



Notice of Temporary Adoption

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

April 25, 2018

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 7.7.5:

7.7.5 THE COUNTY CLERK MUST ACCEPT ANY COMPLETED CURE FORM FOR A MISSING OR DISCREPANT SIGNATURE, OR A MISSING ID, THAT THE COUNTY RECEIVES BY 11:59 PM MT ON THE EIGHTH DAY AFTER THE ELECTION.

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. (2017).

² Section 24-4-103, C.R.S. (2017).

³ 8 CCR 1505-1.

⁴ Section 24-4-103(6), C.R.S. (2017).

Dated this 25th day of April, 2018,



Suzanne Staiert
Deputy Secretary of State

For

Wayne W. Williams
Colorado Secretary of State



Statement of Basis, Purpose, and Specific Statutory Authority

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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.

New Rule 7.7.5 is necessary to ensure uniform application of the law throughout the state regarding mail ballot cure procedures.

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.”
- Section 1-4-101(2)(b), C.R.S., (2017), which authorizes the Secretary of State to “by rule adopt additional ballot requirements necessary to avoid voter confusion in voting in primary elections.”
- Section 1-7.5-104, C.R.S. (2017), which requires the county clerk and recorder to conduct a mail ballot election “under the supervision of, and subject to rules promulgated in accordance with article 4 of title 24, C.R.S., by, the secretary of state.”
- Section 1-7.5-105, C.R.S. (2017), which requires the county clerk and recorder to supervise the distribution, handling, and counting of ballots and the survey of returns in accordance with “rules promulgated by the secretary of state as provided in section 1-7.5-106(2).”

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

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New Rule 7.7.5

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.

Temporary adoption is necessary both to comply with law and to preserve the public welfare given the close proximity of the 2018 Primary Election. The Secretary of State must adopt rules to provide clear guidance to county clerks regarding mail ballot cure procedures.

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).