



July 5, 2023

## MEMORANDUM

This memorandum provides general guidelines concerning authorization to use the Colorado State Seal. Per § 24-80-903, C.R.S., the Secretary of State is the custodian of the State Seal. Illegal use of the Seal is a petty offense. § 24-80-902, C.R.S. The punishment for illegal use of the Seal is a fine of not more than three hundred dollars and/ or imprisonment for not more than ten days in a county jail. § 18-1.3-503(1.5), C.R.S.

As the custodian of the Seal, the Secretary is responsible for authorizing third-party use of the Seal that conforms with the purpose and intent of the General Assembly in establishing the Seal to identify the official acts and documents of the State of Colorado.

For years, the Secretary has authorized or denied use of the Seal based on certain guiding principles, as set forth here:

1. The actual Seal itself, measuring two and one-half inches in diameter, may only be used by the Secretary of State in an official capacity.
2. A copy of the Seal that is any size **except** two and one-half inches in diameter may be used upon written request, with approval from the Secretary, by an agency, organization or group that is authorized or established by an arm of the State of Colorado, with the permitted use limited to official state functions or for educational purposes.
3. The Seal may not be used by any private organization or private business, or any political or governmental organization that is not an arm of the State of Colorado.

Based on these principles, the Secretary of State has either granted or denied written requests from entities requesting use of the Seal.

In addition to the previous [guidance](#) issued by this office on January 18, 2012 for Members of the General Assembly, this Memorandum further clarifies limitations on the use of the Seal by requesting entities.

1. Use of a “facsimile” of the Seal, including portions of the Seal that constitute the iconic and distinctive elements set forth in § 24-80-901, C.R.S., also constitutes a use that comes within the Secretary’s regulatory authority as custodian of the Seal because of the risk that a facsimile will cause confusion in the public as to whether the material bearing the facsimile is approved, endorsed, or sponsored by the State of Colorado. Public confusion from

inappropriate or unauthorized displays of facsimiles of the Seal otherwise would diminish the distinctiveness and strength of the Seal as an indicator of official authorization. The Secretary's regulation of use of facsimiles of the Seal is necessary to prevent public harm from impersonation of official state functions, and otherwise to maintain public confidence as to the official activities of state government.

2. The Secretary, per the office's practice, is responsible for approval of use of both a full copy of the Seal as well as partial facsimiles of the Seal, in whole and in part, bearing in mind the potential risk of public confusion.
3. The iconic and distinctive elements of the Seal are those portions of the elements described in § 24-80-901, C.R.S., that alone or in combination with each other evoke public recognition of the Seal. Any facsimile of the Seal that is likely to cause public confusion as to approval, endorsement, or sponsorship by the State of Colorado is subject to the Secretary's authority to approve the use.
4. The Seal may be used for educational purposes by an agency, organization, or group that is funded, certified, or approved by the State for educational purposes. "Educational purposes" include but are not limited to textbooks, classroom activities, research in academic subjects, and teaching. The Secretary of State's office does not exercise authority over the use of a copy of the Seal when its use meets the criteria of the Fair Use Doctrine under copyright law.

In light of the foregoing, any agency, organization or group that is authorized or established by an arm of the State of Colorado must first request permission to use of a copy or facsimile of the Seal, in whole or in part. Such requests will be approved or denied in accordance with this guidance and the previously issued guidance for educational purposes or official state functions.

# # #