301-15545]…."
[2] Section 24-4-103(3)(a), C.R.S. (2013).
[3] Section 24-4-103(3)(6), C.R.S. (2013).

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