



Notice of Temporary Adoption

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

November 5, 2013

I. Adopted Rule Amendments

As authorized by Colorado Elections Law¹ and the State Administrative Procedure Act², the Colorado Secretary of State gives notice that the following amendments to the Election Rules³ are adopted on a temporary basis and immediately effective. (SMALL CAPS indicate proposed additions to the current rules. Stricken type indicates proposed deletions from current rules. *Annotations* may be included):

New Rule 10.7.5:

10.7.5 IF THE DESIGNATED ELECTION OFFICIAL DETERMINES, AFTER BALLOTS ARE PRINTED, THAT AN INDIVIDUAL WHOSE NAME APPEARS ON THE BALLOT IS NOT QUALIFIED FOR OFFICE, THE VOTES CAST FOR THAT INDIVIDUAL ARE INVALID AND MUST NOT BE COUNTED.

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 Secretary 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.⁴

IV. Effective Date of Adopted Rules

This new rule is immediately effective on a temporary basis.

¹ Sections 1-1-107(2)(a) and 1-1.5-104(1)(e), C.R.S. (2013).

² Section 24-4-103, C.R.S. (2013).

³ 8 CCR 1505-1.

⁴ Section 24-4-103(6), C.R.S. (2013).

Dated this 5th day of November, 2013,

A handwritten signature in blue ink, appearing to read 'Suzanne Staiert', is written over a horizontal line.

Suzanne Staiert
Deputy Secretary of State

For

Scott Gessler
Colorado Secretary of State



Statement of Justification and Reasons for Adoption of Temporary Rules

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

November 5, 2013

New Rule: 10.7.5

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.

Under Colorado law, an individual may not be a candidate for elected office unless that person is an eligible elector and fully meets all qualifications of the office he or she seeks.² If a designated election official mistakenly certifies an ineligible candidate to the ballot and does not discover the mistake until it is too late to correct the ballots, electors might cast votes for the ineligible candidate. This rule is necessary to clarify that all votes cast for an ineligible candidate under the above scenario are invalid.

For these reasons, and in accordance with the State Administrative Procedure Act, the Secretary of State finds that adoption and immediate effect of the amendments to existing election rules is imperatively necessary to comply with state and federal law and to promote public interests.³

¹ Sections 1-1-107(1)(c), 1-1-107(2)(a), 1-1.5-104(1)(e), C.R.S. (2013). The Secretary of State has the power “[t]o promulgate, publish, and distribute...such rules as [the Secretary] finds necessary for the proper administration and enforcement of the election laws” and “[the “Help America Vote Act of 2002”, 42 U.S.C. 15301-15545]....”

² Article VII, section 6, Colorado Constitution; Section 1-4-501(1), C.R.S.

³ Section 24-4-103(3)(6), C.R.S. (2013).



Statement of Basis, Purpose, and Specific Statutory Authority

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

November 5, 2013

I. Basis and Purpose

This statement explains amendments to the Colorado Secretary of State Election Rules. The amendments are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado election laws. The revision is also intended to improve elections administration in Colorado.

Under Colorado law, an individual may not be a candidate for elected office unless that person is an eligible elector and fully meets all qualifications of the office he or she seeks.¹ If a designated election official mistakenly certifies an ineligible candidate to the ballot and does not discover the mistake until it is too late to correct the ballots, electors might cast votes for the ineligible candidate. The purpose of this rule is to clarify that all votes cast for an ineligible candidate under the above scenario are invalid.

II. Rulemaking Authority

The constitutional and statutory authority is as follows:

1. Section 1-1-107(2)(a), C.R.S., (2013), 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.”

¹ Article VII, section 6, Colorado Constitution; Section 1-4-501(1), C.R.S.