



Notice of Permanent Adoption

Colorado Department of State Elections Rules 8 CCR 1505-1

May 9, 2024

I. Adopted Rule Amendments

As authorized by Colorado Elections Law¹ and the State Administrative Procedure Act², the Colorado Department of State gives notice that the following amendments to the Elections Rules³ are adopted on a permanent basis.

The rules were considered at the April 15, 2024, rulemaking hearing in accordance with the State Administrative Procedure Act⁴.

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
Strikethrough	Deletions
<i>[Italic blue font text]</i>	Annotations and publication notes

Amendments to 8 CCR 1505-1 are as follows:

New Rule 7.2.17 concerning holes in ballot return envelopes and target areas on a voter's ballot:

7.2.17 HOLE IN RETURN ENVELOPES

- (A) NO COUNTY CLERK MAY USE A BALLOT RETURN ENVELOPE WITH A HOLE OR ANY OTHER OPENING OF ANY SIZE WHERE THE TARGET AREA FOR ANY CONTEST ON A BALLOT CAN BE SEEN IN ANY WAY.
- (B) IF A COUNTY INTENDS TO USE BALLOT RETURN ENVELOPES WITH A HOLE PUNCH OR OTHER OPENING, THE COUNTY MUST PROVIDE WRITTEN CERTIFICATION TO THE SECRETARY OF STATE THAT:
 - (1) THE DIAMETER OF ANY HOLE PUNCH IS SMALLER THAN THE SIZE OF ANY TARGET AREA BUBBLE ON THE BALLOT THAT IS TO BE ENCLOSED WITHIN THE ENVELOPE;

¹ Sections 1-1-107(2)(a) and 1-1.5-104(1)(e), C.R.S. (2023).

² Section 24-4-103, C.R.S. (2023).

³ 8 CCR 1505-1.

⁴ Section 24-4-103(3)(a), C.R.S. (2023).

- (2) THE LOCATION OF ANY HOLE PUNCHES OR OTHER OPENINGS ARE SITUATED ON THE BALLOT ENVELOPE IN LOCATIONS TO ASSIST THE VISUALLY IMPAIRED IN LOCATING WHERE ON THE ENVELOPE THEY SHOULD SIGN THE ENVELOPE; AND
- (3) THE ENVELOPES HAVE BEEN MANUALLY INSPECTED AND TESTED BY THE COUNTY CLERK TO ENSURE THAT NO TARGET AREAS ARE VISIBLE THROUGH THE HOLE PUNCHES OR OTHER OPENINGS IN THE ENVELOPE CONSIDERING ALL THE WAYS A BALLOT COULD BE REASONABLY FOLDED AND INSERTED INTO THE ENVELOPE.

New Rule 7.2.18 concerning the quality control process with a vendor and county clerk for mail ballots:

7.2.18 A COUNTY CLERK WHO USES A MAIL BALLOT PRINTING VENDOR MUST WORK WITH THEIR VENDOR TO ESTABLISH A QUALITY CONTROL PROCESS FOR ALL PRINTED MATERIALS.

Amendments to Rule 7.14 concerning technical changes to comply with the changes to section 1-5-505.5, C.R.S., due to the passage of Senate Bill 23-276:

7.14 Reimbursement to counties for state ~~ballot measure~~ elections.

7.14.1 No later than 90 days after an election DAY, the county must submit a completed request for reimbursement under section 1-5-505.5, C.R.S. The county must submit the request using the form provided by the Secretary of State, ALONG WITH SUPPORTING DOCUMENTATION CONCERNING THE SPECIFIC REIMBURSEMENTS BEING REQUESTED.

New Rule 7.14.2 concerning the list of direct costs that will be considered reimbursable by the Department under section 1-5-505.5, C.R.S.:

7.14.2 THE FOLLOWING DIRECT COSTS ARE DEEMED NECESSARY AND REASONABLE FOR AN ELECTION AND THUS REIMBURSABLE BY THE STATE UNDER SECTION 1-5-505.5, C.R.S.:

- (A) THE SALARY OR HOURLY WAGES FOR PERMANENT STAFF, TEMPORARY STAFF, ELECTION JUDGES, AND CANVASS BOARD MEMBERS THAT MEET THE FOLLOWING CRITERIA:
 - (1) OVERTIME WAGES FOR COUNTY PERSONNEL FOR OVERTIME SPENT PERFORMING ELECTION DUTIES FROM THE DATE OF BALLOT CERTIFICATION THROUGH THE COMPLETION OF THE CANVASS OR A RECOUNT, WHICHEVER IS LATER; AND
 - (2) WAGES FOR TEMPORARY STAFF, ELECTION JUDGES, AND CANVASS BOARD MEMBERS FOR TIME SPENT PERFORMING ELECTION DUTIES FROM THE DATE OF BALLOT CERTIFICATION THROUGH THE COMPLETION OF THE CANVASS OR A RECOUNT, WHICHEVER IS LATER;
- (B) DIRECT COSTS ATTRIBUTABLE TO THE HIRING, TRAINING, AND SUPPORT OF THE WORK OF ELECTION JUDGES FOR THAT ELECTION, INCLUDING:
 - (1) CREATION, PRINTING, AND PRESENTATION OF ELECTION JUDGE TRAINING MATERIALS;
 - (2) MILEAGE PAID TO ELECTION JUDGES FOR NECESSARY AND REASONABLE USE OF THE ELECTION JUDGE'S PERSONAL VEHICLE FOR ELECTION-RELATED TASKS;
 - (3) MOBILE PHONE OR OTHER ELECTRONIC DEVICE OPERATING COSTS FOR DEVICES ISSUED TO ELECTION JUDGES; AND

- (4) FOOD PROVIDED TO ELECTION JUDGES;
- (C) THE PRINTING AND MAILING COSTS THAT MEET THE FOLLOWING CRITERIA:
- (1) BALLOT PRINTING AND INSERTION COSTS THAT ARE BILLED AND PAID BY THE COUNTY TO A THIRD-PARTY VENDOR IN CONNECTION WITH THE SPECIFIC, COVERED ELECTION. THIS INCLUDES DIRECT COSTS TO PRINT MAIL, IN-PERSON, PROVISIONAL, STATE, AND TEST BALLOTS, AS WELL AS THE COST TO INSERT BALLOTS INTO MAIL BALLOT ENVELOPES;
 - (2) BALLOT PRINTING COSTS INCURRED BY A COUNTY THAT PRINTS SOME OR ALL BALLOTS IN-HOUSE AT A REIMBURSABLE RATE OF \$0.05 PER PAGE, OR A HIGHER RATE IF THE COUNTY CAN DOCUMENT THE ACTUAL COST OF IN-HOUSE PRINTING AT THE REQUESTED HIGHER RATE;
 - (3) BALLOT ENVELOPE PRINTING COSTS THAT ARE BILLED AND PAID BY THE COUNTY TO A THIRD-PARTY VENDOR IN CONNECTION WITH THE SPECIFIC, COVERED ELECTION. THIS INCLUDES OUTGOING AND RETURN ENVELOPES AND ANY LABELS;
 - (4) ADDITIONAL BALLOT MATERIAL PRINTING AND INSERTION COSTS FOR INSERTS OR OTHER MATERIALS THAT ARE REQUIRED BY STATUTE OR RULE AND THAT ARE INCLUDED IN A BALLOT PACKET MAILING WHERE SUCH COSTS ARE BILLED AND PAID BY THE COUNTY TO A THIRD-PARTY VENDOR IN CONNECTION WITH THE SPECIFIC, COVERED ELECTION. THIS INCLUDES THE COST TO PRINT AND INSERT VOTER INSTRUCTIONS, OR OTHER REQUIRED MAIL BALLOT INSERTS;
 - (5) PRINTING AND MAILING COSTS FOR CORRESPONDENCE THAT IS REQUIRED BY SECTION 1-2-508(3)(A)(I) AND ARTICLES 7.5 AND 8.5 OF TITLE 1, C.R.S., AND RULES 7.5, 7.6.1, AND 17.2.7;
 - (6) FORMS PRINTED FOR USE AT A VOTER SERVICE AND POLLING CENTER AND CENTRAL COUNTING FACILITY;
 - (7) ELECTION NOTICE PRINTING, MAILING, AND PUBLICATION COSTS. THIS INCLUDES THE COST TO PUBLISH THE STATUTORY NOTICE OF ELECTION THAT IS BILLED AND PAID BY THE COUNTY TO A NEWS ORGANIZATION IN CONNECTION WITH THE SPECIFIC, COVERED ELECTION;
 - (8) BALLOT SHIPPING AND MAILING COSTS THAT ARE BILLED AND PAID BY THE COUNTY TO THE POSTAL SERVICE OR A THIRD-PARTY VENDOR IN CONNECTION WITH THE SPECIFIC, COVERED ELECTION. THIS INCLUDES COSTS TO SHIP OUTGOING BALLOTS FOR DELIVERY AND POSTAGE FOR OUTGOING BALLOTS;
 - (9) BALLOT-ON-DEMAND SUPPLIES THAT ARE BILLED AND PAID BY THE COUNTY TO A THIRD-PARTY VENDOR IN CONNECTION WITH THE SPECIFIC, COVERED ELECTION. THIS INCLUDES THE COST TO PURCHASE CARD STOCK, TONER, AND OTHER NECESSARY MATERIALS FOR THE OPERATION OF BALLOT-ON-DEMAND PRINTERS IN CONNECTION WITH THE SPECIFIC, COVERED ELECTION;
 - (10) POSTAGE FOR UNDELIVERABLE RETURNED MAIL BALLOTS AND OTHER CORRESPONDENCE REQUIRED BY SECTION 1-2-508(3)(A)(I) AND ARTICLES 7.5 AND 8.5 OF TITLE 1, C.R.S., AND RULES 7.5, 7.6.1, AND 17.2.7 IN CONNECTION WITH THE SPECIFIC, COVERED ELECTION;

- (11) INSUFFICIENT POSTAGE COSTS FOR BALLOTS AND OTHER CORRESPONDENCE RETURNED BY THE COUNTY'S VOTERS IN CONNECTION WITH THE SPECIFIC, COVERED ELECTION; AND
 - (12) INTERCOUNTY BALLOT TRANSFER MAILING OR DELIVERY COSTS IN CONNECTION WITH THE SPECIFIC, COVERED ELECTION. THIS INCLUDES THE COST TO MAIL, SHIP, OR PHYSICALLY DELIVER STATEWIDE BALLOTS AND OTHER BALLOTS RETURNED TO THE COUNTY IN WHICH THE ELECTOR DOES NOT RESIDE;
- (D) BALLOT PROGRAMMING AND ELECTION SERVICES, INCLUDING:
- (1) THIRD-PARTY VENDOR ONSITE SUPPORT DURING THE SPECIFIC, COVERED ELECTION THAT IS DEEMED NECESSARY TO THE EXECUTION OF THE ELECTION, RATHER THAN COMPLEMENTARY FROM THE VENDOR;
 - (2) THIRD-PARTY BALLOT LAYOUT AND PROGRAMMING SUPPORT FOR THE SPECIFIC, COVERED ELECTION; AND
 - (3) THIRD-PARTY BALLOT-ON-DEMAND BALLOT PROGRAMMING SUPPORT FOR THE SPECIFIC, COVERED ELECTION;
- (E) VOTER SERVICE AND POLLING CENTER COSTS, INCLUDING:
- (1) LOCATION RENTAL EXPENSES THAT ARE BILLED AND PAID BY THE COUNTY IN CONNECTION WITH THE SPECIFIC, COVERED ELECTION;
 - (2) OFFICE SUPPLIES THAT ARE PURCHASED BY THE COUNTY FOR USE AT THE VOTER SERVICE AND POLLING CENTER DURING THE SPECIFIC, COVERED ELECTION;
 - (3) EQUIPMENT RENTAL EXPENSES FOR EQUIPMENT USED AT VOTER SERVICE AND POLLING CENTER THAT ARE BILLED AND PAID BY THE COUNTY TO A THIRD-PARTY VENDOR IN CONNECTION WITH THE SPECIFIC, COVERED ELECTION;
 - (4) BALLOT AND EQUIPMENT DELIVERY AND COLLECTION EXPENSES THAT ARE BILLED AND PAID BY THE COUNTY TO A THIRD-PARTY VENDOR IN CONNECTION WITH THE SPECIFIC, COVERED ELECTION; AND
 - (5) REMOTE CONNECTIVITY FOR VOTER CHECK-IN EQUIPMENT THAT IS BILLED AND PAID BY THE COUNTY TO A THIRD-PARTY VENDOR IN CONNECTION WITH THE SPECIFIC, COVERED ELECTION;
- (F) SECURITY EXPENSES THAT ARE NOT SEPARATELY COVERED BY GRANTS OR OTHER FUNDING FROM EITHER THE DEPARTMENT'S SECURITY GRANT PROGRAM OR FROM OTHER STATE OR FEDERAL SOURCES, INCLUDING:
- (1) INCREMENTAL ADDITIONAL VIDEO SURVEILLANCE STORAGE COSTS DOCUMENTED BY THE COUNTY CLERK AS DIRECTLY ATTRIBUTABLE TO THE SPECIFIC, COVERED ELECTION AND THAT IS BILLED AND PAID BY THE COUNTY TO A THIRD-PARTY VENDOR;
 - (2) SEALS PURCHASED FOR USE DURING THE SPECIFIC, COVERED ELECTION;
 - (3) COLORADO BUREAU OF INVESTIGATION BACKGROUND CHECKS REQUESTED IN CONNECTION WITH THE SPECIFIC, COVERED ELECTION; AND

- (4) ON-SITE SECURITY PERSONNEL CONTRACTED TO PROVIDE SECURITY FOR ELECTIONS STAFF AND PROCESSES THAT ARE BILLED AND PAID BY THE COUNTY TO A THIRD-PARTY VENDOR OR OVERTIME WAGES FOR COUNTY PERSONNEL FOR OVERTIME SPENT PERFORMING SECURITY FOR ELECTION STAFF AND PROCESSES IN CONNECTION WITH THE SPECIFIC, COVERED ELECTION;
- (G) TRANSLATION COSTS FOR TRANSLATING ANY CONTENT DIRECTLY ATTRIBUTABLE TO THE SPECIFIC, COVERED ELECTION AND THAT ARE BILLED AND PAID BY THE COUNTY TO A THIRD-PARTY VENDOR; AND
- (H) OTHER ADDITIONAL INCREMENTAL DIRECT COSTS, WHICH THE COUNTY CLERK CAN CLEARLY DOCUMENT AS DIRECTLY ATTRIBUTABLE TO THE CONDUCT OF THE SPECIFIC, COVERED ELECTION.

New Rule 7.14.3 concerning the list of costs that will not be considered reimbursable by the state under section 1-5-505.5, C.R.S.:

7.14.3 THE FOLLOWING COSTS ARE DEEMED NOT NECESSARY AND REASONABLE FOR AN ELECTION AND THUS NOT REIMBURSABLE BY THE STATE UNDER SECTION 1-5-505.5, C.R.S.:

- (A) ANY COST THAT IS ABOVE THE FAIR MARKET VALUE OF THE GOODS OR SERVICES FOR WHICH REIMBURSEMENT IS SOUGHT, WHERE SUCH FAIR MARKET VALUE IS ESTABLISHED BY A COMPETITIVE SOLICITATION OR OTHER GENERALLY ACCEPTED METHODS FOR ESTABLISHING A COMPETITIVE PRICE;
- (B) ANNUAL VOTING SYSTEM FIRMWARE, SOFTWARE, AND OTHER ELECTION MANAGEMENT LICENSE FEES;
- (C) ANNUAL PREVENTATIVE MAINTENANCE EXPENSES;
- (D) NON-VOTING SYSTEM EQUIPMENT ANNUAL AGREEMENTS;
- (E) BALLOT ISSUE NOTICES;
- (F) OVERHEAD EXPENSES INCURRED BY THE COUNTY. THIS INCLUDES:
 - (1) FACILITIES COSTS SUCH AS UTILITIES, GROUNDS MAINTENANCE, INSURANCE, LEASED SPACE, AND OTHER COSTS THAT ARE NOT A DIRECT RESULT OF AN ELECTION;
 - (2) NORMAL WAGES AND BENEFITS PROVIDED TO COUNTY PERSONNEL; AND
 - (3) ANNUAL PERMITS FOR POSTAGE;
- (G) PURCHASE OR LEASE OF EQUIPMENT USED FOR MORE THAN ONE ELECTION; AND
- (H) COSTS FOR OBSERVERS OR SUPERVISORS APPOINTED BY THE SECRETARY OF STATE, UNLESS OTHERWISE ORDERED BY THE SECRETARY OF STATE.

New Rule 7.14.4 concerning the documentation required for submission of a reimbursement request under section 1-5-505.5, C.R.S.:

7.14.4 WHEN SUBMITTING A REQUEST FOR REIMBURSEMENT OF ELECTION EXPENSES UNDER SECTION 1-5-505.5, C.R.S., DOCUMENTATION SUPPORTING THE REQUESTED REIMBURSEMENT MUST INCLUDE RECEIPTS, PURCHASE ORDERS, INVOICES, PAYROLL RECORDS, OR ANY OTHER DOCUMENTATION THAT IS SUFFICIENT TO REFLECT WHAT THE PURCHASE OR EXPENDITURE

OBTAINED, THE AMOUNT OF THE COST THAT WAS PAID BY THE COUNTY, HOW THAT COST WAS CALCULATED, WHEN THE COST WAS PAID BY THE COUNTY, WHO WAS THE RECIPIENT OF THE PAYMENT, INCLUDING THEIR NAME AND CONTACT INFORMATION, AND WHETHER ANY PART OF THE COST WAS PAID IN WHOLE OR IN PART BY ANOTHER PERSON, ORGANIZATION, OR GOVERNMENT ENTITY, INCLUDING THE AMOUNT THAT WAS PAID BY THAT THIRD PARTY.

New Rule 7.14.5 concerning auditing and clawback of reimbursement payments under section 1-5-505.5, C.R.S.:

7.14.5 REVIEW AND AUDIT OF REIMBURSEMENT REQUEST

- (A) THE DEPARTMENT WILL REVIEW AND EVALUATE THE PROPRIETY OF ANY EXPENSE SUBMITTED FOR REIMBURSEMENT UNDER SECTION 1-5-505.5, C.R.S., AND WILL NOT PROVIDE PAYMENT ON THE REQUESTED REIMBURSEMENT UNTIL THE DEPARTMENT IS SATISFIED THAT THE REQUESTED REIMBURSEMENT MEETS ALL REQUIREMENTS SET FORTH IN THESE RULES.
- (B) IN THE EVENT THE DEPARTMENT REQUESTS DOCUMENTATION OF THE FAIR MARKET PRICE OF ANY GOODS OR SERVICES FOR WHICH THE COUNTY SEEKS REIMBURSEMENTS, THE COUNTY WILL PROVIDE ANY AND ALL DOCUMENTATION CONCERNING THE PROCUREMENT PROCESS THAT WAS USED AND THE EVALUATION OF PRICES PROPOSED BY THE VENDORS SOLICITED. THE DEPARTMENT'S DETERMINATION AS TO WHAT CONSTITUTES A FAIR MARKET PRICE FOR A COST WILL INCLUDE ANY REGIONAL OR LOCAL VARIATIONS IN THE COSTS FOR SPECIFIC GOODS OR SERVICES.
- (C) ANY PAYMENT OF A REIMBURSEMENT REQUEST IS WITHOUT PREJUDICE TO THE AUTHORITY OF THE DEPARTMENT TO CLAWBACK ANY PORTION OF A REIMBURSEMENT PAYMENT THAT IS SUBSEQUENTLY FOUND TO HAVE BEEN UNAUTHORIZED OR INCONSISTENT WITH THE REQUIREMENTS OF THESE RULES.

New Rule 7.14.6 concerning spending authority for reimbursement payments under section 1-5-505.5, C.R.S.:

7.14.6 REIMBURSEMENT SPENDING AUTHORITY

- (A) THE DEPARTMENT'S SPENDING AUTHORITY FOR THE AMOUNT OF REIMBURSEMENT PAYMENTS TO COUNTIES IS SET EACH YEAR BY THE GENERAL ASSEMBLY THROUGH THE LONG BILL MANAGED BY THE LEGISLATURE'S JOINT BUDGET COMMITTEE. THE DEPARTMENT WILL PAY COUNTIES THE STATUTORY PERCENTAGE ESTABLISHED IN SECTION 1-5-505.5, C.R.S., UP TO THE AMOUNT OF SPENDING AUTHORITY APPROVED IN THE LONG BILL ON A FIRST-SUBMITTED/FIRST-APPROVED BASIS.
- (B) NOTWITHSTANDING THE FOREGOING FIRST-SUBMITTED/FIRST-APPROVED BASIS, COUNTIES WITH MORE THAN 425,000 ACTIVE REGISTERED VOTERS AS OF THE DATE OF THE ELECTION FOR WHICH REIMBURSEMENT IS BEING SOUGHT AND WHICH SUBMIT COST REIMBURSEMENT REQUESTS THAT ARE OTHERWISE PERMISSIBLE UNDER THESE RULES BUT FOR WHICH THE GENERAL ASSEMBLY HAS NOT APPROVED SUFFICIENT SPENDING AUTHORITY WILL NOT BE PAID UNTIL ADDITIONAL SPENDING AUTHORITY IS APPROVED BY THE GENERAL ASSEMBLY.
- (C) THE DEPARTMENT WILL NOTIFY THE GENERAL ASSEMBLY WITHIN FIVE BUSINESS DAYS OF REACHING THE LEVEL OF APPROVED REIMBURSEMENT EXPENSES THAT EXCEEDS THE AMOUNT OF SPENDING AUTHORITY APPROVED FOR SUCH REIMBURSEMENTS IN THE LONG BILL. UNLESS AND UNTIL THE GENERAL ASSEMBLY APPROVES ADDITIONAL SPENDING AUTHORITY FOR THE AMOUNTS OF APPROVED REIMBURSEMENT EXPENSES THAT EXCEED THE LONG BILL'S CAP, ANY COUNTY'S OUTSTANDING REQUEST FOR

EXCESS REIMBURSEMENT SPENDING WILL BE HELD BY THE DEPARTMENT AND SUBMITTED TO THE JOINT BUDGET COMMITTEE AS PART OF THE DEPARTMENT'S BUDGET REQUEST FOR THE NEXT BUDGET CYCLE.

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. Effective Date of Adopted Rules

The rules will become permanently effective twenty days after publication in the Colorado Register.⁵

Dated this 9th day of May 2024,



Christopher P. Beall
Deputy Secretary of State

For

Jena Griswold
Colorado Secretary of State

⁵ Section 24-4-103(5), C.R.S. (2023).



Statement of Basis, Purpose, and Specific Statutory Authority

Colorado Department of State Elections Rules 8 CCR 1505-1

May 9, 2024

I. Basis and Purpose

This statement explains amendments to the Colorado Department of State Election Rules [8 CCR 1505-1]. The Department permanently adopts the following amendments to ensure uniform and proper administration, implementation, and enforcement of federal and Colorado election laws,¹ improve elections administration in Colorado, and implement amendments required by Senate Bills 23-276, enacted June 6, 2023.

Specific changes include:

- New Rule 7.2.17 bars a county from using a ballot return envelope that has a hole or any other opening in which the target area for any contest on the ballot may be seen. A county clerk who uses a hole or other opening in a ballot return envelope must provide a written certification to the Department that any envelope with a hole or other opening has been inspected and tested to verify that no target area can be seen through that hole or opening and that the placement of the hole facilitates the use by visually impaired voters to find the location on the envelope where they should sign the envelope.
- New Rule 7.2.18 requires that a county clerk must work with a mail ballot printing vendor to establish a quality control process for all printed materials.
- Amendments to Rule 7.14 specify those county costs which are and are not necessary and reasonable under section 1-5-505.5, C.R.S., and are thus reimbursable by the Department of State.
 - Amendment to Rule 7.14.1 requires counties to submit documentation supporting their expenditures along with their request for reimbursement.
 - New Rule 7.14.2 lists those costs which are necessary and reasonable for conducting an election and are thus reimbursable. This includes:

- Salary or hourly wages for staff, election judges and canvass board members that meet specific criteria;
 - Costs attributable to the hiring, training, and support of election judge work;
 - Printing and mailing costs for that election which meet the criteria specified in the rule;
 - Ballot programming and election service costs for that election which are deemed necessary to the execution of the election;
 - Voter service and polling center costs;
 - Expenses for election security which are not separately covered by grants or other funding;
 - Translation costs; and
 - Other additional incremental direct costs which the county can clearly document as directly attributable to the conduct of the election.
- New Rule 7.14.3 outlines the costs that are deemed not necessary and reasonable for conducting an election and are thus not reimbursable. This includes:
 - Cost that is above the fair market value of the goods or services, where the fair market value is established by a competitive solicitation or other method for establishing a competitive price;
 - Annual voting system fees;
 - Annual preventative maintenance expenses;
 - Non-voting system equipment annual agreements;
 - Ballot issue notices;
 - Regular overhead expenses incurred by the county;
 - Purchase or lease of equipment used for more than one election; and
 - Cost for observers or supervisors appointed by the Secretary of State, unless otherwise ordered by the Secretary of State.
 - New Rule 7.14.4 describes what supporting documentation must be included when submitting a request for reimbursement of election expenses.

- New Rule 7.14.5 describes the review and audit process for reimbursement requests submitted under the rule. This includes:
 - The Department will review and evaluate reimbursement requests and provide payment once it is satisfied that the request meets all of the requirements outlined in Rule 7.14;
 - The Department may seek documentation to determine the fair market value of a good or service for which the county seeks reimbursement; and
 - The Department reserves the authority to clawback any portion of a reimbursement payment that is subsequently found to have been inconsistent or unauthorized with the requirements of Rule 7.14.
- New Rule 7.14.6 establishes that the Department may only reimburse counties up to the amount authorized by the Joint Budget Committee. In the event that eligible reimbursable expenses exceed those authorized by the Joint Budget Committee, reimbursement requests will be approved on a first-submitted, first-approved basis, except that those counties with more than 425,000 active registered voters as of the date of the election for which reimbursement is being sought will not be reimbursed until additional spending authority is approved. The Department will notify the General Assembly of the fact that reimbursable expenses have exceeded those authorized within five business days of reaching the cap of spending authority.

Other changes to rules not specifically listed are non-substantive and necessary for consistency with Department rulemaking format and style. Cross-references in rules are also corrected or updated.

II. Rulemaking Authority

The statutory authority is as follows:

- Senate Bill 23-276, enacted June 6, 2023.
- Section 1-1-107(2)(a), C.R.S., (2023), 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 1-1-110(1), C.R.S., (2023), which requires county clerks to, “follow the rules and order promulgated by the secretary of state pursuant to this code.”
- Section 1-1.5-104(1)(e), C.R.S., (2023), 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 and of [Article 1.5].”

- Section 1-5-505.5(1)(a), C.R.S., (2023), which authorizes the Secretary of State to “adopt rules for determining which costs are necessary and reasonable and therefore reimbursable by the state”
- Section 1-7.5-104, C.R.S., (2023), which requires the county clerk and recorder to conduct a mail ballot election “under the supervision of, and subject to rules promulgated in accordance with article 4 of title 24, C.R.S., by, the secretary of state.”
- Section 1-7.5-105(3), C.R.S., (2023), which requires the county clerk and recorder to "supervise the distribution, handling, and counting of ballots and the survey of returns in accordance with rules promulgated by the secretary of state..."
- Section 1-7.5-106(2), C.R.S., (2023), which authorizes the Secretary of State to, “adopt rules governing procedures and forms necessary to implement [mail ballot elections]...”
- Section 1-7.5-107(1), C.R.S. (2023), which requires ballots to be prepared, “by law or rules promulgated by the secretary of state.”
- Section 1-7.5-107.3(5.5), C.R.S. (2023), which requires the secretary of state to adopt rules regarding ballot return envelopes, “to ensure the privacy of each elector’s vote.”