



**2022 Departmental Regulatory Agenda**  
**Office of the Secretary of State**  
**October 27, 2021**

To: The Staff of Legislative Council

Re: Colorado Department of State – 2022 Departmental Regulatory Agenda

The Colorado Secretary of State submits the following 2022 Departmental Regulatory Agenda for the Department of State to the General Assembly in accordance with state laws concerning legislative oversight of principal departments.<sup>1</sup>

Contents:

DEPARTMENT REGULATORY AGENDA.....	2
SUMMARY OF RULES ADOPTED AFTER NOVEMBER 1, 2020 .....	7
PUBLICATION AND AVAILABILITY TO THE PUBLIC .....	9

---

<sup>1</sup> Section 2-7-203(4), C.R.S.

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"> <li>• Improve the administration and enforcement of and to answer questions arising under Colorado elections law<sup>1</sup></li> <li>• Implement amendments to Colorado laws adopted during the Second Regular Session of the 73<sup>rd</sup> General Assembly</li> <li>• Respond to comments from the Office of Legislative Legal Services</li> <li>• Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S.</li> </ul> <p>Potential proposed amendments include:</p> <ul style="list-style-type: none"> <li>• Rules related to Ranked Choice elections as required by HB 21-1071</li> <li>• Rules related to Multilingual Ballot Access as required by HB 21-1011</li> </ul>	<p>Section 1-1-107(2)(a), C.R.S.; HB 21-1071; HB 21-1011</p> <p>Depending on the subject matter of unanticipated rulemaking, additional statutory and constitutional authority may apply.</p>	<p>HB 21-1071 must be effective no later than December 31, 2022.</p> <p>HB 21-1011 must be effective by October, 2022.</p> <p>For all others, 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"> <li>• Current and potential Colorado residents</li> <li>• Colorado County Clerks and Recorders</li> <li>• Candidates for office in Colorado</li> <li>• Local Governments in Colorado</li> </ul>
8 CCR 1505-2: Bingo and Raffles Games	<p>The Secretary of State does not anticipate rulemaking regarding the Rules Concerning Bingo and Raffles Games; however, the Secretary may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> <li>• Improve the administration and enforcement of Colorado bingo and raffles law<sup>2</sup></li> <li>• Implement amendments to Colorado laws adopted during the Second Regular Session of the 73<sup>rd</sup> General Assembly</li> <li>• Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S.</li> </ul>			

<sup>1</sup> 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.

<sup>2</sup> Article XVIII, Section 2 of the Colorado Constitution and Article 21, Part 6 of Title 24 of the Colorado Revised Statutes.

2022 Departmental 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 1505-3: Rules Governing General Policies and Administration	<p>The Secretary does not anticipate rulemaking regarding the Rules Governing General Policies and Administration; however, the Secretary may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> <li>• Improve the administration and enforcement of and to answer questions arising under Colorado State Administrative Procedure Act<sup>3</sup> and State Emblems and Symbols laws<sup>4</sup></li> <li>• Implement amendments to Colorado laws adopted during the Second Regular Session of the 73rd General Assembly</li> <li>• Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S.</li> </ul>			
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"> <li>• Improve the administration and enforcement of and to answer questions arising under Colorado campaign finance law<sup>5</sup></li> <li>• Implement amendments to Colorado laws adopted during the Second Regular Session of the 73rd General Assembly</li> <li>• Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S.</li> </ul>	<p>Section 45-111.5(1), 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"> <li>• Current and potential Colorado residents</li> <li>• Colorado County Clerks and Recorders</li> <li>• Political subdivisions</li> <li>• Officeholders</li> <li>• Candidates for office in Colorado</li> <li>• Party organizations in Colorado</li> <li>• Candidate or issue organizations and committees in Colorado</li> </ul>

<sup>3</sup> Article 4 of Title 24, C.R.S.

<sup>4</sup> Article 80, Part 9, of Title 24, C.R.S.

<sup>5</sup> Article 45 of Title 1, C.R.S., and Article XXVIII of the Colorado Constitution.

2022 Departmental 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 1505-7: 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"> <li>• Improve the administration and enforcement of Colorado’s Uniform Commercial Code<sup>6</sup></li> <li>• Implement amendments to Colorado laws adopted during the Second Regular Session of the 73<sup>rd</sup> General Assembly</li> <li>• Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S.</li> </ul>			
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"> <li>• Improve the administration and enforcement of and to answer questions arising under Colorado laws regarding lobbyist regulation<sup>7</sup></li> <li>• Implement amendments to Colorado laws adopted during the Second Regular Session of the 73<sup>rd</sup> General Assembly</li> <li>• Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S.</li> </ul>	<p>Section 24-6-305(2)(b), 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"> <li>• Current and potential Colorado residents</li> <li>• Registered lobbyists</li> <li>• Colorado legislators and other elected officials</li> <li>• Colorado rulemaking bodies</li> </ul>
8 CCR 1505-9: Rules for the Administration of the Colorado Charitable Solicitations Act	<p>The Secretary does not anticipate rulemaking regarding the Rules for the Administration of the Colorado Charitable Solicitations Act<sup>8</sup> : however, the Secretary may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> <li>• Improve the administration and enforcement of and to answer questions arising under the Colorado Charitable Solicitations Act</li> <li>• Implement amendments to Colorado laws adopted during the Second Regular Session of the 73<sup>rd</sup> General Assembly</li> <li>• Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S.</li> </ul>			

<sup>6</sup> Article 9 of Title 4, C.R.S.

<sup>7</sup> Part 3 of Article 6 of Title 24, C.R.S.

<sup>8</sup> Article 16 of Title 6, C.R.S.

2022 Departmental 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 1505-10: Rules Concerning the Electronic Recording Technology Grant Program	<p>The Secretary of State repealed these rules on March 2, 2020, and reserves the code for any future Electronic Recording Technology (ERT) Board rulemaking.</p> <p>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.</p>		These rules were repealed effective March 2, 2020.	None
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"> <li>• Improve the administration and enforcement of the Colorado Revised Uniform Law on Notarial Acts (RULONA)<sup>9</sup></li> <li>• Amend previously adopted Notary rules in response to comments from OLLS</li> <li>• Implement amendments to Colorado laws adopted during the Second Regular Session of the 73<sup>rd</sup> General Assembly</li> <li>• Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S.</li> </ul>			
8 CCR 1505-12: Public Records Pursuant to the Colorado Open Records Act (CORA)	<p>The Secretary does not anticipate rulemaking regarding the Rules Concerning Public Records Pursuant to the Colorado Open Records Act (CORA); however, the Secretary may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> <li>• Improve the administration and enforcement of the Colorado Open Records Act<sup>10</sup></li> <li>• Implement amendments to Colorado laws adopted during the Second Regular Session of the 73<sup>rd</sup> General Assembly</li> <li>• Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S.</li> </ul>			

<sup>9</sup> Article 21, Part 5 of Title 24, C.R.S.

2022 Departmental 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 1505-14: Rules Concerning Conflict of Interest Disclosures	<p>The Secretary does not anticipate rulemaking regarding the Rules Concerning Conflict of Interest Disclosures; however, the Secretary may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> <li>• Improve the administration and enforcement Colorado standards of conduct law<sup>11</sup></li> <li>• Implement amendments to Colorado laws adopted during the Second Regular Session of the 73<sup>rd</sup> General Assembly</li> <li>• Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S.</li> </ul>			

<sup>10</sup> Article 72 of Title 24, C.R.S.

<sup>11</sup> Article 18 of Title 24, C.R.S.

SUMMARY OF RULES ADOPTED AFTER NOVEMBER 1, 2020:

Rule Number & Title	CCR Tracking Number	Type	Adopted	Effective	Summary
8 CCR 1505-1: Elections	<a href="#">2020-00906</a>	Administrative Change	11/30/2021	11/12/2021	An administrative filing by the Secretary of State for removal of agency temporary/emergency rule, adopted 07/15/2020 and filed under tracking number 2020-00478, that expired 11/12/2020.
	<a href="#">2021-00086</a>	Administrative Change	01/02/2021	01/02/2021	An administrative filing by the Secretary of State for removal of agency temporary/emergency rule, adopted 09/04/2020 and filed under tracking number 2020-00684, that expired 01/02/2021.
	<a href="#">2021-00378</a>	Temporary	6/17/2021	6/17/2021	The Secretary adopted amendments to the Colorado Secretary of State Elections Rules. The rules are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado laws regarding voting systems.
	<a href="#">2021-00399</a>	Permanent	8/26/2021	10/15/2021	The Secretary adopted permanent rule revisions necessary to: implement Senate Bills 21-188 and 21-250; update petition review rules, and watcher and canvass rules; remove references to Direct Recording Electronic (DRE) voting devices and Voter Verifiable Paper Audit Trail (VVPAT) equipment because those systems are no longer in use in the State of Colorado; eliminate obsolete provisions; organize existing rules for clarity; simplify the language of existing rules; and ensure consistency with Department rulemaking standards. Additionally, the Secretary permanently adopted the voting system emergency rules that were temporarily adopted on 6/17/2021.
8 CCR 1505-2: Rules Concerning Bingo and Raffles Games	<a href="#">2021-00431</a>	Permanent	9/07/2021	11/1/2021	The Secretary adopted amendments to the bingo and raffles games rules to improve the administration and enforcement of Colorado bingo and raffles laws. Specifically, the Secretary proposes permanent rule revisions necessary to: implement changes made by Senate Bill 21-055 concerning collection of state debts; update rules concerning closing a bingo game, opening a new pull tab deal during progressive bingo, suspending progressive pull tab operations, and authorizing prepackaged games for playing progressive raffles; eliminate obsolete provisions; organize existing rules for clarity; simplify the language of existing rules; and ensure consistency with Department rulemaking standards. Please see the following website for more details related to this rulemaking: <a href="https://www.sos.state.co.us/pubs/rule_making/hearings/2021/BingoRulesHearing20210824.html">https://www.sos.state.co.us/pubs/rule_making/hearings/2021/BingoRulesHearing20210824.html</a>

2022 Departmental Regulatory Agenda

8 CCR 1505-8: Rules Concerning Lobbyist Regulation	<a href="#">2020-00150</a>	Temporary	03/01/2021	03/01/2021	The Secretary temporarily adopted rule revisions necessary to facilitate implementation of Sections 44.2(4)(b)(III) and 48(4)(b)(III) of Article V of the Colorado Constitution concerning the new congressional and state redistricting commissions and to organize existing rules for clarity. The Secretary simultaneously issued a notice of rulemaking to consider permanent adoption of the rules.
	<a href="#">2020-00333</a>	Temporary	05/28/2021	05/28/2021	The Secretary adopted amendments to the Colorado Secretary of State rules concerning lobbyist regulation. The rules are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado laws regarding lobbyist regulation. Specifically, the Secretary temporarily adopted updated rules for lobbying redistricting commissions to facilitate implementation of Sections 44.2(4)(b)(III) and 48(4)(b)(III) of Article V of the Colorado Constitution. These rules were effective immediately and replace the rules temporarily adopted on March 1, 2021. [The Secretary simultaneously adopted on a permanent basis under tracking number 2021-00151.]
	<a href="#">2020-00151</a>	Permanent	05/28/2021	07/30/2021	The Secretary adopted amendments to the Colorado Secretary of State rules concerning lobbyist regulation. The rules are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado laws regarding lobbyist regulation. Specifically, the Secretary permanently adopted updated rules for lobbying redistricting commissions to facilitate implementation of Sections 44.2(4)(b)(III) and 48(4)(b)(III) of Article V of the Colorado Constitution. [The Secretary simultaneously adopted on a temporary basis under tracking number 2021-00333.]
8 CCR 1505-9: Rules for the Administration of the Colorado Charitable Solicitations Act	<a href="#">2020-00907</a>	Administrative filing	11/30/2020	11/12/2020	This was is an administrative filing by the Secretary of State for removal of agency temporary/emergency rule, adopted 07/15/2020 and filed under tracking number 2020-00479, that expired 11/12/2020.

2022 Departmental Regulatory Agenda

8 CCR 1505-10: Rules Concerning the Electronic Recording Technology Grant Program	<a href="#">2021-00066</a>	Permanent	03/02/2021	4/30/2021	The Secretary repealed the Rules Concerning the Electronic Recording Technology Grant Program in accordance with Senate Bill 16-115 amendments to section 30-10-424, C.R.S., that repealed the Secretary of State’s authority to promulgate rules necessary for the administration of section 30-10-421, C.R.S.
8 CCR 1505-11: Notary Program Rules	<a href="#">2020-00816</a>	Temporary	10/15/2020	10/15/2020	The Secretary of State readopted temporary Rule 5 to continue the rules until permanent rules are established.
	<a href="#">2020-00819</a>	Permanent	12/01/2020	1/30/2021	The Secretary adopted amendments to the Colorado Secretary of State Notary Program Rules in order to ensure the uniform and proper administration, implementation, and enforcement of the Revised Uniform Law on Notarial Acts (RULONA) and legislation recently passed by the Colorado General Assembly; Senate Bill 20-096 concerning remote notarization.
	<a href="#">2020-00932</a>	Temporary	12/01/2020	12/31/2020	The Secretary adopted amendments to the Colorado Secretary of State Notary Program Rules in order to ensure the uniform and proper administration, implementation, and enforcement of the Revised Uniform Law on Notarial Acts (RULONA) and legislation recently passed by the Colorado General Assembly; Senate Bill 20-096 concerning remote notarization. The new and amended rules are temporarily effective 12/31/2020. [The Secretary simultaneously adopted on a permanent basis under tracking number 2020-00819.]

PUBLICATION AND AVAILABILITY TO THE PUBLIC

On November 1, 2021, the Secretary of State will post this document on the Department’s website at: <https://www.coloradosos.gov/pubs/newsRoom/SMART-Act/FY22-23/index.html>. The document will also be available at [http://www.coloradosos.gov/pubs/rule\\_making/regulatoryAgendas.html](http://www.coloradosos.gov/pubs/rule_making/regulatoryAgendas.html) and <https://www.coloradosos.gov/pubs/newsRoom/SMART-Act/index.html>. Additionally, the Secretary of State filed this agenda for publication in the November 10, 2021, Colorado Register.