



2024 Departmental Regulatory Agenda
Office of the Secretary of State
November 1, 2023

To: The Staff of Legislative Council

Re: Colorado Department of State – 2024 Departmental Regulatory Agenda

The Colorado Secretary of State submits the following 2024 Departmental Regulatory Agenda for the Department of State to the General Assembly in accordance with state laws concerning legislative oversight of principal departments.¹

Contents:

DEPARTMENT REGULATORY AGENDA.....	2
SUMMARY OF RULES ADOPTED AFTER NOVEMBER 1, 2022:	7
PUBLICATION AND AVAILABILITY TO THE PUBLIC	11

¹ Section 2-7-203(4), C.R.S.

DEPARTMENT REGULATORY AGENDA

Rule number & 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"> • Improve the administration and enforcement of and to answer questions arising under Colorado elections law¹; • Implement amendments to Colorado laws adopted during the Second Regular Session of the 74th General Assembly; • Respond to comments from the Office of Legislative Legal Services; and • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. <p>Potential proposed amendments include:</p> <ul style="list-style-type: none"> • Rules related to the reimbursement of counties for costs related to conducting an election as required by SB 23-276; and • Rules related to instant runoff voting elections and risk limiting audits as required by HB 21-1071 	<p>Section 1-1-107(2)(a), C.R.S.; SB 23-276</p> <p>Depending on the subject matter of unanticipated rulemaking, additional statutory and constitutional authority may apply.</p>	<p>Rules related to SB 23-276 must be adopted by July 1, 2024.</p> <p>Rules related to HB 21-1071 shall be promulgated on or before January 1, 2025.</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"> • Candidates for office in Colorado • Colorado County Clerks and Recorders • Current and potential Colorado residents • Local Governments in Colorado • Political parties in Colorado • Voting system providers in Colorado
8 CCR 1505-2: Bingo and Raffles Games	<p>The Secretary of State may commence rulemaking regarding the Rules Concerning Bingo and Raffles Games necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of Colorado bingo and raffles law²; • Implement amendments to Colorado laws adopted during the Second Regular Session of the 74th General Assembly; and • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 	<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"> • Charitable gaming licensees • Colorado citizens who play charitable games • Gaming equipment (bingo and pull tab) manufacturers and manufacturers' agents

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.

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

2024 Departmental Regulatory Agenda

Rule number & 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 of State 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"> • Improve the administration and enforcement of and to answer questions arising under Colorado State Administrative Procedure Act³ and State Emblems and Symbols laws⁴; • Implement amendments to Colorado laws adopted during the Second Regular Session of the 74th General Assembly; and • 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 1505-6: Rules Concerning Campaign and Political Finance	<p>The Secretary of State may propose amendments to the Rules Concerning Campaign and Political Finance as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of and to answer questions arising under Colorado campaign finance law⁵; • Implement amendments to Colorado laws adopted during the Second Regular Session of the 74th General Assembly; and • 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 1-45-111.5(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"> • Candidates for office in Colorado • Independent expenditure committees • Issue committees • Officeholders • Political committees • Political organizations • Political parties • State and political subdivisions • Small-scale issue committees

³ Article 4 of Title 24, C.R.S.

⁴ Article 80, Part 9, of Title 24, C.R.S.

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

2024 Departmental Regulatory Agenda

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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"> • Improve the administration and enforcement of Colorado’s Uniform Commercial Code⁶; • Implement amendments to Colorado laws adopted during the Second Regular Session of the 74th General Assembly; and • 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 1505-8: 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"> • Improve the administration and enforcement of and to answer questions arising under Colorado laws regarding lobbyist regulation, including the adjusting of lobbyist registration fees⁷; • Implement amendments to Colorado laws adopted during the Second Regular Session of the 74th General Assembly; and • 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 24-6-305(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"> • Colorado legislators and other elected officials • Colorado rulemaking bodies • Current and potential Colorado residents • Registered lobbyists and lobbying firms • Volunteer lobbyists

⁶ Article 9 of Title 4, C.R.S.

⁷ Part 3 of Article 6 of Title 24, C.R.S.

2024 Departmental Regulatory Agenda

Rule number & 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 1505-9: Rules for the Administration of the Colorado Charitable Solicitations Act	<p>The Secretary of State does not anticipate rulemaking regarding the Rules for the Administration of the Colorado Charitable Solicitations Act⁸; however, the Secretary may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of and to answer questions arising under the Colorado Charitable Solicitations Act; • Implement amendments to Colorado laws adopted during the Second Regular Session of the 74th General Assembly; and • 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 1505-11: Notary Program Rules	<p>The Secretary of State may propose amendments to the Notary Program Rules as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of the Colorado Revised Uniform Law on Notarial Acts (RULONA)⁹; • Implement amendments to Colorado laws adopted during the Second Regular Session of the 74th General Assembly; and • 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 24-21-527(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 any additional 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"> • Current and future notaries public • General public • Various business industries, including financial/banking and title and mortgage companies • Legal professionals

⁸ Article 16 of Title 6, C.R.S.

⁹ Article 21, Part 5 of Title 24, C.R.S.

2024 Departmental Regulatory Agenda

Rule number & 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 1505-12: 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"> • Improve the administration and enforcement of the Colorado Open Records Act¹⁰; • Implement amendments to Colorado laws adopted during the Second Regular Session of the 74th General Assembly; and • 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 1505-14: 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"> • Improve the administration and enforcement Colorado standards of conduct law¹¹; • Implement amendments to Colorado laws adopted during the Second Regular Session of the 74th General Assembly; and • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 			

¹⁰ Article 72 of Title 24, C.R.S.

¹¹ Article 18 of Title 24, C.R.S.

SUMMARY OF RULES ADOPTED AFTER NOVEMBER 1, 2022:

Rule Number & Title	CCR Tracking Number	Type	Adopted	Effective	Summary
8 CCR 1505-1: Elections	2023-00065	Permanent	3/31/2023	5/30/2023	The Secretary adopted amendments to the Colorado Secretary of State's Elections Rules to ensure uniform and proper administration, implementation, and enforcement of Colorado election law, improve elections administration in Colorado, increase transparency and security of the election process, and implement amendments to the election laws made during the 2021 regular session of the 73rd General Assembly. Specifically, the Secretary adopted permanent rule revisions necessary to: implement House Bill 21-1071 regarding instant run-off voting for municipal elections; eliminate obsolete provisions; simplify the language of existing rules; and ensure consistency with Department rulemaking standards.
	2023-00344	Permanent	9/22/2023	Anticipated effective date: 11/14/2023	The Secretary adopted amendments to the Colorado Secretary of State's Elections Rules to ensure uniform and proper administration, implementation, and enforcement of Colorado election law, improve elections administration in Colorado, increase transparency and security of the election process, and implement amendments to the election laws made during the 2023 regular session of the 74th General Assembly. Specifically, the Secretary adopted permanent rule revisions necessary to: implement Senate Bill 23-276, which concerned modifications to laws regarding elections; ensure proper staffing by bipartisan teams of election judges; strengthen signature verification procedures, training, assignment, and monitoring; update the requirements for video surveillance and security of drop boxes, secure areas, and voting equipment; set new licensing requirements for petition entities; update requirements for the review of signatures on initiative and candidate petitions; clarify the intercounty ballot transfer requirements; clarify procedures for ballots for overseas and military voters; specify requirements for tracking ballots delivered to voters who are confined in a county jail; establish naming conventions for ballot races; specify the permissible use of a phone for text-message communication by a watcher while watching election activities; eliminate obsolete provisions; simplify the language of existing rules; remove language that is duplicative of statute or constitutional provisions; and ensure consistency with Department rulemaking standards.
	2023-00632	Temporary	9/22/2023	9/22/2023	The Secretary temporarily adopted amendments to the Colorado Secretary of State's Elections Rules to ensure uniform and proper administration, implementation, and enforcement of Colorado election law, improve elections administration in Colorado, increase transparency and security of the election process, and implement amendments to the election laws made during the 2023 regular session of the 74th General Assembly. Additionally, the Secretary adopted rules on a temporarily basis that were considered at the August 3, 2023, rulemaking hearing and permanently adopted on September 22, 2023 (CCR tracking #2023-00344).

2024 Departmental Regulatory Agenda

Rule Number & Title	CCR Tracking Number	Type	Adopted	Effective	Summary
8 CCR 1505-2: Bingo and Raffle Games	2022-00803	Permanent	2/8/2023	3/31/2023	The Secretary adopted amendments to the Colorado Secretary of State Bingo and Raffle Games Rules to improve the administration and enforcement of Colorado bingo and raffles laws. Specifically, the Department adopted permanent rule revisions necessary to: implement House Bill 22-1093; eliminate obsolete provisions; organize and edit existing rules for clarity; and ensure consistency with Department rulemaking standards.
8 CCR 1505-6: Campaign & Political Finance Rules	2023-00092	Temporary	2/15/2023	2/15/2023	The Secretary temporarily adopted amendments to the Colorado Secretary of State's Campaign & Political Finance Rules to improve the administration and enforcement of Colorado campaign finance laws. Additionally, the Secretary issued a notice of proposed rulemaking on February 15, 2023 (CCR tracking #2023-00093). The Secretary adopted these rules on a temporary basis to comply with Article XXVIII Section 3(13) of the Colorado Constitution, which requires the Secretary of State to promulgate rules adjusting contribution limits for inflation no later than the first quarter of 2023.
	2023-00093	Permanent	3/31/2023	5/30/2023	The Secretary adopted amendments to the Colorado Secretary of State's Campaign & Political Finance Rules to improve the administration and enforcement of Colorado campaign finance laws. Specifically, the Secretary permanently adopted rules that were adopted on a temporary basis on February 15, 2023 (CCR tracking #2023-00092).
	2023-00204	Temporary	4/13/2023	4/13/2023	The Secretary temporarily adopted amendments to the Colorado Secretary of State's Campaign & Political Finance Rules to improve the administration and enforcement of Colorado campaign finance laws. Additionally, the Secretary issued a notice of proposed rulemaking on April 13, 2023 (CCR tracking #2023-00205). Given that the Office of Administrative Courts ("OAC") provided notice of its termination of and withdrawal from the "Memorandum of Understanding on Campaign Finance Hearings Under § 1-45-111.7, C.R.S.," dated September 19, 2019, between the OAC and the Secretary concerning the adjudication of campaign finance complaints under the procedures established by the General Assembly in section 1-45-111.7, C.R.S., the Secretary found it necessary to adopt these rules on a temporary basis to establish procedural rules concerning the adjudication of certain campaign finance complaints through the use of a third-party administrative hearing officer, as defined in section 1-45-111.7, C.R.S., and a hearing process that is consistent with both the Colorado Administrative Procedures Act and the Fair Campaign Practices Act.
	2023-00205	Permanent	5/26/2023	7/15/2023	The Secretary adopted amendments to the Colorado Secretary of State's Campaign & Political Finance Rules to improve the administration and enforcement of Colorado campaign finance laws. Specifically, the Secretary permanently adopted rules that were adopted on a temporary basis on April 13, 2023 (CCR tracking #2023-00204).

2024 Departmental Regulatory Agenda

Rule Number & Title	CCR Tracking Number	Type	Adopted	Effective	Summary
8 CCR 1505-6: Campaign & Political Finance Rules	2023-00317	Permanent	8/18/2023	10/15/2023	The Secretary adopted amendments to the Colorado Secretary of State's Campaign & Political Finance Rules to improve the administration and enforcement of Colorado campaign finance laws. Specifically, the Secretary adopted additional rule amendments which include revisions necessary to ensure proper administration of legislation recently passed by the Colorado General Assembly: Senate Bills 22-237 and 23-276, which concern measures to promote increased transparency of funds used in ballot measure campaigns and updates to the Fair Campaign Practices Act. This includes: establishing reporting requirements for independent expenditures, direct ballot measure expenditures, and earmarked contributions and expenditures; detailing when an organization meets the major purpose standard; establishing a pleading threshold for all complaints submitted to the Elections Division's campaign and political finance enforcement team; establishing an enforcement structure for complaints about the content of personal finance disclosures and a corresponding fine schedule; recodifying definitions rules in Rule 24.2 to Rule 1 and establishing new definition rules; eliminating obsolete provisions; simplifying the language of existing rules; removing language that is duplicative of statute or constitutional provisions; and ensuring consistency with Department rulemaking standards.
	2023-00610	Permanent	10/25/2023	Anticipated effective date: 12/15/2023	The Secretary adopted amendments to the Colorado Secretary of State's Campaign & Political Finance Rules to improve the administration and enforcement of Colorado campaign finance laws. Specifically, the Secretary adopted additional rule amendments to Rule 1.5 clarifying that a committee, in part, refers to a political party committee and Rule 10.17 updating the contribution limit that political parties must adhere to for contributions to candidates for Governor, Secretary of State, State Treasurer, Attorney General, State Senate, State House of Representatives, State Board of Education, Regent of the University of Colorado, and District Attorney.
8 CCR 1505-11: Notary Program Rules	2023-00266	Permanent	5/15/2023	8/29/2023	The Secretary adopted amendments to the Colorado Secretary of State's Notary Program Rules to ensure uniform and proper administration, implementation, and enforcement of Colorado laws regarding Revised Uniform Law and Notarial Acts (RULONA). Specifically, the Department adopted permanent rule revisions necessary to implement Senate Bill 23-153 concerning the recommendations in the 2022 sunset report by the Department of Regulatory Agencies (DORA).

2024 Departmental Regulatory Agenda

Rule Number & Title	CCR Tracking Number	Type	Adopted	Effective	Summary
8 CCR 1505-11: Notary Program Rules	2023-00274	Temporary	5/18/2023	5/18/2023	The Secretary temporarily adopted amendments to the Colorado Secretary of State's Notary Program Rules to ensure uniform and proper administration, implementation, and enforcement of Colorado laws regarding Revised Uniform Law and Notarial Acts (RULONA). Specifically, the Secretary temporarily adopted an amendment to Rule 5.2.7 to clarify that the fee a notary may charge for their electronic signature has increased from ten dollars to twenty-five dollars. The rule was also adopted on a permanent basis (CCR tracking #2023-00266).

PUBLICATION AND AVAILABILITY TO THE PUBLIC

On November 1, 2023, the Secretary of State will post this document on the Department's website at: <https://www.coloradosos.gov/pubs/newsRoom/SMART-Act/FY24-25/index.html>. The document will also be available at 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, 2023, Colorado Register.