

## CHAPTER 313

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**GOVERNMENT - STATE**

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**SENATE BILL 04-231**

BY SENATOR(S) Owen;  
also REPRESENTATIVE(S) White, and Coleman.

**AN ACT**

**CONCERNING THE UTILIZATION OF ELECTRONIC SERVICES RELATED TO DOCUMENTS FILED WITH THE DEPARTMENT OF STATE, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** Article 21 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**24-21-111. Electronic filing - authority - electronic access.**

(1) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE SECRETARY OF STATE MAY REQUIRE ANY FILING TO BE MADE BY ELECTRONIC MEANS AS DETERMINED BY THE SECRETARY OF STATE.

(2) WHERE A DOCUMENT IS STORED BY THE SECRETARY OF STATE OR THE DEPARTMENT OF STATE AND AVAILABLE TO THE PUBLIC BY ELECTRONIC MEANS, THE SECRETARY OF STATE, TO THE EXTENT IT IS REASONABLE AND FEASIBLE, MAY DESIGNATE ELECTRONIC ACCESS AS THE SOLE MEANS OF ACCESS TO THE DOCUMENT.

(3) THE SECRETARY OF STATE MAY USE A PHASE-IN PERIOD OR ANY OTHER METHOD TO MITIGATE HARDSHIP CAUSED BY MANDATORY ELECTRONIC SERVICES THAT ARE REQUIRED PURSUANT TO SUBSECTIONS (1) AND (2) OF THIS SECTION. THE SECRETARY OF STATE MAY PROVIDE EXCEPTIONS FROM SUCH MANDATORY ELECTRONIC SERVICES WHERE HARDSHIP OR OTHER GOOD CAUSE IS SHOWN. IF THE SECRETARY OF STATE REQUIRES ANY FILING TO BE MADE BY ELECTRONIC MEANS OR DESIGNATES ELECTRONIC ACCESS AS THE SOLE MEANS OF ACCESS TO A DOCUMENT, THE SECRETARY OF STATE SHALL ASSURE THAT SUCH FILING MAY BE MADE OR SUCH ACCESS ATTAINED BY MEANS THAT DO NOT REQUIRE USE BY THE PUBLIC OF CUSTOMIZED OR SPECIALLY DESIGNED ELECTRONIC HARDWARE OR SOFTWARE.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DOCUMENT" MEANS A DOCUMENT, RECORD, OR OTHER INFORMATION.

(b) "FILING" MEANS A DOCUMENT REQUIRED OR PERMITTED BY LAW TO BE FILED WITH THE DEPARTMENT OF STATE OR THE SECRETARY OF STATE OR A DOCUMENT REQUIRED OR PERMITTED BY LAW TO BE DELIVERED TO THE DEPARTMENT OR THE SECRETARY OF STATE AND FILED BY THE DEPARTMENT OR THE SECRETARY OF STATE.

**SECTION 2. Appropriation - adjustments to the 2004 long bill.** For the implementation of this act, appropriations made in the annual general appropriation act to the department of state, administration division, out of moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, for the fiscal year beginning July 1, 2004, shall be adjusted as follows:

(1) The appropriation for personal services is decreased by thirty-four thousand seven hundred dollars (\$34,700) and 1.1 FTE.

(2) The appropriation for operating expenses is decreased by five hundred dollars (\$500).

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 27, 2004