

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.

HB26-1088 be amended as follows:

1 Amend reengrossed bill, page 8, after line 27 insert:

2 "SECTION 5. In Colorado Revised Statutes, 7-90-402, add (6)
3 as follows:

4 **7-90-402. Interrogatories by secretary of state - fraudulent**
5 **business records.**

6 (6) (a) IF THE SECRETARY OF STATE HAS A REASONABLE BASIS TO
7 BELIEVE THAT A RECORD IS FRAUDULENT OR UNAUTHORIZED BASED ON
8 THE RESPONSE OR FAILURE TO RESPOND TO AN INTERROGATORY, THE
9 SECRETARY OF STATE MAY:

10 (I) MARK THE RECORD WITH A NOTICE THAT THE RECORD IS
11 UNAUTHORIZED OR FRAUDULENT AND DECLARE THE ENTITY DELINQUENT
12 PURSUANT TO SECTIONS 7-90-901 AND 7-90-902;

13 (II) REDACT THE UNAUTHORIZED ADDRESS OR NAME FROM THE
14 RECORD AND FROM ANY OTHER RELEVANT RECORDS;

15 (III) DISABLE ADDITIONAL FILING FUNCTIONALITY ON THE
16 ENTITY'S RECORDS; AND

17 (IV) TAKE ACTIONS AUTHORIZED IN SECTION 7-90-314
18 (4)(g)(VIII).

19 (b) AS USED IN THIS SECTION, "REASONABLE BASIS" MEANS THE
20 SECRETARY OF STATE HAS INFORMATION REASONABLY DEMONSTRATING
21 THAT A FILING HAS VIOLATED SECTION 7-90-314 (1). THIS INFORMATION
22 INCLUDES A RECORD HAVING THE FOLLOWING WITH RESPECT TO A RECORD
23 DETERMINED TO BE FRAUDULENT OR UNAUTHORIZED UNDER SECTION
24 7-90-314:

25 (I) A MATCH OR CLOSE SIMILARITY IN AN ENTITY OR CONTACT
26 NAME OR ADDRESS WITH THE FRAUDULENT OR UNAUTHORIZED RECORD;

27 (II) PATTERNS OF ACTIVITY CONSISTENT WITH THE FRAUDULENT
28 OR UNAUTHORIZED RECORD; OR

29 (III) ELECTRONIC IDENTIFIERS ASSOCIATED WITH THE FRAUDULENT
30 OR UNAUTHORIZED RECORD.

31 (c) A PERSON AGGRIEVED BY AN ACTION TAKEN BY THE
32 SECRETARY OF STATE UNDER SUBSECTION (6)(a) OF THIS SECTION MAY
33 REQUEST THE SECRETARY OF STATE TO REVERSE THE ACTIONS TAKEN. THE
34 REQUEST MUST BE SUBMITTED IN A FORM PRESCRIBED BY THE SECRETARY
35 OF STATE AND INCLUDE EVIDENCE SHOWING THAT THE ACTION WAS AN
36 ERROR. IF THE SECRETARY OF STATE DENIES THE REQUEST, THE
37 AGGRIEVED PERSON MAY SEEK JUDICIAL REVIEW BY BRINGING AN ACTION
38 IN THE DISTRICT COURT IN AND FOR THE CITY AND COUNTY OF DENVER."

39 Renumber succeeding sections accordingly.

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