



MEMORANDUM

To: Members of the General Assembly
From: Scott Gessler, Secretary of State
Subject: Legislative Use of the State Seal
Date: January 18, 2012

The purpose of this memorandum is to clarify the proper use of the Colorado State Seal by members of the Colorado General Assembly. By law, the Secretary of State is the custodian of the State Seal. From time to time this office receives inquiries about the Members' use of the State Seal, as well as reports of possible improper use of the State Seal by Members on items such as campaign materials and personal memorabilia. Please review the limitations on the use of the State Seal as described in this memorandum. By providing this information, I hope to assist Members to avoid inadvertently violating the applicable statutes.

By statute, only the Secretary of State is authorized to use the official seal:

24-80-903. Secretary of state can affix – custodian. The Secretary of State is alone authorized to use or affix the seal of this state to any document whatever, and he only in pursuance of law. The secretary is made the custodian of the seal of the state and responsible for its safekeeping.

Furthermore, unauthorized use of the seal may constitute a class 5 felony:

24-80-902. Punishment for illegal use. Any person who illegally uses or affixes the seal of this state to any written or printed document whatever, or fraudulently forges, defaces, corrupts, or counterfeited seal to any commission, deed, warrant, pardon, certificate, or other written or printed instrument, or has in his possession or custody any such seal, knowing it to be falsely made and counterfeited, and willfully conceals the same, commits a class 5 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

Although only the Secretary of State may use the State Seal, the long-standing practice of the Secretary of State is to authorize the use of a facsimile of the State Seal in limited circumstances to signify official State business. The following general guidelines apply:

1. The actual seal itself, measuring two and one-half inches in diameter, may be used only by the Secretary of State in an official capacity.
2. A facsimile of the seal, which is any size except two and one-half inches in diameter, may be used by an agency, organization, or group authorized or established by an arm of the State of Colorado for official state functions, or for educational purposes.

3. A facsimile of the seal may not be used by any private organization, business, or political organization.

Anyone wishing to use a facsimile of the State Seal should submit a written request to the Secretary of State, and a response will be provided in writing.

However, the Secretary of State has provided standing authority to the State Senate and the House of Representatives (and other elected officials) to use a facsimile of the State Seal for official purposes. Therefore, no written request is required for such use. **However, the following guidelines should be observed for legislative use of a facsimile of the State Seal:**

Guidelines for Legislative Use of State Seal

1. A facsimile of the State Seal may be used on letterhead by the Members in connection with their official duties. "Official duties" may include commenting on policy issues, including expressing support or opposition for a statewide ballot issue, but it does not include expressing support or opposition for any candidate.
2. A facsimile of the State Seal – either in part, or in whole – may not be used for campaign purposes, unrelated to the Member's official duties. In particular, a facsimile shall not be used on the Member's campaign materials, including a campaign website. Photos of Members used for campaign purposes should not include any prominent display of the State Seal. (Members should also be mindful of the limitations of section 1-45-117, C.R.S., concerning the use of public resources for campaign purposes.)
3. A facsimile of the State Seal may not be used – either in part, or in whole – on communications from or for a party caucus of the House or Senate.
4. A facsimile of the State Seal should not be used – either in part, or in whole – for memorabilia and other objects such as caps, jackets, mugs, key chains, etc. Exceptions may be made for objects used for strictly legislative purposes, such as Members' chairs in the chambers, but exceptions should be discussed in advance with the Office of the Secretary of State. In addition, memorabilia items with the State Seal should not be given to spouses or family members.

When these guidelines do not permit use of the State Seal, Members may wish to consider using the State Flag as a State symbol where appropriate.

If you should have any questions, please do not hesitate to contact my office.

cc: Marilyn Eddins, Chief Clerk of the House of Representatives
Cindi Markwell, Secretary of the Senate
Dan L. Cartin, Director, Office of Legislative Legal Services
Mike Mauer, Director of Research, Legislative Council
John Ziegler, Staff Director, Joint Budget Committee