

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1047.01 Thomas Morris x4218

HOUSE BILL 16-1330

HOUSE SPONSORSHIP

Lee,

SENATE SPONSORSHIP

(None),

House Committees
Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AUTHORITY TO FILE A CORRECTION STATEMENT WITH
102 THE SECRETARY OF STATE IF A DOCUMENT PREVIOUSLY FILED
103 WAS DELIVERED TO THE SECRETARY OF STATE FOR FILING IN
104 ERROR.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill allows a person to file a statement of correction with the secretary of state if a document previously filed was delivered to the secretary of state for filing in error.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 7-90-305, **amend** (1)
3 (b), (2) (e), and (4) as follows:

4 **7-90-305. Correcting filed document.** (1) A person may deliver
5 to the secretary of state, for filing pursuant to this part 3, a statement of
6 correction to:

7 (b) Revoke a filed document pursuant to section 7-90-304 (3) OR
8 REVOKE A FILED DOCUMENT THAT WAS DELIVERED TO THE SECRETARY OF
9 STATE FOR FILING IN ERROR.

10 (2) A statement of correction:

11 (e) ~~Shall~~ **MUST**, if it revokes a filed document, ~~pursuant to section~~
12 ~~7-90-304(3)~~, state that the filed document is revoked EITHER PURSUANT
13 TO SECTION 7-90-304 (3) OR BECAUSE THE FILED DOCUMENT WAS
14 DELIVERED TO THE SECRETARY OF STATE FOR FILING IN ERROR,
15 WHICHEVER IS APPLICABLE.

16 (4) Except as otherwise provided in this subsection (4), a
17 statement of correction is effective on the effective date of the filed
18 document it corrects OR REVOKES as such date is stated in the records of
19 the secretary of state. As to persons relying on the ~~uncorrected~~ filed
20 document BEFORE IT IS CORRECTED OR REVOKED and adversely affected
21 by the correction OR REVOCATION, a statement of correction is effective
22 when filed. A statement of correction that corrects the effective date of
23 a filed document to an earlier date is effective on such earlier date or on
24 the date the filed document was filed in the records of the secretary of
25 state as such date is stated in the records of the secretary of state,
26 whichever is later. A statement of correction may not state a delayed

1 effective date for the effectiveness of the statement of correction itself.

2 **SECTION 2. Act subject to petition - effective date -**

3 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
4 the expiration of the ninety-day period after final adjournment of the
5 general assembly (August 10, 2016, if adjournment sine die is on May 11,
6 2016); except that, if a referendum petition is filed pursuant to section 1
7 (3) of article V of the state constitution against this act or an item, section,
8 or part of this act within such period, then the act, item, section, or part
9 will not take effect unless approved by the people at the general election
10 to be held in November 2016 and, in such case, will take effect on the
11 date of the official declaration of the vote thereon by the governor.

12 (2) This act applies to conduct occurring on or after the applicable
13 effective date of this act.