

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



Wayne W. Williams
Secretary of State

Suzanne Staiert
Deputy Secretary of State

2017 Departmental Regulatory Agenda
Office of the Secretary of State
November 1, 2016

To: The Staff of Legislative Council

Re: Colorado Department of State – 2017 Departmental Regulatory Agenda

The Colorado Secretary of State submits the following 2017 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.

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 for 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 in order to improve the administration and enforcement of and to answer questions arising under Colorado elections law¹ concerning the following:</p> <ul style="list-style-type: none"> • Implementation of risk limiting audit • School board recall petition signature requirement • Technical updates to petition verification process <p>Additionally, the Secretary of State may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Implement amendments to Colorado laws adopted during the 2016 Second Regular Session of the 70th General Assembly and the 2017 First Regular Session of the 71st General Assembly • Implement amendments to Colorado laws approved by the people of Colorado during the 2016 General Election • 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, C.R.S. Section 1-4-908, C.R.S. Section 1-7-515, C.R.S. Section 1-40-116, C.R.S.</p> <p>Depending on the subject matter of unanticipated rulemaking, additional statutory and constitutional authority may apply.</p>	<p>This office estimates commencement of rulemaking in accordance with the State Administrative Procedure Act by the first quarter of 2017 and anticipates adoption of rules before the November 2017 coordinated election.</p>	<ul style="list-style-type: none"> • All current and potential Colorado residents • All Colorado counties • Political subdivisions • Voting system manufacturers • Officeholders, candidates, and committees • Voting system manufacturers • Poll watchers, election judges, and other interested parties • Petition proponents and circulators

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 for 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 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 2017 First Regular Session of the 71st 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>	<p>The Secretary of State anticipates commencement of rulemaking in accordance with the State Administrative Procedure Act by the third quarter of 2017.</p>	<ul style="list-style-type: none"> • Declaratory order petitioner • Parties to any agency adjudicatory proceeding • Additional persons or parties that may be affected depend on the subject matter of rulemaking
8 CCR 1505-8: Rules Concerning Lobbyist Regulation	<p>The Secretary of State does not anticipate rulemaking regarding the Rules Concerning Lobbyist Regulation, however, the Secretary may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of Colorado laws regarding lobbyist regulation² • Implement amendments to Colorado laws adopted during the 2017 First Regular Session of the 71st 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 1505-10: Rules Concerning the Electronic Recording Technology Grant Program	<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. 8 CCR 1505-10 will continue in its current form until the Electronic Recording Technology Board commences rulemaking.</p>			

² Part 3 of Article 6 of Title 24, 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 for 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 1505-11: 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 Notaries Public Act.³ • Implement amendments to Colorado laws adopted during the 2017 First Regular Session of the 71st 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 Act⁴ • 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 2017 First Regular Session of the 71st 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 request information in accordance with the Colorado Open Records Act • Additional persons or parties that may be affected depend on the subject matter of rulemaking

³ Article 55 of Title 12, C.R.S.

⁴ Article 72 of Title 24, 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 for 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 law⁵ • 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 regarding standards of conduct adopted during the 2017 First Regular Session of the 71st 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>The Secretary of State anticipates commencement of rulemaking in accordance with the State Administrative Procedure Act by the third quarter of 2017.</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 depend on the subject matter of rulemaking

⁵ Article 18 of Title 24, C.R.S.

MANDATORY RULE REVIEW & RELATED RULEMAKING AGENDA

Public notices and written comments received concerning the 2016 mandatory rule reviews are available on the Secretary of State’s website at: http://www.sos.state.co.us/pubs/rule_making/ruleReviews.html. The Secretary of State anticipates rulemaking in accordance with the mandatory rule review findings as follows:⁶

Rule number and title	Rule review results and summary of new or revised rules that the department expects to propose in the next calendar year and the purpose for 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>Considering the criteria outlined in section 24-4-103.3(1)(a-h), C.R.S., the Secretary finds that the rules may continue in their current form.</p> <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"> • Improve the administration and enforcement of the Colorado bingo and raffles law⁷ • Implement amendments to Colorado laws adopted during the 2017 First Regular Session of the 71st 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. 			

⁶ Section 24-4-103.3(4), C.R.S.

⁷ 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	Rule review results and summary of new or revised rules that the department expects to propose in the next calendar year and the purpose for 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>Considering the criteria outlined in section 24-4-103.3(1)(a-h), C.R.S., the Secretary finds that the rules may continue in their current form.</p> <p>The Secretary of State does not anticipate rulemaking regarding the Rules Concerning Campaign and Political Finance Rules, however, may commence rulemaking as necessary to</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of Colorado campaign finance law⁸ • Implement amendments to Colorado laws adopted during the 2017 First Regular Session of the 71st 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 1505-7: UCC Filing Office Rules	<p>Considering the criteria outlined in section 24-4-103.3(1)(a-h), C.R.S., the Secretary will commence rulemaking to propose and consider amendments to the UCC Filing Office Rules as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of Colorado’s Uniform Commercial Code⁹ • Repeal unnecessary and obsolete rules concerning exceptions from electronic services based on hardship. To date, the sole requests for hardship concern the filing of spurious liens. • Define terms including “amendment,” “initial financing statement,” and “secured party of record” for consistency with IACA Model Administrative Rules. • Simplify and clarify language • Implement amendments to Colorado’s Uniform Commercial Code adopted during the 2017 first regular session of the 71st 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 4-9-526(a), C.R.S Section 4-9-526(6), C.R.S Section 24-21-111, C.R.S.</p> <p>Depending on the subject matter of unanticipated rulemaking, additional statutory and constitutional authority may apply.</p>	<p>The Secretary of State anticipates commencement of rulemaking in accordance with the State Administrative Procedure Act by the second quarter of 2017.</p>	<ul style="list-style-type: none"> • Financial institutions and other UCC lienholders/secured parties • Debtors • General public

⁸ Article 45 of Title 1, C.R.S., and Article XXVIII of the Colorado Constitution.

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Rule number and title	Rule review results and summary of new or revised rules that the department expects to propose in the next calendar year and the purpose for 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 1505-9: Rules for the Administration of the Colorado Charitable Solicitations Act	<p>Considering the criteria outlined in section 24-4-103.3(1)(a-h), C.R.S., the Secretary will commence rulemaking to propose and consider amendments to the Rules for the Administration of the Colorado Charitable Solicitations Act as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of the Colorado Charitable Solicitations Act¹⁰ • Define terms including “registrant” • Clarify rules concerning: notice of hearing and expedited APA deadlines; when a charitable organization’s registration is valid and how to renew a registration; waiver of fine; • Increase the fine for an overdue report • Repeal provisions that require registrants to file renewals and clarify the bases for allowing registrants to withdraw their registrations • Repeal unnecessary and obsolete rules • Simplify and clarify language • Make necessary style, grammatical, and punctuation changes • Improve rule organization and readability, repeal obsolete rules and language that duplicates statute, and adopt other technical amendments as necessary for consistency with Department rulemaking format and style • Implement amendments to Colorado Charitable Solicitations Act adopted during the 2017 first regular session of the 71st 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 6-16-110.5(3), C.R.S. Section 6-16-111(6)(b), C.R.S.</p> <p>Depending on the subject matter of unanticipated rulemaking, additional statutory and constitutional authority may apply.</p>	<p>TBD; may depend on IT scheduling and resources since several rules may require system changes.</p>	<ul style="list-style-type: none"> • Charities • Professional fundraising solicitors • Paid solicitors • Charitable donors

⁹ Article 9 of Title 4, C.R.S.

¹⁰ Article 16 of Title 6, C.R.S.

SUMMARY OF RULES ADOPTED AFTER NOVEMBER 1, 2015

Rule number and title	CCR Tracking Number	Type	Adopted	Effective	Summary
8 CCR 1505-1: Elections	2015-00846	Permanent	2/9/2016	3/30/2016	The Secretary of State permanently adopted amendments to the election rules to ensure uniform and proper administration, implementation, and enforcement of Federal and Colorado election laws and to implement legislation, organize existing rules for clarity, eliminate obsolete provisions, simplify existing rule language, remove language duplicative of statute, respond to comments from the Office of Legislative Legal Services, and ensure consistency with Department rulemaking standards. The rules were also intended to improve elections administration in Colorado and to increase the transparency and security of the election process.
8 CCR 1505-1: Elections	2016-00295	Permanent	8/11/2016	9/30/2016	The Secretary of State permanently adopted amendments to the election rules to ensure uniform and proper administration, implementation, and enforcement of Federal and Colorado election laws and to implement recently passed legislation, organize existing rules for clarity, eliminate obsolete provisions, simplify existing rule language, remove language duplicative of statute, and ensure consistency with Department rulemaking standards. The rules were also intended to improve elections administration in Colorado and to increase the transparency and security of the election process.
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	2016-00294	Permanent	8/11/2016	9/30/2016	The Secretary of State adopted amendments necessary to improve the administration and enforcement of Colorado campaign finance law and to eliminate obsolete provisions, remove rules stricken by the courts, remove references to repealed statutory provisions, simplify the language of existing rules, remove language that is duplicative of statute or constitutional provisions, and ensure consistency with Department rulemaking standards.

PUBLICATION AND AVAILABILITY TO THE PUBLIC

On November 1, 2016, 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, 2016, Colorado Register.