

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.

HB19-1278 be amended as follows:

1 Amend printed bill, page 26, line 16, strike "and (5)" and substitute "(5),
2 and (6)".

3 Page 33, after line 12 insert:

4 "(6) (a) A COUNTY CLERK AND RECORDER MAY PETITION THE
5 SECRETARY OF STATE FOR A WAIVER FROM ANY REQUIREMENT UNDER THIS
6 SECTION. IN DETERMINING WHETHER TO GRANT THE WAIVER, THE
7 SECRETARY OF STATE SHALL CONSIDER:

8 (I) THE EXTENT OF THE NONCOMPLIANCE;

9 (II) WHETHER THE SPECIFIC PROVISION'S PURPOSE IS
10 SUBSTANTIALLY ACHIEVED DESPITE THE NONCOMPLIANCE; AND

11 (III) WHETHER THERE WAS A GOOD-FAITH EFFORT TO COMPLY
12 WITH THE LAW.

13 (b) THE SECRETARY OF STATE SHALL CONSIDER AND RESPOND TO
14 THE REQUEST WITHIN A REASONABLE AMOUNT OF TIME, WHICH MUST NOT
15 EXCEED FIFTEEN DAYS; EXCEPT THAT, IF THE CLERK AND RECORDER
16 MAKES A REQUEST UNDER THIS SUBSECTION (6) WITHIN TWO WEEKS OF
17 THE ELECTION, THE SECRETARY SHALL CONSIDER AND RESPOND TO THE
18 REQUEST AS SOON AS POSSIBLE.

19 (c) IF THE SECRETARY OF STATE DETERMINES THAT THE CLERK
20 AND RECORDER SUBSTANTIALLY COMPLIED WITH THE LAW AND
21 EXHAUSTED ALL REASONABLE REMEDIES, THE SECRETARY SHALL GRANT
22 THE WAIVER. THE SECRETARY OF STATE SHALL NOT USE A WAIVER
23 REQUEST AS THE BASIS OF AN INJUNCTIVE ACTION AGAINST THE CLERK
24 AND RECORDER UNDER SECTION 1-1-107.".

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