



Statement of Justification and Reasons for Adoption of Temporary Rules

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

September 4, 2020

Amended Rules: 27
New Rules: 25.2.7

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 November 3, 2020, General Election. On March 10, 2020, the Colorado Governor declared a disaster emergency due to the COVID-19 contagion. Accordingly, Rule 27 provides necessary guidance for conducting elections during a public health emergency. Amendments to rule 27 are necessary to provide clarity and further details as more public health information and best practices have become available. Rules 27.8 and 27.9 are repealed as the events that these rules govern have now passed.

New Rule 25.2.7 is necessary to ensure all post-election activities can be completed timely and in accordance with state law. Due to the Veteran's Day holiday, which falls on the 8th day after election day this November, many post-election deadlines are pushed back a day. These new deadlines conflict with the current deadlines found in election rule 25, governing the post-election risk-limiting audit. To resolve this conflict, it is necessary to alter the risk-limiting audit deadlines for the upcoming election only.

The rules are immediately effective as is necessary 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

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

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