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

Scott Gessler
Secretary of State

Suzanne Staiert
Deputy Secretary of State

2014 Departmental Regulatory Agenda
Office of the Secretary of State
November 1, 2013

To: The Staff of Legislative Council

Re: Colorado Department of State – 2014 Departmental Regulatory Agenda

Contents:

INTRODUCTION 2

DEPARTMENT REGULATORY AGENDA 2

8 CCR 1505-1: Elections 2

8 CCR 1505-2: Bingo and Raffles Games 4

8 CCR 1505-3: Rules Governing General Policies and Administration 4

8 CCR 1505-6: Rules Concerning Campaign and Political Finance 5

8 CCR 1505-7: UCC Filing Office Rules 6

8 CCR 1505-8: Rules Concerning Lobbyist Regulation 6

8 CCR 1505-9: Rules for the Administration of the Colorado Charitable Solicitations Act 6

8 CCR 1505-10: Rules Concerning the Electronic Recording Technology Grant Program 7

8 CCR 1505-11: Notary Program Rules 7

8 CCR 1505-12: Public Records Pursuant to the Colorado Open Records Act (CORA) 9

8 CCR 1505-14: Rules Concerning Conflict of Interest Disclosures 9

SUMMARY OF RULES ADOPTED SINCE NOVEMBER 1, 2012 10

8 CCR 1505-1: Elections 10

8 CCR 1505-2: Bingo and Raffles Games 15

8 CCR 1505-7: UCC Filing Office Rules 15

8 CCR 1505-8: Rules Concerning Lobbyist Regulation 16

8 CCR 1505-9: Rules for the Administration of the Colorado Charitable Solicitations Act ... 16

PUBLICATION AND AVAILABILITY TO THE PUBLIC 17

Main Number	(303) 894-2200	TDD	(303) 869-4867
Administration	(303) 860-6900	Web Site	www.sos.state.co.us
Fax	(303) 869-4860	E-mail	administration@sos.state.co.us

INTRODUCTION

The Colorado Secretary of State submits the following 2014 Departmental Regulatory Agenda for the Department of State to the General Assembly in accordance with state laws concerning legislative oversight of principal departments.[1]

DEPARTMENT REGULATORY AGENDA

8 CCR 1505-1: Elections

A) New or revised rules that the department expects to propose in the next calendar year and the purpose for the rules

The Secretary of State may commence rulemaking to consider amendments to the Election Rules in order to improve the administration and enforcement of and to answer questions arising under Colorado elections law.[2]

Specifically, this office may propose and consider new and amended rules concerning the following:

- Uniform Voting System
- Voter Service and Polling Center security
- Certification and training
- Voter Registration Drive oversight
- National Change of Address processes
- Local election issues

Additionally, the Secretary of State may commence rulemaking as necessary to:

- Implement amendments to Colorado election laws made during the 2014 second regular session of the 69th General Assembly
- Address litigation concerns and pending cases
- Answer questions or to implement recommendations from county clerk and recorders, the public, and other interested parties/organizations
- Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S.

---

[1] Section 2-7-203(4), C.R.S.

[2] 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.

B) Statutory or other basis for adopting those rules

1. Section 1-1-107(2)(a), C.R.S., (2013), which authorizes the Secretary of State "[t]o promulgate, publish and distribute...such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws."

2. Section 1-1-301, C.R.S., (2013), which states that "(1) The secretary of state shall establish and operate or provide by contract a certification program for local election officials on the conduct of elections, the federal ""Help America Vote Act of 2002", Pub.L. 107-252, codified at 42 U.S.C. sec. 15301 et seq., and other topics related to elections. (2) The secretary of state shall establish by rule a curriculum for the certification program, including core requirements and electives, the required number of hours, and methods for continuing education. (3) The secretary of state shall provide staffing and support services for the certification program. (4) The secretary of state shall appoint an advisory board to oversee the certification process and the development of the curriculum."

3. Section 1-1.5-104(1)(e), C.R.S., (2013), which authorizes the Secretary of State to "[p]romulgate rules in accordance with article 4 of title 24, C.R.S., as the secretary finds necessary for proper administration and implementation of [the "Help America Vote Act of 2002", 42 U.S.C. 15301-15545] and of this article."

Depending on the subject matter of unanticipated rulemaking, additional statutory and constitutional authority may apply.

C) Contemplated schedule for adopting the rules

This office estimates commencement of rulemaking during the third quarter of 2014. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.[3]

D) Identification of persons or parties that may be positively or negatively affected by the rules

The anticipated rulemaking is intended to positively affect the following persons/parties:

- All Colorado residents and potential residents
- All County clerk and recorders
- Political subdivisions
- Voting system manufacturers
- Officeholders, candidates, and committees
- Voter Registration Drives
- Poll watchers and election judges
- Other interested parties and organizations

[3] Section 24-4-103(3)(a), C.R.S. (2013).

E) Current rulemaking information

The Secretary of State is currently considering permanent adoption of amendments and recodification of the Election Rules. The amendments and recodification were temporarily adopted on October 19, 2013 (for more information see the summary of election rules adopted since November 1, 2012).

For current permanent rulemaking regarding the Election Rules, please visit the Secretary of State website at http://www.sos.state.co.us/pubs/rule_making/rules.html#PROPOSED.

8 CCR 1505-2: Bingo and Raffles Games

The Secretary of State does not anticipate rulemaking regarding the Rules Concerning Bingo and Raffles Games, however, may commence rulemaking as necessary to:

- Improve the administration and enforcement of and to answer questions arising under Colorado bingo and raffles law[4]
- Implement amendments to Colorado bingo and raffles law made during 2014 second regular session of the 69th 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.

Statutory and constitutional authority may depend on the subject matter of rulemaking. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.

8 CCR 1505-3: Rules Governing General Policies and Administration

The Secretary of State does not anticipate rulemaking regarding the Rules Governing General Policies and Administration, however, may commence rulemaking as necessary to:

- Improve the administration and enforcement of and to answer questions arising under Colorado laws
- Implement amendments to Colorado laws made during 2014 second regular session of the 69th 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.

Statutory and constitutional authority may depend on the subject matter of rulemaking. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.

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

8 CCR 1505-6: Rules Concerning Campaign and Political Finance

A) New or revised rules that the department expects to propose in the next calendar year and the purpose for the rules

The Secretary of State may commence rulemaking regarding the Rules Concerning Campaign and Political Finance, as necessary to improve the administration and enforcement of and to answer questions arising under Colorado campaign finance law[5]. Specifically, this office may propose and consider new and amended rules concerning the procedures to be followed for campaign and political finance filings during recall elections.

Additionally, the Secretary of State may commence rulemaking as necessary to:

- Implement amendments to Colorado campaign finance law made during 2014 second regular session of the 69th General Assembly
- Address litigation concerns and pending cases
- Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S.

B) Statutory or other basis for adopting those rules

1. Article XXVIII, Section 8 of the Colorado Constitution, which requires the Secretary of State to "promulgate rules relating to filing in accordance with article 4 of title 24, C.R.S., or any successor section."
2. Article XXVIII, Section 9 of the Colorado Constitution, which requires the Secretary of State to "[p]romulgate such rules, in accordance with Article 4 of title 24, C.R.S., or any successor section, as may be necessary to administer and enforce any provision of this [Article XXVIII] Article;".
3. Section 1-45-111.5, C.R.S., (2013), which states that "the secretary of state shall promulgate such rules, in accordance with article 4 of title 24, C.R.S., as may be necessary to enforce and administer any provision" of Title 1, Article 45.

Depending on the subject matter of unanticipated rulemaking, additional statutory and constitutional authority may apply.

C) Contemplated schedule for adopting the rules

The office will commence the recall filing rules after all recall petitions have been turned into the Secretary of State's office and recall elections are no longer in progress. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.

D) Identification of persons or parties that may be positively or negatively affected by the rules

The anticipated rulemaking is intended to positively affect the following persons/parties:

[5] Article 45 of Title 1, C.R.S., and Article XXVIII of the Colorado Constitution.

- Issue committees supporting or opposing a recall election
- Potential successor candidates in a recall election

8 CCR 1505-7: UCC Filing Office Rules

The Secretary of State does not anticipate rulemaking concerning the UCC Filing Office Rules, however, may commence rulemaking as necessary to:

- Improve the administration and enforcement of and to answer questions arising under Colorado's Uniform Commercial Code[6]
- Implement amendments to Colorado's Uniform Commercial Code made during 2014 second regular session of the 69th 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.

Statutory and constitutional authority may depend on the subject matter of rulemaking. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.

8 CCR 1505-8: Rules Concerning Lobbyist Regulation

The Secretary of State does not anticipate rulemaking regarding the Rules Concerning Lobbyist Regulation, however, may commence rulemaking as necessary to:

- Improve the administration and enforcement of and to answer questions arising under Colorado laws regarding lobbyist regulation[7]
- Implement amendments to Colorado laws regarding lobbyist regulation made during 2014 second regular session of the 69th 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.

Statutory and constitutional authority may depend on the subject matter of rulemaking. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.

8 CCR 1505-9: Rules for the Administration of the Colorado Charitable Solicitations Act

The Secretary of State does not anticipate rulemaking regarding the Rules for the Administration of the Colorado Charitable Solicitations Act, however, may commence rulemaking as necessary to:

- Improve the administration and enforcement of and to answer questions arising under Colorado charitable solicitations laws[8]

---

[6] Article 9 of Title 4, C.R.S.
[7] Part 3 of Article 6 of Title 24, C.R.S.

- Implement amendments to Colorado charitable solicitations laws made during 2014 second regular session of the 69th 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.

Statutory and constitutional authority may depend on the subject matter of rulemaking. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.

8 CCR 1505-10: Rules Concerning the Electronic Recording Technology Grant Program

The Secretary of State does not anticipate, however, may commence rulemaking as necessary to:

- Implement amendments to Colorado laws regarding the clerk and recorder technology fund[9] made during 2014 second regular session of the 69th 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.

Statutory and constitutional authority may depend on the subject matter of rulemaking. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.

8 CCR 1505-11: Notary Program Rules

A) New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules

The Secretary of State may commence rulemaking to consider amendments to the Notary Program Rules in order to improve the administration and enforcement of and to answer questions arising under Colorado Notaries Public Act.[10]

Specifically, this office deferred the following 2013 anticipated rulemaking items to 2014:

- House Bill 12-1274 removed language concerning a journal from section 12-55-104(2), C.R.S. Therefore, the following rule revisions are necessary:

    - Amendments to Rule 2(4)(a)(1) will remove the statutory reference and language concerning a journal.

    - Amendments to Rule 2(4)(d) will remove references to a journal.

    - Amendments to Rule 5 will remove language concerning a journal and will clarify that the Secretary of State provides authentication numbers to notaries.

---

[8] Article 16 of Title 6, C.R.S.
[9] Section 30-10-422, C.R.S.
[10] Article 55 of Title 12, C.R.S.

- Amendments to Rule 7.2.4(I), concerning vendor reporting of persons who attend notary instruction. Currently, the rule requires an approved vendor to provide our office with a list of persons who attend each session of an approved course of instruction within ten days after completion of the course. This Secretary of State may propose rule amendments to establish monthly reporting on a set date.

- Non-substantive revisions to simplify or clarify words and phrases, recodification to reorganization and renumbering rules, and other technical revisions as is necessary for consistency with Department rulemaking format and style

Additionally, the Secretary of State may commence rulemaking as necessary to:

- Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S.

- Implement amendments to the Colorado Notaries Public Act made during 2014 second regular session of the 69th General Assembly

B) The statutory or other basis for adopting those rules;

1. Section 12-55-103.5(2), C.R.S. (2013), which authorizes the Secretary of State to "promulgate rules to require notaries public to complete a training program."

2. Section 12-55-104(5), C.R.S. (2013), which authorizes the Secretary of State to "promulgate rules for use of the electronic filing system in accordance with article 4 of title 24, C.R.S."

3. Section 12-55-106.5(1), C.R.S. (2013), which requires that "[a] notary's electronic signature shall conform to any standards promulgated by the secretary of state."

4. Section 12-55-106.5(2), C.R.S. (2013), which requires the Secretary of State to "promulgate rules necessary to establish standards, procedures, practices, forms, and records relating to a notary's electronic signature."

Depending on the subject matter of unanticipated rulemaking, additional statutory and constitutional authority may apply.

C) Contemplated schedule for adopting the rules;

Regarding anticipated rulemaking, this office estimates commencement of rulemaking by the second quarter of 2014. The Secretary of State will commence additional rulemaking as necessary in a timely manner and in accordance with the State Administrative Act.

D) Identification of persons or parties that may be positively or negatively affected by the rules

Possible changes to Rules 2 and 5, clarifying a statutory reference, would neutrally affect individuals currently registered as or who intend to register as electronic notaries.

Proposed amendments to Rule 7.2.4(I), establishing a monthly deadline for reporting training attendee lists, is intended to positively affect approved vendors.

8 CCR 1505-12: Public Records Pursuant to the Colorado Open Records Act (CORA)

The Secretary of State does not anticipate, however, may commence rulemaking as necessary to:

- Improve the administration and enforcement of and to answer questions arising under the Colorado Open Records Act[11]
- Implement amendments to the Colorado Open Records Act made during 2014 second regular session of the 69th 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.

Statutory and constitutional authority may depend on the subject matter of rulemaking. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.

8 CCR 1505-14: Rules Concerning Conflict of Interest Disclosures

The Secretary of State does not anticipate, however, may commence rulemaking as necessary to:

- Improve the administration and enforcement of and to answer questions arising under Colorado standards of conduct law[12]
- Implement amendments to Colorado laws regarding standards of conduct made during 2014 second regular session of the 69th 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.

Statutory and constitutional authority may depend on the subject matter of rulemaking. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.

[11] Article 72 of Title 24, C.R.S.
[12] Article 18 of Title 24, C.R.S.

SUMMARY OF RULES ADOPTED SINCE NOVEMBER 1, 2012

8 CCR 1505-1: Elections

A) Permanent rules adopted on April 25, 2013:

CCR Tracking Number	Type	Adopted	Effective
2013-00212	Permanent	4/25/2013	6/14/2013

The Secretary of State permanently adopted New Rule 10.8 concerning the use of unique numbers on ballots to ensure uniform and proper administration, implementation, and enforcement of Federal and Colorado election laws.[13] The rules are also intended to improve elections administration in Colorado and to increase the transparency and security of the election process.

The Secretary received credible evidence that a unique number or bar code containing a unique number, printed on the face of a ballot can be used to trace the ballot to the voter who cast it. The purpose of this rule is to ensure that no ballot is printed with a number that can be used for this purpose. It is essential that all Colorado voters have confidence in the processes and procedures for the upcoming Presidential election.

After voted ballots have been separated from return envelopes and the ballot stubs are removed, unique numbers may be used for accounting and auditing purposes, including risk limited auditing and duplication of damaged ballots. The rule also requires that counties redact unique numbers or barcodes containing unique numbers from any ballots printed before the adoption of the rule that are provided in response to a request under the Colorado Open Records Act.

During the rulemaking hearing proceedings, Secretary of State considered alternative language concerning tracking ballot batches. Because the final certification of the abstract of votes cast includes a recount, the Secretary determined that the adopted language of Rule 10.9 was more straightforward and has less potential for confusion.

B) Permanent rules adopted on July 2, 2013:

CCR Tracking Number	Type	Adopted	Effective
2013-00469	Permanent	7/2/2013	8/30/2013

The Secretary of State permanently adopted amendments to the concerning certification and education of designated election officials. The amendments improve and allow greater accessibility to the education and certification process.

C) Temporary rules adopted on May 13, 2013:

CCR Tracking Number	Type	Adopted	Effective
2013-00465	Emergency	5/13/2013	5/13/2013

[13] 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.

The Secretary of State temporarily repealed Rules 49.4 and 50 to ensure uniform and proper administration, implementation, and enforcement of Federal and Colorado election laws.[14] The repeals are in response to the passage of House Bill 13-1303.

The Secretary of State's Office currently chairs, staffs, and facilitates the SCORE Advisory Board and the Elections Best Practices and Vision Commission. House Bill 13-1303, however, creates the Colorado Voter Access and Modernized Elections Commission (CVAMEC) for the purpose of evaluating implementation of House Bill 13-1303 and assessing the state's voting and registration systems. CVAMEC's charge encompasses the tasks currently addressed by the SCORE Advisory Board and the Elections Best Practices and Vision Commission. As such, these existing bodies are duplicative and no longer necessary.

These temporary rules are necessary because, given the aggressive implementation schedule mandated by House Bill 13-1303, the Secretary of State's office lacks the resources to chair, staff, and facilitate both the existing committees and CVAMEC. As such, these temporary rules repeal the SCORE Advisory Board and the Elections Best Practices and Vision Commission so that the Secretary of State's office generally, and the Elections Division specifically, may focus efforts on implementing the myriad changes contained in House Bill 13-1303.

D) Temporary rules adopted on July 22, 2013:

CCR Tracking Number	Type	Adopted	Effective
2013-00783	Emergency	7/22/2013	7/22/2013

The Secretary of State temporarily adopted New Rule 32.6 to ensure uniform and proper administration, implementation, and enforcement of Colorado election laws. The revisions improve elections administration in Colorado.

Section 3 of article XXI of the Colorado constitution states that a successor candidate to a recalled officer must file his or her nominating petition with the Secretary of State "not less than fifteen days before such recall election." Section 1-12-117 (1), C.R.S., however, states that a successor candidate must file the nominating petition no later than 10 days after the Governor sets a date for the recall election. The temporary rule harmonizes these provisions by stating that nominating petitions are due no later than 10 days after the governor sets the election, which is before the 15th day before the recall election. Under section 1-12-115, C.R.S., individuals may still run as a successor candidate by filing an affidavit of intent to run as a write-in candidate.

The statutory deadline for successor candidate petitions is necessary to ensure the county clerk and recorder conducting the election is able to meet other statutory deadlines for conducting the election, such as printing ballots and depositing ballots in the mail no later than 18 days before the election. The rule will also afford more time to the county clerks and recorders to deliver ballots to military and overseas voters.

The temporary rule is necessary given that the Governor has set the date for two recall elections: one for senate district 11 in El Paso County and one fore Senate District 3 in Pueblo County. The date for both recall elections is September 10, 2013. The governor set this date on July 18, 2013. Under the temporary

[14] 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.

rule, nominating petitions for successor candidates must be filed with the Secretary of State by close of business Monday, July 29, 2013.[15]

This new temporary rule provides clear filing guidance to potential candidates and to affected county clerks.

E) Temporary rules adopted on August 16, 2013:

CCR Tracking Number	Type	Adopted	Effective
2013-00903	Emergency	8/16/2013	8/16/2013

The Secretary of State temporarily adopted New Rule 32.7 to ensure uniform and proper administration, implementation, and enforcement of Colorado election laws. The revision is also intended to improve elections administration in Colorado.

Temporary adoption is necessary both to comply with law and to preserve the public welfare given that two recall elections: one for senate district 11 in El Paso County and one for senate district 3 in Pueblo County, are set for September 10, 2013. In accordance with the Denver District Court ruling in Case No. 2013 CV 433491 on August 12, 2013, the Secretary of State must adopt rules to provide election administration procedures to the affected county clerks and electors. The new temporary rule provides clear guidance to county clerks and electors.

F) Temporary rules adopted on August 23, 2013:

CCR Tracking Number	Type	Adopted	Effective
2013-00920	Emergency	8/23/2013	8/23/2013

The Secretary of State temporarily adopted New Rule 32.7.4(f) and repealed temporary Rules 32.7.4(d)(2) and (3) to ensure uniform and proper administration, implementation, and enforcement of Federal and Colorado election laws.[16] The revisions provide clear and uniform guidance on conducting the September 10, 2013, recall elections in Senate Districts 3 and 11.

On August 16, 2013, the Secretary of State issued a notice of temporary adoption of Rule 37.2. It requires the September 10, 2013, recall election in Senate Districts 3 and 11 to be conducted as polling place rather than mail ballot elections. Among other things:

- Rule 32.7.4(d)(2) authorizes electors who cannot vote in person because they are absent from their county of residence to apply for emergency mail ballots under section 1-7.5-115, C.R.S., and Rule 42;

- Existing Rule 42 authorizes emergency mail ballot applicants to receive and return their ballots by electronic transfer;

- Rule 32.7.4(d)(3) states that the reason an elector requests an emergency mail ballot is not subject to challenge.

[15] The 10th calendar day after July 18th is a Sunday, so the filing deadline is extended until the next business day.
[16] 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.

Upon consideration of input by members of the public during and after the public hearing on August 16, 2013, the Secretary of State has determined that Rule 37.2.4 should be amended in the following respects:

- The emergency mail ballot procedures of existing law will be applied according to the provisions of section 1-7.5-115, C.R.S., and Rule 42;

- Rule 32.7.4(d)(2) is repealed. Electors who cannot vote in person because they are absent from their county of residence during the period of time in which Voter Service and Polling Centers are open cannot apply for an emergency mail ballot unless they otherwise satisfy the qualifications under existing law;

- New subsection 32.7.4(f) is added, authorizing electors who cannot vote in person because they are absent from their county of residence during the period of time in which Voter Service and Polling Centers are open to apply for an excuse absentee ballot, subject to the following requirements:

    - An application for an excuse absentee ballot must be on a form approved by the Secretary of State, and may be submitted to the county clerk in person, by U.S. mail, or by email or fax;

    - Absentee ballots must be returned by U.S. mail;

    - To be counted, the ballot must be postmarked on or before 7:00pm on Election Day, and received by county clerk and recorder by close of business on the eighth day after Election Day.

- Rule 32.7.4(d)(3) is repealed. Challenges to all ballots cast by mail, including emergency mail ballots and excuse absentee ballots, must be asserted and resolved as provided by existing law under part 2 of article 9 of Title 1.

G) Temporary rules adopted on August 29, 2013:

CCR Tracking Number	Type	Adopted	Effective
2013-00933	Emergency	8/29/2013	8/29/2013

The Secretary of State repealed temporary Rules 32.7.3(d), 32.7.4(a), and 32.7.4(d) through (f) to ensure uniform and proper administration, implementation, and enforcement of Colorado election laws. The revision is also intended to improve elections administration in Colorado.

Temporary adoption is necessary both to comply with law and to preserve the public welfare given that two recall elections: one for senate district 11 in El Paso County and one for senate district 3 in Pueblo County, are set for September 10, 2013. The amendments to Rule 32.7 are necessary to comply with the Denver District Court ruling in Case No. 2013 CV 433491 on August 29, 2013. As a result of these amendments, election officials in the affected counties must resolve the subject matters of the repealed rules by reference to existing provisions of Title 1, C.R.S., as amended, and the Election Rules, to the extent applicable.

H) Temporary rules adopted on October 4, 2013:

CCR Tracking Number	Type	Adopted	Effective
2013-01073	Emergency	10/4/2013	10/4/2013

The Secretary of State temporarily adopted New Rule 12.15 to ensure uniform and proper administration, implementation, and enforcement of Colorado election laws. The revision is also intended to improve elections administration in Colorado.

The temporary rule is necessary given the close proximity of the 2013 Coordinated Election that will be conducted by mail ballot[17] and the risk that electors may be disenfranchised as a result of the historic flooding in September, 2013. Numerous eligible electors were, and continue to be, displaced from their homes or isolated in areas with no reliable or timely mail delivery. The Secretary of State must adopt rules to provide clear guidance to affected electors and county clerks regarding the procedures for ballot delivery and return.

I) Temporary rules adopted on October 9, 2013:

CCR Tracking Number	Type	Adopted	Effective
2013-01079	Emergency	10/9/2013	10/9/2013

The Secretary of State temporarily adopted amendments and the recodification of the Election Rules to ensure uniform and proper administration, implementation, and enforcement of Federal and Colorado election laws[18] and to implement amendments to the election laws made during the 2013 first regular session of the 69th General Assembly. The revisions are also intended to improve elections administration in Colorado and to increase the transparency and security of the election process.

This past legislative session, the General Assembly enacted House Bill 13-1303, which substantially changed how we administer elections in Colorado. Though Secretary of State staff pointed out several technical problems with the bill during the legislative process, our attempts to amend the bill were unsuccessful. In response to the recent and substantial legislation affecting elections, Secretary of State's office is recodifying the Election Rules. The rulemaking is intended to fill in several gaps and harmonize several conflicting provisions that now exist in the Election Code as a result of HB 13-1303. In addition, the Secretary of State adopted amendments to implement House Bills 13-1038 and 13-1135.

Temporary adoption is necessary both to comply with law and to preserve the public welfare given the close proximity of the 2013 Coordinated Election. A public rulemaking hearing was conducted in accordance with the State Administrative Procedure Act[19] on October 1, 2013, to receive comment and testimony on the proposed rules and recodification. Adoption of the rules on a temporary basis is necessary to provide clear guidance to interested parties, including: county clerks, political parties, election judges, watchers, and electors.

[17] Article 7.5 of Title 1, C.R.S., as amended by HB 13-1303.
[18] 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.
[19] Section 24-4-103(3)(a), C.R.S. (2013).

8 CCR 1505-2: Bingo and Raffles Games

A) Permanent rules adopted on February 6, 2013:

CCR Tracking Number	Type	Adopted	Effective
2012-01062	Permanent	2/6/2013	3/30/2013

The Secretary permanently adopted amendments to aid in the uniform and proper administration, implementation, and enforcement of Colorado bingo and raffles laws.[20] The Secretary considered rule revisions proposed by members of the Colorado Bingo-Raffle Advisory Board and bingo-raffle stakeholders. The Secretary of State proposed additional amendments and revisions to the rules. The amendments improve the administration of bingo and raffles games in Colorado and to answer questions arising under State bingo-raffle laws.

B) Permanent rules adopted on October 17, 2013:

CCR Tracking Number	Type	Adopted	Effective
2013-00935	Permanent	10/17/2013	1/1/2014

The Secretary permanently adopted amendments to implement House Bill 13-1101, which authorizes the adoption of rules to regulate the conduct of progressive raffles in Colorado. Additionally, the Secretary finds that the amendments aid in the uniform and proper administration, implementation, and enforcement of Colorado bingo and raffles laws.[21] They are also necessary to improve the administration of bingo and raffles games in Colorado and to answer questions arising under State bingo-raffle laws.

8 CCR 1505-7: UCC Filing Office Rules

Permanent rules adopted on June 17, 2013:

CCR Tracking Number	Type	Adopted	Effective
2013-00439	Permanent	6/17/2013	7/30/2013

The Secretary permanently adopted amendments to ensure uniform and proper administration, implementation, and enforcement of Colorado's Uniform Commercial Code[22] and the secured transactions program. The rule revisions implement amendments to the Colorado Uniform Commercial Code made during the 2012 second regular session of the 68th General Assembly. Additional amendments clarify the rules, remove redundant or incorrect citations, and to reformat/renumber the rules as necessary for consistency with Department rulemaking standards. The rules also answer questions arising under Colorado's Uniform Commercial Code and the secured transaction program.

[20] Article XVIII, Section 2 of the Colorado Constitution and Article 9, Title 12 of the Colorado Revised Statutes.
[21] Article XVIII, Section 2 of the Colorado Constitution and Article 9, Title 12 of the Colorado Revised Statutes.
[22] Article 9 of Title 4, C.R.S. (2012).

8 CCR 1505-8: Rules Concerning Lobbyist Regulation

Permanent rules adopted on October 11, 2013:

CCR Tracking Number	Type	Adopted	Effective
2013-00936	Permanent	10/11/2013	The rules will become permanently effective twenty days after publication in the Colorado Register.[23]

The Secretary permanently adopted amendments and recodification of the rules concerning lobbyist regulation to ensure uniform and proper administration, implementation, and enforcement of Colorado lobbyist regulation law[24]. Specifically, the recodification is intended to: (a) improve organization and readability; (b) clarify existing laws and regulations; and (c) address questions arising under State lobbyist laws.

8 CCR 1505-9: Rules for the Administration of the Colorado Charitable Solicitations Act

Permanent rules adopted on November 13, 2012:

CCR Tracking Number	Type	Adopted	Effective
2012-00821	Permanent	11/13/2012	12/30/2012

The Secretary permanently adopted amendments to ensure uniform and proper administration, implementation, and enforcement of Colorado Charitable Solicitations laws.[25] The rules implement amendments to the Charitable Solicitations laws made during the 2012 second regular session of the 68th General Assembly, which allows an automatic three-month extension for all charitable organizations that file for an extension with the IRS. Additional amendments clarify definitions, provide timelines for filing registration and reporting documents, and allow the Secretary of State more flexibility to assist and manage delinquent organizations. The revisions are also intended to improve the administration of charities and fundraisers in Colorado and to answer questions arising under State Colorado Charitable Solicitations laws.

[23] Section 24-4-103(5), C.R.S. (2013).
[24] Part 3 of Article 6 of Title 24, C.R.S. (2013).
[25] Article 16, Title 6 of the Colorado Revised Statutes.

PUBLICATION AND AVAILABILITY TO THE PUBLIC

On November 1, 2013, the Secretary of State will post this document on the Department's website at: http://www.sos.state.co.us/pubs/CCR/annualAgendas/Agenda2014/State.pdf.

Additionally, the Secretary of State filed this agenda for publication in the November 10, 2013 Colorado Register.