

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0414.01 Nicole Myers x4326

SENATE BILL 22-153

SENATE SPONSORSHIP

Fenberg and Priola, Bridges, Buckner, Coleman, Danielson, Donovan, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Kolker, Lee, Moreno, Pettersen, Rodriguez, Story, Winter, Zenzinger

HOUSE SPONSORSHIP

Lontine,

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

State, Civic, Military, & Veterans Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING INCREASING INTERNAL ELECTION SECURITY MEASURES,**
102 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill increases election security measures for the secretary of state's office, election officials, candidates for elected office, and voters.

Current law authorizes the attorney general and the secretary of state (secretary) to enforce the provisions of the election code by injunctive action brought in the district court for the judicial district in which any violation occurs. **Section 4** of the bill requires the district court

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
March 25, 2022

SENATE
Amended 2nd Reading
March 24, 2022

and the supreme court, if applicable, to expedite scheduling and the issuance of any orders in connection with an enforcement action so a final ruling is made within specified periods.

Section 5 authorizes a coordinated election official or the secretary's office to file a petition in district court alleging that a person charged with a duty under the election code has committed or is about to commit a breach or neglect of duty or other wrongful act.

Current law specifies that certain employees in the clerk and recorder's office are required to complete a certification program for election officials provided by the secretary (certification program). **Section 6** includes a designated election official for a county, a coordinated election official for a county, and employees in the election division of the department of state (department), at the discretion of the secretary, as people required to complete the certification program. **Section 6** also specifies new requirements for the length of time that an employee, designated election official, or coordinated election official has to complete the certification program.

The curriculum for the certification program is required to include specified courses. **Section 7** requires that courses in voter registration and list maintenance, accessibility, coordinated elections, mail ballot and in-person voting processes, voting systems testing, risk-limiting audits, canvass, and election security be included in the certification program curriculum.

Section 8 specifies the circumstances under which a person is ineligible to serve as a designated election official for a county or a coordinated election official. **Section 8** also specifies that, while serving as a designated election official or a coordinated election official, a person is prohibited from knowingly or recklessly making, publishing, broadcasting, or circulating any false statement for the purposes of promoting misinformation or disinformation related to the administration of elections.

Certain elected officials or candidates for elective office are currently prohibited from preparing, maintaining, or repairing any voting equipment or device that is to be used in an election. **Section 9** modifies the prohibition to apply to any contact with the voting equipment or device, rather than just physical contact. **Section 9** also prohibits any elected official or candidate for elective office in a political subdivision with a population of 100,000 or more from having access to or being present in a room with voting equipment or devices without being accompanied by one or more persons with authorized access.

The governing body of any political subdivision is currently authorized to adopt an electronic or electromechanical voting system. **Section 10** requires that for elections conducted under the "Uniform Election Code of 1992", the governing body of any political subdivision is required to adopt an electronic or electromechanical voting system to

be used for tabulating votes at all elections held by the political subdivision. This requirement does not apply to counties with fewer than 1,000 active electors at the date of the last general election.

Section 11 prohibits a county from creating, permitting any person to create, or disclosing to any person an image of the hard drive of any voting system component without the express written permission of the department.

By a specified date, **section 12** requires a designated election official to keep all components of a voting system in a location where entry is controlled by use of a key card access system and that is under video security surveillance recording. The designated election official is required to ensure that records in connection with access to the location of the voting system and video recordings of the location are created and maintained for specified periods. **Section 3** defines terms in connection with these requirements.

Section 12 also directs the general assembly to make an appropriation from the general fund to the department of state for the 2022-23 state fiscal year to be used to administer a grant program to provide assistance to counties in complying with the security requirements of the bill.

Section 13 states that if a majority of a canvass board in a county is unable to or does not certify the abstract of votes for any reason by the applicable deadline, the secretary is required to review the noncertified abstract of votes and other evidence provided by the canvass board. If, after review, the secretary determines that the noncertified abstract of votes is sufficiently explicit in showing how many votes were cast for each candidate, ballot question, or ballot issue, the secretary is required to certify the results for the county and proceed to certifying state results.

Current law requires a person to comply with certain rules of the secretary when carrying out the duties of the secretary. **Section 14** specifies that a person is also required to comply with other policies of the secretary, including the acceptable use policy for the statewide voter registration system, when carrying out such duties. **Section 14** also specifies that any person who willfully interferes with a person in notifying or obstructs a person from notifying the department of a potential violation or retaliates against a person for providing such notice is subject to current penalties for election offenses.

Current law prohibits a person from tampering with electronic voting equipment with the intent to change the tabulation of votes in an election. In addition, **section 15** prohibits a person from accessing electronic voting equipment or an election-night reporting system without authorization and specifies that a person who accesses such equipment or system is guilty of a class 5 felony. **Section 15** also specifies that an authorized person who knowingly publishes or causes to be published passwords or other confidential information relating to a voting system

will immediately have their authorized access revoked and is guilty of a class 5 felony.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Short title.** The short title of this act is the
3 "Colorado Election Security Act".

4 **SECTION 2. Legislative declaration.** (1) The general assembly
5 finds and declares that:

6 (a) Elections must continue to be free and fair and protected from
7 those who seek to compromise election officials and the security of
8 Colorado's election processes;

9 (b) The Colorado secretary of state oversees the conduct of
10 statewide elections in Colorado as chief election official and is
11 responsible for ensuring that elections are conducted in compliance with
12 state and federal law;

13 (c) County clerks generally serve as designated election officials
14 and coordinated election officials for their county and are responsible for
15 ensuring their elections comply with the uniform election code and rules
16 promulgated by the secretary of state;

17 (d) County clerks, election officials, and election workers are best
18 able to conduct and protect elections with proper training and by
19 implementing consistent security measures, including increased
20 transparency throughout our elections system and restrictions on access
21 to secure locations and voting equipment;

22 (e) Free and fair elections are better supported by clear lines of
23 authority and the ability of the secretary of state, designated election
24 officials, and coordinated election officials to use existing powers to
25 enforce election rules and regulations;

1 (f) When a controversy or potential violation of state or federal
2 election law or rule arises, the secretary of state is obligated to respond
3 quickly to ensure the proper administration of elections;

4 (g) Elections are better protected by providing clarification and
5 confirmation of all encompassed enforcement powers held by the
6 secretary of state and ensuring full compliance with those existing
7 enforcement powers, including the issuance of rules and election orders;

8 (h) Elections are better protected when designated election
9 officials or coordinated election officials are held to the same standard as
10 election judges which does not allow them to serve if they have been
11 convicted of an election offense; and

12 (i) Elections are better protected from outside and inside threats
13 and those who aim to undermine our elections, by expanding election
14 offenses and penalties for those offenses.

15 **SECTION 3.** In Colorado Revised Statutes, 1-1-104, **amend** (11);
16 and **add** (21.5) and (49.9) as follows:

17 **1-1-104. Definitions.** As used in this code, unless the context
18 otherwise requires:

19 (11) "Election records" includes accounting forms, certificates of
20 registration, pollbooks, certificates of election, signature cards, all
21 affidavits, voter applications, other voter lists and records, mail ballot
22 return envelopes, voted ballots, unused ballots, spoiled ballots, ~~and~~
23 replacement ballots, KEY CARD ACCESS SYSTEM LOGS, AND VIDEO
24 SECURITY SURVEILLANCE RECORDINGS.

25 (21.5) "KEY CARD ACCESS SYSTEM" MEANS A SYSTEM THAT
26 CONTROLS PHYSICAL ENTRY INTO A ROOM OR LOCATION BY USE OF A
27 RADIO FREQUENCY IDENTIFICATION CARD OR SIMILAR DOOR ACCESS

1 SYSTEM AND PRODUCES A LOG THAT INCLUDES THE NAME, DATE, AND TIME
2 THAT A PERSON ENTERS THE ROOM OR AREA.

3 (49.9) "VIDEO SECURITY SURVEILLANCE RECORDING" MEANS
4 VIDEO MONITORING BY A DEVICE THAT CONTINUOUSLY RECORDS A
5 DESIGNATED LOCATION OR A SYSTEM USING MOTION DETECTION THAT
6 RECORDS ONE FRAME OR MORE PER MINUTE UNTIL DETECTION OF MOTION
7 TRIGGERS CONTINUOUS RECORDING.

8 **SECTION 4.** In Colorado Revised Statutes, 1-1-107, **amend**
9 (2)(d) as follows:

10 **1-1-107. Powers and duties of secretary of state - penalty.**

11 (2) In addition to any other powers prescribed by law, the secretary of
12 state has the following powers:

13 (d) To enforce the provisions of this code by injunctive action
14 brought by the attorney general in the district court for the judicial
15 district in which any violation occurs. UPON AN ENFORCEMENT ACTION
16 BEING BROUGHT PURSUANT TO THIS SUBSECTION (2)(d), THE COURT SHALL
17 EXPEDITE SCHEDULING AND THE ISSUANCE OF ANY ORDERS SUCH THAT A
18 FINAL RULING IS MADE WITHIN THIRTY DAYS OF THE ACTION BEING FILED.
19 THE COURT MAY CONTINUE THE ACTION BEYOND THIRTY DAYS UPON THE
20 MOTION OF ANY PARTY AND UPON A SHOWING OF GOOD CAUSE. THE
21 DISTRICT COURT PROCEEDINGS MAY BE REVIEWED AND FINALLY
22 ADJUDICATED BY THE SUPREME COURT OF THIS STATE IF EITHER PARTY
23 MAKES APPLICATION TO THE SUPREME COURT WITHIN THREE DAYS AFTER
24 THE DISTRICT COURT PROCEEDINGS ARE TERMINATED, UNLESS THE
25 SUPREME COURT, IN ITS DISCRETION, DECLINES JURISDICTION OF THE CASE.
26 THE SUPREME COURT SHALL EXPEDITE SCHEDULING AND THE ISSUANCE OF
27 ANY ORDERS SUCH THAT A FINAL RULING IS MADE WITHIN FOURTEEN DAYS

1 OF AN APPEAL BEING FILED. IF THE SUPREME COURT DECLINES TO REVIEW
2 THE PROCEEDINGS, THE DECISION OF THE DISTRICT COURT IS FINAL AND
3 NOT SUBJECT TO FURTHER APPELLATE REVIEW.

4

5 **SECTION 5.** In Colorado Revised Statutes, 1-1-302, **amend**
6 (1)(b), (2)(b), and (3); and **add** (1)(d), (1)(e), and (2.5) as follows:

7 **1-1-302. Persons required to complete certification - deadline.**

8 (1) The following persons shall obtain certification in accordance with
9 this part 3:

10 (b) Employees in the clerk and recorder's office who are directly
11 responsible for overseeing elections; ~~and~~

12 (d) A DESIGNATED ELECTION OFFICIAL FOR A COUNTY AND A
13 COORDINATED ELECTION OFFICIAL FOR A COUNTY; AND

14 (e) EMPLOYEES IN THE ELECTION DIVISION OF THE DEPARTMENT OF
15 STATE AT THE DISCRETION OF THE SECRETARY OF STATE.

16 (2) A person required to obtain certification shall:

17 (b) Complete the certification requirements within ~~two years~~ ONE
18 YEAR of undertaking the responsibilities for which the person is required
19 to obtain certification; EXCEPT THAT A COUNTY CLERK OR DEPUTY
20 COUNTY CLERK MUST COMPLETE THE CERTIFICATION REQUIREMENTS
21 REQUIRED BY THIS SECTION WITHIN SIX MONTHS OF TAKING OFFICE OR
22 BEFORE SERVING AS THE DESIGNATED ELECTION OFFICIAL FOR A COUNTY
23 OR A COORDINATED ELECTION OFFICIAL, WHICHEVER IS SOONER; and

24 (2.5) A PERSON WHO IS REQUIRED TO OBTAIN CERTIFICATION
25 PURSUANT TO THIS SECTION SHALL NOT SERVE AS THE DESIGNATED
26 ELECTION OFFICIAL FOR A COUNTY OR THE COORDINATED ELECTION
27 OFFICIAL FOR A COUNTY UNLESS THE PERSON HAS COMPLETED AND

1 MAINTAINED THE CERTIFICATION REQUIRED BY THIS SECTION. THE
2 DEPARTMENT OF STATE WILL MAKE COURSES SUFFICIENTLY AVAILABLE TO
3 ENABLE PERSONS TO COMPLY WITH THE TIMING REQUIREMENTS FOR
4 CERTIFICATION IN THIS SECTION. THE SECRETARY OF STATE MAY WAIVE
5 THE REQUIREMENTS OF THIS SUBSECTION (2.5) FOR AN INDIVIDUAL WHO IS
6 APPOINTED TO THE ROLE OF CLERK, DEPUTY CLERK, DESIGNATED ELECTION
7 OFFICIAL FOR A COUNTY, OR COORDINATED ELECTION OFFICIAL THREE
8 MONTHS OR LESS BEFORE AN ELECTION.

9 (3) Nothing in this section ~~shall be~~ IS construed to require an
10 elected official to attend a course of instruction or obtain a certification
11 as a condition for seeking or holding elective office or as a condition for
12 carrying out constitutional ~~and statutory~~ duties.

13 **SECTION 6.** In Colorado Revised Statutes, 1-1-303, **amend** (1)
14 as follows:

15 **1-1-303. Certification courses.** (1) The curriculum for
16 certification in accordance with this part 3 ~~shall~~ MUST include courses in
17 the following areas:

- 18 (a) General election law;
- 19 (b) The federal "Help America Vote Act of 2002"; ~~and~~
- 20 (c) Professional development;
- 21 (d) VOTER REGISTRATION AND LIST MAINTENANCE;
- 22 (e) ACCESSIBILITY;
- 23 (f) COORDINATED ELECTIONS;
- 24 (g) MAIL BALLOT AND IN-PERSON VOTING PROCESSES;
- 25 (h) VOTING SYSTEMS TESTING;
- 26 (i) RISK-LIMITING AUDITS;
- 27 (j) CANVASS; AND

1 (k) ELECTION SECURITY, INCLUDING COMBATING MISINFORMATION
2 AND DISINFORMATION RELATED TO THE ADMINISTRATION OF ELECTIONS.

3 **SECTION 7.** In Colorado Revised Statutes, **add** 1-1-304 as
4 follows:

5 **1-1-304. Qualifications and conduct of election officials.** (1) A
6 PERSON SHALL NOT SERVE AS THE DESIGNATED ELECTION OFFICIAL FOR A
7 COUNTY OR AS THE COORDINATED ELECTION OFFICIAL IF THE PERSON:

8 (a) HAS BEEN CONVICTED OF ANY ELECTION OFFENSE FOUND IN
9 ARTICLE 13 OF TITLE 1 OR ANY SIMILAR ELECTION OFFENSE IN ANOTHER
10 STATE; OR

11 (b) HAS BEEN CONVICTED OF COMMITTING OR CONSPIRACY TO
12 COMMIT SEDITION, INSURRECTION, TREASON, CONSPIRACY TO OVERTHROW
13 GOVERNMENT BY USE OF PHYSICAL FORCE OR VIOLENCE, OR ANY SIMILAR
14 FEDERAL OFFENSE.

15 **SECTION 8.** In Colorado Revised Statutes, 1-5-603, **amend**
16 (2)(b) as follows:

17 **1-5-603. Adoption and payment for voting machines.**

18 (2) (b) Each county that uses a voting system in an instant runoff voting
19 election pursuant to a license obtained by the secretary of state in
20 accordance with subsection (2)(a) of this section shall reimburse the
21 secretary of state for its proportionate share of the cost of the annual
22 statewide license for that year. The secretary of state shall invoice any
23 county that uses the voting system in an instant runoff voting election for
24 its share of the cost as a proportion of the ~~total number of counties that~~
25 ~~used the system pursuant to the statewide license in that year~~ NUMBER OF
26 REGISTERED ACTIVE VOTERS IN ALL PARTICIPATING MUNICIPALITIES IN
27 THAT COUNTY COMPARED TO THE TOTAL NUMBER OF REGISTERED ACTIVE

1 VOTERS IN ALL PARTICIPATING MUNICIPALITIES IN THE STATE AS
2 DETERMINED BY THE SECRETARY OF STATE PURSUANT TO THIS SECTION.

3

4 **SECTION 9.** In Colorado Revised Statutes, 1-5-607, **amend** (1);
5 and **add** (1.5) as follows:

6 **1-5-607. Elected officials not to handle voting equipment or**
7 **devices.** (1) In any political subdivision having a population of one
8 hundred thousand or more, it is unlawful for any elected official or
9 candidate for elective office to prepare, maintain, or repair any voting
10 equipment or device that is to be used or is used in any election. The
11 provisions of this section ~~shall be limited to actual physical contact with~~
12 ~~any voting equipment or device or any of its parts and~~ shall not be
13 construed as prohibiting an elected official from directing employees or
14 other persons who are not elected officials to prepare, maintain, repair, or
15 otherwise handle any voting equipment or devices AS REQUIRED FOR AN
16 ELECTION OR AN ELECTION-RELATED PURPOSE.

17 (1.5) IN ANY POLITICAL SUBDIVISION HAVING A POPULATION OF
18 ONE HUNDRED THOUSAND OR MORE, IT IS UNLAWFUL FOR ANY ELECTED
19 OFFICIAL, ANY CANDIDATE FOR ELECTIVE OFFICE, OR THE SECRETARY OF
20 STATE TO HAVE KEY CARD ACCESS TO A ROOM WITH COMPONENTS OF A
21 VOTING SYSTEM, OR TO BE PRESENT IN A ROOM WITH COMPONENTS OF A
22 VOTING SYSTEM WITHOUT BEING ACCOMPANIED BY ONE OR MORE
23 INDIVIDUALS WITH AUTHORIZED ACCESS. THIS SUBSECTION (1.5) DOES NOT
24 APPLY WHEN VOTING SYSTEM COMPONENTS ARE DEPLOYED FOR USE OR
25 STORED AT A VOTING SERVICE AND POLLING CENTER.

26 **SECTION 10.** In Colorado Revised Statutes, 1-5-612, **amend** (1)
27 as follows:

1 **1-5-612. Use of electronic and electromechanical voting**
2 **systems.** (1) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(b)
3 OF THIS SECTION, the governing body of any political subdivision may,
4 upon consultation with the designated election official, adopt an
5 electronic or electromechanical voting system, including any upgrade in
6 hardware, firmware, or software, for use at the polling locations in the
7 political subdivision. The system may be used for recording, counting,
8 and tabulating votes at all elections held by the political subdivision.

9 (b) FOR ALL ELECTIONS CONDUCTED UNDER THE "UNIFORM
10 ELECTION CODE OF 1992", THE GOVERNING BODY OF ANY POLITICAL
11 SUDIVISION SHALL, UPON CONSULTATION WITH THE DESIGNATED ELECTION
12 OFFICIAL, ADOPT AN ELECTRONIC OR ELECTROMECHANICAL VOTING
13 SYSTEM TO BE USED FOR TABULATING VOTES AT ALL ELECTIONS HELD BY
14 THE POLITICAL SUBDIVISION. THE PROVISIONS OF THIS SUBSECTION (1)(b)
15 DO NOT APPLY TO COUNTIES WITH FEWER THAN ONE THOUSAND ACTIVE
16 ELECTORS AS OF THE DATE OF THE LAST GENERAL ELECTION.

17 **SECTION 11.** In Colorado Revised Statutes, 1-5-616, **add** (6) as
18 follows:

19 **1-5-616. Electronic and electromechanical voting systems -**
20 **standards - procedures.** (6) A COUNTY MAY NOT CREATE, PERMIT ANY
21 PERSON TO CREATE, OR DISCLOSE TO ANY PERSON AN IMAGE OF THE HARD
22 DRIVE OF ANY VOTING SYSTEM COMPONENT WITHOUT THE EXPRESS
23 WRITTEN PERMISSION OF THE DEPARTMENT OF STATE.

24 **SECTION 12.** In Colorado Revised Statutes, 1-7-507, **amend** (6)
25 as follows:

26 **1-7-507. Electronic vote-counting - procedure.** (6) **If for any**
27 **reason it becomes impracticable to count all or a part of the ballots with**

1 electronic vote-tabulating equipment, the designated election official may
2 direct that they A SOFTWARE OR HARDWARE MALFUNCTION MAKES IT
3 IMPOSSIBLE TO COUNT ALL OR A PART OF THE BALLOTS WITH ELECTRONIC
4 VOTE-TABULATING EQUIPMENT, THE SECRETARY OF STATE, AFTER
5 CONSULTATION WITH THE DESIGNATED ELECTION OFFICIAL, MAY PERMIT
6 THE DESIGNATED ELECTION OFFICIAL TO DIRECT THAT SUCH BALLOTS be
7 counted manually, following as far as practicable the provisions
8 governing the counting of paper ballots as provided in 1-7-307.

9 **SECTION 13.** In Colorado Revised Statutes, **add** 1-7-513.5 as
10 follows:

11 **1-7-513.5. Voting equipment - security.** (1) EXCEPT AS
12 OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS SECTION, NO LATER
13 THAN JUNE 30, 2023, THE DESIGNATED ELECTION OFFICIAL SHALL KEEP
14 ALL COMPONENTS OF A VOTING SYSTEM IN A LOCATION WHERE ENTRY IS
15 CONTROLLED BY USE OF A KEY CARD ACCESS SYSTEM. THE DESIGNATED
16 ELECTION OFFICIAL SHALL ENSURE THAT THE LOG CREATED BY THE
17 SYSTEM IS MAINTAINED AS AN ELECTION RECORD FOR TWENTY-FIVE
18 MONTHS FOLLOWING THE DATE OF ANY ENTRY.

19 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS
20 SECTION, NO LATER THAN JUNE 30, 2023, THE DESIGNATED ELECTION
21 OFFICIAL SHALL KEEP ALL COMPONENTS OF A VOTING SYSTEM UNDER
22 VIDEO SECURITY SURVEILLANCE RECORDING. THE DESIGNATED ELECTION
23 OFFICIAL SHALL ENSURE THAT VIDEO CAPTURED BEGINNING SIXTY DAYS
24 BEFORE THROUGH THIRTY DAYS AFTER AN ELECTION IN WHICH THE VOTING
25 SYSTEM IS USED IS MAINTAINED AS AN ELECTION RECORD FOR
26 TWENTY-FIVE MONTHS FOLLOWING THE ELECTION. THE DESIGNATED
27 ELECTION OFFICIAL SHALL ENSURE THAT VIDEO CAPTURED OUTSIDE THIS

1 PERIOD IS MAINTAINED FOR TWENTY-FIVE MONTHS FOLLOWING THE DATE
2 THE VIDEO WAS CAPTURED.

3 (3) THE DESIGNATED ELECTION OFFICIAL IS NOT REQUIRED TO
4 FOLLOW THE REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION
5 WHEN VOTING SYSTEM COMPONENTS ARE DEPLOYED FOR USE OR STORED
6 AT A VOTING SERVICE AND POLLING CENTER.

7 (4) A COUNTY CLERK MAY APPLY TO THE SECRETARY OF STATE
8 FOR A WAIVER OF THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION
9 BASED ON HISTORICAL BUILDING STATUS OR SIMILAR PHYSICAL
10 LIMITATIONS. IF THE SECRETARY FINDS THE CLERK HAS PROVIDED AN
11 ALTERNATIVE EQUIVALENT PHYSICAL SECURITY SYSTEM FOR COMPONENTS
12 OF A VOTING SYSTEM, THE SECRETARY OF STATE MAY GRANT THE WAIVER.

13 (5) IF THE DESIGNATED ELECTION OFFICIAL IS UNABLE TO SATISFY
14 THE REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION BY JUNE
15 30, 2023, DUE TO DELAYS IN THE DELIVERY OF NECESSARY EQUIPMENT
16 THAT ARE OUT OF THE CONTROL OF THE DESIGNATED ELECTION OFFICIAL,
17 THE DESIGNATED ELECTION OFFICIAL SHALL NOTIFY AND PROVIDE PROOF
18 OF THE DELAY TO THE SECRETARY OF STATE, AND THE DESIGNATED
19 ELECTION OFFICIAL IS REQUIRED TO SATISFY THE REQUIREMENTS OF
20 SUBSECTIONS (1) AND (2) OF THIS SECTION AS SOON AS PRACTICABLE.

21 (6) THE SECRETARY OF STATE MAY PROMULGATE RULES
22 NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION IN ACCORDANCE
23 WITH ARTICLE 4 OF TITLE 24.

24 (7) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
25 ASSEMBLY SHALL APPROPRIATE:

26 (I) ONE MILLION DOLLARS FROM THE GENERAL FUND TO THE
27 DEPARTMENT OF STATE TO ADMINISTER A GRANT PROGRAM, WHICH IS

1 HEREBY CREATED AND CONSISTS OF SUCH GENERAL FUND APPROPRIATION,
2 TO PROVIDE ASSISTANCE TO COUNTIES IN COMPLYING WITH THE SECURITY
3 REQUIREMENTS OF THE "COLORADO ELECTION SECURITY ACT";

4 (II) ONE HUNDRED SEVENTEEN THOUSAND DOLLARS FROM THE
5 DEPARTMENT OF STATE CASH FUND TO THE DEPARTMENT OF STATE TO
6 ASSIST THE STATE AND COUNTIES WITH ASSESSING POTENTIAL RISKS TO
7 THE PROPER ADMINISTRATION OF ELECTIONS.

8 (b) FOR THE 2023-24 STATE FISCAL YEAR AND EACH STATE FISCAL
9 YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL MAKE
10 APPROPRIATIONS FROM THE DEPARTMENT OF STATE CASH FUND TO THE
11 DEPARTMENT OF STATE FOR THE PURPOSE OF ASSISTING THE STATE AND
12 COUNTIES WITH ASSESSING POTENTIAL RISKS TO THE PROPER
13 ADMINISTRATION OF ELECTIONS.

14 **SECTION 14.** In Colorado Revised Statutes, 1-10-104, **add** (3)
15 as follows:

16 **1-10-104. Imperfect returns - corrections.** (3) IF A MAJORITY OF
17 A CANVASS BOARD IN A COUNTY IS UNABLE TO OR DOES NOT CERTIFY THE
18 ABSTRACT OF VOTES FOR ANY REASON BY THE DEADLINE FOR THE COUNTY
19 TO CERTIFY THE ABSTRACT OF VOTES, THE SECRETARY OF STATE SHALL
20 REVIEW THE NONCERTIFIED ABSTRACT OF VOTES AND WRITTEN REPORT
21 PROVIDED BY THE CANVASS BOARD UNDER SECTION 1-10-101.5 (1)(c). IF,
22 AFTER REVIEW, THE SECRETARY OF STATE DETERMINES THAT THE
23 NONCERTIFIED ABSTRACT OF VOTES, ALONG WITH THE WRITTEN REPORT,
24 OTHER INFORMATION AND FACTS OF THE CASE PROVIDED BY THE COUNTY,
25 OR INFORMATION REVEALED UPON INVESTIGATION BY THE SECRETARY OF
26 STATE IS SUFFICIENTLY EXPLICIT IN SHOWING HOW MANY VOTES WERE
27 CAST FOR EACH CANDIDATE, BALLOT QUESTION, OR BALLOT ISSUE, THE

1 SECRETARY OF STATE SHALL CERTIFY THE RESULTS FOR THE COUNTY AND
2 PROCEED TO CERTIFYING STATE RESULTS UNDER SECTION 1-10-105. AFTER
3 CONSULTATION WITH THE BOARD OF COUNTY COMMISSIONERS, THE
4 SECRETARY OF STATE MAY DESIGNATE A REGISTERED ELECTOR OF THE
5 STATE TO CARRY OUT THE DUTIES REQUIRED BY THIS SECTION.

6 **SECTION 15.** In Colorado Revised Statutes, **amend** 1-13-114 as
7 follows:

8 **1-13-114. Failure to comply with requirements of secretary of**
9 **state.** (1) Any person who willfully interferes or willfully refuses to
10 comply with the rules, ORDERS, OR ACCEPTABLE USE POLICY FOR THE
11 STATEWIDE VOTER REGISTRATION SYSTEM of the secretary of state or the
12 secretary of state's designated agent in the carrying out of the powers and
13 duties prescribed in section 1-1-107 ~~upon conviction shall be punished as~~
14 ~~provided in section 1-13-111~~ COMMITS A CLASS 1 MISDEMEANOR AND,
15 UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION
16 18-1.3-501.

17 (2) ANY PERSON WHO WILLFULLY INTERFERES WITH ANY PERSON
18 IN NOTIFYING OR OBSTRUCTS ANY PERSON FROM NOTIFYING THE
19 DEPARTMENT OF STATE OF A POTENTIAL VIOLATION OF SUBSECTION (1) OF
20 THIS SECTION WHEN THE PERSON REASONABLY BELIEVES THAT A
21 VIOLATION OF SUBSECTION (1) OF THIS SECTION HAS OCCURRED OR WILL
22 OCCUR, OR RETALIATES THEREFORE, UPON CONVICTION SHALL BE
23 PUNISHED AS PROVIDED IN SECTION 1-13-111.

24 **SECTION 16.** In Colorado Revised Statutes, **amend** 1-13-708 as
25 follows:

26 **1-13-708. Tampering with voting equipment - definition.**
27 (1) Any person who, AS DETERMINED BY RULES PROMULGATED BY THE

1 SECRETARY OF STATE IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24,
2 ACCESSES WITHOUT AUTHORIZATION, tampers with, OR FACILITATES THE
3 UNAUTHORIZED ACCESS TO OR TAMPERING WITH any electronic or
4 electromechanical voting equipment OR AN ELECTION-NIGHT REPORTING
5 SYSTEM before, during, or after any election provided by law ~~with intent~~
6 ~~to change the tabulation of votes thereon to reflect other than an accurate~~
7 ~~accounting is guilty of a class 1 misdemeanor and, upon conviction~~
8 ~~thereof, shall be punished as provided in section 18-1.3-501. C.R.S. IS~~
9 GUILTY OF A CLASS 5 FELONY AND, UPON CONVICTION THEREOF, SHALL BE
10 PUNISHED AS PROVIDED IN SECTION 18-1.3-401.

11 (2) ANY PERSON WHO KNOWINGLY PUBLISHES OR CAUSES TO BE
12 PUBLISHED PASSWORDS OR OTHER CONFIDENTIAL INFORMATION RELATING
13 TO A VOTING SYSTEM SHALL IMMEDIATELY HAVE THEIR AUTHORIZED
14 ACCESS REVOKED AND IS GUILTY OF A CLASS 5 FELONY.

15 **SECTION 17. Appropriation.** (1) For the 2022-23 state fiscal
16 year, \$1,000,000 is appropriated to the department of state for use by the
17 elections division. This appropriation is from the general fund. To
18 implement this act, the division may use this appropriation for local
19 election security grants.

20 (2) For the 2022-23 state fiscal year, \$117,000 is appropriated to
21 the department of state for use by the administration division. This
22 appropriation is from the department of state cash fund created in section
23 24-21-104 (3)(b), C.R.S. To implement this act, the department may use
24 this appropriation for personal services.

25 **SECTION 18. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety.