



Notice of Temporary Adoption

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

November 1, 2017

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):

Repeal Current Rule 7.16:

~~7.16—Cross-jurisdictional voter service and polling center pilot program~~

~~7.16.1 The county clerk may apply to the Secretary of State to participate in a pilot program allowing a county to agree with another county or counties to provide the county's services at the other county's voter service and polling centers. Beginning in 2018, the Secretary of State must receive the application no later than 110 days before election day.~~

~~7.16.2 In reviewing the county clerk's application, the Secretary of State will consider the following:~~

- ~~(a) The county's plan to provide all services outlined in section 1-5-102.9, C.R.S. for each participating county at each voter service and polling center;~~
- ~~(b) Whether the counties share a common border and the geographical location of proposed multi-county voter service and polling centers;~~
- ~~(c) Whether the county's plan provides more voter options and opportunities; and~~

¹ Sections 1-1-107(2)(a) and 1-1.5-104(1)(e), C.R.S. (2017).

² Section 24-4-103, C.R.S. (2017).

³ 8 CCR 1505-1.

~~(d) Any public comment provided under section 1-5-102.9(1)(c)(II), C.R.S. and the input, if any, of the governing board of the county.~~

~~7.16.3 When designating voter service and polling centers, at least two-thirds of the voter service and polling centers required under sections 1-5-102.9 and 1-7.5-107, C.R.S., must be located within the county boundaries; except that each participating county must have the minimum number of voter service and polling centers required under section 1-5-102.9 and 1-7.5-107, C.R.S. open within its boundaries on the Monday before election day and election day.~~

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.

Dated this 1st day of November, 2017,



Suzanne Staiert
Deputy Secretary of State

For

Wayne W. Williams
Colorado Secretary of State

⁴ Section 24-4-103(6), C.R.S. (2017).



Statement of Basis, Purpose, and Specific Statutory Authority

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

November 1, 2017

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 Federal and Colorado election laws,¹ improve elections administration in Colorado, and increase the transparency and security of the election process.

Repeal of current Rule 7.16 is necessary given recent discussions regarding the permissibility of cross-county Voter Polling and Service Centers. Additionally, further research and testing indicates that SCORE may require substantial updates before the department and counties could implement the pilot program. The department will continue to work with counties and other stakeholders to craft the pilot program but believes, for now, it is best to repeal the rule.

II. Rulemaking Authority

The constitutional and statutory authority is as follows:

Section 1-1-107(2) (a), C.R.S., (2017), 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 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.



Statement of Justification and Reasons for Adoption of Temporary Rules

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

November 1, 2017

Repeal Rule 7.16

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.

Temporary repeal is necessary both to comply with law and to preserve the public welfare given concerns regarding SCORE functionality and the permissibility of cross-county Voter Polling and Service Centers.

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.²

¹ Sections 1-1-107(1)(c), 1-1-107(2)(a), 1-7.4-104, C.R.S. (2017).

² Section 24-4-103(3)(6), C.R.S. (2017).