



## Notice of Temporary Adoption

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

June 28, 2019

### I. Adopted Rule Amendments

As authorized by Colorado Elections Law<sup>1</sup> and the State Administrative Procedure Act<sup>2</sup>, the Colorado Secretary of State gives notice that the following amendments to the Election Rules<sup>3</sup> are adopted on a temporary basis and effective July 1, 2019. (SMALL CAPS indicate proposed additions to the current rules. Stricken-type indicates proposed deletions from current rules. *Annotations* may be included):

*Current 8 CCR 1505-1 is amended as follows:*

*Amendments to Rule 2.10.1 concerning voter registration:*

- 2.10 A county clerk may cancel a registration record based upon information from a local law enforcement agency only if:
- 2.10.1 The information states that the individual is currently serving a sentence of ~~incarceration or parole~~ OF DETENTION OR CONFINEMENT IN A CORRECTIONAL FACILITY, JAIL, OR OTHER LOCATION for a felony conviction; and
  - 2.10.2 Minimum matching criteria outlined in Rule 2.7 are met.

*Amendments to Rule 17.2.10 concerning verification of provisional ballots specifically rejections codes:*

RFE (Rejection ~~fe~~ not eligible to vote DUE TO FELONY INCARCERATION)  
Individual was convicted of a felony and is ~~either~~ serving a sentence of confinement or detention ~~or is on parole~~.

<sup>1</sup> Sections 1-1-107(2)(a) and 1-1.5-104(1)(e), C.R.S. (2018).

<sup>2</sup> Section 24-4-103, C.R.S. (2018).

<sup>3</sup> 8 CCR 1505-1.

**II. Basis, Purpose, and Specific Statutory Authority**

A Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

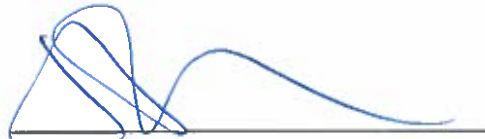
**III. Statement of Justification and Reasons for Adoption of Temporary Rules**

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.<sup>4</sup>

**IV. Effective Date of Adopted Rules**

These rule amendments take effect July 1, 2019.

Dated this 28<sup>th</sup> day of June, 2019,



Jenny Flanagan  
Deputy Secretary of State

For

Jena Griswold  
Colorado Secretary of State

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<sup>4</sup> Section 24-4-103(6), C.R.S. (2018).



## **Statement of Basis, Purpose, and Specific Statutory Authority**

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

**June 28, 2019**

#### **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,<sup>1</sup> improve elections administration in Colorado, and increase the transparency and security of the election process.

- Amendments to Rules 2.10.1 and 17.2.10 implement changes due to HB 19-1266.

#### **II. Rulemaking Authority**

The constitutional and statutory authority is as follows:

- Section 1-1-107(2)(a), C.R.S., (2018), 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 1-1-109(3), C.R.S., (2018), which authorizes the Secretary of State to promulgate rules “as may be necessary to administer and enforce any requirement of this section, including any rules necessary to specify what constitutes approved and acceptable forms certified for use by eligible voters, campaigns, and voter registration drives and acceptance by election officials and any rules necessary to establish uniformity regarding the use of forms.”
- Section 1-1.5-104(1)(e), C.R.S., (2018), which gives the Secretary of State the power to “[p]romulgate rules...as the secretary finds necessary for the proper administration, implementation, and enforcement of HAVA.”

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<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.



## **Statement of Justification and Reasons for Adoption of Temporary Rules**

**Office of the Secretary of State**  
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Amended Rules: 2.10.1 and 17.2.10

In accordance with Colorado election law,<sup>1</sup> the Secretary of State finds that certain amendments to the existing election rules must be adopted on a temporary basis and effective July 1, 2019 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 House Bill 19-1266, concerning the voting rights of persons serving a sentence of parole, takes effect July 1, 2019. The Secretary of State must adopt rules to provide clear guidance to the county clerks 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.<sup>2</sup>

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<sup>1</sup> Sections 1-1-107 (1) (c), 1-1-107(2) (a), 1-7.4-104, C.R.S. (2018).

<sup>2</sup> Section 24-4-103(3) (6), C.R.S. (2018).