

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0750.01 Bob Lackner x4350

HOUSE BILL 21-1176

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HOUSE SPONSORSHIP

Holtorf,

SENATE SPONSORSHIP

(None),

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House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING MEASURES TO PROMOTE INTEGRITY IN ELECTIONS IN THE  
102 STATE, AND, IN CONNECTION THEREWITH, CREATING THE  
103 COLORADO BIPARTISAN ELECTION COMMISSION TO MAKE  
104 RECOMMENDATIONS TO THE SECRETARY OF STATE AND THE  
105 GENERAL ASSEMBLY ON HOW BEST TO CONDUCT A  
106 COMPREHENSIVE AUDIT OF THE STATE'S ELECTION PROCESSES.

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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://leg.colorado.gov>.)*

The bill creates the Colorado bipartisan election commission

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

(commission) in the department of state, a 5-member panel whose main function is to make recommendations to the secretary of state (secretary) and the general assembly concerning the manner in which a comprehensive audit of the state's election processes is to be conducted.

The bill specifies requirements relating to the qualifications of persons appointed to the commission and the operation of the commission. The commission is to determine such matters as the scope of the audit, the matters to be audited, and the procedures that will guide the audit.

The bill also requires the commission to consider whether an audit should consider additional issues specified in the bill.

The commission is required to prepare a report summarizing its findings and conclusions by December 1, 2021. The report must include the commission's recommendation on the manner in which a comprehensive audit of the state's election processes must be conducted. The commission may also include in its report any recommendations for changes in the Colorado Revised Statutes or the election rules of the secretary of state that will facilitate the administration of secure and fair elections in the state. The commission is required to submit its report to the secretary, the legislative audit committee, and the general assembly.

The commission is repealed September 1, 2022.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 11 to article  
3 7 of title 1 as follows:

4 **PART 11**

5 **BIPARTISAN ELECTION COMMISSION**

6 **AND AUDIT PROCESS**

7 **1-7-1101. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
8 HEREBY FINDS, DETERMINES, AND DECLARES THAT:

9 (a) AMONG MANY MEMBERS OF THE PUBLIC, PUBLIC TRUST IN THE  
10 INTEGRITY OF OUR ELECTIONS HAS PLUMMETED FOLLOWING THE 2020  
11 GENERAL ELECTION;

12 (b) ALTHOUGH OUR STATE ENJOYS A WELL-DESERVED REPUTATION  
13 FOR CONDUCTING ELECTIONS COMPETENTLY, PROFESSIONALLY,

1 EFFICIENTLY, AND FAIRLY, IT IS ONLY TO THE STATE'S ADVANTAGE TO  
2 UNDERTAKE AS BROAD A REVIEW OF ELECTION SYSTEMS FOLLOWING AN  
3 ELECTION AS NECESSARY TO ENSURE THAT EVERYTHING HAS BEEN  
4 CONDUCTED ACCORDING TO APPLICABLE LEGAL STANDARDS AND NOTHING  
5 IMPROPER OCCURRED; AND

6 (c) A RIGOROUS AUDIT PROGRAM THAT REVEALS DEFECTS IN OUR  
7 ELECTION SYSTEM IDEALLY LEADS TO NECESSARY IMPROVEMENTS IN HOW  
8 OUR ELECTIONS ARE CONDUCTED. A RIGOROUS AUDIT THAT SHOWS  
9 EVERYTHING WAS DONE PROPERLY SERVES TO BOLSTER PUBLIC  
10 CONFIDENCE IN THE ELECTION SYSTEMS IN PLACE. UNDER EITHER  
11 SCENARIO, THE PUBLIC INTEREST BENEFITS FROM A FULL-FLEDGED AUDIT  
12 PROGRAM.

13 (2) BY THE ENACTMENT OF HOUSE BILL 21-\_\_\_\_, ENACTED IN  
14 2021, THE GENERAL ASSEMBLY INTENDS TO CREATE A BIPARTISAN  
15 ELECTION COMMISSION AND TO EMPOWER THE COMMISSION TO MAKE  
16 RECOMMENDATIONS TO THE SECRETARY OF STATE AND THE GENERAL  
17 ASSEMBLY ON HOW BEST TO IMPLEMENT AND MAINTAIN A FULL-FLEDGED  
18 AUDIT OF THE STATE'S ELECTION PROCESSES IN THE MANNER DESCRIBED  
19 IN THIS PART 11.

20 **1-7-1102. Definitions.** AS USED IN THIS PART 11, UNLESS THE  
21 CONTEXT OTHERWISE REQUIRES:

22 (1) "AUDIT" MEANS THE COMPREHENSIVE AUDIT PROCESS FOR  
23 WHICH THE COMMISSION WILL MAKE RECOMMENDATIONS IN ACCORDANCE  
24 WITH THIS PART 11.

25 (2) "COMMISSION" MEANS THE COLORADO BIPARTISAN ELECTION  
26 COMMISSION CREATED IN SECTION 1-7-1103.

27 **1-7-1103. Colorado bipartisan election commission - creation**

1     **- composition - duties - report - repeal.** (1) THE COLORADO BIPARTISAN  
2     ELECTION COMMISSION IS HEREBY CREATED IN THE DEPARTMENT OF  
3     STATE.

4             (2) THE COMMISSION CONSISTS OF FIVE MEMBERS, ALL OF WHOM  
5     ARE APPOINTED BY THE SECRETARY OF STATE. TWO OF THE MEMBERS  
6     MUST BE AFFILIATED WITH ONE OF THE MAJOR POLITICAL PARTIES. TWO OF  
7     THE MEMBERS MUST BE AFFILIATED WITH THE OTHER MAJOR POLITICAL  
8     PARTY. ONE MEMBER MUST BE UNAFFILIATED WITH ANY POLITICAL PARTY.  
9     THE SECRETARY OF STATE SHALL MAKE INITIAL APPOINTMENTS TO THE  
10    COMMISSION NO LATER THAN SEPTEMBER 1, 2021. IN MAKING  
11    APPOINTMENTS TO THE COMMISSION, THE SECRETARY OF STATE SHALL  
12    CONSIDER FOR MEMBERSHIP PERSONS WITH EXPERIENCE AND EXPERTISE  
13    IN:

14            (a) INFORMATION TECHNOLOGY AND COMPUTER SCIENCE,  
15    INCLUDING THE EVALUATION AND TESTING OF COMPUTER SYSTEMS,  
16    NETWORKING, AND CYBERSECURITY;

17            (b) ELECTION ADMINISTRATION, AS AN ELECTED COUNTY CLERK  
18    AND RECORDER OR AS A STATE OR LOCAL ELECTION OFFICIAL; OR

19            (c) STATE AND FEDERAL ELECTION LAWS AND RULES.

20            (3) THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE  
21    SECRETARY OF STATE AND THE GENERAL ASSEMBLY CONCERNING THE  
22    MANNER IN WHICH A COMPREHENSIVE AUDIT OF THE STATE'S ELECTION  
23    PROCESSES MUST BE CONDUCTED. IN UNDERTAKING THIS DUTY, THE  
24    COMMISSION SHALL DETERMINE SUCH MATTERS, WITHOUT LIMITATION, AS  
25    THE SCOPE OF THE AUDIT, THE MATTERS TO BE AUDITED, AND THE  
26    PROCEDURES THAT WILL GUIDE THE AUDIT.

27            (4) EACH MEMBER OF THE COMMISSION SHALL RECEIVE A PER DIEM

1 FOR EACH MEETING OF THE COMMISSION ACTUALLY ATTENDED AND SHALL  
2 BE REIMBURSED FOR THE MEMBER'S EXPENSES INCURRED IN THE  
3 DISCHARGE OF THE MEMBER'S OFFICIAL DUTIES.

4 (5) THE COMMISSION SHALL SELECT A CHAIR AND VICE-CHAIR  
5 FROM AMONG ITS MEMBERS.

6 (6) THE SECRETARY OF STATE, OR THE SECRETARY OF STATE'S  
7 DESIGNEE, SHALL CONVENE THE FIRST MEETING OF THE COMMISSION NO  
8 LATER THAN NOVEMBER 1, 2021. THE COMMISSION SHALL HOLD AS MANY  
9 MEETINGS ON A REGULAR BASIS AS IT DEEMS SUFFICIENT TO FULFILL ITS  
10 DUTIES UNDER THIS PART 11. UPON REQUEST, THE DEPARTMENT SHALL  
11 PROVIDE OFFICE SPACE, EQUIPMENT, AND STAFF SERVICES AS NECESSARY  
12 FOR THE COMMISSION TO PERFORM ITS DUTIES.

13 (7) THE COMMISSION MAY SEEK, ACCEPT, AND EXPEND GIFTS,  
14 GRANTS, OR DONATIONS FROM PUBLIC OR PRIVATE SOURCES IN ORDER TO  
15 SUSTAIN ITS OPERATIONS.

16 **1-7-1104. Recommendations - comprehensive audit process -**  
17 **report.** (1) IN MAKING ITS RECOMMENDATIONS AS TO THE SCOPE OF THE  
18 AUDIT TO BE CONDUCTED, THE COMMISSION SHALL CONSIDER SUCH ISSUES  
19 AS, WITHOUT LIMITATION, THE STANDARDS, CRITERIA, AND PROCEDURES  
20 BY WHICH ELECTRONIC VOTING SYSTEMS ARE CERTIFIED IN THE STATE;  
21 ISSUES AFFECTING THE SECURITY OF ELECTIONS IN THE STATE,  
22 PARTICULARLY IN CONNECTION WITH THE RELIABILITY AND INTEGRITY OF  
23 ELECTRONIC VOTING SYSTEMS; WHETHER THE AUDITING AND RECOUNT  
24 PROCEDURES IN EFFECT PROVIDE A MEANINGFUL LEVEL OF STATISTICAL  
25 CONFIDENCE TO ELECTORS AND CANDIDATES; AND ANY ADDITIONAL  
26 ISSUES RELATED TO THE ACCURACY, SECURITY, TRANSPARENCY,  
27 VERIFIABILITY, RECOUNTABILITY, AND AUDITABILITY OF VOTING SYSTEMS

1 IN THE STATE IN THE INTERESTS OF PROMOTING PUBLIC CONFIDENCE IN THE  
2 CONDUCT OF ELECTIONS.

3 (2) IN ADDITION TO THE ITEMS ADDRESSED UNDER SUBSECTION (1)  
4 OF THIS SECTION, IN CARRYING OUT ITS DUTIES UNDER THIS PART 11, THE  
5 COMMISSION MUST ALSO CONSIDER WHETHER THE AUDIT MUST ADDRESS  
6 ONE OR MORE OF THE FOLLOWING ISSUES, WITHOUT LIMITATION:

7 (a) THE NECESSITY OF AN INSPECTION OF ALL PROCEDURES  
8 CONDUCTED BY A PARTICULAR COUNTY IN CONDUCTING THE ELECTION;

9 (b) THE HANDLING OF BALLOTS, ELECTION SECURITY SYSTEMS,  
10 AND DATA MANAGEMENT ON THE PART OF ONE OR MORE COUNTIES;

11 (c) COMPUTER DATA MANAGEMENT SYSTEMS USED BY THE  
12 COUNTIES IN THE STATE IN CONDUCTING AN ELECTION, INCLUDING ALL  
13 FORMS OF HARDWARE AND SOFTWARE USED BY THE COUNTIES; AND

14 (d) NETWORK ARCHITECTURE, ELECTION SERVERS AND ROUTERS,  
15 MASTER TABULATORS, CF CARDS, THUMB DRIVES, AND ALL OTHER  
16 DIGITAL VOTER MEDIA USED BY THE COUNTIES.

17 (3) THE COMMISSION SHALL PREPARE A REPORT SUMMARIZING ITS  
18 FINDINGS AND CONCLUSIONS BY DECEMBER 1, 2021. THE AUDIT REPORT  
19 MUST INCLUDE THE COMMISSION'S RECOMMENDATION ON THE MANNER IN  
20 WHICH A COMPREHENSIVE AUDIT OF THE STATE'S ELECTION PROCESSES  
21 MUST BE CONDUCTED. THE COMMISSION MAY ALSO INCLUDE IN ITS REPORT  
22 ANY RECOMMENDATIONS FOR CHANGES IN THE COLORADO REVISED  
23 STATUTES OR THE ELECTION RULES OF THE SECRETARY OF STATE THAT  
24 WILL FACILITATE THE ADMINISTRATION OF SECURE AND FAIR ELECTIONS  
25 IN THE STATE. THE COMMISSION SHALL SUBMIT ITS REPORT TO THE  
26 SECRETARY OF STATE, THE LEGISLATIVE AUDIT COMMITTEE, AND THE  
27 GENERAL ASSEMBLY.

1           **1-7-1105. Repeal of part.** THIS PART 11 IS REPEALED, EFFECTIVE  
2    SEPTEMBER 1, 2022.

3           **SECTION 2. Safety clause.** The general assembly hereby finds,  
4    determines, and declares that this act is necessary for the immediate  
5    preservation of the public peace, health, or safety.