

**STATE OF
COLORADO**
Department of State
1700 Broadway
Suite 200
Denver, CO 80290



Jena Griswold
Secretary of State

Jenny Flanagan
Deputy Secretary of State

2020 Departmental Regulatory Agenda
Office of the Secretary of State
November 1, 2019

To: The Staff of Legislative Council

Re: Colorado Department of State – 2020 Departmental Regulatory Agenda

The Colorado Secretary of State submits the following 2020 Departmental Regulatory Agenda for the Department of State to the General Assembly in accordance with state laws concerning legislative oversight of principal departments.¹

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¹ Section 2-7-203(4), C.R.S.

Main Number (303) 894-2200
Administration (303) 860-6900
Fax (303) 869-4860

TDD (303) 869-4867
Web Site www.sos.state.co.us
E-mail administration@sos.state.co.us

DEPARTMENT REGULATORY AGENDA

Rule number and title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-1: Elections	<p>The Secretary of State may commence rulemaking to consider amendments to the Election Rules necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of and to answer questions arising under Colorado elections law¹ • Implement amendments to Colorado laws adopted during the Second Regular Session of the 72nd General Assembly • Respond to comments from the Office of Legislative Legal Services • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 	<p>Section 1-1-107(2)(a), C.R.S.</p> <p>Depending on the subject matter of unanticipated rulemaking, additional statutory and constitutional authority may apply.</p>	<p>TBD; the Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.</p>	<p>Positively affect:</p> <ul style="list-style-type: none"> • All current and potential Colorado residents • Colorado County Clerks and Recorders • Candidates for office in Colorado • Poll watchers, election judges, and other interested parties • Petition proponents and circulators • Voting system and other third-party vendors of election equipment

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.

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Rule number and title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-2: Bingo and Raffles Games	<p>The Secretary of State anticipates proposed rulemaking regarding the Rules Concerning Bingo and Raffles Games as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of Colorado bingo and raffles law² • Amend Rule 3.1.5, concerning closing a bingo game, to clarify situations where a licensee worker has acknowledged that a player called “bingo,” but the bingo caller mistakenly still calls the ball • Raise the current pull tab cash fund limit • Implement amendments to Colorado laws adopted during the Second Regular Session of the 72nd General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S. 	Sections 24-21-605(1)(b) and 24-21-617(5), C.R.S.	This office estimates commencement of rulemaking in accordance with the State Administrative Procedure Act post-legislative session	<p>Positively affect:</p> <ul style="list-style-type: none"> • Charitable gaming licensees • Gaming equipment (pull tab) manufacturers and manufacturer agents • Colorado citizens who play pull tabs
8 CCR 1505-3: Rules Governing General Policies and Administration	<p>The Secretary may propose amendments to the Rules Governing General Policies and Administration as necessary to:</p> <ul style="list-style-type: none"> • Clarify declaratory order rules in accordance with section 24-4-105(11), C.R.S. • Improve rule organization and readability • Ensure that the rules are written in plain language and easy to understand • Repeal obsolete rules and language that duplicates statute • Other technical amendments as necessary for consistency with Department rulemaking format and style • Implement amendments to Colorado laws adopted during the Second Regular Session of the 72nd General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S. 	<p>24-4-105(11), C.R.S.</p> <p>Additional statutory and constitutional authority may depend on the subject matter of rulemaking.</p>	TBD; the Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.	<p>Positively affected:</p> <ul style="list-style-type: none"> • Declaratory order petitioner • Parties to any agency adjudicatory proceeding • Additional persons or parties that may be affected depending on the subject matter of rulemaking

² Article XVIII, Section 2 of the Colorado Constitution and Article 9, Title 12 of the Colorado Revised Statutes.

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Rule number and title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	<p>The Secretary may propose amendments to the Rules Concerning Campaign and Political Finance as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of Colorado campaign finance law³ • Address any issues related to or to further implement SB19-229, SB19-232, SB19-068, HB19-1007, and HB19-1318 • Implement amendments to Colorado laws adopted during the Second Regular Session of the 72nd General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 	<p>Colo. Const. art. XXVIII, Sections 8, 9(1)(b); Sections 1-1-107(2)(a) and 45-111.5(1), C.R.S.</p>	<p>This office estimates commencement of rulemaking in accordance with the State Administrative Procedure Act post-legislative session</p>	<p>Positively affect:</p> <ul style="list-style-type: none"> • All Colorado residents and potential residents • Political subdivisions • Officeholders • Candidates for office in Colorado • Party organizations in Colorado • Candidate or issue organizations and committees in Colorado
8 CCR 1505-7: UCC Filing Office Rules	<p>The Secretary of State does not anticipate rulemaking regarding the UCC Filing Office Rules; however, the Secretary may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of Colorado’s Uniform Commercial Code⁴ • Improve rule organization and readability • Ensure that the rules are written in plain language and easy to understand • Repeal obsolete rules and language that duplicates statute • Other technical amendments as necessary for consistency with Department rulemaking format and style • Implement amendments to Colorado laws adopted during the Second Regular Session of the 72nd General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S. 			

³ Article 45 of Title 1, C.R.S., and Article XXVIII of the Colorado Constitution.

⁴ Article 9 of Title 4, C.R.S.

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Rule number and title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-8: Rules Concerning Lobbyist Regulation	<p>The Secretary of State may propose amendments to the Rules Concerning Lobbyist Regulation necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of Colorado laws regarding lobbyist regulation⁵ • Improve rule organization and readability • Ensure that the rules are written in plain language and easy to understand • Repeal obsolete rules and language that duplicates statute • Other technical amendments as necessary for consistency with Department rulemaking format and style • Implement HB19-1248 • Implement amendments to Colorado laws adopted during the Second Regular Session of the 72nd General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 	Sections 24-6-303(6.3)(a) and 24-6-305(2)(b), C.R.S.	The Secretary of State commenced rulemaking on October 4, 2019. For more information and to monitor this rulemaking please see www.sos.state.co.us/pubs/rule_making/hearings/2019/LobbyistRulesHearing20191115.html . The Secretary of State will commence any additional rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.	<p>Positively affect:</p> <ul style="list-style-type: none"> • Professional lobbyists • Lobbying firms • The general Colorado public
8 CCR 1505-9: Rules for the Administration of the Colorado Charitable Solicitations Act	<p>The Secretary may propose amendments to the Rules for the Administration of the Colorado Charitable Solicitations Act⁶ as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of and to answer questions arising under the Colorado Charitable Solicitations Act • Propose amendments in response to questions from the Office of Legislative Legal Services including proposed clarification of Rule 6.1.1 concerning fines • Implement amendments to Colorado laws adopted during the Second Regular Session of the 72nd General Assembly Second Regular Session of the 72nd General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S. 	<p>Sections 6-16-110.5(3) and 6-16-114 C.R.S.</p> <p>Additional statutory and constitutional authority may depend on the subject matter of rulemaking.</p>	TBD; the Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.	<ul style="list-style-type: none"> • Paid solicitors • Professional fundraising consultants • The general Colorado public

⁵ Part 3 of Article 6 of Title 24, C.R.S.

⁶ Article 16 of Title 6, C.R.S.

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Rule number and title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-10: Rules Concerning the Electronic Recording Technology Grant Program	In 2015, the Secretary of State reviewed the Electronic Recording Technology Grant Program rules and determined that the rules are obsolete and inoperative. Additionally, Senate Bill 16-115 amendments to section 30-10-424, C.R.S., repealed the Secretary of State’s authority to promulgate rules necessary for the administration of section 30-10-421, C.R.S. At this time, 8 CCR 1505-10 will continue in its current form.			
8 CCR 1505-11: Notary Program Rules	<p>The Secretary of State does not anticipate rulemaking regarding the Notary Program Rules, however, the Secretary may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of the Colorado Revised Uniform Law on Notarial Acts (RULONA)⁷ • Implement amendments to Colorado laws adopted during the Second Regular Session of the 72nd General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 			
8 CCR 1505-12: Public Records Pursuant to the Colorado Open Records Act (CORA)	<p>The Secretary may propose amendments to the Rules Concerning Public Records Pursuant to the Colorado Open Records Act (CORA) as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of the Colorado Open Records Act⁸ • Improve rule organization and readability • Ensure that the rules are written in plain language and easy to understand • Repeal obsolete rules and language that duplicates statute • Other technical amendments as necessary for consistency with Department rulemaking format and style • Implement amendments to Colorado laws adopted during the Second Regular Session of the 72nd General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S. 	<p>Section 24-72-203(1)(a), C.R.S.</p> <p>Additional statutory and constitutional authority may depend on the subject matter of rulemaking.</p>	<p>TBD; the Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.</p>	<ul style="list-style-type: none"> • A person who requests information in accordance with the Colorado Open Records Act • Additional persons or parties that may be affected depending on the subject matter of rulemaking

⁷ Article 21 of Title 24, Part 5, C.R.S.

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Rule number and title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-14: Rules Concerning Conflict of Interest Disclosures	<p>The Secretary may propose amendments to the Rules Concerning Conflict of Interest Disclosures as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement Colorado standards of conduct law⁹ • Improve rule organization and readability • Ensure that the rules are written in plain language and easy to understand • Repeal obsolete rules and language that duplicates statute • Other technical amendments as necessary for consistency with Department rulemaking format and style • Implement amendments to Colorado laws adopted during the Second Regular Session of the 72nd General Assembly • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S. 	<p>24-21-104, C.R.S. 24-21-111, C.R.S.</p> <p>Additional statutory and constitutional authority may depend on the subject matter of rulemaking.</p>	<p>TBD; the Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.</p>	<ul style="list-style-type: none"> • Public officials and employees who voluntarily disclose potential conflicts of interest • Additional persons or parties that may be affected depending on the subject matter of rulemaking

⁸ Article 72 of Title 24, C.R.S.

⁹ Article 18 of Title 24, C.R.S.

SUMMARY OF RULES ADOPTED AFTER NOVEMBER 1, 2018

Rule number and title	CCR Tracking Number	Type	Adopted	Effective	Summary
8 CCR 1505-1: Elections	2019-00300	Temporary	6/28/2019	7/1/2019	The Secretary of State adopted amendments to Rules 2.10.1 and 17.2.10 as necessary to implement changes due to HB 19-1266.
8 CCR 1505-1: Elections	2019-00306	Permanent	8/23/2019	10/15/2018	The Secretary permanently adopted temporary rules adopted on June 28, 2019. And rule revisions necessary to ensure proper administration of additional legislation recently passed by the Colorado General Assembly; eliminate obsolete provisions; organize existing rules for clarity; simplify the language of existing rules; remove language that is duplicative of statute or constitutional provisions; and ensure consistency with Department rulemaking standards. The rules were also adopted on a temporary basis (CCR tracking #2019-00444).
8 CCR 1505-1: Elections	2019-00444	Temporary	8/23/2019	8/23/2019	The Secretary adopted rule revisions necessary to ensure proper administration of additional legislation recently passed by the Colorado General Assembly; eliminate obsolete provisions; organize existing rules for clarity; simplify the language of existing rules; remove language that is duplicative of statute or constitutional provisions; and ensure consistency with Department rulemaking standards. The rules were also adopted on a permanent basis (CCR tracking #2019-00306).
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	2018-00560	Permanent	12/3/2018	1/30/2019	The Secretary adopted revisions necessary to establish uniformity in the administration of current law regarding the use of unexpended campaign funds; eliminate obsolete provisions; simplify the language of existing rules; and ensure consistency with Department rulemaking standards. The rules were also adopted on a temporary basis (CCR tracking #2018-00657).
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	2018-00657	Temporary	12/3/2018	12/3/2018	The Secretary adopted revisions necessary to establish uniformity in the administration of current law regarding the use of unexpended campaign funds; eliminate obsolete provisions; simplify the language of existing rules; and ensure consistency with Department rulemaking standards. The rules were also adopted on a permanent basis (CCR tracking #2018-00560).
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	2019-00134	Temporary	3/29/2019	3/29/2019	The Secretary of State temporarily adopted amendments to campaign finance Rule 10.17 concerning contribution limits.

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Rule number and title	CCR Tracking Number	Type	Adopted	Effective	Summary
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	2019-00301	Temporary	6/28/2019	7/1/2019	The Secretary of State temporarily adopted New Rule 18.2.13 as necessary to implement SB 19-232.
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	2019-00311	Temporary	6/28/2019	7/27/2019	Amendments to Rule 10.17, temporarily adopted on 3/29/2019, regarding campaign finance contribution limits, were set to expire on 7/27/2019. The Secretary temporarily re-adoption the rule to prevent a gap in the rule until it could be adopted and effective on a permanent basis. The Secretary of State issued a Notice of Permanent Rulemaking on 6/14/2019. Rule 10.17 is necessary to comply with the requirements of Article XXVIII, Section 3(13) of the Colorado Constitution. The Constitution requires contribution limits to be adjusted for inflation every four years beginning in the first quarter of 2007. The Secretary of State's Office must calculate this adjustment and specify the new limits in rule.
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	2019-00239	Permanent	8/2/2019	9/30/2019	The Secretary adopted rule amendments include revisions necessary to ensure proper administration of legislation recently passed by the Colorado General Assembly; establish uniformity in the administration of current law; eliminate obsolete provisions; simplify the language of existing rules; remove language that is duplicative of statute or constitutional provisions; and ensure consistency with Department rulemaking standards. The Secretary also adopted amendments to previous Temporary Rules 10.17 and 18.2.13. The rules were also adopted on a temporary basis (CCR tracking #2019-00380).
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	2019-00380	Temporary	8/2/2019	8/2/2019	The Secretary adopted rule amendments include revisions necessary to ensure proper administration of legislation recently passed by the Colorado General Assembly; establish uniformity in the administration of current law; eliminate obsolete provisions; simplify the language of existing rules; remove language that is duplicative of statute or constitutional provisions; and ensure consistency with Department rulemaking standards. The Secretary also adopted amendments to previous Temporary Rules 10.17 and 18.2.13. The rules were also adopted on a permanent basis (CCR tracking #2019-00239).
8 CCR 1505-8: Rules Concerning Lobbyist Regulation	2019-00618	Permanent	Pending (11/15/2019 hearing)	Pending	The Secretary is considering amendments and recodification of the rules to improve the administration and enforcement of Colorado laws regarding lobbyist regulation. Specifically, the Secretary is considering rule revisions necessary to ensure proper administration of additional legislation recently passed by the Colorado General Assembly; eliminate obsolete provisions; organize existing rules for clarity; simplify the language of existing rules; remove language that is duplicative of statute or constitutional provisions; and ensure consistency with Department rulemaking standards. The Secretary may consider additional rule amendments.

PUBLICATION AND AVAILABILITY TO THE PUBLIC

On November 1, 2019, the Secretary of State will post this document on the Department's website at: http://www.sos.state.co.us/pubs/rule_making/regulatoryAgendas.html.

Additionally, the Secretary of State filed this agenda for publication in the November 10, 2019, Colorado Register.