

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 2, 2026
Date

Committee on State, Veterans, & Military Affairs.

After consideration on the merits, the Committee recommends the following:

HB26-1088 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 3, line 27, strike "means, shall:" and
2 substitute "means: ~~shall~~".

3 Page 4, line 1, strike "Refer" and substitute "SHALL refer".

4 Page 4, strike lines 4 and 5 and substitute:

5 "(II) MAY MARK THE BUSINESS".

6 Page 4, line 6, strike "IS".

7 Page 8, after line 27 insert:

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

10 **7-90-402. Interrogatories by secretary of state - fraudulent**
11 **business records.**

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

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

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

21 (III) DISABLE ADDITIONAL FILING FUNCTIONALITY ON THE
22 ENTITY'S RECORDS; AND

1 (IV) TAKE ACTIONS AUTHORIZED IN SECTION 7-90-314
2 (4)(g)(VIII).
3 (b) AS USED IN THIS SECTION, "REASONABLE BASIS" MEANS THE
4 SECRETARY OF STATE HAS INFORMATION REASONABLY DEMONSTRATING
5 THAT A FILING HAS VIOLATED SECTION 7-90-314 (1). THIS INFORMATION
6 INCLUDES A RECORD HAVING THE FOLLOWING WITH RESPECT TO A RECORD
7 DETERMINED TO BE FRAUDULENT OR UNAUTHORIZED UNDER SECTION
8 7-90-314:
9 (I) A MATCH OR CLOSE SIMILARITY IN AN ENTITY OR CONTACT
10 NAME OR ADDRESS WITH THE FRAUDULENT OR UNAUTHORIZED RECORD;
11 (II) PATTERNS OF ACTIVITY CONSISTENT WITH THE FRAUDULENT
12 OR UNAUTHORIZED RECORD; OR
13 (III) ELECTRONIC IDENTIFIERS ASSOCIATED WITH THE FRAUDULENT
14 OR UNAUTHORIZED RECORD.
15 (c) A PERSON AGGRIEVED BY AN ACTION TAKEN BY THE
16 SECRETARY OF STATE UNDER SUBSECTION (6)(a) OF THIS SECTION MAY
17 REQUEST THE SECRETARY OF STATE TO REVERSE THE ACTIONS TAKEN. THE
18 REQUEST MUST BE SUBMITTED IN A FORM PRESCRIBED BY THE SECRETARY
19 OF STATE AND INCLUDE EVIDENCE SHOWING THAT THE ACTION WAS AN
20 ERROR. IF THE SECRETARY OF STATE DENIES THE REQUEST, THE
21 AGGRIEVED PERSON MAY SEEK JUDICIAL REVIEW BY BRINGING AN ACTION
22 IN THE DISTRICT COURT IN AND FOR THE CITY AND COUNTY OF DENVER."
23 Renumber succeeding sections accordingly.

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