



Notice of Proposed Rulemaking

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

Date of notice: June 30, 2021

Date and time of public hearing: August 3, 2021 at 1:00 p.m.

I. Hearing Notice

As required by the State Administrative Procedure Act,¹ the Secretary of State gives notice of proposed rulemaking. The hearing is scheduled for August 3, 2021 at 1:00 p.m. **This meeting will be conducted via webinar.** Details regarding how to join the webinar and testify during the hearing are outlined in section VI of this notice.

II. Subject

The Secretary is considering amendments to the election rules² to improve the administration and enforcement of Colorado election law.³

Specifically, the Secretary proposes permanent rule revisions necessary to: implement Senate Bills 21-188 and 21-250; update petition review rules, signature verification review rules, and watcher and canvass rules; remove references to Direct Recording Electronic (DRE) voting devices and Voter Verifiable Paper Audit Trail (VVPAT) equipment because those systems are no longer in use in the State of Colorado; eliminate obsolete provisions; organize existing rules for clarity; simplify the language of existing rules; and ensure consistency with Department rulemaking standards. Additionally, the Secretary proposes permanent adoption of voting system emergency rules that were temporarily adopted on 6/17/2021. The Secretary may consider additional rule amendments.

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

¹ Section 24-4-103(3)(a), C.R.S. (2020).

² 8 CCR 1505-CCR 1.

³ 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.

III. Statutory authority

The Secretary proposes the rule revisions and amendments in accordance with the following statutory provisions:

- Senate Bill 21-188; enacted May 21, 2021 and Senate Bill 21-250; enacted June 21, 2021.
- Section 1-1-107(2)(a), C.R.S., (2020), 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 1-1-109(3), C.R.S., (2020), which requires the Secretary of State “to promulgate rules...as may be necessary to administer and enforce any requirement of this section, including any rules necessary to specify what constitutes approved and acceptable forms certified for use by eligible voters, campaigns, and voter registration drives and acceptance by election officials and any rules necessary to establish uniformity regarding the use of forms.”
- Section 1-1-110(1), C.R.S., (2020), which requires county clerks to, “follow the rules and order promulgated by the secretary of state pursuant to this code.”
- Section 1-1.5-104(1)(e), C.R.S., (2020), 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 1-4-101(2)(c), C.R.S., (2020), which allows the Secretary of State to adopt rules “necessary to avoid voter confusion in voting in primary elections.”
- Section 1-4-908(1.5)(b)(III), C.R.S., (2020), which authorizes the Secretary of State to “promulgate rules, in accordance with article 4 of title 24, to implement [review of candidate petition signatures].”
- Sections 1-4-1203 (4)(d) and (6), C.R.S., (2020), which allows the Secretary of State to adopt rules “necessary to avoid voter confusion in voting in presidential primary elections.”
- Section 1-5-608.5(3)(b), C.R.S., (2020), which allows the Secretary of State to “promulgate conditions of use in connection with the use by political subdivisions of electronic and electromechanical voting systems as may be appropriate to mitigate deficiencies identified in the certification process.”
- Section 1-5-616(1), C.R.S., (2020), 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 “security requirements” for those voting systems.

- Section 1-5-616(4), C.R.S., (2020), which requires the Secretary of State to “adapt the standards for certification of electronic or electromechanical voting systems established by rule . . . to ensure that new technologies that meet the requirements for such systems are certified in a timely manner...”
- Section 1-5-706, C.R.S., (2020), which requires the Secretary of State to “establish procedures to enable a voter with a disability to independently and privately mark a ballot . . . The procedures shall include a method, to be determined by the secretary of state, by which a voter with a disability may request such a ballot.”
- Section 1-7-511(4), C.R.S., (2020), which requires the Secretary of State to adopt rules “prescribing the manner and procedures that voting system providers shall follow to [escrow voting system software certified for use]”
- Section 1-7-512(2), C.R.S., (2020), which requires the Secretary of State to promulgate rules establishing procedures for voting system providers to: notify the Secretary of State of changes to software; place software in escrow; and notify the Secretary of State and designated election official of any defect in the system.
- Section 1-7-515(4), C.R.S., (2020), which requires the Secretary of State to promulgate rules “necessary to implement and administer,” risk-limiting audits.
- Section 1-7.5-105(2)(c), C.R.S., (2020), which authorizes the Secretary of State to promulgate rules “concerning the submission and approval of election plans.”
- Section 1-7.5-106(2), C.R.S., (2020), which allows the Secretary of State to adopt rules “governing procedures and forms necessary to implement” mail ballot elections.
- Section 1-7.5-107(6), C.R.S., (2020), which requires that mail ballots be counted as provided in “rules promulgated by the secretary of state.”
- Section 1-7.5-107.3 (5) and (6), C.R.S., (2020), which requires the secretary of state to adopt rules “establishing procedures for using signature verification devices to process ballots used in mail ballot elections.”
- Section 1-7.5-115(4)(d), C.R.S., (2020), which allows the secretary of state to prescribe by rule, “any procedures or requirements as may be necessary to implement [emergency ballot voting].”
- Section 1-8.3-104(3), C.R.S., (2020), which authorizes the secretary of state to establish an electronic transmission system through which a UOCAVA voter may apply for and receive ballots and other associated materials.
- Section 1-9-210, C.R.S., (2020), which requires notification of a challenge to be delivered to an elector, “in accordance with the rules of the secretary of state.”

- Section 1-10-104.5, C.R.S., (2020), which requires the Secretary of State to promulgate rules, “for the purpose of establishing equitable uniformity in the appointment and operation of canvass boards.”
- Section 1-10.5-102(3)(c), C.R.S., (2020), which requires the Secretary of State to promulgate rules to administer and enforce any requirement of the recount statute.
- Section 1-40-116(3), C.R.S., (2020), which allows the Secretary of State to adopt rules for the examination and verification of signer lines on an initiative petition.
- Section 1-40-132(1), C.R.S., (2020), which authorizes the Secretary of State to promulgate rules as may be necessary, “to administer and enforce any provision of this article that relates to initiated or referred measures and state constitutional amendments.”

IV. Copies of draft rules

A preliminary draft of the proposed rules is posted on the Secretary of State’s rules and notices of rulemaking website at:

www.sos.state.co.us/pubs/rule_making/hearings/2021/ElectionsRulesHearing20210803.html.

You may also contact our office to request an editable electronic copy of the draft rules.

As required by the State Administrative Procedures Act,⁴ if changes are made before the hearing, revised proposed draft rules will be available to the public and posted on the website by July 29, 2021.

V. Opportunity to testify and submit written comments

The Secretary values your feedback in our rulemaking process and we would very much like to hear your thoughts on the proposed amendments. Please review and consider the attached proposed draft rules.

Everyone will have the opportunity to testify and provide written comment concerning the rule amendments. You may submit written comments to SoS.Rulemaking@sos.state.co.us any time before and during the hearing. Additional opportunity to comment in writing will be announced at the conclusion of the hearing. Information regarding how to testify during the webinar hearing is providing in section VI of this notice.

As soon as possible after receipt, written comments will be posted online at the Secretary of State website:

www.sos.state.co.us/pubs/rule_making/hearings/2021/ElectionsRulesHearing20210803.html.

⁴ Section 24-4-103(3)(a), C.R.S. (2020). “Any proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing.”

We will redact apparent personal contact information, including home address, email address, and telephone number(s), from submissions before posting the information online, unless otherwise directed by the contributor. All written comments will be added to the official rulemaking record.

VI. Webinar and audio recording of hearing

Register for the webinar hearing

To join and listen to the hearing, you must register for the webinar online: <https://attendee.gotowebinar.com/register/3181275682733744144>

When you register, you must provide your full name and email address. Please provide additional contact information including your address and telephone number. You may also provide your job title and organization. Lastly, indicate whether you plan to testify during the hearing. When you submit your registration, you should receive a confirmation email including details about how to join the webinar.

Webinar hearing procedures

At the beginning of the webinar, we will mute all public participants. After the introduction and a brief summary of the rulemaking, we will open the hearing to testimony as follows:

- Referencing registration records, we will identify and individually unmute participants who indicated that they plan to testify during the hearing.
- When we exhaust the list, we will ask whether any additional attendees wish to testify. Attendees may raise/lower their hand by clicking the icon in their control panel.
- To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

Before the hearing concludes, we will announce an additional opportunity to submit written comments and the associated deadline.

Webinar audio requirements

Please be advised: we strongly encourage attendees to join the webinar through their computer even if they use their telephone to dial in for audio. To testify during the hearing, it is best to use your computer microphone and speakers or a headset. As outlined above, we will first receive testimony from attendees whose registration indicates that they plan to provide testimony and then we will offer attendees the option to raise their hand. If you access the webinar only by telephone, you may not appear in our webinar attendee list meaning we may not be able to unmute you. Moreover, the raise your hand feature is only available to attendees who access the webinar by computer.

Audio recording

After the hearing concludes, a recording will be available on our audio broadcasts page here: https://www.sos.state.co.us/pubs/info_center/audioBroadcasts.html.

VII. Office contact

If you have any questions or would like to submit written comments, please contact the Department Rulemaking Program Manager at SoS.Rulemaking@sos.state.co.us or (303) 894-2200 ext. 6329.

Dated this 30th day of June, 2021,

Christopher P. Beall
Deputy Secretary of State

For

Jena Griswold
Colorado Secretary of State



Draft Statement of Basis, Purpose, and Specific Statutory Authority

Office of the Secretary of State Rules Concerning Lobbyist Regulation 8 CCR 1505-1

June 30, 2021

I. Basis and Purpose

This statement explains proposed amendments to the Colorado Secretary of State Election Rules. The Secretary is considering 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.

Specific proposed changes include:

- Amendments under Rule 1 concerning definitions:
 - Repeal of Current Rule 1.1.19 which defines Direct Recording Electronic (DRE) voting devices. Direct Recording Electronic voting devices are no longer certified for use in Colorado and are not used in any county in the state. References to these kinds of voting devices are being removed throughout these rules.
 - Repeal of Current Rule 1.1.26(b) removes reference to a DRE under the definition of “electronic ballot”.
 - Repeal of Current Rule 1.1.48 which defines Voter Verifiable Paper Audit Trail (VVPAT) is necessary because as used in these rules, VVPATs are paper records that were produced exclusively by DREs. DREs are no longer certified for use in Colorado, so VVPATs also are no longer used in Colorado. References to this kind of paper record are being removed throughout these rules.
 - Other amendments to definitions involve technical and renumbering edits. Additional election rules are amended to remove references to DRE and VVPAT throughout 8 CCR 15051.

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.

- Amendments under Rule 2 concerning voter registration and registration records.
 - New Rule 2.12.3 is necessary to clarify how major political parties should receive confidential voter records for their precinct caucuses.
 - Amendments to Rule 2.13.2 and New Rule 2.13.3 are necessary to reflect current practice. Records have been cancelled under Section 1-2-605(7), C.R.S., centrally by the Secretary of State since 2018. After cancellation the Secretary of State notifies each county of the records that have been cancelled.
 - Amendments to Current Rule 2.13.3 include renumbering to Rule 2.13.4. Amendments to this section are necessary to ensure proper administration of mail ballot elections statewide.
 - Repeal of Current Rule 2.13.5 is necessary to ensure proper administration of mail ballot elections statewide.
 - New Rule 2.15.7 is necessary to ensure that information regarding potential criminal activity is given to the state level officials who may wish to coordinate an investigation with the Attorney General’s office. The Attorney General, along with local District Attorneys, has concurrent jurisdiction to investigate and prosecute criminal activity under Article 13 of Title 1.
 - Amendments to Rule 2.18 conform election rules to changes made in SB 21-250.
 - Repeal of Current Rule 2.19. This rule was codified in state law in SB 21-250 and as a result is no longer needed.
- Amendments under Rule 6 concerning election judges and judge training.
 - Amendments to Rule 6.1.3 ensure proper administration of mail ballot elections statewide.
 - Amendments to Rule 6.8 clarify how signature verification judges may be trained. The current rule leaves ambiguity regarding how often a county-created signature verification training must be reviewed by the Secretary of State.
- Amendments under Rule 7 concerning mail ballot election administration generally.
 - Amendments to Rule 7.1.1 conform election rules to changes made in SB 21-250.
 - Amendments to Rule 7.2.4 ensure proper administration of primary mail ballot elections statewide. This rule change is intended to assist voters who may have changed their affiliation near the affiliation deadline in a primary election.
 - Amendments to Rule 7.2.6 ensure proper administration of mail ballot elections statewide. This rule change is intended to help voters understand their responsibilities when returning their mail ballot.

- Amendments to Rule 7.2.7 ensure proper administration of mail ballot elections statewide. This rule change is intended to help voters return their ballot in the correct return envelope.
 - New Rule 7.2.17 ensures proper administration of mail ballot elections statewide by protecting the right to a secret ballot.
 - Repeal of Current Rules 7.3.2 through 7.3.5 and adding New Rule 7.3.2 to reflect the current practice for the delivery of emergency ballots under Section 1-7.5-115, C.R.S.
 - Repeal of Rule 7.4. This rule was codified in state law in SB 21-250 and as a result is no longer needed.
 - Amendments to Rule 7.5.10, including renumbering as Rule 7.4.10. Amendments are necessary to ensure proper administration of mail ballot elections statewide.
 - Amendments to Rule 7.7, including renumbering as Rule 7.6, to conform election rules to changes made by SB 21-188.
 - Amendments to Rule 7.8, including renumbering as Rule 7.7, to ensure proper administration of mail ballot elections statewide by conforming current rules regarding signature verification to 1-7.5-107.3, C.R.S.
 - New Rule 7.7.8, Amendments to Rule 7.8.8, including renumbering as Rule 7.7.9, and New Rule 7.7.10 to ensure proper administration of mail ballot elections statewide by creating standards of review for election judges who conduct signature verification.
 - Amendments to Rule 7.8.11, including renumbering as Rule 7.7.13, to further establish procedures for using signature verification devices to process ballots used in mail ballot elections.
 - Amendments to Rule 7.9, including renumbering as Rule 7.8, to remove a duplicative rule, references to DREs, and references to stations and areas at a VSPC which are no longer used in Colorado elections.
 - Amendments to Rule 7.9.9, including renumbering as Rule 7.8.9, to clarify that county wait time data is due no later than 30 days after the election.
 - Amendments to Rule 7.12, including renumbering as Rule 7.11, to clarify changes made in SB 21-250 regarding the collection of cure letters at VSPCs.
- Amendments under Rule 8 regarding watchers.
 - Amendments to Rule 8.10.2(a)(4) and Repeal of Current Rule 8.13 to ensure proper administration of mail ballot elections statewide by conforming current rules regarding signature verification to Section 1-7.5-107.3, C.R.S.

- Amendments to Rule 8.15 and 8.16, including renumbering as Rule 8.14 and New Rule 8.14.12 to ensure proper administration of mail ballot elections statewide by clarifying the duties and responsibilities of watchers.
- Amendments under Rule 9 regarding challenges.
 - Amendments to Rule 9.1.1 ensure proper administration of elections statewide by clarifying the process by which in-person challenges should be processed.
 - Amendments to Rule 9.2 including New Rules 9.2.1, 9.2.2(a)(1-4), 9.2.2(b)(1-4), 9.2.3, 9.2.4; Repeal of current Rule 9.2.2 to ensure proper administration of elections statewide by clarifying the process by which mail ballot challenges should be processed. Amendments to conform election rules to changes made by SB 21-250.
- Amendments to Rule 10 regarding canvassing and recount procedures.
 - Amendments to Rule 10.1.5, Amendments 10.3, including repeal of Current Rule 10.3.3, and Amendments to Rule 10.5.1 including repeal of Rules 10.5.1 (g) and (h) to establish equitable uniformity in the operation of canvass boards by aligning current election rules with the canvass board's duties under statute.
 - New Rule 10.6.3 establishes equitable uniformity in the operation of canvass boards by clarifying when a canvass board must forward an uncertified abstract of votes cast to the Secretary of State for consideration under Section 1-10-104, C.R.S.
 - Amendments to Rule 10.8.2 establish equitable uniformity in the operation of canvass boards by allowing any canvass board member to request the guidance of the Secretary of State in performing their duties.
 - Repeal of Rule 10.12.3 to remove references to DRE and VVPAT.
 - Repeal of Rules 10.13.4 and 10.13.6 to remove references to DRE and other technology no longer in use in Colorado.
- Amendments to Rule 11 regarding risk-limiting audits, voting systems and election night reporting.
 - Amendments to Current Rules 11.3.2(d)(2) and (d)(4)(A)(i); repeal of Current Rule 11.3.2(d)(4)(B) to remove references to DRE and other technology no longer in use in Colorado.
 - Repeal of Rule 11.8.2 and amendments to Rule 11.8.3 (renumbered as Rule 11.8.2), to remove rules that are no longer applicable in Colorado. There are no counties in the State of Colorado using voting systems certified for use prior to January 1, 2016.

- Amendments to Rule 11.9.1(b)(3) and repeal of Rule 11.9.1(b)(4) to remove references to technology no longer in use in Colorado.
- Amendments to Rule 11.10.1 update the Colorado Secretary of State office address.
- Amendments under Rule 15 regarding the submission and review of petitions.
 - Repeal of Current Rule 15.1.1(d) and New Rule 15.1.1(d) to conform current election rules to changes made by SB 21-250 and to clarify the information required to be filed by a petition proponent with the Secretary of State.
 - Amendments to Rule 15.1.2
 - Portions of Current Rules 15.4.3, 15.4.5, and 15.4.6 are amended and re-codified under Rule 15.1.2. Amendments made to these sections have also been made to conform election rules to changes in law made in SB 21-250. Amendments made to bring consistency and clarity to the examination and verification of candidate, recall, and petition signatures.
 - Amendments to Rule 15.1.3(c) to conform election rules to changes made in law in SB 21-250.
 - Amendments to Rules 15.1.4(d) and (e) including repeal of Rule 15.1.4(d)(5); New Rules 15.1.4(e)(4), (6), (8), and (9); to conform election rules to changes in law made in SB 21-250. Amendments and additions also made to bring consistency and clarity to the examination and verification of candidate, recall, and petition signatures.
 - Amendments to Rule 15.2 including New Rules 15.2.1(c), 15.2.1(d)(3) to help enforce the provisions of Sections 1-4-905.5 and 1-40-135, C.R.S. and to conform election rules to changes made in law in SB 21-250.
 - Amendments to Rules 15.3.2, Repeal of Rule 15.3.3 and Rule 15.6 to conform election rules to changes made in law in SB 21-250.
- Amendments under Rule 16 regarding Military and Overseas Voters under UOCAVA (Uniformed and Overseas Citizens Absentee Voting Act)
 - Amendments to Rule 16.2.2, including new Rule 16.2.2(a). These changes are made to reflect current practice for delivery of electronic ballots to Military and Overseas Voters.
 - Repeal in part under Rule 16.2.7(b) to clarify the methods by which counties must provide UOCAVA voters the opportunity to receive an electronic ballot.
- Amendments to Rule 18.4.1 to ensure proper administration of elections statewide by clarifying the process for ballot duplication.

- Amendments under Rule 20 regarding voting systems.
 - Amendments to Rule 20.4 including repeal of Current Rules 20.4.1(a), 20.4.2, 20.4.3 to remove references to DRE, VVPAT, and ballot scanners at polling locations which are no longer used in Colorado.
 - Permanent adoption of temporary Rules 20.5.4. (temporarily adopted on June 17, 2021; e-filed under CCR tracking #2021-00378)
 - Amendments to Rule 20.7 to remove references to DRE and VVPAT.
 - New Rule 20.9.4 to clarify that security camera footage should be retained as an election record following an election.
 - Repeal of Rule 20.9.4(c) to remove a reference to DRE.
 - Amendments to Rule 20.11 including repeal of Rule Current 20.11.2 to remove references to memory cards and the procedures for handling that technology. This voting technology is no longer used or certified for use in Colorado.
 - Repeal of Rule 20.13 to remove references to DRE and VVPAT.
 - Amendments to Current Rule 20.13.2, including renumbering as Rule 20.13 and repeal of Rules 20.13.2(c) and 20.13.3 to remove references to DRE and VVPAT.
 - Amendments to Rule 20.14.2 including repeal of Rule 20.14.2(d) to remove a reference to VVPAT.
 - Amendments to Rule 20.15.1(c), including repeal of Rule 20.15.1(c)(3) to remove references to DREs, VVPAT, and ballot scanners that are no longer in use in Colorado.
 - Amendments to Rule 20.19.4, including repeal of Rules 20.19.4(a) and (c) to remove references to DREs, VVPAT, and procedures related to those voting systems.
 - Repeal of Rules 20.19.5, 20.20, and 20.21 to remove references to technology which is no longer certified for use in Colorado.

- Amendments under Rule 21 regarding voting systems certification
 - Amendments to Rule 21.3.5 clarify the timing for one step in the certification of a voting system.
 - Amendments to Rule 21.4.1 to remove a web link which is no longer operable.
 - Amendments to Rule 21.4.5(f) to remove a reference to DREs.

- Amendments to Rule 21.5.1, include: repeal of Rules 21.5.1(b)(4), (b)(6)(A-C), (b)(13) and (b)(16); New Rules 21.5.1(g), (h), and (i) to update standards for certification of electronic or electromechanical voting systems. These updates are being made to ensure that new technologies submitted for certification meet the requirements set out in law and rule for certification and that those technologies are certified in a timely manner.
- Permanent adoption of temporary Rule 21.7.3 and renumbering of former Rule 21.7.4 to Rule 21.7.5. (temporarily adopted on June 17, 2021; e-filed under CCR tracking #2021-00378)
- Amendments to Rule 21.7.5 and New Rule 21.7.6 clarify requirements for decertification of a voting system under Section 1-5-621, C.R.S.
- Amendments to Rule 21.10.1 and 21.10.2 to update standards for certification of electronic or electromechanical voting systems.
- Amendments to Rule 21.10.12 to update the Colorado Secretary of State office address
- Amendments to Rule 23.1.3 to update the time and location for the Bipartisan Election Advisory Commission to meet.
- Amendments to Rule 24.3.3 to clarify the requirements for the appointment of replacement presidential electors.
- Amendments under Rule 25 regarding risk-limiting audits.
 - Amendments to Rule 25.1.7 to remove a reference to VVPAT records.
 - Amendments to Rules 25.2.2(d-i) and (l) including repeal of Rule 25.2.2(d)(2) to remove references to DREs and VVPAT. Amendments are also being made to change the post-election timeline for conducting a risk-limiting audit.
 - Amendments to Rule 25.2.3(a) to clarify the procedures required to be followed by the audit board during a risk-limiting audit.
 - Repeal of Rule 25.3 to remove a reference to random audits which are no longer permitted under Colorado law. Colorado counties are required by statute to conduct a post-election risk-limiting audit instead of a random audit.

Other changes to rules not specifically listed are non-substantive and necessary for consistency with Department rulemaking format and style. Cross-references in rules are also corrected or updated.

II. Rulemaking Authority

The statutory and constitutional authority is as follows:

- Senate Bill 21-188; enacted May 21, 2021 and Senate Bill 21-250; enacted June 21, 2021.
- Section 1-1-107(2)(a), C.R.S., (2020), 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 1-1-109(3), C.R.S., (2020), which requires the Secretary of State “to promulgate rules...as may be necessary to administer and enforce any requirement of this section, including any rules necessary to specify what constitutes approved and acceptable forms certified for use by eligible voters, campaigns, and voter registration drives and acceptance by election officials and any rules necessary to establish uniformity regarding the use of forms.”
- Section 1-1-110(1), C.R.S., (2020), which requires county clerks to, “follow the rules and order promulgated by the secretary of state pursuant to this code.”
- Section 1-1.5-104(1)(e), C.R.S., (2020), 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 1-4-101(2)(c), C.R.S., (2020), which allows the Secretary of State to adopt rules “necessary to avoid voter confusion in voting in primary elections.”
- Section 1-4-908(1.5)(b)(III), C.R.S., (2020), which authorizes the Secretary of State to “promulgate rules, in accordance with article 4 of title 24, to implement [review of candidate petition signatures].”
- Sections 1-4-1203 (4)(d) and (6), C.R.S., (2020), which allows the Secretary of State to adopt rules “necessary to avoid voter confusion in voting in presidential primary elections.”
- Section 1-5-608.5(3)(b), C.R.S., (2020), which allows the Secretary of State to “promulgate conditions of use in connection with the use by political subdivisions of electronic and electromechanical voting systems as may be appropriate to mitigate deficiencies identified in the certification process.”
- Section 1-5-616(1), C.R.S., (2020), 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 “security requirements” for those voting systems.

- Section 1-5-616(4), C.R.S., (2020), which requires the Secretary of State to “adapt the standards for certification of electronic or electromechanical voting systems established by rule . . . to ensure that new technologies that meet the requirements for such systems are certified in a timely manner...”
- Section 1-5-706, C.R.S., (2020), which requires the Secretary of State to “establish procedures to enable a voter with a disability to independently and privately mark a ballot . . . The procedures shall include a method, to be determined by the secretary of state, by which a voter with a disability may request such a ballot.”
- Section 1-7-511(4), C.R.S., (2020), which requires the Secretary of State to adopt rules “prescribing the manner and procedures that voting system providers shall follow to [escrow voting system software certified for use]”
- Section 1-7-512(2), C.R.S., (2020), which requires the Secretary of State to promulgate rules establishing procedures for voting system providers to: notify the Secretary of State of changes to software; place software in escrow; and notify the Secretary of State and designated election official of any defect in the system.
- Section 1-7-515(4), C.R.S., (2020), which requires the Secretary of State to promulgate rules “necessary to implement and administer,” risk-limiting audits.
- Section 1-7.5-105(2)(c), C.R.S., (2020), which authorizes the Secretary of State to promulgate rules “concerning the submission and approval of election plans.”
- Section 1-7.5-106(2), C.R.S., (2020), which allows the Secretary of State to adopt rules “governing procedures and forms necessary to implement” mail ballot elections.
- Section 1-7.5-107(6), C.R.S., (2020), which requires that mail ballots be counted as provided in “rules promulgated by the secretary of state.”
- Section 1-7.5-107.3 (5) and (6), C.R.S., (2020), which requires the secretary of state to adopt rules “establishing procedures for using signature verification devices to process ballots used in mail ballot elections.”
- Section 1-7.5-115(4)(d), C.R.S., (2020), which allows the secretary of state to prescribe by rule, “any procedures or requirements as may be necessary to implement [emergency ballot voting].”
- Section 1-8.3-104(3), C.R.S., (2020), which authorizes the secretary of state to establish an electronic transmission system through which a UOCAVA voter may apply for and receive ballots and other associated materials.
- Section 1-9-210, C.R.S., (2020), which requires notification of a challenge to be delivered to an elector, “in accordance with the rules of the secretary of state.”

- Section 1-10-104.5, C.R.S., (2020), which requires the Secretary of State to promulgate rules, “for the purpose of establishing equitable uniformity in the appointment and operation of canvass boards.”
- Section 1-10.5-102(3)(c), C.R.S., (2020), which requires the Secretary of State to promulgate rules to administer and enforce any requirement of the recount statute.
- Section 1-40-116(3), C.R.S., (2020), which allows the Secretary of State to adopt rules for the examination and verification of signer lines on an initiative petition.
- Section 1-40-132(1), C.R.S., (2020), which authorizes the Secretary of State to promulgate rules as may be necessary, “to administer and enforce any provision of this article that relates to initiated or referred measures and state constitutional amendments.”