

HB1176_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Civic, Military, & Veterans Affairs.

HB21-1176 be amended as follows:

1 Amend printed bill, page 3, line 13, strike "21-___," and substitute
2 "21-1176,".

3 Page 3, lines 16 and 17, strike "SECRETARY OF STATE AND THE GENERAL
4 ASSEMBLY" and substitute "STATE AUDITOR".

5 Page 4, strike lines 20 through 26 and substitute:

6 "(3) AS PART OF ITS POWERS AND DUTIES CONCERNING THE SCOPE
7 OF THE AUDIT TO BE CONDUCTED UNDER THIS SECTION, THE COMMISSION
8 SHALL IDENTIFY THE STATISTICAL ANOMALIES THAT, IF SUFFICIENTLY
9 DEMONSTRATED IN THE MOST RECENT GENERAL ELECTION AS DETERMINED
10 BY THE STATE AUDITOR, TRIGGER THE COMMENCEMENT OF A
11 PERFORMANCE AUDIT OF THE STATE'S ELECTION PROCESSES TO BE
12 CONDUCTED BY THE STATE AUDITOR UNDER SECTION 2-3-126.
13 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A
14 PERFORMANCE AUDIT OF THE STATE'S ELECTION PROCESSES THAT IS
15 CONDUCTED PURSUANT TO SECTION 2-3-126 MAY ONLY BE COMMENCED
16 UNDER THIS SECTION IF THE STATE AUDITOR MAKES A DETERMINATION
17 THAT CERTAIN STATISTICAL ANOMALIES IDENTIFIED BY THE COMMISSION
18 IN THE MOST RECENT GENERAL ELECTION CONDUCTED IN THE STATE HAVE
19 BEEN DEMONSTRATED TO SUCH EXTENT AS TO NECESSITATE THE
20 COMMENCEMENT OF SUCH PERFORMANCE AUDIT."

21 Page 5, line 20, after "STATE;" insert "THE MANNER IN WHICH ELECTIONS
22 ARE ADMINISTERED BY THE SECRETARY OF STATE AND THE COUNTY CLERK
23 AND RECORDERS IN ALL OF THE COUNTIES OF THE STATE;".

24 Page 6, strike lines 17 through 27 and substitute:

25 "(3) (a) BY DECEMBER 21, 2021, THE COMMISSION SHALL REPORT
26 TO THE STATE AUDITOR CONCERNING ITS RECOMMENDATIONS AS TO THE
27 SCOPE OF THE AUDIT AND IDENTIFYING THE STATISTICAL ANOMALIES THAT
28 MAY TRIGGER THE COMMENCEMENT OF A PERFORMANCE AUDIT OF THE
29 STATE'S ELECTIONS PROCESSES. BY MARCH 1, 2022, THE STATE AUDITOR
30 SHALL APPLY THE CRITERIA IDENTIFIED BY THE COMMISSION TO THE
31 RESULTS OF THE 2020 GENERAL ELECTION TO DETERMINE IF THE
32 STATISTICAL ANOMALIES WERE PRESENT IN THE ELECTION TO SUCH
33 EXTENT AS TO NECESSITATE A PERFORMANCE AUDIT OF THE STATE'S
34 ELECTION PROCESSES. IF THE STATE AUDITOR MAKES SUCH
35 DETERMINATION, THE STATE AUDITOR SHALL CONDUCT OR CAUSE TO BE
36 CONDUCTED A PERFORMANCE AUDIT OF THE STATE'S ELECTION PROCESSES
37 IN ACCORDANCE WITH SECTION 2-3-126.

1 (b) COMMENCING MARCH 1, 2023, AND BY MARCH 1 OF EVERY
2 OTHER YEAR THEREAFTER FOLLOWING THE YEAR IN WHICH A GENERAL
3 ELECTION IS HELD, THE STATE AUDITOR SHALL MAKE THE DETERMINATION
4 SPECIFIED UNDER SUBSECTION (3)(a) OF THIS SECTION WITH RESPECT TO
5 THE MOST RECENT GENERAL ELECTION IN ORDER TO DETERMINE IF A
6 PERFORMANCE AUDIT OF THE STATE'S ELECTION PROCESSES MUST BE
7 CONDUCTED."

8 Page 7, after line 2 insert:

9 "SECTION 2. In Colorado Revised Statutes, add 2-3-126 as
10 follows:

11 **2-3-126. Audit of the state's election processes.** (1) FOLLOWING
12 THE SUBMISSION TO THE STATE AUDITOR BY THE BIPARTISAN ELECTION
13 COMMISSION OF THE REPORT REQUIRED BY SECTION 1-7-1104 (4), IF THE
14 STATISTICAL ANOMALIES IDENTIFIED IN THE REPORT HAVE BEEN
15 DEMONSTRATED, THEREBY PERMITTING A PERFORMANCE AUDIT OF THE
16 STATE'S ELECTION PROCESSES TO BE CONDUCTED, THE STATE AUDITOR
17 SHALL CONDUCT OR CAUSE TO BE CONDUCTED A PERFORMANCE AUDIT OF
18 THE STATE'S ELECTION PROCESSES, INCLUDING THE ADMINISTRATION OF
19 ELECTIONS BY THE SECRETARY OF STATE AND THE COUNTY CLERK AND
20 RECORDERS, IN ACCORDANCE WITH PART 11 OF ARTICLE 7 OF TITLE 1.

21 (2) THE SECRETARY OF STATE AND THE COUNTY CLERK AND
22 RECORDERS SHALL PROVIDE DATA TO THE STATE AUDITOR AS PERMISSIBLE
23 BY LAW FOR THE PURPOSES OF THIS SECTION.

24 (3) ALL REPORTS OF ANY AUDIT CONDUCTED PURSUANT TO
25 SUBSECTION (1) OF THIS SECTION MUST BE OPEN TO PUBLIC INSPECTION
26 EXCEPT FOR THAT PORTION OF ANY REPORT CONTAINING
27 RECOMMENDATION, COMMENTS, AND ANY NARRATIVE STATEMENTS THAT
28 MAY BE RELEASED ONLY UPON THE APPROVAL OF A MAJORITY VOTE OF
29 THE COMMITTEE.

30 **SECTION 3.** In Colorado Revised Statutes, 2-3-107, amend
31 (2)(a)(I)(C) and (2)(a)(I)(D); and add (2)(a)(I)(E) as follows:

32 **2-3-107. Authority to subpoena witnesses - access to**
33 **records.** (2) (a) (I) Notwithstanding any provision of law to the contrary,
34 the state auditor or his or her designated representative shall have access
35 at all times, except as provided by sections 39-1-116, 39-4-103, and
36 39-5-120, to all of the books, accounts, reports, vouchers, or other records
37 or information in any department, institution, or agency, including but not
38 limited to records or information required to be kept confidential or
39 exempt from public disclosure upon subpoena, search warrant, discovery
40 proceedings, or otherwise. The authority of the state auditor or his or her
41 designated representative to access at all times the books, accounts,
42 reports, vouchers, or other records or information in accordance with this

1 subsection (2)(a) also extends to any fiscal or performance audit the state
2 auditor or his or her designated representative conducts of:
3 (C) The health benefit exchange created in section 10-22-104 in
4 accordance with section 10-22-105 (4)(c); and
5 (D) Community-centered boards in accordance with section
6 25.5-10-209 (4); AND
7 (E) THE STATE'S ELECTION PROCESSES, INCLUDING THE
8 ADMINISTRATION OF ELECTIONS BY THE SECRETARY OF STATE AND THE
9 COUNTY CLERK AND RECORDERS IN ACCORDANCE WITH SECTION
10 2-3-126."
11 Renumber succeeding section accordingly.

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