

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 16-0357.01 Kate Meyer x4348

HOUSE BILL 16-1070

HOUSE SPONSORSHIP

Neville P.,

SENATE SPONSORSHIP

Neville T.,

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A SIGNATURE VERIFICATION REQUIREMENT FOR**
102 **MUNICIPAL MAIL BALLOT ELECTIONS, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

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/bills summaries>.)

For a mail ballot election conducted after March 30, 2018, under the "Colorado Municipal Election Code of 1965", the bill:

- ! Requires election judges to compare a municipal elector's signature on a mail ballot return envelope self-affirmation with one of the elector's digitized signatures stored in the

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.

HOUSE
Amended 2nd Reading
March 7, 2016

- statewide voter registration system, commonly referred to as "SCORE";
- ! Grants municipal clerks access to SCORE for signature verification purposes;
- ! Authorizes the use of signature verification devices to perform these comparisons;
- ! Describes the procedures for clerks and election judges to follow based on the outcomes of such comparisons; and
- ! Requires municipal clerks to provide training to election judges who compare signatures.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 31-10-910.3 as
3 follows:

4 **31-10-910.3. Verification of signatures - signature verification**
5 **devices - procedures - training - definitions.** (1) (a) IN EVERY MAIL
6 BALLOT ELECTION CONDUCTED AFTER MARCH 30, 2018, AN ELECTION
7 JUDGE SHALL, EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS
8 SUBSECTION (1), COMPARE THE SIGNATURE ON THE SELF-AFFIRMATION ON
9 EACH RETURN ENVELOPE WITH THE SIGNATURE OF THE ELIGIBLE ELECTOR
10 STORED IN THE STATEWIDE VOTER REGISTRATION SYSTEM IN ACCORDANCE
11 WITH THIS SECTION.

12 (b) A CLERK MAY ALLOW AN ELECTION JUDGE TO USE A SIGNATURE
13 VERIFICATION DEVICE TO COMPARE THE SIGNATURE ON THE
14 SELF-AFFIRMATION ON A RETURN ENVELOPE OF AN ELIGIBLE ELECTOR'S
15 BALLOT WITH THE SIGNATURE OF THE ELECTOR STORED IN THE STATEWIDE
16 VOTER REGISTRATION SYSTEM IN ACCORDANCE WITH THIS SECTION.

17 (2) (a) THE ELECTION JUDGES MUST COMPARE THE SIGNATURE ON
18 THE SELF-AFFIRMATION ON EACH RETURN ENVELOPE WITH THE SIGNATURE
19 PROVIDED BY THE SECRETARY OF STATE PURSUANT TO SECTION 1-2-301,
20 C.R.S. THE ELECTION JUDGES MUST RESEARCH THE SIGNATURE FURTHER

- 1 IF THERE IS:
- 2 (I) AN OBVIOUS CHANGE IN THE SIGNATURE'S SLANT;
- 3 (II) A PRINTED SIGNATURE ON ONE DOCUMENT AND A CURSIVE
4 SIGNATURE ON THE OTHER DOCUMENT;
- 5 (III) A DIFFERENCE IN THE SIGNATURE'S SIZE OR SCALE;
- 6 (IV) A DIFFERENCE IN THE SIGNATURE'S INDIVIDUAL
7 CHARACTERISTICS, SUCH AS HOW THE "T'S" ARE CROSSED, "I'S" ARE
8 DOTTED, OR LOOPS ARE MADE ON "Y'S" OR "J'S";
- 9 (V) A DIFFERENCE IN THE ELECTOR'S SIGNATURE STYLE, SUCH AS
10 HOW THE LETTERS ARE CONNECTED AT THE TOP AND BOTTOM;
- 11 (VI) EVIDENCE THAT BALLOTS OR ENVELOPES FROM THE SAME
12 HOUSEHOLD HAVE BEEN SWITCHED; OR
- 13 (VII) ANY OTHER NOTICEABLE DISCREPANCY SUCH AS MISSPELLED
14 NAMES.
- 15 (b) (I) IF AN ELECTION JUDGE MUST CONDUCT FURTHER RESEARCH
16 ON AN ELECTOR'S SIGNATURE, HE OR SHE MUST CHECK THE ADDITIONAL
17 SIGNATURES PROVIDED BY THE SECRETARY OF STATE PURSUANT TO
18 SECTION 1-2-301, C.R.S., IF AVAILABLE.
- 19 (II) AN ELECTION JUDGE MAY COMPARE ADDITIONAL INFORMATION
20 WRITTEN BY THE ELECTOR ON THE RETURN ENVELOPE, SUCH AS THE
21 ELECTOR'S ADDRESS AND DATE OF SIGNING. ANY SIMILARITIES NOTED
22 WHEN COMPARING OTHER INFORMATION MAY BE USED AS PART OF THE
23 SIGNATURE VERIFICATION DECISION PROCESS.
- 24 (III) IF AN ELECTION JUDGE DETERMINES THAT AN ELECTOR
25 INADVERTENTLY RETURNED HIS OR HER BALLOT IN ANOTHER HOUSEHOLD
26 MEMBER'S BALLOT RETURN ENVELOPE, THE ELECTION JUDGE MUST
27 PROCESS AND PREPARE THE BALLOT OF THE ELECTOR WHO SIGNED THE

1 SELF-AFFIRMATION FOR COUNTING IF IT IS OTHERWISE VALID. THE
2 ELECTION JUDGE NEED NOT SEND A SIGNATURE VERIFICATION
3 DISCREPANCY LETTER TO THE ELECTOR.

4 (c) IF THE ELECTION JUDGES DISPUTE THE SIGNATURE, THEY MUST
5 DOCUMENT THE DISCREPANCY AND THE RESEARCH STEPS TAKEN IN A LOG
6 THAT IDENTIFIES THE ELECTOR ONLY BY NAME AND ELECTOR
7 IDENTIFICATION NUMBER, DOES NOT CONTAIN THE ELECTOR'S SIGNATURE,
8 NOTES THE FINAL RESOLUTION AND BALLOT DISPOSITION, AND IDENTIFIES
9 THE ELECTION JUDGES RESPONSIBLE FOR THE FINAL RESOLUTION AND
10 BALLOT DISPOSITION.

11 (3) (a) IF THE ELECTION JUDGE DETERMINES THAT THE SIGNATURE
12 OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION MATCHES THE
13 ELECTOR'S SIGNATURE STORED IN THE STATEWIDE VOTER REGISTRATION
14 SYSTEM, THE ELECTION JUDGE SHALL FOLLOW THE PROCEDURES SPECIFIED
15 IN SECTION 31-10-910 (5) CONCERNING THE QUALIFICATION AND
16 COUNTING OF MAIL BALLOTS.

17 (b) IF A SIGNATURE VERIFICATION DEVICE USED PURSUANT TO
18 PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION DETERMINES THAT
19 THE SIGNATURE ON THE SELF-AFFIRMATION ON A RETURN ENVELOPE OF AN
20 ELIGIBLE ELECTOR'S BALLOT MATCHES THE SIGNATURE OF THE ELECTOR
21 STORED IN THE STATEWIDE VOTER REGISTRATION SYSTEM, THE SIGNATURE
22 ON THE SELF-AFFIRMATION IS DEEMED VERIFIED, AND THE ELECTION JUDGE
23 SHALL FOLLOW THE PROCEDURES SPECIFIED IN SECTION 31-10-910 (5)
24 CONCERNING THE QUALIFICATION AND COUNTING OF MAIL BALLOTS.

25 (4) IF, UPON COMPARING THE SIGNATURE OF AN ELIGIBLE ELECTOR
26 ON THE SELF-AFFIRMATION ON THE RETURN ENVELOPE WITH THE
27 SIGNATURE OF THE ELIGIBLE ELECTOR STORED IN THE STATEWIDE VOTER

1 REGISTRATION SYSTEM, THE ELECTION JUDGE DETERMINES THAT THE
2 SIGNATURES DO NOT MATCH, OR IF A SIGNATURE VERIFICATION DEVICE
3 USED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION
4 IS UNABLE TO DETERMINE THAT THE SIGNATURES MATCH, TWO OTHER
5 ELECTION JUDGES SHALL SIMULTANEOUSLY COMPARE THE SIGNATURES
6 AND PROCEED ACCORDING TO SUBSECTION (5) OF THIS SECTION.

7 (5) (a) IF THE TWO OTHER ELECTION JUDGES SPECIFIED IN
8 SUBSECTION (4) OF THIS SECTION AGREE THAT THE SIGNATURE OF AN
9 ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION MATCHES THE ELECTOR'S
10 SIGNATURE STORED IN THE STATEWIDE VOTER REGISTRATION SYSTEM, THE
11 INITIAL ELECTION JUDGE SHALL FOLLOW THE PROCEDURES SPECIFIED IN
12 SECTION 31-10-910 (5) CONCERNING THE QUALIFICATION AND COUNTING
13 OF MAIL BALLOTS.

14 (b) IN THE CASE OF A DISAGREEMENT BETWEEN THE TWO OTHER
15 ELECTION JUDGES AS TO WHETHER THE SIGNATURE OF AN ELIGIBLE
16 ELECTOR ON THE SELF-AFFIRMATION ON THE RETURN ENVELOPE MATCHES
17 THE SIGNATURE OF THE ELIGIBLE ELECTOR STORED IN THE STATEWIDE
18 VOTER REGISTRATION SYSTEM PURSUANT TO THE PROCEDURES SPECIFIED
19 IN SUBSECTION (4) OF THIS SECTION, THE SIGNATURES ARE DEEMED TO
20 MATCH, AND THE INITIAL ELECTION JUDGE SHALL FOLLOW THE
21 PROCEDURES SPECIFIED IN SECTION 31-10-910 (5) CONCERNING THE
22 QUALIFICATION AND COUNTING OF MAIL BALLOTS.

23 (c) (I) IF BOTH OTHER ELECTION JUDGES AGREE THAT THE
24 SIGNATURES DO NOT MATCH, THE CLERK SHALL, WITHIN THREE DAYS
25 AFTER THE SIGNATURE DEFICIENCY HAS BEEN CONFIRMED, BUT IN NO
26 EVENT LATER THAN TWO DAYS AFTER ELECTION DAY, SEND TO THE
27 ELIGIBLE ELECTOR AT THE ADDRESS INDICATED IN THE REGISTRATION

1 RECORDS A LETTER EXPLAINING THE DISCREPANCY IN SIGNATURES AND A
2 FORM FOR THE ELIGIBLE ELECTOR TO CONFIRM THAT THE ELECTOR
3 RETURNED A BALLOT TO THE CLERK.

4 (II) (A) IF THE CLERK RECEIVES THE FORM WITHIN EIGHT DAYS
5 AFTER ELECTION DAY CONFIRMING THAT THE ELECTOR RETURNED A
6 BALLOT TO THE CLERK, AND IF THE BALLOT IS OTHERWISE VALID, THE
7 BALLOT MUST BE COUNTED.

8 (B) IF THE ELIGIBLE ELECTOR RETURNS THE FORM INDICATING
9 THAT THE ELECTOR DID NOT RETURN A BALLOT TO THE CLERK, OR IF THE
10 ELIGIBLE ELECTOR DOES NOT RETURN THE FORM WITHIN EIGHT DAYS
11 AFTER ELECTION DAY, THE SELF-AFFIRMATION ON THE RETURN ENVELOPE
12 MUST BE CATEGORIZED AS INCORRECT, AND THE BALLOT SHALL NOT BE
13 COUNTED. AN ORIGINAL RETURN ENVELOPE WITH AN ENCLOSED SECRECY
14 ENVELOPE CONTAINING A VOTED BALLOT THAT IS NOT COUNTED IN
15 ACCORDANCE WITH THIS SUB-SUBPARAGRAPH (B) MUST BE STORED IN THE
16 OFFICE OF THE CLERK IN A SECURE LOCATION SEPARATE FROM VALID
17 RETURN ENVELOPES AND MAY BE REMOVED ONLY BY ORDER OF A COURT
18 HAVING JURISDICTION.

19 (6) AN ELECTION JUDGE SHALL NOT DETERMINE THAT THE
20 SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION DOES NOT
21 MATCH THE SIGNATURE OF THAT ELIGIBLE ELECTOR STORED IN THE
22 STATEWIDE VOTER REGISTRATION SYSTEM SOLELY ON THE BASIS OF
23 SUBSTITUTION OF INITIALS OR USE OF A COMMON NICKNAME.

24 (7) THE CLERK SHALL PROVIDE TRAINING IN THE TECHNIQUES AND
25 STANDARDS OF SIGNATURE COMPARISON TO ELECTION JUDGES WHO
26 COMPARE SIGNATURES PURSUANT TO THIS SECTION.

27 (8) AS USED IN THIS SECTION, "STATEWIDE VOTER REGISTRATION

1 SYSTEM" MEANS THE STATEWIDE VOTER REGISTRATION SYSTEM CREATED
2 PURSUANT TO SECTION 1-2-301, C.R.S.

3 **SECTION 2.** In Colorado Revised Statutes, 1-2-301, **add** (5) as
4 follows:

5 **1-2-301. Centralized statewide registration system - secretary**
6 **of state to maintain computerized statewide voter registration list -**
7 **county computer records - agreement to match information -**

8 **definition.** (5) (a) FOR ELECTIONS CONDUCTED BY MAIL BALLOT UNDER
9 THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF
10 TITLE 31, C.R.S., AFTER MARCH 30, 2018, A CLERK MUST BE GIVEN
11 ACCESS TO THE DIGITIZED SIGNATURES FOR EACH ELECTOR CONTAINED IN
12 THE LISTS PROVIDED TO THE CLERK PURSUANT TO SECTION 31-10-910(1),
13 C.R.S., IN THE CENTRALIZED STATEWIDE VOTER REGISTRATION SYSTEM
14 FOR THE PURPOSE OF COMPARING AN ELECTOR'S SIGNATURE IN THE
15 SYSTEM WITH THE SIGNATURE ON THE SELF-AFFIRMATION ON THE RETURN
16 ENVELOPE OF A MAIL BALLOT, INCLUDING BY USING A SIGNATURE
17 VERIFICATION DEVICE, IN ACCORDANCE WITH SECTION 31-10-910.3, C.R.S.

18 (b) AS USED IN THIS SUBSECTION (5), "CLERK" HAS THE SAME
19 MEANING SET FORTH IN SECTION 31-10-102, C.R.S.

20 **SECTION 3.** In Colorado Revised Statutes, 31-10-910, **add** (4.5)
21 as follows:

22 **31-10-910. Procedures for conducting mail ballot election.**

23 (4.5) THE SIGNATURE OF THE ELIGIBLE ELECTOR ON THE
24 SELF-AFFIRMATION ON THE RETURN ENVELOPE MUST BE COMPARED WITH
25 THE SIGNATURE OF THE ELIGIBLE ELECTOR ON FILE IN THE STATEWIDE
26 VOTER REGISTRATION SYSTEM, CREATED IN SECTION 1-2-301, C.R.S., IN
27 ACCORDANCE WITH SECTION 31-10-910.3.

1 **SECTION 4. Appropriation.** For the 2016-17 state fiscal year,
2 \$15,450 is appropriated to the department of state for use by the
3 information technology services division. This appropriation is from the
4 department of state cash fund created in section 24-21-104 (3) (b), C.R.S.
5 To implement this act, the division may use this appropriation for
6 personal services.

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