



Statement of Justification and Reasons for Adoption of Temporary Rules

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

May 8, 2020

Amended Rules: 7.2.3, 7.2.3(b), 7.2.3(c), 11.3.2(e), 25.2.2 (includes renumbering 25.2.2(c)-(k)).
Cross-reference amendments: Rules 7.5.1 and 8.7.4.

New Rules: 1.1.17, 7.2.3(d), 7.2.17, 7.9.11, 7.17, 11.3.2(e)(2), 21.1.1(c), 25.2.2(b) and (c)(2), 27.

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.

Adoption of these rules on a temporary basis is necessary given the approaching June 30, 2020, Primary Election. On March 10, 2020, the Colorado Governor declared a disaster emergency due to the COVID-19 contagion. On March 16th and 18th, 2020, the Colorado Governor issued Executive Orders D 2020 005, D 2020 008, and D 2020 036 directing the Secretary of State to amend rules to limit in-person contact during elections to allow the 2020 Primary Election to proceed without interruption. Accordingly, New Rule 27 provides necessary guidance for conducting elections during a public health emergency. On April 30, 2020, the Colorado Governor issued Executive Order D 2020 053 directing the Secretary of State to promulgate emergency rules establishing a time period for unaffiliated and independent candidates to circulate petitions to appear on the 2020 general election ballot. Accordingly, new Rule 27.9 sets those dates.

Additionally, the Secretary of State adopted temporary rules on February 3, 2020. The Secretary issued a notice of proposed permanent rulemaking on February 14, 2020; however, the Secretary terminated the rulemaking and the associated hearing due to the COVID-19 public health emergency. This temporary adoption includes re-adoption of the previous temporary rules as necessary to allow the Secretary time to issue a new notice of permanent rulemaking to consider and adopt rules on a permanent basis before any temporary rules expire. The rules address specific issues identified during the 2019 coordinated election that must be addressed prior to the Primary Election. Rule 7.9.11 ensures that the rights of tribal nations under Colorado law are protected for the upcoming general election. The rules are immediately effective as is necessary

¹ Sections 1-1-107 (1) (c), 1-1-107(2) (a), 1-7.5-104, C.R.S. (2019).

to provide clear guidance to interested parties, including, but not limited to: county clerks, major political parties, candidates for public office, and the general public.

For these reasons, and in accordance with the State Administrative Procedure Act, the Secretary of State finds that temporary adoption of the amendments to existing election rules is imperatively necessary to comply with state and federal law and to promote public interests.²

² Section 24-4-103(3) (6), C.R.S. (2019).