



Statement of Justification and Reasons for Adoption of Temporary Rules

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

May 28, 2020

Amended Rule: 27.4.3

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

Adoption of these rules on a temporary basis is necessary given the approaching June 30, 2020, Primary Election. On March 10, 2020, the Colorado Governor declared a disaster emergency due to the COVID-19 contagion. On March 16th and 18th, 2020, the Colorado Governor issued Executive Orders D 2020 003, D 2020 005, D 2020 008, and D 2020 036 directing the Secretary of State to amend rules to limit in-person contact during elections to allow the 2020 Primary Election to proceed without interruption. On May 14, the Colorado Governor issued Executive Order D 2020 061 which extended Executive Orders, D 2020 005, D 2020 008, and D 2020 036 an additional 30 days. On May 8, 2020, the Secretary temporarily adopted rules including Rule 27 to provide necessary guidance for conducting elections during a public health emergency. Upon further consideration of Coronavirus Aid, Relief, and Economic Security Act (CARES) supplemental funding restrictions, the Secretary temporarily adopts amendments to temporary Rule 27.4.3. Specifically, the amendments repeal inclusion of county staff members and establishes that county clerks must allow election judges to stay home if they have any COVID-19 related symptoms, concerns, illness or are quarantined without losing pay. The amended rule is immediately effective as is necessary to provide clear guidance to interested parties, including, but not limited to: county clerks, county staff members, election judges, and the general public.

For these reasons, and in accordance with the State Administrative Procedure Act, the Secretary of State finds that temporary adoption of the amendments to existing election rules is imperatively necessary to comply with state and federal law and to promote public interests.²

¹ Sections 1-1-107 (1) (c), 1-1-107(2) (a), 1-7.5-104, C.R.S. (2019).

² Section 24-4-103(3) (6), C.R.S. (2019).