



**Notice of Temporary Adoption  
Colorado Department of State  
Elections Rules  
8 CCR 1505-1  
October 31, 2024**

**I. Adopted Rule Amendments**

As authorized by Colorado elections law<sup>1</sup> and the State Administrative Procedure Act,<sup>2</sup> the Colorado Department of State gives notice that the following amendments to the elections rules<sup>3</sup> are adopted on a temporary basis and effective immediately. (SMALL CAPS indicate proposed additions to the current rules. Stricken type indicates proposed deletions from current rules. *Annotations* may be included):

*Amendments to 8 CCR 1505-1 are as follows:*

*Amendments to Rule 20 are as follows:*

*New Emergency Rule 20.5.2(c)(12) concerning the updating of BIOS passwords:*

- (12) IF THE SECRETARY OF STATE DETERMINES THAT ANY BIOS PASSWORD NEEDS TO BE CHANGED, THEN AN EMPLOYEE OR DESIGNEE OF THE SECRETARY OF STATE MAY BE TASKED WITH ACCESSING THE VOTING SYSTEM COMPONENT TO FORTHWITH CHANGE THE PASSWORD(S). THE EMPLOYEE OR DESIGNEE OF THE SECRETARY OF STATE MAY ALSO TAKE ACTIONS TO INVESTIGATE THE VOTING SYSTEM. ANY EMPLOYEE OR DESIGNEE OF THE SECRETARY OF STATE WHO PERFORMS A TASK IN ACCORDANCE WITH THIS RULE MUST FIRST PASS A BACKGROUND CHECK IN ACCORDANCE WITH RULE 20.2.1.

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<sup>1</sup> Sections 1-1-107(2)(a) and 1-1.5-104(1)(e), C.R.S.

<sup>2</sup> Section 24-4-103, C.R.S.

<sup>3</sup> 8 CCR 1505-1

## **II. Basis, Purpose, and Specific Statutory Authority**

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

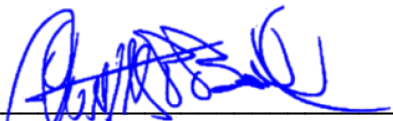
## **III. Statement of Justification and Reasons for Adoption of Temporary Rules**

A statement of the Department of State's findings to justify the immediate adoption of this new rule on a temporary basis follows this notice and is incorporated by reference

## **IV. Effective Date of Adopted Rules**

These rule amendments are effective immediately.

Temporarily adopted on 31<sup>st</sup> of October 2024,



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Christopher P. Beall  
Deputy Secretary of State

For

Jena Griswold  
Colorado Secretary of State



## Statement of Basis, Purpose, and Specific Statutory Authority

### Colorado Department of State Election Rules 8 CCR 1505-1

October 31, 2024

#### I. Basis and Purpose

This statement explains the accompanying amendment to the Colorado Department of State Elections Rules. The amendment is intended to preserve public safety and public welfare, and is imperatively necessary, and will ensure uniform and proper administration of Colorado's elections,<sup>1</sup> improve elections administration in Colorado, and increase the transparency and security of the election process.

Specific changes include:

- The new Rule 20.5.2(c)(12) will allow the Secretary of State to appoint designees to handle BIOS passwords for the purpose of installing those passwords on voting system components. The Rule further permits designees to take basic investigatory steps.

#### II. Rulemaking Authority

The statutory authority is as follows:

- Section 1-1-107(2)(a), C.R.S., 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.”
- Section 1-1-110(1), C.R.S., which requires county clerks to, “follow the rules and order promulgated by the secretary of state pursuant to this code.”

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<sup>1</sup> 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.

- Section 1-1.5-104(1)(e), C.R.S., which gives the Secretary of State the power to “[p]romulgate rules...as the secretary finds necessary for the proper administration, implementation, and enforcement of HAVA and of [Article 1.5].”
- Section 1-5-616(1), C.R.S., which requires the Secretary of State to adopt rules “that establish minimum standards for electronic and electromechanical voting systems.” This includes the authority to adopt rules regarding “documentation requirements”, “security requirements”, and “accessibility” for those voting systems.
- Section 1-5-623(4), C.R.S., which requires the Secretary of State to promulgate rules necessary “to specify permissible conditions of use governing electronic voting devices or systems or related components of such devices or systems...”
- Section 1-7-513.5(6), C.R.S., which requires the Secretary of State to promulgate rules necessary to implement the section regarding voting system equipment security and surveillance.
- Section 1-7.5-104, C.R.S., which requires the county clerk and recorder to conduct a mail ballot election “under the supervision of, and subject to rules promulgated in accordance with article 4 of title 24, C.R.S., by, the secretary of state.”
- Section 24-4-103(6)(a), C.R.S., which authorizes an agency to adopt a temporary or emergency rule without the procedures prescribed in subsections 24-4-103(2.5), -103(2.7), -103(3) and -103(4) of the State Administrative Procedure Act when the agency finds that immediate adoption of the rule is imperatively necessary and when full compliance with the all of the requirements of the Act would be contrary to the public interest, and when the agency makes such findings on the record.



## **Statement of Justification and Reasons for Adoption of Temporary Rules**

### **Colorado Department of State Election Rules 8 CCR 1505-1**

**October 31, 2024**

New Rule: 20.5.2(c)(12)

In accordance with Colorado law,<sup>1</sup> the Department of State finds that certain amendments to the existing election rules are necessary for the administration of elections in Colorado, as a result, must be adopted and effective immediately and will ensure uniform and proper administration of Colorado elections.

The adoption of new Rule 20.5.2(c)(12) on a temporary basis is necessary given the quickly approaching General Election on November 5, 2024. This rule is necessary to avoid delay in addressing the changing of certain passwords. Delay in authorizing employees or designees of the Secretary of State with the tasks outlined in Rule 20.5.2(c)(12) would be contrary to the public interest.

For these reasons, and in accordance with the State Administrative Procedure Act, the Department of State finds that temporary adoption of the amendments to existing election rules is necessary and the failure to adopt these rules immediately would be contrary to the public interest.<sup>2</sup>

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<sup>1</sup> Sections 1-1-107(1)(c), 1-1-107(2)(a), 1-7.5-104, 24-4-103 (6)(a) C.R.S.

<sup>2</sup> Section 24-4-103(6), C.R.S.